

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/25/2091/0B1
2.	<b>Proposed Development:</b>	APPLICATION FOR THE VARIATION OF CONDITION 11 OF PLANNING PERMISSION 4/22/2184/001 - OUTLINE APPLICATION FOR THE ERECTION OF A NEW BUILDING UP TO 4000 SQUARE METRES IN FLOORSPACE, FOR VARIOUS USES WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND ENGINEERING WORKS WITH FULL DETAILS OF SCALE AND ACCESS
3.	<b>Location:</b>	LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b> <b>Site and Location</b>	<p>The application site is located within Leconfield, an established industrial estate in Cleator Moor, some 600m to the north-west of the town centre. Vehicular Access to which is via a mini roundabout off the B5295 /Leconfield Street and through the main estate spine road.</p> <p>The site comprising The Hub extends to approximately 1.27Ha and is located in the north-eastern part of the Industrial Estate. It comprises two rectangular blocks of land and the access leading to it. It was formerly occupied by two industrial structures which were demolished in 2015 leaving only the concrete slabs. The northern part of the site has since</p>

been used as a compound for the storage and distribution of bottled gas products and to the east part of the site was formerly occupied by a scrap merchant.

To the north the site is bounded by scrub/grass land and boundary vegetation and beyond is a public footpath and agricultural land. The boundary to the east is flanked by trees and vegetation delineating the C2C cycle route with residential properties and Cleator Moor town centre some 300 metres away. To the south and west lies the wider Leconfield Industrial Estate.

### **Relevant Planning History**

The site has a complex planning history relating specifically to this development.

4/22/2184/001 - Original outline planning permission for the development of The Hub.

This was granted on 22 September 2023: "Outline application for the erection of a new building up to 4000 square metres in floorspace, for various uses with associated access, car parking, landscaping and engineering works with full details of scale and access." It was subject to 23 conditions.

4/24/2009/DOC - An application to discharge three of the pre-commencement conditions; condition 4 relating to highway works and 6 and 7 regarding contamination, of the original outline 4/22/2184/001, was submitted. Discharge was granted for two of the conditions – 6 and 7.

4/24/2300/0B1 - This application approved the variation of conditions 3 and 23 of the original outline consent 4/22/2184/001 to allow office use.

4/24/2403/DOC - Approved the discharge of outline conditions 4, 5, 17 & 18 of the S73 outline approval ref. 4/24/2300/001.

In addition, the following application is currently pending awaiting the outcome of this submission to ensure alignment of decisions:

4/25/2104/DOC - Seeks discharge of Condition 10 of 4/24/2300/0B1 relating to BNG.

The following permissions have also been granted:

4/24/2328/0F1 - Installation of a new section of drainage for The Hub. As the proposed route ran outside the application site a new application was required which has now been approved.

4/24/2400/0R1 - Reserved Matters Approval for the Hub

This application approved reserved matters for the details relating to appearance, layout and landscaping of the S73 outline reference 4/24/2300/0B1 for the Hub building only. All other matters relating to principle of development, drainage, ecology/ BNG, car park, contamination



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were fully assessed at the outline application stage and where appropriate covered by conditions and informatives.

### **Proposal**

A further S73 consent is now sought for The Hub, to remove/vary condition 11 of the current S73 outline consent (reference 4/24/2300/0B1) which will result in another new outline consent.

Condition 11 of this planning permission states that

‘No development shall commence until full details of the proposed pedestrian access linkages identified in the approved Design and Access Statement by NORR (reference CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1 and dated 25- 03-2022) have been submitted and approved in writing by the Local Planning Authority. ‘

Originally it was proposed to remove the whole condition. The reason being that it is no longer considered relevant to provide the pedestrian linkages referred to in the condition as the phases of the wider development that these pedestrian linkages relate to are not coming forward within the timeframes previously envisaged and are not guaranteed to be delivered. However, following consultation with the Highway Authority it is now proposed to vary the condition and retain the C2C cycleway linkage. This is discussed further in the assessment section of the report.

The variation wording will specify which links are expected to be delivered. Figure 1 of the Design and Access Statement, which is the image the condition relates to, identifies 4 links to the site:

1. Vehicular access to the site from Leconfield Street through the estate road – will be retained and is the main access to the site;
2. Connection to the Coast-to-Coast (C2C) cycle route – will be retained and is being implemented prior to occupation of the site;
3. Potential pedestrian access to the north – no longer proposed due to adjacent scheme not progressing;
4. Potential pedestrian access to the east – no longer proposed due to adjacent scheme not progressing

It is suggested that pedestrian linkages listed no. 3 and 4 above should be removed. as the adjacent development to which they were to be linked to is not being delivered. Also Link 1 does not need to be stated as this is already the approved access to the site.

### **Consultations**

#### Cleator Moor Town Council

Have no concerns regarding the application.

CC Highway Authority (LHA) and Local Lead Flood Authority (LLFA)

Raise no objections providing the condition is reworded as proposed i.e. securing a connection to the Coast-to-Coast (C2C) cycle route as opposed to being removed.

Environmental Health

No objections

**Planning Policy**

Planning law requires that applications for planning permission 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 5<sup>th</sup> 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 proposal:

Strategic Policy DS1 Settlement Hierarchy

Strategic Policy DS2 Settlement Boundaries

Strategic Policy DS4 Design and Development Standards

Strategic Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Strategic Policy DS7: Sustainable Drainage



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Strategic Policy DS9 Protecting Air Quality

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N5 Protection of Water Resources

Strategic Policy N14 Woodlands, Trees and Hedgerow

Strategic Policy E4 allocates Leconfield Industrial Estate and adjacent land to accommodate the Cleator Moor Innovation Quarter business cluster.

Strategic Policy CO4 Sustainable Travel

Strategic Policy CO5 Transport Hierarchy

### **Other Material Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide Cumbria Development Design Guide (CDDG).

### **Assessment**

The key consideration this application raises relates to whether the variation of condition 11 as proposed is acceptable from a planning point of view and whether it raises any material planning issues that cannot be appropriately mitigated. In this respect the following are assessed:

#### Principle of Development

The principle of development is already established by virtue of the existing outline consents and other planning permissions relating to The Hub. The proposal to vary condition 11 to remove the two pedestrian accesses and retain the proposed C2C cycleway link is considered acceptable and accords with relevant local plan policies.

#### Highway Impacts

It was originally proposed that condition 11 as a whole be removed. However, following consultation with the Local Highway Authority it was agreed that the condition be varied instead. The link to the C2C route from The Hub is considered the most critical for access to the C2C and wider cycle network. From here access will be readily available to the public footpath running along Nor Beck to Bowthorn Road. It is therefore now the intention that this element be retained and the condition be appropriately reworded to capture and secure this.

It has been demonstrated that there is no longer any need for the other pedestrian linkages which currently form part of the condition.

### **Planning Balance and Conclusion**

	<p>It has been satisfactorily demonstrated that the variation of Condition 11 of the current S73 outline planning permission for The Hub (4/24/2300/0B1) is unlikely to raise any adverse material planning issues. It is therefore considered that the proposal accords with Copeland Local Plan policies, and the overarching objective of the NPPF to deliver sustainable development.</p> <p>Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.</p> <p>The NPPG outlines that to assist with clarity, decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.</p> <p>As regards the issuing of another new S73 for this development new and amended conditions will be required unless they have already been discharged.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The layout, appearance and landscaping shall be implemented as approved by the Local Planning Authority on 25 February 2025 - planning permission reference 4/24/2400/0R1 (Reserved Matters).</li> </ol> <p>Reason To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p> <ol style="list-style-type: none"> <li>2. The approved detailed plans and drawings with respect to the reserved matters reference 4/24/2400/0R1 shall be implemented as approved by the Local Planning Authority on 25 February 2025 and the development hereby permitted shall be commenced not later than the following date: <ol style="list-style-type: none"> <li>a) The expiration of THREE years from the date of this permission.</li> </ol> </li> </ol> <p>Reason</p>

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

List of Approved Plans and Documents

3. 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

Design & Access Statement, by NORR, ref. CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1, dated 25-03-2022

Ecological Appraisal, ref. B034367 CMIQ Proposed Hub Summary report V2\_ISSUE, by Tetra Tech, dated March 2022

Air Quality Assessment on behalf of Copeland Borough Council for Leconfield Industrial Estate, report dated: 28th February 2022, report number: 102682-2, by Miller Goodall Ltd.

Transport Assessment by Tetra Tech, Project Number: 784-B030277, dated March 2022.

Arboricultural Impact Assessment by Barnes Associates, ref. BA11303Hub\_P Rev scale 1:50, dated 20/03/2022.

Travel Plan, revision 1, by Tetra Tech, dated 11-03-2022

Drainage Philosophy, ref. CMIQ-BGP-05-XX-RP-C-DP005, Revision: 002, dated 03/10/2022.

Flood Risk Assessment, ref. CMIQ-BGP-05-XX-RP-C-FRA005, Revision: 002, dated 03/10/2022

SuDS Management Plan, ref. CMIQ-BGP-05-XX-RP-C-SMP005, Revision: 002, dated 03/10/2022

Design Code (NORR)

Draft Phase 2 Site Investigations by Solmek Ltd. ref. S220141, dated March 2022.

Tree Survey (Barnes Associates)

Plans

Location Plan CMIQ-NOR-HUB-ZZ-DR-A-90000 - SITE - LOCATION PLAN\_P04

Site Plan – existing CMIQ-NOR-HUB-ZZ-DR-A-90001 - SITE - EXISTING PLAN\_P04

Site Plan – proposed illustrative layout, CMIQ-NOR-HUB-ZZ-DR-A-90002 - SITE - PROPOSED PLAN\_P04,

Development Parameters – vertical limitations plan, CMIQ-NOR-HUB-ZZ-DR-A90004 - PARAMETER PLAN - VERTICAL LIMITATIONS\_P05, dated 25-03-2022  
Parameter Plan – Proposed Use, by Norr Architects Drawing Reference: CMIQ-NOR-HUB-ZZ-DR-A-90005 Revision: P5 Date: 15/08/2024.  
Site - Parameter Section, Ref. CMIQ-NOR-HUB-ZZ-DR-A-90201, Revision: P01, dated 02-12-2022.  
Drainage Plan, Ref. CMIQ-BGP-05-XX-DR-C-52-05130, Revision: P04, dated 03/10/2022  
Manhole Schedule, Ref. CMIQ-BGP-05-XX-DR-C-52-05131, Revision: P04, dated 03/10/2022.  
Impermeable Areas Plan, Ref CMIQ-BGP-05-XX-DR-C-52-05101, Revision: P04, dated 03/10/2022  
Flood Exceedance Plan, Ref. CMIQ-BGP-05-XX-DR-C-52-05102, Revision: P04, Dated 03/10/2022  
Swept Path Analysis – FTA 10m RIGID HGV & 7.5T BOX VAN, Ref: 784-B030277-TTE-00-XX-DR-O-0010-P01, Revision: P01, dated 03-08-2022  
Swept Path Analysis – Dennis Sabre Fire Tender (LWB) & 11.2m Refuse Vehicle, Ref: 784-B030277-TTE-00-XX-DR-O-0011-P01, Revision: P01, dated 03-08-2022.

#### 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.

#### Highways

4. The design, construction and drainage, including longitudinal/ cross sections and a full specification, of the carriageway, footways, footpaths, cycleways etc. shall be implemented as approved on 24 February 2025 via planning reference 4/24/2403/DOC. The works so approved shall be constructed before the development is complete.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety.

#### Drainage

5. Prior to first occupation the surface water drainage scheme shall be implemented as approved on 24 February 2025 via planning reference 4/24/2403/DOC. The Scheme shall be completed, maintained and managed in accordance with the approved details.



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### Reason

To promote sustainable development, secure proper drainage and manage the risk of flooding and pollution.

### Contamination

6. The development shall be implemented in accordance with the Revised Phase Contaminated Land Investigation and Report approved on 22 April 2024 (including the Supporting Statement by Solmek), planning reference 4/24/2009/DOC.

### Reason

To ensure that risks from land contamination are understood and that any such risks are minimised. Also, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site.

7. The development shall be implemented in accordance with the:
  - i. Final Phase 2 Site Investigation Site A Leconfield Industrial Estate
  - ii. Supporting Statement provided by Solmek on Planning Conditions 6 & 7
  - iii. Additional Information: 'Phase 2: Site Investigation - Site A, Leconfield Industrial Estate, Cleator Moor', prepared by Solmek Ltd, reference: S230810, Rev/1; dated: March 2024.

All of which were approved on 22 April 2024 planning reference 4/24/2009/DOC.

### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution.

### Pre-commencement Conditions

8. Before development commences all of the tree protection measures detailed in the Arboricultural Impact Assessment by Barnes Associates ref. BA11303Hub B\_P Rev B, scale 1:50, dated 20/03/2022 shall be implemented in full and shall remain for the duration of construction until the development is complete:

### Reason

To ensure all the remaining trees are adequately protected during construction.

9. No development shall commence until a Construction Environmental Management (CEMP) Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for: loading and unloading of plant and materials, machinery and materials storage, the parking of vehicles of site operatives and visitors, biosecurity, and the control and management of noise, working hours, heavy vehicle routing and timing etc. plus measures to control the emission of dust and dirt, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement. The approved CEMP shall be adhered to during the construction period.

There must be a 10m buffer strip to the river, and a bund across the track that leads down to the river to prevent any sediment and pollution in surface water run-off from reaching the SAC. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling.

Reason

To safeguard the ecological and environmental interests of the site and the amenity of neighbouring occupiers.

10. The site shall provide for a minimum of 10% Biodiversity Net Gain, details of how this is to be achieved shall be submitted to and approved in writing by the Local Planning Authority before any development commences. The development shall be carried out in accordance with the approved scheme before the Hub building is occupied and maintained in perpetuity thereafter.

Reason

To ensure that a minimum of 10% Biodiversity Net Gain is achieved for the site.

C2C Access Link

11. Prior to the first occupation of The Hub building full details of the proposed pedestrian access link and connection to the Coast-to-Coast (C2C) cycle route as identified in the approved Design and Access Statement by NORR (reference CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1 and dated 25- 03-2022) shall be submitted to and approved in writing by the Local Planning Authority and implemented in full as approved.

Reason

To ensure the development incorporates the proposed improvements to the site`s connectivity with Cleator Moor and the adjacent cycleway.

Pre Occupation Condition

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Philosophy documents (ref CMIQ-BGP-05-XX-RPC-DP005, Issue 001, dated 23/03/2022). For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority in writing, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme.

This verification report shall include:

- 1) As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- 2) Construction details (component drawings, materials, vegetation);
- 3) Health and Safety file:
- 4) Details of ownership organisation/adoption details.

Reason

To ensure that all sustainable drainage systems are designed to the DEFRA non-statutory technical standards in accordance with the NPPF

14. Prior to occupation of the development a sustainable drainage management and

maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and approved in writing.

The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

#### Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

#### Other Conditions

15. 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 immediately to the Local Planning Authority and a suitable investigation and risk assessment to be undertaken agreed. Where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure unexpected contamination that may arise is carefully controlled to minimise the potential risk of pollution

16. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the proposed piling operations do not harm groundwater resources.

17. Prior to first occupation of The Hub the proposed car park shall be surfaced in permeable paving in accordance with the details approved on 24 February 2025 under planning reference 4/24/2403/DOC. The car park shall be surfaced as approved and maintained as such thereafter.

Reason

To ensure the car park provides sufficient attenuation and storage of surface water as part of the drainage scheme for the development in order to minimise the risk of flooding.

18. Prior to the first occupation of The Hub, the hard and soft landscaping works shall be undertaken in accordance with the approved details dated 24 February 2024 under planning reference 4/24/2403/DOC. The soft landscaping details include planting plans and written specifications of plants, species, sizes and densities.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

19. A Landscape Management Plan including management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason

To ensure a satisfactory landscaping scheme

20. The development shall implement all of the recommendations and mitigation measures set out in the approved Ecological Appraisal, ref. B034367 (CMIQ Proposed Hub Summary report V2\_Issue) by Tetra Tech, dated March 2022. The development shall be carried out in accordance with the approved document thereafter.

Reason

To protect the ecological interests evident on the site

21. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

22. The external gross floor area of the Hub building shall not exceed 4000 square metres and the maximum height shall not exceed 12 metres.

Reason

For the avoidance of doubt and to verify the proposed scale parameters of the Hub building.

23. This permission authorises the use of the building hereby approved for the following uses; offices (use class E (g)(i), mixed research and development (use class E(g(ii))), light industrial use (use class E(g(iii))) and education and community facility uses (class F1(a & e) only. Any ancillary use to the main use of the building should be limited to ancillary food/beverage (use class E(b)).

Reason

To protect the viability and vitality of neighbouring Cleator Moor Town Centre and to ensure non-conforming uses are not introduced into the area.

**Informative Notes**

**Management of Waste**

Excavated waste arising from earthworks will need to be tested for appropriate disposal in accordance with Waste Regulations 1. Waste on-site The CL:AIRE Definition of Waste:



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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 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 2. 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 the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

### **Contamination**

All fuel and chemical storage tanks must have adequate bund walls without outlets. The bund must be capable of holding more than the largest tank within it. Discharges from yard storage

areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer and may be regarded as trade effluent. If this proposal results in a trade effluent discharge to the public sewer, the applicant will need Trade Effluent Consent. The applicant should discuss this with their chosen retailer of wastewater services.

The applicant can discuss any of the above with the Developer Engineer, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

### **Public Right of Way**

The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

The granting of planning permission would not give the developer the right to block or obstruct the right of way.

### **Highways**

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority by telephoning: 01228 221331 or email: [LFRM.consent@cumbria.gov.uk](mailto:LFRM.consent@cumbria.gov.uk) to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that currently a fee of £50 will be required and that it can take up to two months to determine.

### **Artificial Lighting**

Artificial lighting used within the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting Page 40 GN01 dated 2005.

### **Emergency Planning**

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advised that the applicant visits the Cumbria County Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link:

<https://www.cumbria.gov.uk/emergencyplanning/supportingpages/industrialsites.asp> \*\*

If planning permission is granted, it is likely that those involved in the construction may



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pass through the Sellafield Detailed Emergency Planning Zone (DEPZ), hence the rationale behind visiting the Cumbria County Council website for information.

**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 Heather Morrison**

**Date : 21/05/2025**

**Authorising Officer: N.J. Hayhurst**

**Date : 23/05/2025**

**Dedicated responses to:- None required.**