

Planning Application Reference Number:	4/25/2411/0F1
Application Type:	Full Planning Permission
Application Address:	Plots 9 & 12 Leconfield Industrial Estate, Cleator Moor.
Proposal	Erection of 2 no buildings for B2 general industrial and ancillary office use, comprising 6,356sqm GEA floorspace, with associated car parking, hard and soft landscaping, infrastructure and biodiversity enhancements.
Applicant	Cumberland Council
Agent	Avison Young
Valid Date	9 th December 2025
Case Officer	Heather Morrison

Cumberland Area and Region

Copeland and Cleator Moor Parish

Relevant Development Plan

Copeland Local Plan 2021-2039.

Reason for Determination by The Planning Committee

The application site exceeds 2 hectares in area and therefore falls within the definition of a strategic planning application for the purposes of Cumberland Council's Planning Scheme of Delegation.

Recommendation

That the application is granted 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 and agree a Legal Agreement between the relevant parties to secure:

- a Travel Plan monitoring fee of £6,600 and
- a contribution of £74,032 towards the highway improvements at Moresby Road/Cleator Moor Road/ Main Street and

- a contribution £30,039 towards the cost of junction improvement works at 'Cleator Moor Road / Overend Road'.

1. Site and Location

- 1.1 Leconfield, an established industrial estate. comprises 17.6ha in area and is strategically located within Cleator Moor, between the town centre and the built-up area to the north-west. It forms part of what is known as Cleator Moor Innovation Quarter (CMIQ), a 'business cluster' for the new nuclear and clean energy sectors, as a focus for collaboration, innovation and diversification.
 - 1.2 The estate currently accommodates some 20 industrial and warehouse units of varying sizes, a number of which are vacant. There are also several vacant / cleared plots. This established industrial estate has been in use since the 1940's and more recently has suffered from a period of decline.
 - 1.3 Main vehicular access to the estate is via a mini roundabout off the B5295 /Leconfield Street which forms the main part of the southern boundary, with the C2C cycle route forming the boundary to the North. To the west and east the estate is flanked by predominantly residential areas and community uses.
 - 1.4 The application site is in two parts. The main site (construction zone) is centrally located within the Estate, currently vacant and relatively level. It amounts to some 3.52 ha. and is served by two existing accesses off the estate's main spine road. This part of the site is bounded to the north by an existing building part of which is occupied by a garage business, the spine road to the west facing Brannan's factory opposite and a vacant plot to the far east. To the south it is flanked by another existing factory. In the central area to the north is located plot 19 which is occupied by a 'mock up chimney' structure, granted consent in 2022 for a temporary period of two years (4/22/2256/0F1 refers) which was subsequently extended until February this year. (see Relevant Planning History Section for details).
 - 1.5 In-between plots 9 and 12 and to the rear of plot 19, is a parcel of land identified for BNG enhancements, and this will take the form of a landscaped area with some limited earthwork mounding. Another parcel of land sits to the rear of plot 12 and will be retained as wet woodland.
 - 1.6 The other part of the site comprises a substantial, crescent shaped, vacant section of partially cleared/ regenerated land. This measures some 1.83 ha in area which it is proposed to be used as a BNG Off-Setting Area for the development. This is physically separate from plots 9 and 12, being situated to the far west of the estate and borders it's northern boundary.
- Background
- 1.7 The proposal forms part of a wider regeneration initiative led by the Council and partners including Sellafeld Ltd, the Nuclear Decommissioning Authority and the former Cumbria Local Enterprise Partnership (now Enterprising

Cumbria) to develop a “business cluster”. The initial focus is on regenerating Leconfield Industrial Estate of which this application forms part.

2. Relevant Planning Application History

Most Relevant

4/22/2256/0F1 - temporary planning permission for the SPIDA site. Permission was granted on 2 September 2022 for temporary construction, testing and demolition of a mock chimney structure, erection of a demolition platform and associated works. This site is immediately adjacent to the proposed development area for Plots 9 & 12.

4/24/2236/0B1 Variation of Condition 2 (time period) of 4/22/2256/0F1 Temporary construction, testing and demolition of a mock chimney structure, erection of a demolition platform and associated works. This was approved and extended the time period of the temporary consent until 9 February 2026. The chimney / associated work activity however is still on site and have hence breached their planning permission. This is currently being investigated.

Others include:

4/22/2308/0O1- Outline application for the redevelopment of an existing industrial estate, a new industrial extension on land to the north, an additional extension for Hotel (C1) & student accommodation (sui generis) to the east comprising up to 44,350 sqm of new floorspace. Proposed uses also include research and development, light industrial, storage & distribution (class E(g)) B2, B8 uses) with ancillary food/drink (Class E(b)) education & new community facilities (Class F1 (a & e)) along with car parking, other infrastructure & full details of the accesses. This application remains pending with no decision on policy grounds relating to the industrial extension to the north.

4/22/2184/0O1 - Outline Application for the Erection of a New Building (the Hub) up to 4,000sqm in Floorspace, for Various Uses with associated access, Car Parking, Landscaping and Engineering Works with Full Details of Scale and Access. Approved 30 October 2024. Various condition discharges, S73 application and minor works for the installation of drainage have been approved since.

4/22/2211/0F1 UNIT 1A Works to Refurbish Existing Industrial Unit, approved 6 July 2022

4/22/2212/0F1 UNITS 15A-H Works to Refurbish Existing Industrial Unit, approved 6 July 2022

4/22/2213/0F1 UNITS 20A-B Works to Refurbish Existing Industrial Unit, approved 6 July 2022

4/22/2161/0F1 Use of Land as Storage and Distribution Centre (Class B8) for Gas Bottles Together with the Siting of Two Single Storey Prefabricated Cabins for Administrative Use, approved 4 August 2022

3. Proposal

3.1 Planning permission is sought for the erection of 2 large buildings for B2 general industrial and ancillary office use, comprising 6,356sqm GEA floorspace, with associated car parking, hard and soft landscaping, infrastructure and biodiversity enhancements.

3.2 The application site is split into two 'zones', the 'construction' zone and the 'BNG offsetting' zone.

3.3 Construction Zone

The proposed buildings will each comprise rectangular shaped blocks with recessed gables and will be designed as clear span portal structures to allow flexibility for potential expansion or subdivision. The dual pitch roofs have minimal 6-degree pitches. The units are double sided with both a public entrance and rear service entrance.

3.4 In terms of massing and height, the proposed buildings are 2 storey. Ground floor to mezzanine & mezzanine to eaves heights are both 4m in height which are appropriate for the proposed light industrial function of the buildings and the servicing / structural requirements. The buildings are approx. 9.6m to the ridge. The overall width of each building is approx. 33m.

3.5 They will each have Gross Internal Floor Areas (GIFA) of the following:
- Unit 9 - 2631sqm and Unit 12 – 3550sqm.

These will then break down further into the following individual unit GIFAs:

- Unit 9 - 4no. 658sqm units and
- Unit 12, 5no. 710sqm units.

3.6 The intention is for businesses to grow and move nearby within the wider estate into larger more self-contained accommodation. Plots 9 & 12 will be 'Grow On' units and will cater for businesses in their growth stages and are sized accordingly.

3.7 Parking

The car parking bays are arranged in rows adjacent to each new building, perpendicular to the aisles and will have a minimum dimension of 4.8x2.4m wide. A minimum 6.0m aisle width between the parking bays for access and movement. Access zones of 1.2m width will be provided to the side of the accessible parking bays which are positioned as close as possible to the units providing direct access via level access points. For plot 9 there will be 50 bays including 1 active and 10 passive EV's plus 4 accessible, whereas for plot 12 there will be 63 bays (incl 1 active 4 passive & 4 accessible).

- 3.8 There will be cycle parking shelters for permanent use (including lockable units) and visitor parking adjacent to the entrances.
- 3.9 As regards delivery and servicing arrangements, the proposed development has been designed to accommodate the delivery of goods direct to each unit. This includes refuse collection from the bin stores adjacent to each plot.
- 3.10 Proposed landscaping
This includes the creation of semi-natural habitat including areas of open mosaic, urban trees and broadleaved woodland in both the construction zone and the BNG off setting zone.
- 3.11 BNG off-setting zone
In order to achieve the required 10% net gain overall, landscaping and biodiversity enhancements are proposed for the 'BNG offsetting zone', including:
- Enhancement of existing habitats to create habitat units which can be used to offset the loss of these habitats within the main site.
 - Inclusion of materials present onsite, such as re-use of soils, substrates, harvested seed and green hay.
- 3.12 It is the intention within the off-setting zone to break up the existing slab and create OMHoPDL (open mosaic habitat) and manage as mosaic habitat. The specific detailed proposals for the BNG offsetting areas will be covered by a pre-commencement condition.
- 3.13 There are other parcels of land within or immediately adjoining the construction zone which will also contribute to the BNG requirement. It is for example the intention to retain and enhance the existing woodland area to the west of plot 12 for this purpose.

4. Consultation Responses

Cleator Moor Town Council

No comments received.

Cumberland Council - Local Highway Authority (LHA) and Local Lead Flood Authority (LLFA)

Local Highway Authority response:

They raise no objection to the proposals subject to financial contributions governing off site highway improvements and Travel Plan monitoring being provided via a Unilateral Agreement and conditions governing the design of the parking, cycle areas, cycle stands and highway areas.

Are satisfied there is not an existing safety issue that is likely to be exacerbated by the proposed development. The main upgraded access road will be 7.3m wide which meets the required standard in the Cumbria Development Design Guide (CDDG) for commercial development and the layout is considered suitable.

As regards Active Travel and Infrastructure - The proposed 3m wide shared path set-back from the road by a 3m wide verge is acceptable. There are also cycle parking and stands proposed, as well as the potential for cycle maintenance stand. The detail regarding number of spaces and the type of stand / shelter can be covered in the highway conditions proposed.

There are also the required links to the C2C path to the perimeter of the site, junction capacity and sustainable travel routes to determine.

Whilst the proposed car parking provision is slightly less than the CDDG standard. It is considered unlikely that this will have a material impact on the highway

Any overspill car parking is likely to occur on the adjacent estate roads but as the roads are 7.3m wide, this is not likely to be a critical problem.

Financial Contributions and off-site highway improvements

The recommended measures and contributions are as follows:

- Proposed signalisation of Moresby Road /Cleator Moor Road / Main Street junction £805,800.
- All sites to contribute proportionally across the Local Plan development sites listed in table 9-5. ID32 Cleator Moor Road / Overend Road, Whitehaven Proposed signalisation of Cleator Moor Road /Overend Road junction £332,400

The total financial contribution required towards these highway improvements is calculated as £74,032 towards 'Moresby Road / Cleator Moor Road / Main Street' improvement (ID31) and £30,039 towards the cost of junction improvement works at 'Cleator Moor Road / Overend Road' (ID32) the sum of which is £104,071.

Travel Plan

The interim Travel Plan (YP) is considered suitable. It contains acceptable targets and measures. This target can be reviewed and revised as necessary, in the final TP.

A financial contribution towards the cost of monitoring the final TP is required and amounts to £6,600 covering a 5-year period. This will ensure the TP is effectively monitored and enforced thus promoting sustainable travel and mitigating transport impacts

The financial contributions can be secured via a Unilateral/Legal Agreement between the relevant parties.. The contributions will be used solely for the purpose of delivering the identified highway improvement schemes and Travel Plan monitoring necessary to mitigate the impact of the development. This will ensure that development does not result in an unacceptable impact on highway safety.

Lead Local Flood Authority response:

Flood Risk Assessment

Having reviewed the FRA and the latest NAFRA2 flood risk mapping the LLFA is satisfied that the site area is in Flood Zone 1 and that the risk of flooding from all sources is Low.

The proposed uses of land are appropriate in this Flood Zone and the LLFA is satisfied there is no material risk of flooding to the site.

Surface Water Drainage Strategy Discharge Destination - Due to the made-ground, high groundwater level and very variable measured infiltration rates the LLFA accept that infiltration is not feasible.

The proposal to discharge to Nor Beck is acceptable.

Impermeable Areas and Restricted Discharge Rate - The proposed hub development site is included in the impermeable area calculations for flow control. The total impermeable area is approximately 2.15 Ha.

The proposed brownfield discharge rate seems to have been calculated from just the existing developed / brownfield area.

The other area of the proposed site on the same plan is shown to be woodland and grass. There are impermeable areas here that do not appear to have been accommodated in the design. They should be included in the controlled flow rate and the attenuation requirements as well.

Attenuation is provided by way of an attenuation tank and note that the required climate change allowance of 50% has been included.

The proposed attenuation types is acceptable in principle. The size / volume needs to be clarified in light of the above comment in the detailed design.

Treatment - The SUDS pollution indices assessment shows that the combination of permeable paving and the downstream defender delivers the required treatment.

Maintenance / Management - The proposed management and maintenance arrangements in the SUDS Management Plan and Drawing are comprehensive and contain all the necessary measures. The LLFA finds these proposals acceptable.

Conclusion:

The LLFA find the surface water design satisfactory and have no objections to the proposals subject to appropriate conditions governing surface water drainage and the submission of a scheme. Whilst there are some concerns regarding the calculation of the brownfield discharge rate and the inclusion of the impermeable areas that are contained within the greenfield areas of the development, they accept that these can be addressed in the detailed scheme which is covered by conditions.

Updated Response

Following the receipt of additional information in the form of the CEMP and the shadow HRA, the LHA and LLFA have undertaken a review and can confirm as follows:

Local Highway Authority response:

Welcome the detailed Construction Environmental Management Plan which contains the necessary Construction Traffic Management details and requirements outlined in their previous response. However, since this is a live document that will be constantly reviewed and updated following significant changes to the works or the working environment, it is important that a condition is included to ensure continued compliance and to allow for monitoring and enforcement if necessary.

Lead Local Flood Authority response:

The additional documents do not include surface water drainage information and consequently there are no further comments to add to their previous response

Ecologist

Initially advised that a Shadow HRA, a CEMP and BNG conditions be provided as well as an ECoW to ensure ecological supervision for the initial clearance works and informatives for precautionary measures to include controls on works to protect breeding birds, badgers and small mammals, bats, invertebrates, reptiles, INNS and red squirrels (latter with a sensitive lighting scheme) and toolbox talks etc.

Ecologist Update

In response to the initial consultation response a CEMP and sHRA was submitted and following re-consultation our Ecologist accepts both of these documents and has no further comments thus negating the need for any conditions requiring these. BNG condition is provided and all other information is to be included as an informative to the decision.

Coal Authority

The Coal Authority response: material consideration.

They express concern that the site may pose a potential risk to public safety arising from past mining legacy particularly the BNG Off setting zone and possibly construction zone and advises reassurance is sought regarding possible instability issues.

They note that the application site falls into two distinct parts; the eastern 'construction' zone and the western 'BNG offsetting' zone. They confirm that both parts of the application site fall within the defined Development High Risk Area. As such, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

With regards to the construction zone, our information indicates that a coal seam is conjectured to outcrop at or close the surface which may have been subject to unrecorded working in the past. Voids and broken ground associated with such workings can pose a risk to surface stability and public safety.

Our records indicates that the BNG offsetting zone lies in an area where underground coal mining is recorded to have taken place at shallow depth and where further historic unrecorded shallow coal mining associated with an outcropping coal seam may have occurred. In addition, our records indicate that there are six mine entries (shafts) present within this part of the application site or within 20m of its boundary. Due to potential plotting inaccuracies, the actual positions of these features could depart/deviate from their plotted positions by several metres. They hold no details of any past treatment of the shafts. This coal mining legacy can pose a significant risk not only to surface stability but also public safety.

The application is accompanied by a Phase 1: Desk Study (October 2024, prepared by Solmek Ltd), the study area for which relates to the construction zone. Based on a review of coal mining and geological information, the report notes that insufficient overlying rock cover may be present over the shallowest recorded mine workings in the main coal beneath this part of the site to ensure surface stability. It also identifies the potential for the shallower Ten Quarters coal to have been worked. It goes on to recommend the undertaking of a rotary borehole investigation to further investigate the coal mining situation beneath the site.

The application is also accompanied by a Phase 2: Site Investigation (October 2024, prepared by Solmek Ltd). As with the Phase 1 report, the study area for the report relates to the construction zone. The report indicates that investigations undertaken at the site included the drilling of six boreholes to a maximum depth of 40.0m bgl. The Phase 2 report provides no definitive conclusion with regards to the risk posed by coal mining legacy to the proposed development. However, given that it makes no recommendations for any further investigations or remedial/mitigatory measures in respect of coal mining legacy, they assume that the report authors are satisfied that the construction zone may be considered safe, stable and suitable for development in this regard.

It does not appear that the significant coal mining legacy affecting the BNG offsetting zone is acknowledged or addressed in supporting application documentation. However, whilst the breaking up of an existing concrete slab is proposed on this part of the site, we acknowledge that this is part of biodiversity enhancement, and we note that built development is not proposed in this area. We assume that there will be no increased public accessibility over this area.

They wish to highlight that the coal mining legacy present, which includes a mine shaft beneath the existing concrete slab, which could pose a potential risk to public safety and the safety of operatives undertaking works to create the BNG offsetting zone. They recommend that the LPA makes the applicant aware of the legacy present within this part of the application site. The LPA may also consider it prudent to explore with the applicant the possibility of permanently fencing off the parts of the site where the recorded mine shafts and their associated zones of influence are present to prevent accessibility over these areas of potential instability.

Based on the information submitted and the professional opinions contained therein, and subject to the LPA receiving confirmation from the report authors that our assumption with regards to the stability of the construction zone is correct, the Coal Authority's Planning & Development Team would have NO OBJECTION to this planning application.

In response, Cumberland Council, are the applicants and have raised the issue with Solmek the report authors for Phase 1 and 2 Desk Study and Investigation and await their response. Members will be given an update at the Committee meeting.

Coal Authority Update

Following the submission of the CEMP and sHRA the further views of the Coal Authority were sought. Their response remains as previously: material consideration.

They add that they have no specific comments to make in respect of these documents, and no further comments to make regarding the application. They refer back to the comments and recommendation contained in their initial consultation response letter, which remain valid and relevant to the decision making process.

Environmental Health

Environmental Health have no objections to this proposed development subject to the comments below.

Insofar as its remit is concerned, Environmental Health have considered the Drainage Plan and Drainage Philosophy, RIBA Stage 4 Fire Strategy, Air Quality Assessment, Noise Assessment, Phase 1: Desk Study, and Phase 2: Site Investigation reports and are satisfied with the documents.

It should be noted that the large circular concrete structure referenced in the Noise Assessment is the mock chimney structure. Its use was agreed and extended on the site until 09 February 2026 (planning application ref. 4/24/2236/0B1). There have been no past complaints related to works on this structure and we would not expect the findings of the Noise Assessment to be adversely affected, even if the use of the mock chimney is extended for a further time period.

We would additionally ask that any construction phase works are limited to specified hours to mitigate possible impact on residential amenity from noise disturbance. This can effectively be covered by a condition.

Beyond the recommendations made in the Phase 2: Site Investigation report, it may be prudent to include a general condition relating to unexpected contamination, given the complex make-up of the site's geo-environmental features.

Both the Phase 1 and Phase 2 reports also recommend that full radon protection measures are included in the build.

It is also noted that Natural England and the Ecology Team have requested a condition for the submission of a Construction Environmental Management Plan (CEMP). This is supported by Environmental Health also.

Environmental Health Update

With respect to its remit and the additional information dated January 2026, Environmental Health have looked at the Construction Environmental Management Plan, ref 784-B065555, and are satisfied with this document and have no objections or further comments subject to those made previously on 06.01.26. This removes the requirement for a CEMP condition.

Natural England

Natural England has no comments to make on this application and the updated CEMP.

Arboricultural Consultant

An Arboricultural Impact Assessment and a proposed landscaping plan accompanies the application.

The Impact Assessment summary states 'None of the trees on site are subject to statutory or non-statutory designations. 1 individual tree (T1) and 1 group of trees (G2) have been identified as moderate quality and value Category B. 3 groups of trees (G1, G3 & G4) have been identified as Category C. These trees are considered low quality and value, with limited long-term prospects, and should not pose a significant constraint on development.

The removal of tree groups G3 and G4 and the partial removal of tree groups G1 and G2 is required to implement the proposed development. Mitigation planting has been provided as part of the Landscape Site Plan.' Consider this is acceptable given the size and quality of the trees. Recommends conditions to ensure that the Arboricultural Impact Assessment is implemented in full in perpetuity for the development to ensure that the existing trees are protected. And that the approved landscaping scheme is implemented at the end of the first planting season and that there is adequate safeguarding provision should any planting fail.

United Utilities

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request condition ensuring that the strategy is carried out and that no surface water drains into the public sewer.

Environment Agency

No objection to the proposed development but wish to make the following comments:

Flood risk:-

The planning application is accompanied by a Flood Risk Assessment. They have reviewed the FRA and are satisfied that the development would be safe

without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Nor Beck Main River

We add the following comments in relation to designated main rivers on the site. The nearest watercourse is Nor Beck, which, where open, is located 100m north of the site. It is evident that it is culverted at a point northwest of site and runs southwest into Leconfield Industrial Estate and through to Leconfield Street. Nor Beck culvert continues southwest through Norbeck Park and adjacent fields ultimately converging with the River Keekle.

This application is for the construction of two new industrial start up units for business accommodation on the brownfield site that previously comprised an industrial unit, this is now demolished with the existing floor slab remaining in situ. The adjacent parcel of greenfield land is located to the southeast of the existing slab. The site Area to be developed as part of this proposal is 1.487 Ha and is not in proximity to Nor Beck channel or culvert. However, it is noted that the application boundary includes a parcel of land of 1.8335 ha to the west of the current site. This land is bisected by Nor Beck culvert which is a third party owned and maintained asset. Notwithstanding this, the culvert is a designated statutory main river and Flood Risk Activity Permitting regulations would apply.

Contaminated Land

The phase 1 desk study and phase 2 ground investigation and risk assessment has been reviewed. The EA agree with the results and conclusions derived from risk assessment that development should not cause unacceptable risk of pollution or detriment to water quality.

Public Representation

The application was advertised by way of a site notice and a press advert. Individual letters of notification were sent to the nearest properties/ occupied units neighbouring the site. To date no comments have been received.

5. Planning Policy

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of 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 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.

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

Copeland Local Plan 2021 - 2039 (LP)

The following policies are relevant to this proposal: -

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy E1 Economic Growth

Strategic Policy E2 Location of Employment

Strategic Policy E4 Cleator Moor Innovation Quarter at Leconfield

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

Strategic Policy N9: Green Infrastructure

Policy N14: Woodlands, Trees and Hedgerows

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

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

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).

Cumbria Development Design Guide (CDDG).

6. Assessment

6.1 Principle of Development

The site forms part of an existing large and established industrial estate within the settlement boundary of Cleator Moor and adjacent to the town centre. It comprises 2 approved vacant plots as well as an unused part regenerated area of land on the boundary which currently acts as a buffer from the adjacent residential area.

6.2 As such the proposed development will be located on an existing industrial estate the principle of industrial development on which is already established. The main area of the site which will accommodate the buildings (construction zone) also qualifies as previously developed brownfield land having accommodated a multitude of uses in the past.

6.3 The proposal to redevelop existing plots within this industrial estate in the centre of Cleator Moor which is a designated key service centre is therefore considered to accord with the adopted Copeland Local Plan 2021 – 2039.

6.4 Strategic Policies DS1 Settlement Hierarchy and DS2 Settlement Boundaries of the LP are particularly relevant as they seek to ensure development is directed towards the most sustainable locations which includes the site and the wider Leconfield Estate. The development is also compliant with Strategic Policy E1 Economic Growth and Strategic and Policy E2 Location of Employment which support such economic development in key service centres. In addition, it importantly accords with Strategic Policy E4 Cleator Moor Innovation Quarter at Leconfield which is identified as a prime location to attract new businesses and investment.

6.5 Access and Transport

The site is situated within the existing industrial estate and vehicular and pedestrian access will be via the existing internal estate road network. The development will be served by two accesses off the main estate spine road, an existing access which will require upgrading and a new secondary access running alongside neighbouring plot 19.

6.6 The application is accompanied by a Transport Assessment (TA) and Interim Travel Plan. The TA assesses the impact of the proposal on the surrounding road network. It informs that the site is in an accessible location for pedestrians, cyclists and public transport users. Cleator Moor is within reasonable walking distance and the nearby settlements of Whitehaven, Moor Row, Frizington and Egremont are within a reasonable cycling distance.

There are also public buses from the town which regularly service the key settlements of Whitehaven, Workington, Maryport and Egremont. The site also has good quality pedestrian and cycle connections to the surrounding areas

- 6.7 It is considered that the proposal will be well and safely connected to and integrated with the local highway network.
- 6.8 The TA also confirms that there are not any highway safety issues that are likely to be exacerbated by the proposed development.
- 6.9 Details on access for all modes of travel and parking provision and an assessment of the site's accessibility by sustainable modes of travel has been undertaken. The site's location will enable the development to benefit from a variety of existing walking, cycling and public transport opportunities. It is therefore considered that the development proposals will be accessible and would have minimal impact on the surrounding highway network which aligns with LP Strategic Policies CO4 Sustainable Travel, CO5 Transport Hierarchy and CO7 Parking Standards.
- 6.10 The Interim Travel Plan focuses on enabling active and sustainable travel which encourages uptake in sustainable modes of travel, providing connectivity into the C2C cycle network at two locations and shared pedestrian /cycleway provision within the site This is also supported in Chapter 9 of the NPPF which promotes sustainable transport. Paragraph 9 in particular advocates early consideration of transport issues in the development process and identifying potential impacts and transport solutions that deliver well designed places.
A financial contribution towards the cost of monitoring the final TP is required to cover a 5-year period. This will ensure the TP is effectively monitored and enforced thus promoting sustainable travel and mitigating transport impacts. This can be secured by a Legal Agreement.
- 6.11 As regards construction traffic whilst there may inevitably be some highway impacts these will only be temporary and can effectively be controlled through the Construction Management Traffic Plan (CMTP) which accompanies the application and is included in the submitted CEMP (Construction Environmental Management Plan). This details how construction vehicle movements will be managed to help mitigate any potentially adverse impacts.
- 6.12 The Highway Authority raise no objection on highway safety grounds to the proposed development subject appropriate planning conditions and to a Legal Agreement to secure financial contributions towards the highway improvements at Moresby Road/Cleator Moor Road and Main Street and also proposed junction improvement works at Cleator Moor Road and Overend Road. and appropriate highway conditions. They concur with the findings of the TA.

6.13 Ecology

The application is accompanied by an Ecological Appraisal which concludes that the site can be delivered in compliance with LP policies including Strategic policy N1 Conserving and Enhancing Biodiversity and Geodiversity, provided that the recommended avoidance, mitigation, compensation and enhancement measures are implemented which are covered by informatives and conditions.

- 6.14 The measures include pre-construction species checks, retaining and enhancing habitats, installation of bat and bird boxes and achieving the required minimum 10% biodiversity net gain.
- 6.15 A Construction Environment Management Plan (CEMP) has also been provided along with a shadow Habitat Regulations Assessment at the request of our Ecologist. The site is within 1.3 km of River Ehen SAC and within SSSI impact zones associated with the River Ehen (Ennerdale Water to Keekle Confluence) SSSI.
Initial concerns identified that the proposal could have a significant impact on the River Ehen SAC via pollution from surface water drainage during construction and operation, ground water seepage during construction and from the spread of invasive species. The CEMP shows how these risks can be addressed and adequately mitigated via detailed pollution prevention measures and standard pollution controls.
- 6.16 As regards BNG, Strategic Policy N3 of the LP applies along with Paragraph 179 of the NPPF requires all development to provide at least 10% BNG over and above existing levels.
- 6.17 A Biodiversity Net Gain Assessment Report and Metric accompanies the application. Based on the development of plots 9 and 12 alone it will not be possible to wholly offset biodiversity losses hence why a physically separate area of land has been identified for BGN off setting purposes. A pre commencement condition ensuring this is achieved will be imposed.
- 6.18 The current proposals which include offsetting achieve a net gain of 10.25% for habitat units. As the biodiversity net gain assessment shows that the current post development layout will achieve a net gain in habitats and hedgerow units and trading rules are met. It is considered that this meets the current NPPF policy relating to biodiversity net gain and meets 10% net gain in biodiversity units as per the Environment Act 2021. It also meets LP policy N3. As recommended a Habitat Management and Monitoring Plan will be required via condition for the site to cover over a 30-year period, post construction, and includes management prescriptions that aim to achieve and maintain the target condition for each habitat type set out in the Metric.
- 6.19 The development proposals are considered to have a minor impact on the statutory designated sites due to the limited scope and duration of works. Whilst there is the potential for works to affect River Ehen SAC given its proximity and the presence of the Bowthorn/ Nor Beck which acts as a potential hydrological link which may allow mobilised sediments and chemicals to be transported downstream and cause pollution it is considered

that the CEMP will satisfactorily control and mitigate this risk. To ensure this a condition ensuring the implementation of the CEMP will be imposed.

- 6.20 The Councils Ecologist is satisfied with the CEMP and sHRA provided and advises that BNG is adequately governed by condition. It is also advised that an Ecological Clerk of Works is employed to ensure ecological supervision for the initial clearance works and on precautionary measures to include controls on works to protect breeding birds, badgers and small mammals, bats, invertebrates, reptiles, INNS and red squirrels (latter with a sensitive lighting scheme) and toolbox talks. These can be covered by informatives to the decision.

6.21 Trees/ Landscape Impacts

The application is accompanied by an Arboricultural Impact Assessment and Tree Protection Plan. This informs that none of the trees on the site are subject to statutory or non-statutory designations. In order to implement the proposed development, however, all of the tree groups recorded (G1-G4) will require removal. Tree mitigation planting has been provided as part of the landscaping proposals. The Ecological Appraisal also advises that replacement planting should be considered along the eastern boundary of the site and central area to re-strengthen the specimens lost and re-establish this connecting feature. This detail can be secured by a planning condition to ensure that a satisfactory landscaping scheme for the development is provided.

- 6.22 Of relevance here is the fact that the woodland/ partially regenerated area of land to the north/ east proposed as the BNG Off setting zone currently contributes positively to the visual amenity of the site forming part of a green visual screen along the boundary of the Estate. It is important that the opportunity here is taken to strengthen the screening of the estate.
- 6.23 The Arboricultural Consultant in his report considers the proposed tree works is acceptable and recommends conditions to ensure that the Arboricultural Impact Assessment is implemented in full and in perpetuity for the development to ensure that the existing trees are protected and that the approved landscaping scheme is implemented at the end of the first planting season and that there is adequate safeguarding provision should any planting fail.
- 6.24 Taking the above into account it has been shown that the impact on the existing trees/ woodland area can be mitigated by a landscaping scheme which not only secures the BNG requirement but also provides the opportunity to enhance the landscape of the Estate in compliance with Policy N14 of the LP.

6.25 Drainage and Flood Risk

LP Strategic Policy DS6: Reducing Flood Risk and Policy DS7: Sustainable Drainage apply.

- 6.26 The application is accompanied by an FRA, a Drainage Philosophy and SUDS Management Plan.
- 6.27 The FRA informs that the site is in Flood Zone 1 and that the risk of flooding from all sources (fluvial and surface water) is low.
- 6.28 The LLFA are satisfied with this and consider that the proposed uses of land are appropriate in this flood zone and they are satisfied there is no material risk of flooding to the site.
- 6.29 The Environment Agency concur with the view of the LLFA. They are satisfied that the development would be safe without exacerbating flood risk elsewhere providing the proposed flood risk mitigation measures are implemented.
- 6.30 The surface water drainage and proposed drainage strategy, due to existing ground conditions which comprises of made ground and a high groundwater table mean that infiltration would not be a feasible option. Applying the drainage hierarchy, it is therefore proposed that surface water will discharge into the adjacent Nor Beck. This is acceptable to the LLFA.
- 6.31 As regards impermeable areas, restricted discharge rate and attenuation, the LLFA raise the point that there are areas that do not appear to have been accommodated in the design and should be included in the controlled flow rate and attenuation. Whilst the proposed attenuation type is acceptable in principle the size/ volume requires clarification in the detailed drainage design.
- 6.32 In terms of treatment, the SUDS pollution indices assessment shows that the combination of permeable paving and the downstream defender delivers the required treatment.
- 6.33 In terms of maintenance / management. The proposed management and maintenance arrangements in the SUDS Management Plan and Drawing are comprehensive and contain all the necessary measures which is acceptable to the LLFA.
- 6.34 In summary, the surface water design is satisfactory subject to appropriate conditions governing surface water drainage and the submission of a scheme. Whilst there are some concerns highlighted regarding the calculation of the brownfield discharge rate and the inclusion of the impermeable areas that are contained within the greenfield areas of the development, it is considered that these can be addressed in the detailed scheme which is covered by conditions.
- 6.35 Ground Conditions / Contamination**
The application is accompanied by a Phase 1 Desk Study and Phase 2 Site Investigation Report into Ground Conditions.
- 6.36 Policy DS8 of the LP relating to Soils, Contamination and Land Stability applies.

- 6.37 The reports conclude that given the site's proposed commercial land use, the levels of contamination recorded are unlikely to pose a risk to the current and future users of the site. Environmental Health and the EA have reviewed the reports and agree with the results and conclusions derived from risk assessment that development should not cause unacceptable risk of pollution or detriment to water quality. Environmental Health also request a general condition relating to unexpected contamination, given the complex make-up of the site's geo-environmental features which is provided.
- 6.38 The Coal Authority however express concern that the site may pose a potential risk to public safety arising from past mining legacy particularly the BNG Off setting zone and possibly construction zone and advise reassurance is sought regarding possible instability issues. Both zones fall within their defined Development High Risk Area.
- 6.39 The Coal Authority note that the application site falls into two distinct parts; the eastern 'construction' zone and the western 'BNG offsetting' zone. They confirm that both parts of the application site fall within the defined Development High Risk Area, as within the site and surrounding area there are coal mining features present at surface or shallow depths. Their records indicate that the BNG offsetting zone in particular lies in an area where underground coal mining is recorded to have taken place at shallow depth and where further historic unrecorded shallow coal mining associated with an outcropping coal seam may have occurred. In addition, their records indicate that there are six mine entries (shafts) present within this part of the application site or within 20m of its boundary. This coal mining legacy can pose a significant risk not only to surface stability but also public safety.
- 6.40 The Phase 2 contamination report involved borehole investigations and makes no recommendations for any further investigations or remedial/mitigatory measures in respect of coal mining legacy. From this it can be assumed that the construction zone may be considered safe, stable and suitable for development.
- 6.41 There are also concerns in the off-setting zone and the activity involved in the breaking up of an existing concrete slab. However, the Coal Authority acknowledge that this is part of biodiversity enhancement, and that built development is not proposed in this area. They wish to highlight that the coal mining legacy present, which includes a mine shaft beneath the existing concrete slab, poses a potential risk to public safety and the safety of operatives undertaking works to create the BNG offsetting zone.
- 6.42 As a result, they request that the possibility of requiring parts of the site to be permanently fenced off where the recorded mine shafts and their associated zones of influence is considered. to prevent accessibility over these areas of potential instability. This is a measure that can be incorporated into the landscaping condition for this area.

Providing reassurance is obtained that the stability of the construction zone does not present a risk the Coal Authority has confirmed that they raise no objection to the proposal.

6.43 *In response, Cumberland Council, as the applicants and have raised the issue with Solmek the report authors for Phase 1 and 2 Desk Study and Investigation and await their response this will be reported verbally to Committee.*

6.44 Noise

The submitted Noise Assessment demonstrates that a reasonable degree of amenity is capable of being secured for noise-sensitive receptors from proposed noise-generating areas of the site.

6.45 Noise surveys have been undertaken at locations representative of existing dwellings nearest to the proposed development that would be most exposed to any noise associated with the proposals.

6.46 Potential road traffic noise emissions from the access road off Leconfield Street have been predicted. The assessment found that the predicted increase in noise levels attributable to proposed new access roads should not result in an adverse or unacceptable noise impact on the amenity of existing or proposed noise-sensitive receptors.

6.47 To safeguard the amenity of existing noise-sensitive receptors and ensure the viability of the development, a collection of outline control measures have been provided that aim to minimise potential noise emission from the site. These measures include noise management recommendations and noise level limits.

6.48 Provided appropriate noise control measures are incorporated in the use of the site, an acceptable degree of residential amenity should be secured at the noise-sensitive receptors, it can be concluded that the proposed development would be acceptable in noise terms.

6.49 It should be noted that Environmental Health are satisfied with the Assessment. They do request that any construction phase works are limited to specified hours to mitigate possible impact on residential amenity from noise disturbance. This can effectively be covered by a condition.

6.50 Air Quality

6.51 Air Quality Assessment has been submitted as part of the application. It assesses the potential changes in air quality due to the construction and operation of the proposed development and whether these potential changes would significantly alter air quality.

6.52 The assessment of dust soiling and human health impacts during the construction phase of the development results in the proposal of dust mitigation measures. The implementation of these will ensure that residual

dust impacts during the construction phase are not significant. Concentrations of NO₂ and PM₁₀ are likely to be below their respective long and short-term objectives at the proposed development site which is therefore considered suitable for commercial use with regards to air quality. Concentrations of PM_{2.5} are expected to be below the annual mean target.

6.53 The proposed development is not expected to have a significant impact on local air quality at existing sensitive receptors on the routes to be used by development traffic. There is, therefore, no reason for this application to be refused on the grounds of air quality. Environmental Health raise no objection to the Assessment.

6.54 This accords with Policy DS9 of the LP.

6.55 Design

Policy DS4 of the LP and paragraphs 131 and 135 of the NPPF require that all new development meets high quality design standards to create quality places and sets out criteria for ensuring this. It has been demonstrated that the proposal accords with these.

6.56 The Design and Access Statement presents the design for the buildings and associated spaces in-between.

6.57 The existing site is located within an established industrial estate and the construction zone, where the main development will take place, comprise cleared vacant plots laid to concrete slab. An existing vehicular access will be upgraded and widened to accommodate large commercial vehicles. There will also be a secondary access adjacent to plot 19.

6.58 As regards building design, as previously stated in the proposal section, these will take the form of two large rectangular blocks, industrial in form, two storeys in height with vaulted ceilings. One positioned on plot 9 measuring 2631 sq m in floor area and a larger one of the same design on plot 12 measuring some 3550 sq m. Proposed heights to ridge – 15m and 9.6m respectively each with a width of 33m and an eaves height of 4m. These break down further into individual `grow on` units. It is proposed that Unit 9 will comprise 4 x 658 sq m grow on units and unit 12, 5 x 7110 sq m grow on units.

6.59 External finishes include dark grey/ black cladding with contrast colour gable ends, The design of the buildings, their scale and heights are considered to be in keeping with the general massing and form across the estate.

6.60 Heritage

There are no heritage assets within the site or the wider Leconfield Industrial Estate that would be directly or indirectly affected by the proposal. The nearest is Cleator Moor Conservation Area which envelopes part of the town centre which contains a number of listed grade II buildings. At 15m in height

the tallest proposed building, which will be on plot 9, is unlikely to have any significant impact on the town centre Conservation Area.

- 6.61 In terms of the heritage policies within the LP the proposal is compliant with Policies BE1 Heritage Assets and BE2 Designated Heritage Assets.

7. Planning Balance

- 7.1 The development of a `business cluster` at Leconfield Industrial Estate, of which this proposal forms a significant part, is a much-welcomed initiative to enhance and regenerate both the estate and Cleator Moor. It is anticipated that this will have significant economic and social benefits for the town and Borough.
- 7.2 The principle of developing the site on an existing historic industrial site has been established.
- 7.3 It has been demonstrated that the proposal raises no highway safety issues and that the TA satisfactorily demonstrates that the proposed development aligns with the sustainable transport objectives of the LP and the NPPF.
- 7.4 From an ecological perspective the development of the site raises no issues subject to various measures and mitigation being implemented
- 7.5 As regards ecology, it is considered that the pollution measures embroiled in the CEMP and sHRA will satisfactorily mitigate against any significant risk of pollution especially to the nearby River Ehen SAC. It has also been demonstrated that with the off-setting areas forming part of the site within the wider Leconfield Estate that the required 10% BNG can be achieved.
- 7.6 There is a significant opportunity posed by the development to strengthen and improve landscaping on the site especially within the BNG Off setting Zone and on the margins of the site. Whilst there will be tree loss to provide suitable compensatory habitat for BNG, strengthened and enhanced landscaping could do much to improve the visual amenity of the development and the wider Estate especially given the prominence of its location and scale. The details of which it is proposed to be reserved by condition.
- 7.7 The FRA raises no issues and flood risk is deemed to be low. it is accepted due to circumstances prevailing that surface water will be allowed to discharge into Nor Beck on the wider Estate.
- 7.8 The surface water design and SUDS Management Plan are considered satisfactory. This is subject to appropriate conditions governing surface water drainage and the submission of a detailed scheme. Whilst there are some concerns relating to the brownfield discharge rate and the inclusion of the greenfield impermeable areas these can be addressed in the detailed scheme.

- 7.9 As regards contamination the levels of contamination recorded are considered unlikely to pose a risk. However as regards coal mining there are some concerns regarding stability of the land arising from past mining legacy which may need further investigation.
- 7.10 The Air Quality Assessment demonstrates that there are no air quality issues likely to arise as a result of the development.
- 7.11 There are no heritage assets in the vicinity of the site or the estate that are likely to be affected by the proposal.
- 7.12 Taking the above into account it is considered that the proposed development is compliant with the LP and the overarching objective of the NPPF which seek to deliver sustainable development. On balance, the proposed development is unlikely to raise any adverse material planning issues that will cause any demonstrable harm that outweigh the benefits of the proposal.
- 7.13 It is hoped that this development proposal will act as a catalyst to facilitate the wider regeneration of Leconfield Industrial Estate and the delivery of Cleator Moor Innovation Quarter (CNIQ),

Recommendation

That the application is granted 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 and agree a Legal Agreement between the relevant parties to secure:

- a Travel Plan monitoring fee of £6,600 and
- a contribution of £74,032 towards the highway improvements at Moresby Road/Cleator Moor Road/ Main Street and
- a contribution £30,039 towards the cost of junction improvement works at 'Cleator Moor Road / Overend Road'.

APPENDIX 1

List of Conditions and Reasons

1.The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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.

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

Documents

- Application Form, by Avison Young, dated 3/12/2025.
- Design and Access Statement, Part 1 & Part 2, by NORR, dated 4/12/2025.
- Planning Statement, by Avison Young, dated December 2025.
- Biodiversity Net Gain Assessment V4, by Tetra Tech, dated November 2025.
- Biodiversity Net Gain Assessment Metric, by Tetra Tech, dated November 2025.
- Ecological Appraisal, by Tetra Tech, dated November 2024.
- Arboricultural Impact Assessment V5, by Tetra Tech, dated December 2025.
- SuDs Management Plan, BGP, PO7, dated 28 November 2025.
- SuDs Management Plan, BGP, dated December 2024.
- Flood Risk Assessment, BGP, PO7, dated 28 November 2025
- Drainage Philosophy, BGP, PO7, dated 28 November 2025
- LUF-SOL-XX-XX-T-Y-0003_S240720 Ground Gas Risk Assessment by Solmek. Dated 10 January 2025.
- Transport Assessment, by Curtins, dated 15 October 2025.
- LUF-CUR-XX-XX-T-H-0002_Interim Travel Plan_A4 - Authorised_P02 by Curtins dated 15 October 2025.
- Air Quality Assessment, by Millar Goodall, Report No: AQ_102682-4 V3 dated 17th October 2025.
- LUF-MGL-XX-XX-T-O-2683_Noise Impact Assessment Report, by Miller Goodall, Report No: 102682-3 V5, dated 27 October 2025
- LUF-OFR-ZZ-XX-T-O-00002_RIBA Stage 4 Fire Strategy Report - Plots 9 and 12_A4 - Authorised (MSC)_P01_2.pdf, OFR Consultants
- LUF-SOL-XX-XX-T-Y-0001_Site Investigation Phase 1 Desk Study_S2 by Solmek, ref S230713, dated October 2024.
- LUF-SOL-XX-XX-T-Y-0002_Site Investigation Phase 2_S2, by Solmek,
- Construction Environmental Management Plan (CEMP) by Tetra Tech, ref. 784-B065555, dated January 2026.
- Report to Inform Habitat Regulations Assessment, Stage 1 & Stage 2, by Tetra Tech, ref 784- B065555, dated January 2026.

Drawings and Plans

- Site Location Plan, NORR LUF-NOR-09-Z Z-D-A-90000(P)P03

Plot 9

- General Arrangement Plan - Level 00 NORR LUF-NOR-09-00-D-A-00001(P)P02 General Arrangement Plan - Level 01 NORR LUF-NOR-09-01-D-A-00001(P)P02 General Arrangement Plan - Roof NORR LUF-NOR-09-RF-

D-A-27001(P)P02 General Arrangement Plan – Cross Sections NORR LUF-NOR-09-ZZ-D-A-00202(P)P02

- General Arrangement Plan – Elevations (North & South) NORR LUF-NOR-09-ZZ-D-A-00102(P)P02
- General Arrangement Plan – Elevations (East & West) NORR LUF-NOR-09-ZZ-D-A-00101(P)P02
- General Arrangement Plan – Long Sections NORR LUF-NOR-09-ZZ-D-A-00201(P)P02
- Access & Maintenance Strategy Plan NORR LUF-NOR-09-ZZ-D-A-68005(P)P02 Access & Maintenance Elevations NORR LUF-NOR-09-ZZ-D-A-68006(P)P01

Plot 12

- General Arrangement Plan - Level 00 NORR LUF-NOR-12-00-D-A-00001(P)P02 General Arrangement Plan - Level 01 NORR LUF-NOR-12-01-D-A-00001(P)P02 General Arrangement Plan - Roof NORR LUF-NOR-12-RF-D-A-27001(P)P02 General Arrangement Plan – Elevations NORR LUF-NOR-12-ZZ-D-A-00101(P)P02 General Arrangement Plan – Sections NORR LUF-NOR-12-ZZ-D-A-00201(P)P02 Access & Maintenance Strategy Plan NORR LUF-NOR-12-ZZ-D-A-68005(P)P02 Access & Maintenance Elevations NORR LUF-NOR-12-ZZ-D-A-68006(P)P01

Landscape

- Existing Site - Construction Area ONE Environments LUF-ONE-ZZ-XX-D-L-0019-P04
- Existing Site - BNG Offsetting Areas ONE Environments LUF-ONE-ZZ-XX-D-L-0020-P01
- Landscape Site Plan ONE Environments LUF-ONE-ZZ-XX-D-L-0001-P22 Hard Landscape General Arrangement ONE Environments LUF-ONE-ZZ-XX-D-L-0006-P07
- Soft Landscape General Arrangement ONE Environments LUF-ONE-ZZ-XX-D-L-0007-P12

Drainage

- Drainage Plan BGP LUF-BGP-09-XX-D-C-09130-C03
- Flood Exceedance Plan BGP LUF-BGP-09-XX-D-C-09102-C03
- Impermeable Areas Plan BGP LUF-BGP-09-XX-D-C-09101-C03

Reason

In order to ensure that the development shall be carried out in complete accordance with the approved plans

Pre-commencement

Highways

3. The carriageway, footways, footpaths, cycleways, cycle parking (including cycle sheds) etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site.

No work shall be commenced until a full specification and the other details requested have been approved. Any 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.

Biodiversity Net Gain

4. Prior to the commencement of development/the development shall not commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. A Phasing Strategy for the delivery of the habitat creation and habitat enhancement works.
- iii. Planned management activities including details of site-wide aims and objectives.
- iv. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- v. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- vi. Details of monitoring methods and a monitoring reporting schedule.
- vii. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

5. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 4, a completion report, evidencing the completed habitat

creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 4 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 4.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Surface Water Drainage

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance, shall be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted) The surface water drainage scheme shall be in accordance with the National Standards for Sustainable Drainage Systems (July

2025) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme shall also be in accordance with the principles set out in the Drainage Philosophy proposing surface water discharging indirectly to Nor Beck. The works shall be constructed, maintained and managed in accordance with the approved details.

Reason

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

9. No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

Prior to Occupation

United Utilities Drainage

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Ref: LUF-BGP-09-XX-D-C-09130, dated 28/11/2025, Rev C03. 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.

Other Conditions

Highways

11. The development shall be carried out in full accordance with the submitted Construction Environmental Management Plan Rev. 01 (CEMP) (which includes the Construction Traffic Management Plan) dated: January 2026, which sets out the measures for managing construction activities, environmental controls, and traffic

management during the construction phase. The CEMP shall be treated as a live document and shall be reviewed, updated and amended as necessary to reflect changing site conditions, working practices, or unforeseen circumstances throughout the construction period.

Any updates to the CEMP shall:

- Remain consistent with the approved principles, objectives and mitigation measures
- Be made available to the Local Planning Authority upon request; and
- Be communicated to all contractors, site personnel and relevant stakeholders, who shall thereafter comply with the updated version.

The developer shall ensure that the current version of the CEMP is implemented and adhered to at all times during the construction phase.

Reason

To ensure full compliance with the approved CEMP in the interests of environmental and highway safety.

Travel Plan

11. Within 6 months of the development (or any part thereof) opening for business a Final Travel Plan with baseline survey, based on the approved Framework shall be submitted to the Local Planning Authority for approval in writing. This Travel Plan shall identify the measures that will be undertaken to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes.

Reason

To aid in the delivery of sustainable transport objectives.

12. Annual monitoring of the Travel Plan shall be undertaken for 5 consecutive years from the baseline survey date. Annual monitoring reports shall be submitted to the LPA within 8 weeks of each survey and shall include: survey datasets, analysis of mode share and trips, progress against targets, measures delivered, proposed adjustments, and any remedial actions where targets are not met.

Reason

To aid in the delivery of sustainable transport objectives.

Trees/ Landscaping

13. The development shall be carried out in accordance with the Arboricultural Impact Assessment, prepared by Tetra Tech, and dated December 2025. All details and mitigation measures outlined in the Arboricultural Impact Assessment shall be

implemented throughout the duration of development operations. The development shall thereafter remain in full compliance with the approved document at all times.

Reason

To ensure that existing trees are protected in accordance with Policy N14 – Woodlands, Trees and Hedgerows’ of the Copeland Local Plan 2021-2039.

14.The approved landscaping scheme (Ref. No. LUF-ONE-ZZ-XXD- L-0001-P22) shall 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 10 years from the completion of the development, shall be replaced in the next planting season with others of similar size and species, unless written approval is given for a variation.

Reason

To ensure an adequate landscaping scheme in accordance with Policy DS5 of the Copeland Local Plan 2021-2039.

15.Full details of the proposed mounds and associated landscaping, including cross sections and levels in the BNG Off-setting Zone and the Construction Zone shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping details shall be implemented in full and maintained in perpetuity for the lifetime of the development.

Reason

To ensure a satisfactory landscaping scheme in accordance with Policy DS5 of the Copeland Local Plan 2021-2039.

Contamination – Reporting of unexpected contamination

16.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.

Noise from Construction Works

17. Construction activities that are audible at the site boundary shall be carried out only between the following hours. Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday.

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 with the Local Planning Authority.

Reason

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

External Materials

18. 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.

INFORMATIVE NOTES

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.

Ecology

Ecological Supervision

In order to avoid committing a wildlife offence under the Wildlife and Countryside Act 1981 (as amended), the applicant/ developer must employ an Ecological Clerk of Works (ECoW) for the initial clearance works. The ECoW will ensure the avoidance and protection of breeding birds, small mammals, herptiles (if any) and ensure the works adhere to the procedures set out in the CEMP.

Breeding Birds

All ground clearance works are undertaken outside of the nesting bird season (generally accepted as March to September inclusive). If this is not possible, a nesting bird check undertaken by a suitably qualified ecologist will be required to take place 48 hours prior to clearance works. Once complete, a 48-hour window will allow for the area to be made unsuitable for nesting in the area checked. If these works in the checked area are not completed within 48h, a further inspection may be required.

Should an active be identified all works within a suitable buffer of the nesting site must cease until the young have fledged/nesting ends. The size of the buffer will depend on the species of bird and will be confirmed by the ECoW.

Badgers and Small Mammals

All development work should be carried out with care to avoid badgers and small mammals such as hedgehogs. Contractors should be briefed about the potential presence of hedgehogs and Works should be supervised during initial clearance of the Site to avoid injury to any disturbed individuals.

The following precautionary working measures as outlined in the Reasonable Avoidance Measures (RAMS) report (Tetra Tech, 2024i) to avoid accidental harm to badgers and other mammals are required during the construction phase:

- During construction, any trenches, ditches and holes dug on site should either be backfilled overnight, covered, or left with a suitable ramp in place when the site is unoccupied to allow any mammals to escape if they become trapped.
- Any excavations should be checked every morning prior to commencing works to confirm the absence of badgers and other mammals.
- Any pipes stored or being installed on site should be capped to reduce the risk of animals climbing into them.
- Should an active sett be identified during the pre-commencement survey, it should be retained under the final development plan and an appropriate buffer zone should be implemented whereby no construction works can take place. If this is not possible, appropriate mitigation would be required to enable the existing sett to be

closed under a licence from Natural England. The standard licence period for badger sett closure is between 1st July to 30th November inclusive in any given year.

Red Squirrel

A pre-works check of woodland areas for squirrel drey and feeding signs a minimum of three months before works commence see RAMS report (TetraTech, 2024). If red squirrel are found on site, exclusion areas of 50m to drey sites will be applied. The CEMP should include appropriate precautionary working measures of red squirrel.

Bats

Mitigation for foraging and commuting bats along the woodland boundary adjacent to the eastern boundary is to include a sensitive lighting scheme that avoids light spill in this area and maintains it as a dark corridor. This includes:

- The use of LED warm lights, which have no UV output, therefore attracting fewer insects with warmer colours reducing impacts on bats.
- The inclusion of lux plots during detailed design of the lighting plan, which will show predicted lux level change across the site and demonstrate avoidance of external light spill on the woodland boundary.
- The use of a dimming feature if flood lights are used, working alongside the typical timeclock and photocell, in order to keep lux levels as low as possible during the active bat season (March to September inclusive) between dusk and dawn (when bats are emerging and re-entering roosts and during peak foraging times).
- Keeping the lighting column height as low as possible (<4m) in order to keep light directional and below the horizontal line; and
- All external lighting being compliant with the Institute of Lighting Professionals (ILP, 2023) guidance.

Invertebrates

Reasonable avoidance measures see RAMS report (Tetra Tech , 2024i) for dingy skipper and cinnabar moth caterpillars and foodplants that may be present in different areas of the site are as follows:

- A toolbox talk delivered by an ECoW will cover identification of the cinnabar moth and dingy skipper caterpillars and foodplants.
- Prior to site clearance works, the ECoW will walk the site to identify any of the foodplants within the works area with caterpillars of dingy skipper or cinnabar moth present.
- These plants and any caterpillars will be translocated to a suitable receptor area determined by the ECoW. Prior to site clearance works, the ECoW will collect seed from the food plants of dingy skipper.

Reptiles

All vegetation clearance is to be undertaken following reasonable avoidance measures see RAMS report (Tetra Tech , 2024i):

- Where clearance of grassland is undertaken this should be preceded by a fingertip search by the ECoW.
- Contractors must adhere to precautionary methods such as storing materials off the ground and capping any open excavations and dismantling any piles of rubble by hand.

- If any reptiles are found during the works period, they should be allowed to escape unharmed, and an ecologist contacted for advice. If numerous reptiles are found works should cease and methodology be re-evaluated.

The above precautionary methods should be detailed within the CEMP.

Great Crested Newt (GCN)

Precautionary working methods are recommended during the construction phase to avoid harm to GCN and common amphibians.

Measures recommended as outlined in the RAMS report (Tetra Tech , 2024i) include:

- Timing works to minimise any potential impacts pre- and during construction;
- Site clearance (such as removal of brash piles or vegetation) should ideally be undertaken between April and October (or in temperatures above 5oC) when amphibians are active (bearing in mind that a nesting bird check will be required);
- All further vegetation clearance to be undertaken under the supervision of an experienced ecologist (under a ECoW) who will give a detailed Toolbox Talk prior to the start of each working day.
- Immediately prior to site clearance works, an ECoW should finger-tip search and check all of the refugia and sheltering places for animals. This will then be followed by the removal of the refugia under the supervision of the ECoW.
- The methods of vegetation removal include a directional two-stage cut (working towards retained habitats on and beyond the site boundaries to maintain connectivity) where a fingertip search by the ecologist will be conducted prior to both cuts.
 - o The first cut should be to a height of approximately 15 cm with the second cut to take down to ground level.
- Any existing soil / brash / log piles acting as potential hibernacula should be removed under supervision of the ecologist. Any pipes stored, or installed on-site, with a diameter of greater than 200mm should be inspected and covered or capped at night to reduce the risk of animals becoming trapped inside.

All precautionary measures should be captured within the site's CEMP.

Invasive Non-Native Species (INNS)

General precautionary measures to prevent the introduction and spread of INNS should be undertaken as outlined in the INNS assessment and management plan and RAMS report (both by TetraTech in 2024).

Toolbox talks should be conducted prior to works to ensure the contractors are aware of the potential for invasive species on site. Best working methods, including pollution prevention methods, should be outlined in the CEMP to limit the spread of invasive plant species.

In the even an INNS is identified; findings should be reported to the ECoW. If present, a specialist contractor should be contacted and the INNS left undisturbed and cordoned off with an exclusion zone of at least 3m. This buffer is to be extended to 7m for Japanese knotweed.

Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.

Coal

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority.

Further information regarding Incidental Coal Agreements can be found www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

3 - Shallow coal seams:

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made

of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

United Utilities (UU) – Drainage

To discuss their drainage proposals the applicant/ developer should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

Management and maintenance of Sustainable Drainage Systems (SuDS) - Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area, including the performance of the public sewer network (where the two systems interact). Therefore, where SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance.

When considering their drainage proposal, it is the applicant's/ developer's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely carry out this assessment when reviewing drainage proposals submitted within a planning application. Where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE Water main

A water main ****crosses / is located in the vicinity of**** the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: Working near our pipes - United Utilities. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our water asset(s). We recommend the applicant/developer contacts our Water Developer Services team to ensure existing water assets, along with our required access widths, can be accommodated in the proposed layout.

e. It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 5.0 'Contacts'.

The UU Appendix referred to in the text (UU Informative) will be attached separately to the decision notice.

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. Please read the accompanying