

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2094/0F1	
2.	Proposed Development:	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR THE INSTALLATION OF 1 FIBRE OPTIC POLE (9 METRES IN HEIGHT) AS PART OF THE UPGRADE OF THE FIBRE OPTIC INFRASTRUCTURE OFF THE A5086 (RESUBMISSION OF 4/25/2390/0F1)	
3.	Location:	WOODEND, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC Adverts - ASC;Adverts, SSSI - SSSI, Coal - Standing Advice - Data Subject To Change, Key Species - Potential Area for Great Crested Newts, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to land to the south of the hamlet of Woodend. The application site lies to the south of the property known as "Ashwood" and runs along the A5086, and across the highway to land to the southwest of the property known as "Braeside". The majority of the	

application site lies along the northeastern boundary of the Clints Quarry SSSI.

Relevant Planning History

4/25/2390/0F1 – Application to determine if prior approval is required for the installation of 1 fibre optic pole (9 metres in height) as part of the upgrade of the fibre optic infrastructure off the A5086 – Withdrawn.

Proposal

This application gives prior approval for the following works:

- Installation of 1 x 9m pole;
- 110m traditional dig to bury the duct containing the broadband cable.

Consultation Responses

Egremont Town Council

21st April 2026

No comments.

27th April 2026

No objections.

14th May 2026

No comments.

Cumberland Council – Highway Authority & Lead Local Flood Authority

28th April 2026

The Local Highway Authority (LHA) can confirm that we have no objection to this in principle. The applicant should be reminded that all works within the highway would need the appropriate agreement / licence with the Local Highway Authority.

12th May 2026

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

Cumberland Council – Environmental Health

15th April 2026

As noted previously, the proposed works entail encroachment on (part of) the former Clints Quarry site, a historical limestone quarry that is now marked on Council mapping as being

potentially contaminated land as detailed in Part IIA Environmental Protection Act 1990.

The working quarry also had railway brakes and a rail siding off the former Whitehaven, Cleator & Egremont Railway.

The site is now a designated SSSI.

Environmental Health are satisfied with the planning submission, however, and acknowledge that there is a public benefit to the works.

The end commercial use and working methods and safeguards are sufficient to deem the contamination risk to be low therefore Planners may wish to consider if a condition for unexpected contamination would be needed.

There would not be unacceptable impact on residential amenity from the works also.

There is the possibility that some out-of-hours working may be needed for H&S / road traffic reasons, so again Planners may wish to consider if it is necessary to condition the working hours.

But Environmental Health do not object to this proposed development.

1st May 2026

Further to the above planning consultation and the amended information submitted.

Environmental Health have no objections to this and no further comments to add to those dated 15.04.26.

Cumberland Council – Ecology Team

14th April 2026

Suggested Planning Conditions

Ecological Management Plan

The construction works must be undertaken in accordance with the Ecological Management Plan produced by Wardell Armstrong (2025).

5th May 2026

The County Ecologist acknowledges the change in location and advises that the consultation response from 14th April 2026 still stands.

Natural England

14th April 2026

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

27th April 2026

Natural England has previously commented on this proposal and made comments to the authority in our response dated 16 April 2026 with reference number 544989, attached.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

18th May 2026

Natural England has previously commented on this proposal and made comments to the authority in our response dated 14 April 2026 reference number 544989 (attached).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Public Representation

This application has been advertised by way of neighbour notification letters issued to 8 properties.

One letter of neutral response has been received raising the following comments:

- No objection to the new pole but would ask if it can take into consideration the recent erected 30 sign which will be very close to the new pole.
- Please don't block the sight of the 30, people ignore it enough as it is.

One letter of objection has been received raising the following concerns:

- Unable to identify the proposed location from the map or what the pole looks like.

Public Reconsultation

Following the receipt of amended/additional information for the application a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

One letter of objection has been received raising the following concerns:

- I would like some further information or clarification on the revised route of the supply cable that runs to the next pole further down the road heading south.
- The first application showed clearly this route but the revised route is now, I find unclear and looking like it now crosses the road twice instead of the original once.
- The photos on the original application also showed clearly the proposed route, these have not been updated to reflect the proposed new route and the revised drawing is less detailed so more difficult to follow.



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- I would ideally like to be part of a site visit or as a very minimum the contractor provides updated photos and a readable detailed cable plan showing the proposed revised route to allow me to comment with the correct information.

Public Reconsultation

Following the receipt of amended/additional information for the application a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

One letter of objection has been received raising the following concerns:

- The application lacks necessary detail to assess the impact the proposed standing of the new pole would have on us.
- There is no information with regard to the planned overhead cabling associated with the pole.
- Given the uninterrupted view of Dent Fell currently seen from our property, we believe that the installation of overhead cables along the front of Ashwood will be intrusive, unsightly and unfair as we would be the only property affected.
- I have contacted Fibrus with an alternative proposal to limit the impact of the development.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the 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 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy CO1: Telecommunications and Digital Connectivity

Other Material Planning Considerations

National Planning Policy Framework

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Assessment

The installation of a new electronic communication apparatus is considered permitted development under Schedule 2 Part 16 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. This order sets out certain conditions for the prior approval of the installation of electronic communication apparatus of up to 30m, which requires the submission of an application to the Local Planning Authority to determine if prior approval will be required as to the siting and appearance of the development.

The provision of Schedule 2, Part 16, Class A of the GPDO 2015 are considered in turn below:

In respect of the provisions of A:-

The proposal comprises the installation of 1 fibre optic pole as part of the upgrade of the fibre optic infrastructure off the A5086.

In respect of the provisions of A.1:-

The works include the installation of one new 9m fibre optic pole and a 110m traditional dig to bury the duct with the broadband cable on land to the south of Woodend.

In respect of the provisions of A.2:-

1) (a) Not applicable.

(b) Not applicable.

(c) Not applicable.



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(d) Not applicable.

2) (a) Not required until development complete.

(b) Not required until development complete.

3) (a) Not applicable.

(b) An application to determine if prior approval is required (current application) has been submitted and the development has not commenced.

(c) Not applicable.

(d) Not applicable.

(e) Not applicable.

4) (a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

(e) Not applicable.

5) Not applicable.

5a) Not applicable.

5b) Not applicable.

In respect of the provisions of A.3:-

1) Notice served on owners of land. Evidence submitted as part of current application.

2) Notice served on owners of land. Evidence submitted as part of current application.

4) An application to determine if prior approval is required (current application) has been submitted and the development has not commenced.

5) (a) Application supported by written description and relevant fee.

(b) Application includes relevant information.

(c) Evidence provided.

(d) Not applicable.

6) Relevant consultees notified.

7) One letter of neutral response and three letters of objection have been received to the consultation and reconsultation periods for this application. Consultation responses

have also been received from the Highway Authority, Natural England, and the Council's Environmental Health and Ecology Team.

8) An application to determine if prior approval is required (current application) has been submitted and the development has not commenced.

9) Conditions will be included to secure these details.

10) Not applicable.

11) Conditions will be included to secure these details.

12) Not applicable.

13) Not applicable.

In respect of provisions of A.5:-

No ancillary works, i.e. perimeter walls or fences, handrails or steps, etc, reasonably required for the purposes of the electronic communication apparatus are proposed as part of this development.

In respect of provisions of A.6:-

The site is located within the SSSI however no ancillary works, i.e. perimeter walls or fences, handrails or steps, etc, reasonably required for the purposes of the electronic communication apparatus are proposed as part of this development.

The proposed works include the installation of one new 9m fibre optic pole and a 110m traditional dig to bury the duct with the broadband cable on land to the south of Woodend.

Two letters of concern have been raised regarding the information provided with this application in terms of the siting and appearance of the proposed development. The application has therefore been amended to provide clarity in relation to these matters.

One letter of objection has been received in relation to loss of views from any proposed overhead cabling associated with the proposed pole. Whilst loss of view is not a material planning consideration, the development is not considered to create significant implications for residential properties due to the proposed siting.

The proposed pole is to be located to the south and west of existing residential properties, whilst the remainder of the proposed works will be located underground. The siting and appearance of the proposed works are therefore considered acceptable for this site.

Whilst some of the proposed works are to be located within the highway no objections have been received from the Highway Authority. They have however stated that the developer would need to obtain the appropriate agreement/licence with the Highway Authority prior to works commencing on site. This will be included as an informative on any decision notice for the applicant's attention.

No objections have been received from the Council's Environmental Health Team, and they



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acknowledge the public benefit of these works. Whilst they have stated that the end use and working methods/safeguard are sufficient to deem the contamination risk to be low, they have stated that consideration should be given to including of a condition relating to unexpected contamination. Given the historic use of this site this condition will be included within any decision notice. Environmental Health have also stated that the development would not have an unacceptable impact on residential amenity from the works, they have however stated that consideration should be given to including of a condition to restrict construction working hours. Given the proximity of the site to residential properties this condition will be included to safeguard residential amenity.

The majority of the application site lies along the northeastern boundary of the Clints Quarry SSSI. The application is therefore supported by an Ecological Management Plan, a Construction Materials Management Plan, a Pollution Prevention Plan, and a Habitats Regulation Assessment.

The submitted Ecological Management Plan contains specific measures to protect features of ecological interest during the proposed works. The plan details proposed mitigation measures including: measures to limit impacts on the on-site biodiversity, ecology, and waterbodies and watercourses, pollution and biosecurity controls, and roles and responsibilities for those involved in the development of the site.

The submitted HRA considers the proposed works upon the following European sites: River Eden SAC, Duddon Estuary Ramsar, Morecambe Bay and Duddon Estuary SPA, Morecambe Bay SAC, Duddon Mosses SAC, Subberthwaite Blawith and Torver Low Commons SAC and River Ehen SAC. The assessment screened out: direct loss of habitat within a European Site; risk of air pollution through increased nitrogen deposition; and change in hydrology. The assessment screened in: disturbance to qualifying species associated with River Eden SAC, Duddon Estuary Ramsar, Morecambe Bay and Duddon Estuary SPA, Morecambe Bay SAC, River Ehen SAC; degradation to habitat within the boundary of a European site; loss or degradation of functionally linked land; risk of air pollution through increased levels of dust; water pollution through surface water run-off; and loss of qualifying species due to changes in species distribution, accidental spread of disease or invasive species.

The assessment concluded that appropriate and deliverable mitigation measures have been identified to avoid or minimise the risk of impacts and that there will be no adverse effect upon the integrity of any European site

Appropriately worded planning conditions are proposed to ensure works are carried out in accordance with these documents and the proposed mitigation measure set out within these reports as requested by the Council's Ecology Team.

No objections have been received from the Council's Ecology Team or Natural England in relation to this application.

	Conclusion The requirements of the provisions of Schedule 2 Part 16 Class A of the GPDO 2015 are achieved. The siting and appearance of the development is acceptable. The proposal is not considered to have a significant adverse effect on designated sites or protected species subject to the mitigation measures outlined within the application. It is recommended that prior approval is required and be approved subject to the imposition of planning conditions securing completion of the works in accordance with the submitted details and specifications.
8.	Recommendation: Prior notification required and approved.
9.	Conditions: <u>Standard Conditions:</u> 1. The development hereby approved must be carried out within a period of 5 years from the date of this decision. Reason To comply with the requirements of Part 16 Class A (A.3) (11) (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- - Application Form, received by the Local Planning Authority on the 24th March 2026. - Site Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 30th April 2026. - Elevation Diagrams, received by the Local Planning Authority on the 24th March 2026. - Technical Note, received by the Local Planning Authority on the 24th March 2026. - Letter from Viberoptix, received by the Local Planning Authority on the 24th March

2026.

- Ecological Management Plan, Prepared by Wardell Armstrong January 2025, Report Number: 005, Version: V2, received by the Local Planning Authority on the 24th March 2026.
- Cleator Moor: Preliminary Archaeology and Heritage Constraints, Prepared by Wardell Armstrong November 2024, Report Number: 001/013, Version: V0.1, received by the Local Planning Authority on the 24th March 2026.
- Construction Materials Management Plan, Prepared by Viberoptix, received by the Local Planning Authority on the 24th March 2026.
- Pollution Prevention Plan, Prepared by Viberoptix October 2025, Doc Ref: VO-EMP-03, Version Number: 03, received by the Local Planning Authority on the 24th March 2026.
- Work Illustration Drawings, received by the Local Planning Authority on the 24th March 2026.
- Specification for Poling Works, received by the Local Planning Authority on the 24th March 2026.
- Habitats Regulations Assessment (Amended), Prepared by Wardell Armstrong March 2026, Revision: V2, received by the Local Planning Authority on the 30th March 2026.

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.

Other Conditions:

3. The development hereby approved must implement all of the mitigation and compensation measures set out in the approved documents:
 - Technical Note, received by the Local Planning Authority on the 24th March 2026.
 - Ecological Management Plan, Prepared by Wardell Armstrong January 2025, Report Number: 005, Version: V2, received by the Local Planning Authority on the 24th March 2026.
 - Cleator Moor: Preliminary Archaeology and Heritage Constraints, Prepared by Wardell Armstrong November 2024, Report Number: 001/013, Version: V0.1, received by the Local Planning Authority on the 24th March 2026.

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- Habitats Regulations Assessment (Amended), Prepared by Wardell Armstrong March 2026, Revision: V2, received by the Local Planning Authority on the 30th March 2026.

Reasons

To protect the ecological interests evident on the site, in accordance with policies N1 of the Copeland Local Plan 2021 – 2039.

4. Following approval of the development, 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
- Saturday 08.00 – 13.00

No construction works shall take place at any time on Sundays or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must 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 in accordance with Policy DS4 of the Copeland Local Plan.

5. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy must be implemented as approved.

Reason

To ensure the protection of controlled waters from potential land contamination in accordance with Policy DS8 of the Copeland Local Plan.

Informative Notes:

1. 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.

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com/>>

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: C. Burns

Date : 18.05.2026

Authorising Officer: N.J. Hayhurst

Date : 19.05.2026

Dedicated responses to:-

