

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2180/0F1
2.	Proposed Development:	CONSTRUCTION AND INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND BURIED GRID CABLE ROUTE
3.	Location:	LAND BETWEEN WOODEND AND MOOR ROW, EGREMONT
4.	Parish:	Cleator Moor, Egremont
5.	Constraints:	-
6.	Publicity Representations & Policy	N/A
7.	Report: <p>This planning application was considered by Members of the Cumberland Council Planning Committee on the 26th November 2025.</p> <p>Members of the Cumberland Council Planning Committee resolved that the application be approved subject to subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.</p> <p>Planning Conditions</p> <p>Two additional planning condition are proposed to those planning conditions proposed by the Head of Planning and Place in the Committee Report and approved by Members of the Cumberland Council Planning Committee on the 26th November 2025. These add additional requirements which require the Applicant to submit final details of the proposed scheme and also to provide details of finished floor levels.</p>	

The additional planning conditions state:

New Condition 3

Notwithstanding the plans hereby approved in Condition 2, no development shall take place until full details of the final locations, alignment, design, finishes and materials to be used for the BESS units, inverters, transformer, storage container, substations, water tank, CCTV cameras, fencing, access gate any other structure required for the operation of the site as BESS shall be submitted to and approved in writing by the local planning authority. The plans approved in Condition 2 represent the maximum parameters of the proposal. For the avoidance of doubt, the proposed locations of BESS units or any other structure required for the operation of the site as BESS shall not extend any further than as shown on the Site Layout Plan (Drawing Ref 030.301.05).

Reason

For the avoidance of doubt and in the interests of visual amenity.

New Condition 4

No development shall take place until full details of the proposed ground levels, above ordnance datum, throughout the site and the finished floor levels of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

For the avoidance of doubt and in the interests of visual amenity.

One of the conditions is also to be amended to those planning conditions proposed by the Head of Planning and Place in the Committee Report and approved by Members of the Cumberland Council Planning Committee on the 26th November 2025. This is required to ensure that the CEMP includes the necessary mitigation measures required by the Ecologist

Construction Effects

Condition 5 (listed as condition 4 on Committee Report)

Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local

planning authority. The CEMP shall include and address the following matters (where appropriate):

- provision of appropriate protective barriers/ boundary hoarding and lighting;
- dust management and details of the proposed means of dust suppression;
- details of deliveries times to the site during the construction phase;
- noise and vibration management measures;
- programme of works (including measures for traffic management, the routing of delivery vehicles and operating hours);
- loading and unloading of plant and materials;
- location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- storage and management of plant and machinery
- waste storage and removal and litter management;
- temporary buildings and boundary treatments;
- details of checks of vehicles and other plant for leaks;
- preparation of cement and other construction materials;
- waste minimisation and management measures;
- bio-security measures to prevent the introduction of disease and invasive species;
- precautionary working method statement for protected species (badger, red squirrel, otter and other mammals)
- compliance with wildlife legislation and best practice in relation to nesting birds
- measures to prevent pollution including the management of site drainage such as the use of silt traps during construction to manage surface water runoff;
- there shall be no burning of materials on the site;
- any external lighting associated with the development during any ground works / construction for the purposes of security and site safety shall prevent upward and outward light radiation and shall be sensitive to wildlife;
- requirements for Risk Assessments and Method Statements (RAMS) for all works and tasks prior to these being undertaken; and
- protocols for contact and consultation with local people and other matters to be agreed with the local planning authority.

The CEMP shall be implemented as approved.

Reason

In order to ensure the implementation of adequate pollution control measures during construction of the development in the interests of environmental amenity.

Finally, conditions 8, 14 and 15 as listed in the Planning Committee are to be deleted as part of the rationalisation of the planning conditions as set out below:-

	<p><u>Condition 8</u> Condition 8 listed in the Committee Report is proposed to be removed and included as an informative on the decision notice.</p> <p><u>Condition 14</u> Condition 14 listed in the Committee Report is proposed to be removed as the requirements for this condition have now been incorporated into the new condition 3 as set out above.</p> <p>Condition 15 Condition 15 listed in the Committee Report is proposed to be removed as the requirements for this condition have now been incorporated into the new condition 3 as set out above.</p>
9.	<p>Recommendation :</p> <p>Approve the planning application subject to the addition and revision of the conditions as set out above.</p>
10	<p>Full List of Conditions</p> <p><u>Condition 1</u> The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.</p> <p>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.</p> <p><u>Condition 2</u> The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:</p> <ul style="list-style-type: none"> - Site Location Plan (Drawing Ref 030.300.01) - Site Layout Plan (Drawing Ref 030.301.05) - Inverter Plans and Elevations (Drawing Ref 030.302.01) - Battery Plans and Elevations (Drawing Ref 030.303.01)

- DNO Substation Plans and Elevations (Drawing Ref 030.304.01)
- Private Substation Plans and Elevations (Drawing Ref 030.305.01)
- Aux TX Plans and Elevations (Drawing Ref 030.306.00)
- Spares Container Plan and Elevations (Drawing Ref 303.307.01)
- Proposed Fence Elevations (Drawing Ref 030.308.01)
- Water Tank Plans and Elevations (Drawing Ref 030.309.00)
- Proposed Track Detail (Drawing Ref 030.310.01)
- Proposed Site Elevations (Drawing Ref 030.311.00)
- Ecological Impact Assessment (EclA) (Futures Ecology)
- Biodiversity Impact Assessment (BIA) & DEFRA Metric (Futures Ecology)
- Wintering Bird Survey Report (Futures Ecology)
- Arboricultural Assessment (AA) (FPRC Environment and Design)
- Flood Risk Assessment and Drainage Strategy (FRA) (KRS Enviro)
- Historic Environment Assessment (Heritage Archaeology)
- Landscape and Visual Appraisal (LVA) including figures and appendices (Stephenson Halliday Ltd)
- Noise Impact Assessment (NIA) (Vibroek)
- Agricultural Land Classification (ALC) Survey (Land Research Associates)
- Transport Statement and Traffic Management Plan (Beacon Transport Planning)
- Drainage Addendum July 2025 (KRS Enviro)
- Site Selection Report - Additional Information August 2025
- Response to Highways - Additional Information August 2025
- Shadow Habitat Regulations Assessment - Additional Information August 2025 (and updated October 2025)

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.

Condition 3

Notwithstanding the plans hereby approved in Condition 2, no development shall take place until full details of the final locations, alignment, design, finishes and materials to be used for the BESS units, inverters, transformer, storage container, substations, water tank, CCTV cameras, fencing, access gate any other structure required for the operation of the site as BESS shall be submitted to and approved in writing by the local planning authority. The plans approved in Condition 2 represent the maximum parameters of the proposal. For the avoidance of doubt, the proposed locations of BESS units or any other structure required for the operation of the site as BESS shall not extend any further than as shown on the Site Layout Plan (Drawing Ref 030.301.05).

Reason

For the avoidance of doubt and in the interests of amenity and visual impact in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

Condition 4

No development shall take place until full details of the proposed ground levels, above ordnance datum, throughout the site and the finished floor levels of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

For the avoidance of doubt and in the interests of visual amenity in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

Construction Effects

Condition 5

Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include and address the following matters (where appropriate):

- provision of appropriate protective barriers/ boundary hoarding and lighting;
- dust management and details of the proposed means of dust suppression;
- details of deliveries times to the site during the construction phase;
- noise and vibration management measures;
- programme of works (including measures for traffic management, the routing of delivery vehicles and operating hours);
- loading and unloading of plant and materials;
- location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- storage and management of plant and machinery
- waste storage and removal and litter management;
- temporary buildings and boundary treatments;
- details of checks of vehicles and other plant for leaks;
- preparation of cement and other construction materials;
- waste minimisation and management measures;
- bio-security measures to prevent the introduction of disease and invasive species;

- precautionary working method statement for protected species (badger, red squirrel, otter and other mammals)
- compliance with wildlife legislation and best practice in relation to nesting birds
- measures to prevent pollution including the management of site drainage such as the use of silt traps during construction to manage surface water runoff;
- there shall be no burning of materials on the site;
- any external lighting associated with the development during any ground works / construction for the purposes of security and site safety shall prevent upward and outward light radiation and shall be sensitive to wildlife;
- requirements for Risk Assessments and Method Statements (RAMS) for all works and tasks prior to these being undertaken; and
- protocols for contact and consultation with local people and other matters to be agreed with the local planning authority.

The CEMP shall be implemented as approved.

Reason

In order to ensure the implementation of adequate pollution control measures during construction of the development in the interests of environmental amenity in accordance with Policy DS9 of the Copeland Local Plan 2021-2039

Condition 6

Notwithstanding the submitted details, construction and de-commissioning works shall not take place outside the hours of 0730 hours to 1800 hours Monday to Friday inclusive and 0730 hours to 1300 hours on Saturdays. No construction or decommissioning works shall take place on a Sundays or Public Holidays.

Exceptions for work outside these hours may be carried out only with the prior written approval of the local planning authority.

Emergency works may be carried out at any time provided that the operator retrospectively notifies the local planning authority in writing of the emergency and the works undertaken within 24 hours following the event.

Reason

In the interests of amenity to restrict noise impact and the protection of the local environment in accordance with Policies CC1 and DS4 of the Copeland Local Plan 2021-2039

Condition 7

No development shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. The BEMP shall secure the provision of all compensation/enhancement measures set out in section 6 of the Ecological Impact Assessment (EclA) (Futures Ecology, dated May 2025).

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

Biodiversity Net Gain

Condition 8

No development shall commence unless and until a certificate has been submitted to, and approved in writing by the Local Planning Authority, confirming the agreement of an Offsetting Provider with a registered/approved site to deliver any additional biodiversity units required to supplement those units provided onsite (and set out in the Biodiversity Net Gain Plan), to achieve no less than 10% biodiversity units overall above the baseline with management guaranteed for a minimum of 30 years.

Reason:

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

HMMP

Condition 9

No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority.

The HMMP shall include:

- a) A detailed scheme of on-site habitat creation and habitat enhancement works, including a summary of habitat type, extent and condition with a comparison against the expected condition proposed within the submitted BNG Plan.
- b) Details of the persons and organisation(s) responsible for the delivery of the habitat creation and habitat enhancement works.
- c) Details of the habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- d) Details of monitoring methods and a monitoring reporting schedule.
- e) Planned management and monitoring activities for on-site habitats.

Notice in writing shall be given to the Council when the HMMP has been implemented and the habitat creation and enhancement works have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Drainage

Condition 10

Prior to the commencement of development, details of a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- a) An investigation of the hierarchy of drainage options as set out in the National Standards for Sustainable Drainage Systems (2025) (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the ground investigations) and confirmation that no surface water shall discharge to the public sewerage system either directly or indirectly;
- c) Levels of the proposed drainage systems, including ground and finished floor levels in AOD.
- d) Details of all measures to be taken to prevent surface water discharging onto or off the highway.

The approved drainage scheme shall be in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy dated May 2025.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and maintained and managed thereafter for the lifetime of the development.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and to maintain the safe operation of the public highway in accordance with the provisions of Policy DS7 of the Copeland Local Plan 2021-2039.

Heritage

Condition 11

No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with the requirements of the Policies BE2, BE3 and BE4 of the LP.

Highways

Condition 12

The development shall not commence until visibility splays providing clear visibility of 49 metres to the north and 52m to the south measured 2.4 metres down the centre of the access road and the nearside channel line of the U4030 carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason

To ensure a safe vehicular access during construction and operation in the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Condition 13

The surfacing of the access road shall extend for at least 5m inside the site, as measured from the highway boundary prior to the use first being commenced and shall be carried out in accordance with details of construction which have been approved by the Local Planning Authority as shown on Drawing No BTP-2409-05.

Reason

To prevent material being tracked onto the public highway in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Condition 14

No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Details of verge protection on narrow roads;
- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- Construction vehicle routing (to be consistent with the routing proposal outlined in the Outline Construction Traffic Management Plan);
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Trees

Condition 15

The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the Arboricultural Impact Assessment, prepared by FPCR Environment and Design and dated May 2025. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To safeguard the existing trees and hedgerows on the site in accordance with the provisions of Policy DS5 and Strategic Policy N6 of the Copeland Local Plan 2021-2039.

Landscaping

Condition 16

Notwithstanding the details that have been submitted, an updated landscape mitigation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the operation/first use of the development. The approved landscaping scheme must be implemented by the end of the first planting season following substantial completion of the development. Any trees or plants that die, are removed, or become seriously damaged or diseased, within a period of 5 years from the completion of the development, must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval for a variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 and Strategic Policy N6 of the Copeland Local Plan 2021-2039.

Land contamination

Condition 17

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 in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Lighting

Condition 18

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for environmental zone E1 contained within The Institute of Light Engineers Guidance Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.

Reason

In the interest of visual amenity and to safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan 2021 – 2039.

Restoration

Condition 19

Should the installation not be required or unused for a period of 12 months, the plant, machinery and associated structures shall be removed from the site and the land reinstated in accordance with a scheme of restoration to be agreed in writing with the Local Planning Authority before any such work is undertaken.

Reason

To ensure that the land is satisfactorily restored should the installation no longer be required.

Decommissioning

Condition 20

The development hereby permitted shall be for a maximum temporary period of 40 years from the date when the development is brought into use. Thereafter, the site shall be decommissioned and returned to its former state in accordance with details that have been submitted to, and agreed in writing by, the local planning authority. Such details shall include a time scale of the decommissioning works.

Reason

For the avoidance of doubt and to prevent harm to protected and priority species and habitats in accordance with the provisions of Policy N1 and Policy DS4 of the Copeland Local Plan 2021-2039.

Informatives

Highways Permit

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>. Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Local Lead Flood Authority Permit

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

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 a fee of £50 will be required and that it can take up to two months to determine.

Public Right of Way

The applicant must be advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way.
- The public 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, stop up or to temporarily close it has been confirmed.

Coal Mining Legacy

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Fire and Safety

Use of Sprinklers

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises. There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general. This is because sprinklers can significantly help to:

- Improve the time available to escape from a fire
- Reduce death and injury from fire
- Reduce the risks to fire fighters who we ask to fight the fires
- Protect property
- Reduce the effects of arson

- Reduce the environmental impact of fire These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk

Access for Fire Services

The Cumbria Fire and Rescue Service has requested that access for firefighting and water supplies must comply with Approved Document B Volume 2: Buildings other than dwellings, Requirement B5: Access and Facilities for the fire service.

National Fire Guidance on BESS

Please also note the guidance provided by the National Fire Chiefs Council with regards to Grid Scale Battery Energy Storage System planning - [Document text here](#)

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>

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: N. J. Hayhurst		Date : 11/12/2025
Authorising Officer: I. Fairlamb		Date : 11/12/2025
Dedicated responses to:- N/A		