

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2146/0F1
2.	Proposed Development:	18M HIGH LATTICE TELECOMS MAST WITH GROUND BASED EQUIPMENT IN FENCED COMPOUND
3.	Location:	HAILE MOOR MINE, HAILE
4.	Parish:	Haile
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location <p>The site lies within the grounds of former Haile Moor Mine, an isolated location in open countryside situated some 0.8km to the south-east of the village of Haile and to the east of the Lake District National Park boundary (LDNP). Some remnants of the redundant mine still exist, including mine shafts and related structures/ buildings, but much of it has now been naturally reclaimed.</p> <p>To the west is Cold Fell, a prominent fell within the LDNP which stands at 293 metres above sea level.</p> <p>The proposed development will be sited to the immediate west of the former mine buildings and is surrounded by farmland.</p> <p>Within the grounds is an existing telecommunications mast, a 15m Airwave mast which has been on site for a number of years.</p> <p>There are a number of isolated properties in the vicinity including dwellings and farms. The nearest being the dwelling Braymoor sited opposite the entrance / access track to the mine at</p>	

some 280m distant from the location of the proposed mast. There is also Haile Moor Cottages adjacent to the unclassified road which are some 350m away.

Proposal

Overview

The proposal forms part of ENW upgrade project in the NW (Cumbria Ring).

The Cumbria ring is a crucial 132kV network encircling Cumbria, which requires significant upgrades to ensure a reliable power supply in Cumbria, as well as facilitating the region's transition to greener energy. This network, with connections to the National Grid at Harker near Carlisle and Hutton near Kendal, primarily consists of extensive overhead tower line circuits and operates in a closed configuration, interlinking the two grid supply points (GSPs). The upgrades will involve replacing 154 kilometres of overhead lines and rebuilding 54 pylons, enhancing capacity, and integrating new technologies to accommodate the rising demand for electricity and renewable energy sources.

However, replacing the overhead lines will incur substantial risk to the network which could result in the loss of function of the overhead cables. The solution involves the installation of high-capacity microwave links within the Cumbria ring at several key points. This will involve both refurbishment work and new construction to mitigate the risk during work on the project. A new mast at Haile Moor Mine is one of the two identified new construction projects required to achieve this.

Details

The development will comprise:

- Erection of an 18m high galvanised steel lattice tower on a concrete base.
- Tower will house 2 x dipole antennas, 2 x 0.3m dishes, 2 x 0.6m dishes, and 1 x 0.8m dish.
- Construction of a compound, 12350 x 6800mm in area.
- Earthworks/ regrading of ground to create the compound.
- Erection of 2.4m high palisade galvanised steel fencing and a 1.2m wide access gate around the compound boundary.
- Siting of a generator (housed in a prefabricated goosewing grey cabin) on a concrete base.
- Prefabricated juniper green meter cabinet on a concrete base.
- 450mm wide cable ladder

Access

Vehicular access to the site is via the unclassified Hardgate Road from Haile.

Consultations Responses

Haile & Wilton Parish Council

No objection

Highway Authority/LLFA

No objections

Environmental Health

Accept that the risk of contamination is low. Request conditions covering unexpected contamination and construction working hours due to isolated dwellings in nearby proximity.

Consultant Arborist

Identifies that there are a number of existing trees that could be affected by the development and requests a condition to ensure that they are adequately safeguarded.

Ecologist

No objections subject to advice and conditions regarding ecological supervision of works, badgers, breeding birds, bat sensitive lighting strategy, root protection zones, CEMP and BNG.

Planning Policy

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the Local Development Plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited Local Development Plan documents continue to apply to the geographic area of their sovereign Councils only. The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

The newly adopted Copeland Local Plan 2021 – 2039, (herein after referred to as the Local Plan) was adopted on 5 November 2024 and is the development plan for the former Copeland area. The following policies of the local plan are relevant to this proposal:

Policy DS2 Settlement Boundaries

Policy DS4 Development Standards

Policy DS5 Hard and Soft Landscaping

Policy DS6 Reducing Flood Risk

Policy DS7 Sustainable Drainage

Policy N1 Conserving and enhancing Biodiversity and Geodiversity.

Policy N3 Biodiversity Net Gain

Policy N6 Landscape Protection

Policy N14 Woodland, Trees and Hedgerows

Strategic Policy CO1 Telecommunication and Digital Connectivity.

Assessment

Justification – Need for the Development

A mast height of 18m is required to enable the necessary `Line of Sight` to be achieved to link in with the Midway, Egremont, and Beckermest Mast sites on ENW's Cumbria Ring which is required to improve the network. It is not possible to reliably achieve the required line of sights below this height and the height has been kept to an absolute minimum. To be workable at this height another mast, the Midway, will also need to be increased in height but does not form part of this application.

Justification - for Location outside Settlement Boundaries

The site lies outside any designated settlement / settlement boundary as identified in Policy DS2: Settlement Boundaries, criterion 2, of the Local Plan and as such is located in open countryside for planning purposes.

To demonstrate compliance with this Policy a proven need for such an isolated location is required and provided in the following explanation.

Mast Sharing Options Investigated

Several existing third-party telecoms infrastructure were considered in the design phase, but these were eliminated due to the reasons stated below.

Whitehaven, Ivy Hill – does show a clear path profile, however there is ground clutter which makes it unsuitable, there are trees approximately 220m away and two 30m electricity pylon approximately 2.25km and 1.3km away blocking the path. Also of concern would be the path passes over Sellafield and with the decommissioning of the plant it cannot be predicted if the crane used for this will be moved into the path.

The second mast from Whitehaven to Egremont which is again obstructed by trees, Pylon and overhead lines in close proximity to Egremont Substation.

Arqiva This site was eliminated because it is a cellular tower and the construction type is not suitable to accommodate ENW's requirements of two additional microwave antennas due to the current loading on the tower. sites. This is due to topography and tree clutter in the required paths and would require a height of more than 35m

Sandwith ENWL Radio site. Eliminated because no line of site with Egremont.

Airwave Mast 15M adjacent at Haile Moor Mine. This site is in the right location to see all the connecting points at Midway and Egremont unfortunately the tower structure in terms of height

and construction type is not suitable to accommodate ENW's requirements. Having identified the ideal location, this leaves the proposal of a new site build at Haile moor mine.

Alternative Greenfield/Building Solutions

Given the nature of the rural area there were no existing buildings found that could accommodate the required equipment. Similarly, there were no alternative greenfield options found that would provide the coverage requirement at reasonable height. The Energy Coast Business Park near Haile was investigated but was found to be unworkable as it fails the line of sight to both Egremont and Midway so was discounted.

It is considered that the above justification adequately demonstrates on technical grounds why there are no suitable mast sharing opportunities or alternative green field/ brown field sites available to accommodate the proposal. In view of this the proposal is considered to satisfactorily accord with requirements of Policy DS2.

Other Key Policy Considerations

Strategic Policy CO1 Telecommunications and Digital Connectivity supports the continued provision of such infrastructure, including that which extends and improves digital connectivity, subject to there being no adverse impacts or harm that cannot be avoided or mitigated. The proposal is not located on a sensitive site and although visible, especially from the immediate environs, it is unlikely it will be prominent in any views. It is also unlikely to have any other significant impacts given the scale of the development and the results of the assessment.

Landscape Impact

The application is accompanied by a Visual Appraisal, photomontages and wirelines.

The Copeland Landscape Character Assessment beyond Settlements (2021) identifies the landscape the site lies within as 'Dent and Haile Moor Upland Foothills' (type 11a ii) which has notable sensitivities particularly given its proximity to the LDNP (UNESCO),

This is a transitional landscape, between more open moorland or fell and lower, more enclosed landscapes with predominantly improved pasture, meadows and a pattern of stone walls giving way to hedges at lower levels. Small patches of woodland alongside streams and rivers, and there are numerous field boundary trees and tree clumps occurring around farms. The general condition of this Character Type is considered to be good.

In terms of development the character type advocates that this landscape should be conserved and enhanced. Also, that any large-scale development including renewables, other energy and pylons could erode the open and generally undeveloped character of the area and should be avoided.

The proposed development on this site will have a relatively minor impact on the landscape character as it will result only in minor localised change in the context of a much wider area.

The existing Airwave mast is in place assists in determining the locations where the new mast will be visible and helps assess its impact. As it will be a new feature in the landscape it will inevitably have some impact, but this is likely to be limited and mitigated by the existing vegetation cover at low levels, its relatively modest scale and the fact that there is already a similar feature already in this landscape

Visual Amenity

In terms of existing views, it is considered that the existing 15m high Airwave mast which is situated close to the proposed site is a useful baseline, whilst visible from a number of viewpoints locally it is not overly prominent. From Haile village for example it is visible against the sky but with the majority of it screened by existing hedgerows and trees. From nearby Haile Moor Cottages the existing mast can be seen at its most prominent although it is still screened to an extent at lower levels by vegetation, trees and the old mine building.

It is considered that the proposed mast would similarly be visible against the skyline and although slightly taller at 18m the impact, given that there is already an existing mast in the landscape, it is considered that its effect on views would not be so significant.

The view from LDNP at Cold Fell westwards towards the coast is considered to be one of the most sensitive. This vantage point has a relatively high level of public use. The submission shows that the existing mast is barely visible from this viewpoint and has a lower impact than other existing vertical structures and is seen to blend in with the existing landform. Whilst the proposed mast will be 3m higher the visibility will be comparable as demonstrated by one of the photomontages. When compared to the Sellafeld site and the surrounding topography, the visual impact is considered not so significant.

Residential Amenity

There are isolated residential properties in this locality, the nearest to the proposal is Braymoor which is opposite the access road to the mine. This property is some 280m from the proposed installation. The mast will be visible from the front facing elevations although the impact on the wider visual amenity is considered slight in the context of there already being one mast present. The next nearest properties are the two Haile Moor Cottages which are around 350m away. The supporting documentation indicates that the proposed mast would be visible although the additional impact is likely to be low in the context of the wider landscape. There are other residential properties further away in Haile Village – the nearest being 750m away which it has also been demonstrated will not be adversely affected by the proposed mast.

Taking into account the above it has been demonstrated that the additional mast infrastructure on the Haile Moor Mine site as proposed would not be overly prominent and would not introduce an incongruous feature into the landscape. As such this accords with LP policy N6 Landscape

Protection which seeks to protect the landscape from inappropriate change and other relevant policies.

Trees

The property has a variety of self-seeded trees growing around the perimeter of the site. The submitted Arboricultural Impact Assessment shows the impact of the development on the surrounding trees. It discusses the proposed scheme and includes general tree observations. It also contains an existing layout plan, showing the locations of the trees and groups, Arboricultural Data Sheets, and a proposed site layout plan, which includes the locations of temporary tree protection fencing. No existing trees or hedgerows will be removed, pruned or damaged as a result of the proposal.

The Consultant Arborist raises no objection subject to the existing trees being adequately safeguarded and recommends a condition to ensure this.

The Ecologist has also advised that a Root Protection Zone (RPZ) may be required around retained off-site trees that lie in close proximity to the site boundary in accordance with BS5837:2012 if development is likely to affect the trees, their roots and overhanging canopies. Replacement planting of trees unavoidably lost to development should be provided on site or, where this is not possible, in the local vicinity. Although not conditioned this advice been brought to the attention of the applicant and will be added as an informative.

Landscaping

There is low level tree and hedge screening around the site, and this will be retained in full. It will provide cover for the lower third of the mast and also for the cabin and compound. The mast is unavoidably higher than the vegetation in the locality, but it is considered that any impact on the wider landscape will be minor as evidenced by the photo montages and Landscape Appraisal.

The proposal is considered to comply with Policy DS5 Hard and Soft Landscaping. It does not remove any hedgerows, trees and the natural landscape will remain unchanged with the exception of the concrete bases, cabinets, and fencing at ground level. It is proposed to plant 9 additional small trees on the site in order to achieve the 10%+ Biodiversity Net Gain Metric.

Ecology and BNG

The application is accompanied by an Ecological Desk Study, an Ecological Impact Assessment and BNG Report.

The Assessment concludes that the site itself is of low ecological value with limited features present to support protected species. Impacts to the site are considered to be permanent but limited in scope considering the extent of the development proposals and existing habitat

value. Precautionary pre-works/pre-clearance checks are recommended with regard to badger, brown hare, hedgehog and herptiles.

The BNG Report informs that the site consists entirely of grazing pasture being comprised entirely of 0.10ha of Modified Grassland in good condition worth 0.58 habitat units. To accommodate the development, 0.01ha of this habitat will be permanently lost and 0.09ha will be retained. New habitats will be created in the form of 0.01ha of Developed land; sealed surface (condition N/A) worth 0.0 area habitat units and the planting of 9 new small Rural trees in Moderate condition, worth 0.11 area habitat units. The headline results show that the proposals will deliver a net gain of +10.61% (0.06 habitat units), which achieves the mandatory +10% net gain threshold and satisfies the trading rules and is considered acceptable.

In view of the above it is considered that the proposal does not create any harmful impact on the Biodiversity and Geodiversity of the surrounding area. All nearby existing trees and vegetation will be retained, with the exception of the compound area which is currently grassland. This is in line with LP Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity, and Policy N3 – Biodiversity Net Gain.

In terms of biodiversity the Ecologist recommends that there is sufficient ecological supervision of works undertaken by an Ecological Clerk of Works and that a pre commencement badger survey should also be undertaken if required. Any vegetation clearance shall be done outside of the breeding bird season to protect them, along with a sensitive construction lightening strategy to protect bats. As regards BNG the standard Biodiversity Net Gain Plan condition is applicable.

Noise

Noise is not considered to be an issue subject to the mitigation measures identified.

As there may be potential for noise to arise from construction activities and affect nearby residential properties a condition controlling working hours is considered necessary as an acceptable mitigation measure. This is supported by Environmental Health.

Once operational there will be no significant noise emanating from the site. Whilst there will be an air conditioning unit to the rear of the cabin with an output of 63 dBA, this will not be audible above background noise from any residential houses or publicly areas nearby. In the case of an emergency power outage the diesel generator will run producing a sound level of 62 dBA at 7m. Although this will run very infrequently and when it does it may just be heard by occupants of the nearest noise sensitive properties.

Access and Transport

	<p>Vehicular access to the site is via the unclassified road from Haile and the Mine has its own gated access track. The track can accommodate HGV access and is suitable for construction traffic. There is sufficient turning space within the site for all maintenance and construction related vehicles. Once operational the site will only require maintenance visits. As a result any impact on the local road network will be negligible.</p> <p>In terms of construction traffic details are provided in the submitted document “Haile Moor Traffic Movements”. In this respect the construction period is around 12 weeks and the access has been assessed as suitable and able to safely accommodate all the required construction and operational vehicles.</p> <p>The Planning Balance and Conclusion</p> <p>It is accepted that there is no alternative site for this mast. There are no suitable mast sharing opportunities or alternative green field/ brown field sites available to accommodate the proposal.</p> <p>In terms of wider benefits, the need for the Electricity Network upgrade in this area to improve resilience of supply has been demonstrated and carries significant weight</p> <p>Taking into account the above it has been satisfactorily demonstrated that the introduction of a new 18m high mast in this green field location is justified. It is unlikely to have a significant impact with the mitigation measures proposed and the key issues of landscape character, visually, in terms of residential amenity and noise. 10% BNG can also be achieved. The proposal also complies with relevant local and national planning policies.</p> <p>On this basis it is considered that the planning balance should be in favour of the development with the need for the mast in this location outweighing any potential minor material harm.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>

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: -

Plans

Proposed Location and Site Plan, dwg no. P2407_002_GA_001_A, scales 1:50,000 and 1:25000.

Proposed Plan, dwg no. P2407_002_GA_004_B, scale 1:200.

Proposed Site Elevation, dwg no. P2407_002_GA_005_B, scale 1:100.

Existing Site Layout, dwg no. P2407_002_GA_002_A, scale 1:200.

Existing Elevation, V5, ref. P2407_002_GA_003_A, scale 1:100.

Site Access Plan, ref P2407_002_GA_008_B, scale 1:1250.

Documents

Supporting Statement and Technical Justification – Haile moor Mine, by ENW.

ENW Design and Access Statement, by Smith, Tunbridge Ayres Ltd.

Ecological Desk Study by TEP (The Environment Partnership) ref 10969.01.001 April 2025, Version 1.0.

Arbicultural Impact Assessment, ref 10969.001.

Construction Traffic Statement by LARS Communications Ltd.

BNG Assessment Report by TEP, ref.10969.01.004, April 2025, v1.

EclA (Ecological Impact Assessment), ref 10969.01.003, v1, April 2025.

Generator Specification, Rev. A by Baker Hughes, dated 23/03/2025.

ICNIRP Declaration, 7 April 2025.

Discounted Options Plan, ENWL.

The Statutory Biodiversity Metric Calculation_Tool.xlsx ref. 10969.001

Visual Appraisal for ENWL.

PhotoMontage Report v2rs, 10/03/25.

PhotoMontage Report, V1, 22/11/24.

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.

Pre- Commencement Conditions

Construction Environment Management Plan (CEMP)

3. A Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority before development commences. This shall include standard best-practice methods on how site run-off will be controlled, how site waste will be managed, how fuel and other spillages will be prevented and include emergency procedures for any pollution accidents. It shall include a section on ecology precautionary works. Construction activities shall be undertaken in accordance with the CEMP.

Reason

To minimise the risk of pollution from construction activities to enter nearby habitats.

Construction Working Hours

4. Following approval of the development, construction activities shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00

Saturday 08.00 – 13.00

At no time on Sunday or Bank Holidays.

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

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

Reporting of unexpected contamination

5. 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. An investigation and risk assessment

must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Biodiversity Net Gain – Applicable

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.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link:
<https://www.gov.uk/government/publications/biodiversity-gain-plan>

Informative Notes

Trees

A Root Protection Zone (RPZ) may be required around retained off-site trees that lie in close proximity to the site boundary in accordance with BS5837:2012. If development is likely to affect the trees, their roots and overhanging canopies. Replacement planting of trees unavoidably lost to development should be provided on site or, where this is not possible, in the local vicinity.

Ecology and Protected Species

Ecological Supervision of Works

Precautionary working measures should be adopted to minimise the risk of harm or injury to brown hare, hedgehog and herptiles and badgers. A pre-works check should be undertaken of the site by an Ecological Clerk of Works (ECoW) and potential refuge features to ensure such species are not present ahead of works,

If vegetation clearance works are taking place during the hibernation period (October to March, inclusive) and a hibernating hedgehog is found, the hedgehog should be moved to a hibernation box placed in a safe place and lined with straw.

The on-site pile of roofing materials, off-site rubble pile and gaps between the stones in an adjacent earth bank may provide refuge for small mammals and herptiles should they be present.

Badgers

If works have not commenced within twelve months of the original assessment (by March 2026) a pre-commencement badger survey is recommended to ensure no badger setts have been built within influencing distance of the proposed development.

Breeding Birds

Vegetation clearance works should be undertaken outside of the breeding bird season, which runs from March to August (inclusive). Should works need to proceed within this timeframe, the ECoW will need to undertake a nesting bird check of all areas to be cleared and those within the near vicinity. Any active nests will be cordoned off until the chicks have fledged.

Bats - Sensitive Lighting Strategy

A Sensitive Lighting Strategy should be employed during and post construction to avoid indirect impacts of lighting on nocturnal, and crepuscular species (such as barn owl). The Guidance

Note GN 08 / 23 from the Bat Conservation Trust should be used when designing the lighting strategy.

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: H. Morrison

Date :26/06/2025

Authorising Officer: N.J. Hayhurst

Date : 26/06/2025

Dedicated responses to:- N/A