

Town and Country Planning Act 1990 (as amended).
Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Screening Opinion under Regulation 6

Applicant:

Network Rail

Background:

In a letter dated the 3rd September 2021 (received 3rd August 2021) Network Rail wrote to Copeland Borough Council as Local Planning Authority for a screening opinion as to whether a Full Planning Application for repair and reinforcement works to the Parton to Harrington Sea Wall comprises 'Environmental Impact Assessment (EIA) development' and an Environmental Statement is required.

In accordance with Regulation 6 of the above Regulations, Copeland Borough Council as Local Planning Authority is required to adopt a Screening Opinion. This is a written statement of opinion as to whether the proposed is 'EIA Development', being likely to have a significant effect on the environment by virtue of the nature of the development, its size and location.

Drawings/Documents:

This Screening Opinion has been considered against the information submitted by Network Rail, which comprises:

- Network Rail letter dated the 3rd September 2021
- Parton to Harrington Sea Walls No. 3 – EIA Screening Report
- Flood Risk Assessment
- Site Location Plan
- Drawings Series:
 - o 162832-WDC-DRG-CV-11000 to 162832-WDC-DRG-CV-11008:
 - o 162832-WDC-DRG-CV-11000 SITE LOCATION PLANS & PHOTOS
 - o 162832-WDC-DRG-CV-11001: SITE OVERVIEW – EXISTING
 - o 162832-WDC-DRG-CV-11002: SECTIONS A-A & B-B EXISTING
 - o 162832-WDC-DRG-CV-11003: SECTIONS C-C & D-D EXISTING
 - o 162832-WDC-DRG-CV-11004: SECTIONS E-E EXISTING
 - o 162832-WDC-DRG-CV-11005: SITE OVERVIEW PROPOSED
 - o 162832-WDC-DRG-CV-11006: SECTIONS F-F & G-G PROPOSED
 - o 162832-WDC-DRG-CV-11007: SECTION H-H & J-J PROPOSED

- 162832-WDC-DRG-CV-11008: CULVERT 15Q PROPOSED CULVERT EXTENSION & HEADWALL RELOCATION DETAILS

Location of Development:

The site is located approximately 700 m north-west of Lowca, Cumbria.

Network Rail propose repair and reinforcement works to the existing operational railway at a site known as Parton to Harrington Sea Walls No. 3 located at Cuning Point (grid reference NX 97922 2288).

The site is approximately 600 m in length with a total footprint of 5,223 m², of which 3,637 m² will fall outside Network Rail's existing operational land boundary.

Description of Proposal:

The proposed development comprises the installation of rock armour wrapped in geotextiles, known as a 'Dutch Toe', where unprotected headland, placed beach material, and stone pitching are currently present.

The installation of new rock armour will tie in with existing rock armour along the defence.

An existing culvert structure already carries water from Andrew's Gill under the rail track and a new pipe and headwall will be created to manage this flow.

The proposed development will require the use of third-party land to store stone with deliveries anticipated to be made through council land with a delivery allowance of 480 tonnes per day.

The site compound will be sited on an existing car park, comprising an area of hardstanding and will require no ground works to prepare the site before receiving delivery of the materials.

The compound will comprise offices, welfare cabins and parking areas and will be illuminated at night with consideration toward rail services and houses and potential ecological receptors.

An access route is required along the beach. The access route will extend south from the site compound, immediately south of Bellaport Marina in Harrington, to the site of development just south of Cuning Point. Access is anticipated to occur along the foreshore, tight against previously installed rock armour and due to high-tide will not involve the construction of a haul road. It is thought that due to the use of light plant no works will be required to facilitate access with the vehicles moving directly along the foreshore.

1. Does the proposal constitute Schedule 1 Development?

No.

2. Does the proposal fall within one of the categories of development described in Column 1 of Schedule 2?

Yes.

10(m) - Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.

3. Does the development exceed the threshold in Column 2 of Schedule 2?

Yes.

All development in 10(m) require screening.

4. Is the site partly or wholly within a “Sensitive Area” as defined in Regulation 2(1)?

Regulation 2(1) states the following:

“sensitive area” means any of the following—

(a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981(a);

(b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(b);

(c) the Broads(c);

(d) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage(d);

(e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(e);

(f) an area of outstanding natural beauty designated as such by an order made by Natural England under section 82(1) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000(f) as confirmed by the Secretary of State;

(g) a European site;”

No. The site is not located in a “Sensitive Area” as defined in Regulation 2(1).

5. Is it a major development of more than local importance?

No.

6. Is the development in a particularly sensitive or vulnerable location?

No.

No statutory designations exist on the site.

The Solway Firth pSPA is located approximately 150m west of the proposed development.

The site is located c.6km from the River Derwent and Bassenthwaite Lake SAC; c.6.5km from the St Bees Head SSSI; c.8.5km from the Yeat House SSSI; c. 7.6km c.9.5km from the High Leys SSSI; c. 10km from the River Ehen SSSI and SAC; 10.5km from the River Ehen Ennerdale Water to Keekle Confluence SSSI; and, c.6.8km from the Siddick Pond SSSI.

There are no Listed Buildings located within 1km of the site.

No Conservation Areas exist within the proximity of the site.

The site is therefore not located in a sensitive or vulnerable location.

7. Is the development particularly complex with potentially hazardous effects?

No.

The proposed comprises repair and reinforcement works to the existing operational railway.

The development will not use materials that are in short supply and will not result in the creation of significant waste.

8. Is the development likely to have significant effects on the environment?

Landscape and Visual Impact

The Site is located in an area of land designated as Sub Type 5a Ridge and Valley in the Cumbria Landscape Character Guidance.

There are no areas of outstanding landscape value in or around the site. The western extent of the Lake District National Park is located c.11km from the site.

The development is anticipated to be circa 600 m in length, comprising a linear feature forming the western periphery of the existing rail infrastructure. The proposed development will result in minor, localised alterations to topography. Primarily this will result in the creation of a rock armour berm along the interface between the rail infrastructure and the intertidal habitats immediately to the west. Additionally, the access to site will require reprofiling of intertidal habitat immediately adjacent to existing rock armour to allow plant to reach site from the site compound near

Harrington. It is not anticipated that the operation of the proposed development will result in changes in topography beyond those created during construction.

There is no decommissioning date for the proposed development given that it will form an integral part of key transport infrastructure.

There is already extensive rock armour coverage along the length of the railway line between Parton and Harrington where it intersects with the intertidal habitats. The proposed development is in a relatively isolated location and is visually well related to the existing railway infrastructure.

No settlements directly overlook the site.

There is a public right of way on the opposite side of the railway infrastructure; however, the main of the development is likely to be obscured from view by the prevailing land mass/form.

Ecology and Biodiversity

Flora and fauna comprising European Protected Species may be present on and within close proximity to the site including bats and breeding birds.

Small Blue Butterfly is known to exist on Lowca Banks. Access to the site via this area has the potential to impact upon these colonies.

The Solway Firth pSPA is located approximately 150m west of the proposed development.

The Solway Firth pSPA contains a range of habitats including lagoons, mudflats sandflats and salt marshes. These intertidal habitats are important for a variety of species, including protected and notable species. Specifically, the proximal intertidal habitats of the pSPA are important for migratory bird species, with the shallower areas a focus for foraging.

The relevant and protected and notable bird species include: Red-throated diver *Gavia stellate*; Whooper swan *Cygnus Cygnus*; Barnacle goose *Branta leucopsis*; Golden plover *Pluvialis apricaria*; and, Bar-tailed godwit *Limosa lapponica*.

The proposed development will result in a direct loss of existing intertidal habitats bordering the pSPA and may result in a de minimis loss of sub-optimal foraging habitat for bird species. It is anticipated the habitat is suboptimal as it not listed as a key habitat in the pSPA and is largely outwith the tidal range

The temporary use of the foreshore for the access route is proposed; however, a formal haul road is not proposed.

The proposed development is anticipated to generate increased sediment and pollutants during

construction which could potentially pollute the site or surroundings.

The development has potential to result in direct and indirect impacts upon flora and fauna including European Protected Species and priority species.

Water Environment

The site is located within Flood Zone 1.

Publicly available groundwater vulnerability mapping notes that the area in the vicinity of the proposed development is highly vulnerable to pollutants discharged at ground level.

The proposed development will occur on intertidal habitat, to the seaward side of the existing railway infrastructure.

Ground Stability and Contamination

The proposed development is located in part on intertidal habitats, which are subject to erosive tidal processes.

The proposed development is designed to protect critical transport infrastructure from coastal erosion and is inherently resistant to erosive processes, extreme weather and flooding.

Coal Authority records indicate that the northern half of the site is in an area of recorded coalmine workings at shallow depth. If shallow workings are present beneath the site these may pose a risk to surface stability and public safety.

The development will require excavation of substrate from the existing intertidal habitats and periphery of the rail infrastructure. Given the long history of the Cumbrian Coast Line (circa 1866) it is possible that the substrate in proximity to the line contains pollutants potentially harmful to the environment. Recently completed work may be directly exposed to sea during high tides, therefore, any potentially hazardous substances either exposed during excavation or used as part of the construction process, has a direct pathway for dispersal into a sensitive receiving environment.

Cultural Heritage

No Listed Buildings, Conservation Areas or Ancient Monuments have been identified on or within close proximity to the site.

The Cumbria Historic Environment Record does not identify Historic Sites on the site or associated compound/access.

Transport and Access

The proposed development is adjacent to the Cumbrian Coast Line which comprises an active railway. No impacts are anticipated on the rail infrastructure.

20,000 tonnes of rock and other materials are required to complete the development. This will equate to 1,000 eight wheel vehicle movements based on a standard payload of 20 tonnes.

Access for machinery delivery and the workforce would also be via road.

Air Quality

Given the nature of the development and its location, it is anticipated that there would be no significant adverse air quality effects resulting from the development.

Amenity

The construction of the proposed development is likely to result in generation of noise and vibration from construction as well the light throughout the night-time hours.

Once constructed the 'operation' of the proposed development will not, in and of themselves, result in generation of noise and vibration or the release of light, heat, energy or electromagnetic radiation.

Cumulative Impacts

The proposed development will tie-in with existing rock armour along the length of the Cumbria Coast Line between Parton and Harrington. Cumulatively, these installations have resulted in land-take from intertidal habitats, some of which are within the impact zone of the Solway Firth pSPA. Currently, no additional granted but not-started planning permissions are anticipated to have cumulative effects.

The proposed development do not form an integral part of a more substantial project and as such has no bearing on other, separate, planning applications.

It is possible that future damage to rail infrastructure via coastal erosion will occur requiring further development.

9. Considerations

Schedule 2 identifies thresholds and criteria for different types of development, beyond which significant effects, and therefore the need for an EIA, are more likely.

The Authority has taken account of the advice in the National Planning Practice Guidance, which states that the likelihood of significant effects will generally depend upon the nature of the site and the likely wider impacts on natural coastal processes outside of the site.

The Authority has had regard to the selection criteria in Schedule 3 including: the characteristics of the development, the nature of the proposed development to be carried out; its location and the characteristics of the potential impacts.

10. Other Inputs:

Consultation Response – Natural England

Consultation Response – The Coal Authority

Consultation Response – Environment Agency

Consultation Response – Copeland Borough Council – Flood and Coastal Defence Engineer

Consultation Response – Blue Butterfly Group

11. Screening Opinion:

Having had regard to the above cited elements of this development, both singularly and cumulatively, it is the opinion of the Copeland Borough Council as Local Planning Authority that the impacts of the of the development proposed would not be significant and an Environmental Statement not therefore required.

Any impacts arising from the proposed development can be adequately and appropriately assessed via the submission of appropriate information and evidence in support of any planning application and mitigated via planning conditions as appropriate.

Case officer: Chris Harrison

Date: 3rd September 2021

Head of Planning and Place: Nick Hayhurst



Date: 06th September 2021