



# Copeland Borough Council

Relocation of BOC Gas Ltd Compound  
Leconfield Industrial Estate

## **Planning Statement**

March 2022

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**For and on behalf of Avison Young (UK) Limited**

# 1. Introduction

- 1.1 This Planning Statement has been prepared by Avison Young on behalf of Copeland Borough Council ('the Applicant') to assist Copeland Borough Council ('the Council' or 'CBC') in its consideration of the accompanying full planning and signage application for the change of use of land to support the relocation of an existing gas bottle storage and distribution business at Leconfield Industrial Estate, Cleator Moor ('the Site').
- 1.2 This Statement examines the application against section 38(6) of the Planning and Compulsory Purchase Act (2004). It discusses how the development proposals conform to local and national planning policy requirements.

## Application Documentation

- 1.3 This Statement should be read alongside the following supporting documentation:

### Reports and Assessments

- Application Forms (Avison Young);
- Design and Access Statement (NORR);
- Ecological Statement (Tetra Tech);
- Flood Risk Assessment (BGP),
- Drainage Philosophy (BGP);
- SuDS Management Plan (BGP)
- Ground Investigation Report Phase 2 (Solmek) and
- Tree Survey (Barnes Associates)

### Drawings and Plans

- Site location plan – Drawing No. BOC-DR-A-90000
- Site existing plan – Drawing No. BOC-DR-A-90001
- Site proposed plan – Drawing No. BOC-DR-A-90002
- Site relocation plan – Drawing No. BOC-DR-A-90000
- Prefabricated cabin elevations – Drawing No. C0109A-CA25
- Prefabricated cabin floorplans
- Liquid Nitrogen tank plot plan - Drawing No. SCO4875 01/01/00

- Liquid Nitrogen tank – Drawing No. 708861-A0

## **Structure of Statement**

1.4 This Statement is structured as follows:

- Chapter 2 'Site and Surroundings' – provides an overview of key features of the application site and its location.
- Chapter 3 'Development Proposals' – provides details of the development for which permission is sought.
- Chapter 4 'Planning Policy Context' – provides an overview of local and national planning policy that has informed the proposals.
- Chapter 5 'Planning Assessment' – provides discussion on the key planning matters and how the proposals accord with policy requirements.
- Chapter 6 'Conclusion' – provides a summary of the development proposals and the key material planning considerations.

## 2. Site Location and Description

### Application Site

- 2.1 Cleator Moor is situated in the north of the borough of Copeland in Cumbria. It lies to the west of the Lake District National Park and approximately 5km south-east of Whitehaven. The town is served by the B5295 which links to the A595 – one of the key primary routes in Cumbria- connecting Cleator Moor to the towns of Workington, Whitehaven and Maryport and beyond to Carlisle to the north and Barrow to the south.
- 2.2 The application site is located within Leconfield Industrial Estate, which is located centrally within Cleator Moor, approximately 600m north-west of the town centre. The Estate is accessed via the B5295 'Leconfield Street' at its southern boundary.
- 2.3 The application site extends to 0.34Ha and is situated at the western extent of Leconfield Industrial Estate. The Site is located to the west (rear) of Unit 1. The nearest residential properties are situated on Bowthorn Road approximately 100m to the west and are separated from the site by informal allotment gardens and dense vegetation.
- 2.4 Ground cover at the site comprises of part hard standing from a previous industrial building (approximately 50% of site area) and part grassland with some trees present. The site is bound to the west by a grassed area and dense woodland boundary planting, to the east and north by industrial buildings with a demolished industrial building footprint to the south.
- 2.5 Given the existence of hard standing, comprising the floorplate of a cleared building, its proximity to surrounding industrial buildings and its location within an established industrial estate it is considered that the site is previously developed 'brownfield' land.

### Technical Considerations

- 2.6 With regards to technical considerations, the application area:
- Does not contain any Listed buildings, scheduled ancient monuments, registered parks and gardens, registered battlefields or conservation areas;
  - According to the Environment Agency Flood Map, the area is wholly within Flood Zone 1 which indicates a low probability of flooding and is therefore suitable to accommodate the proposed uses from a flood risk perspective.
  - There are no statutory or non-statutory ecologically designated sites within the site boundary there are however, two statutory designated sites within 2km:

- SAC River Ehen, 1.3km distance from site
  - SSSI River Ehen, 1.3km distance from site
- The site is not within an Air Quality Management Area.
- The Site is not in a High Landscape Value Area or within an Area of Outstanding Natural Beauty.

### 3. Development Proposals

#### Background to the Proposals

- 3.1 The application site is located within Leconfield Industrial Estate, Cleator Moor. The Estate has been subject to an extended period of decline but is undergoing a process of renewal following its identification as the location of the Industrial Solutions Hub (ISH) enterprise campus.
- 3.2 The campus will host a 'business cluster' for businesses, training and research institutions across the nuclear and related engineering sectors. The aim of the cluster is to reorientate the Cumbrian economy away from dependence on Sellafield to one which is more outward looking and export driven. The cluster will provide opportunities for the nuclear and clean energy supply chain in west Cumbria to grow and broaden their markets, exporting skills, processes and technologies to the rest of the UK and other world markets. In doing so it will support the key growth aspirations and opportunities for the borough to:
- Relocate Sellafield staff and businesses off-site
  - Increase capture of Sellafield's supply chain within Copeland
- 3.3 A central feature of the new 'Cleator Moor Innovation Quarter' (CMIQ) is the creation of an Industrial Solutions "Hub" building which will provide bespoke accommodation that will be a focus for collaboration and innovation activities and space for use by the Cleator Moor community. The CMIQ masterplan and Hub building proposals are subject to separate planning applications, but it is intended that the Hub building will be brought forward early in the first CMIQ delivery phase.
- 3.4 The current application proposals will facilitate the prompt delivery of the CMIQ by relocating the existing BOC storage compound, which is at present situated on the preferred Hub building development plot, to an alternative location within Leconfield Industrial Estate. Drawing no. 00-DR-A-00006 'Relocation Plan' submitted as part of the planning application package, details the current and proposed locations of the BOC yard.
- 3.5 The current BOC storage compound covers 3,390sqm and is located at the east of the Industrial Estate, the proposed new site is located at the west of the Estate and covers a comparable 3,395sqm. The scale, facilities, materials, and layout of the new proposed yard is provided on a like-for-like basis. There will be no operational or staffing changes resulting from the proposals.

#### BOC Gases Ltd (BOC)

- 3.6 BOC is the largest provider of industrial, medical and special gases in the UK and Ireland.

- 3.7 BOC have been based at Leconfield Industrial Estate since 2017 where their operation is responsible for the supply of cylinder gases and liquid nitrogen to Sellafield nuclear site and for other industrial requirements. There are no direct sales to the public.
- 3.8 The proposals seek to relocate their current operations to an alternative location within the Estate to facilitate delivery of the CMIQ business cluster and to ensure their business is not detrimentally affected.

## Features of the Proposals

- 3.9 The development proposals comprise of the change of use of land and associated access to support the relocation of an existing business for the storage and sale of bottled gas products. The key features of the proposals are as follows:

### Use and Amount

- 3.10 The proposed description of development is:

*"Use of land as a storage and distribution centre for bottled gas together with the siting of two single storey prefabricated modular cabins for administrative use, the siting of one liquid nitrogen tank, new access road arrangement, associated parking, lighting, landscaping and engineering works"*

### Layout and Scale

- 3.11 The proposed yard extends to 3,395sqm and will be predominantly free of structures, comprising of a new concrete hardstanding with different surface treatments indicating different operational areas. Storage of the gas cylinders will be predominantly at the site perimeters allowing for the free movement and loading of lorries across the centre of the yard.
- 3.12 Two prefabricated modular cabins are proposed to be sited end-to end on the site's western boundary, away from vehicular routes, providing office accommodation and welfare facilities for on-site staff. The modular units measure 9.7m(l) x 3m(w) x 2.5m(h).
- 3.13 A liquid nitrogen storage tank is proposed to be situated at the southeast corner of the site. The tank is currently located on BOC's present site and will be relocated. The tank measures 5m(h) x 2.1m(c) and is painted white. The tank will be secured directly to the concrete hardstanding. A photograph of the tank to be relocated is provided at Appendix I.
- 3.14 Between 500no. - 800no. (max) gas cylinder bottles will be stored on the site at any one time. These will be stored in steel framed pallets allowing for their safe storage and movement. No permanent fixed structure is required for their storage. A photograph of the storage frames is provided at Appendix I for information.



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## Access and Parking

- 3.15 New vehicular and pedestrian access is proposed to the site at its northern boundary. The proposed 7.5m wide carriageway will connect with the existing internal estate road c.55m to the east between Unit 1 and Unit 6-8 and subsequently permitting access from Leconfield Street. The new road also includes 2m shared footpath/cycle provision.
- 3.16 Principal vehicle and pedestrian access to the site will be via controlled gates at the northern boundary. A secondary pedestrian only gate is proposed at the southern boundary as an alternative emergency route.
- 3.17 5no. car parking spaces and 2no. lorry parking spaces are proposed within the application site to accommodate operational requirements.
- 3.18 The new access road requires the realignment of access gates to the service yard of adjacent Unit 6. The existing gates will be rotated 90 degrees and set back in the existing fencing in-line with the existing building line.

## Appearance

- 3.19 Due to its proposed use as a storage and distribution yard, the site will be clear of any permanent structures. Ground cover will comprise of 175mm thick poured concrete over 200mm of consolidated hardcore. Painted markings will indicate key operational areas and block paving with indicate walkways.
- 3.20 To assist with the safe and efficient sorting and storage of the cylinders a 'sort edge' is to be provided. Comprising of a low metal framed raised concrete platform measuring c.10m(l) x 2m(w) x 4m(h) the feature allows for the pallets rest a safe angle with the cylinders leaning slightly back, mitigating any risk of them toppling forward when the pallet strap is released prior to sorting.
- 3.21 Two prefabricated modular cabins will be sited along the western boundary, these are provided by Elliott from their Anti-Vandal range and measure 9.7m(l) x 3m(w) x 2.5m(h). The units are of steel construction, have two windows and a single entrance each. External window shutters are included as a security measure. The entire unit will be spray painted white.
- 3.22 Boundary treatment at the site comprises of standard 2.4m galvanised palisade fencing with 2.4m high double leaf vehicle gates at the site entrance.
- 3.23 Illumination of the site will be via 10no. lights (LED 150W) attached directly to the fencing providing plus 2no. provided by the liquid nitrogen tank to provide extra illumination during filling procedure.

## **Signage**

- 3.24 The existing totem signage at BOC's present location is proposed to be relocated and erected on the grassed verge adjacent to the site entrance.
- 3.25 The sign comprises of a single aluminium pole of 2.9m height topped by a 1.5m(h) x 1m(w) x 55mm(d) fabricated aluminium panel detailing the business name. A photograph of the sign to be relocated is provided at Appendix I for illustration.

## 4. Planning Policy Context

### Legislative Context

- 4.1 The Town and Country Planning Act (1990), Planning and Compulsory Purchase Act (2004) is relevant to the consideration of this application.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

### National Planning Policy

- 4.3 The National Planning Policy Framework (NPPF) (July 2021) sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of the accompanying planning application. The most pertinent policies relating to the principle of development at the site are set out below.

### The Presumption in Favour of Sustainable Development

- 4.4 The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three objectives which are interdependent and need to be pursued in mutually supportive ways:
- Economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity;
  - Social objective – to support strong, vibrant and healthy communities, by providing a range of homes and by fostering well-designed, beautiful and safe places, with accessible services and open spaces; and
  - Environmental objective – to protect and enhance the natural, built and historic environment, improving biodiversity, minimising waste and adapting to climate change.
- 4.5 Paragraph 9 confirms that these objectives should be delivered through the implementation of Plans and the application of policies in the NPPF; however, they are not criteria against which every decision can or should be judged.
- 4.6 Paragraph 10 states that “at the heart of the Framework is a presumption in favour of sustainable development”. For decision-taking this means:

- "c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

## **Building a Strong Competitive Economy**

4.7 Paragraph 81 states that planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

4.8 Planning policies should:

- "a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."* (Paragraph 82)

4.9 Paragraph 83 requires planning policies and decisions to recognise and address the specific locational requirements of different sectors. Including making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

## **Promoting Sustainable Transport**

4.10 Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

*"a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

- 4.11 The NPPF requires all developments which generate significant amounts of movement to provide a Travel Plan, and Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed (paragraph 113).

### **Making Effective use of Land**

- 4.12 Paragraph 119 sets out that "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

- 4.13 Paragraph 120 highlights that planning policies and decisions should "[...] give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land..."

### **Achieving Well Designed Places**

- 4.14 Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 4.15 Paragraph 130 requires planning policies and decisions to ensure that developments:

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 4.16 Paragraph 131 highlights the importance of trees to the character and quality of urban environments, and how they can also help mitigate and adapt to climate change. It sets out that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

## **Planning and Flood Risk**

- 4.17 *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere" (Paragraph 159).*

## **Conserving and Enhancing the Natural Environment**

- 4.18 NPPF Paragraph 174 notes that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value whilst minimising impacts on and providing net gains for biodiversity. The intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland should also be recognised.

## **Ground Conditions and Pollution**

- 4.19 *"Planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and risks arising from land instability and contamination and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)" (Paragraph 183).*
- 4.20 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

4.21 Development will need to adhere to relevant limit values of national objectives for pollutants taking into account Air Quality Management Areas and Clean Air Zones (Paragraph 186).

## National Planning Practice Guidance

4.22 The NPPG complements the NPPF in terms of how the NPPF should be implemented in practice. The NPPG can be a material consideration in the decision-making process. The following categories of the NPPG are considered relevant in the consideration of this proposal:

- Design: Process & Tools
- Determining a Planning Application
- Effective Use of Land
- Flood Risk and Coastal Change
- Land Affected by Contamination
- Natural Environment
- Travel Plans, Transport Assessments & Statements

## Local Planning Policy

4.23 The statutory development plan for the application comprises the policies of the Copeland Local Plan 2013-28 Core Strategy and Development Management Policies (adopted 2015) ('the Core Strategy') and remaining policies 'saved' from the preceding Copeland Local Plan 2001-2016 (adopted 2006) ('the 2006 Plan').

4.24 The following policies of the Core Strategy have been identified as relevant:

- *Policy ST1: Strategic Development Principles* sets out the fundamental principles that will guide development management in the Borough. Principles include (inter alia):
  - focus development on sites at least risk from flooding,
  - reuse existing buildings and previously developed land wherever possible,
  - support the reclamation and redevelopment or restoration of the Borough's vacant or derelict sites, whilst taking account of landscape, biodiversity and historic environment objectives,

- prioritise development in the main towns where there is previously developed land and infrastructure capacity.
  - accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around; and
  - ensure new development addresses land contamination with appropriate remediation measures
- *Policy ST2: Spatial Development Strategy* seeks to direct development to the most sustainable locations – the main settlements. Employment development should respect this hierarchy. The Policy Identifies Cleator Moor within the second-tier settlements as a Key Service Centre.
  - *Policy ER4: Land and Premises for Economic Development* sets out that the Council will maintain an adequate supply of land and floorspace for economic development to be achieved by safeguarding existing and allocated employment sites against nonemployment uses.
  - *Policy ER6: Location of Employment* identifies that employment development will be supported in Whitehaven and Key Service Centres (i.e., Cleator Moor).
  - *Policy DM22: Accessible Developments* requires development proposals to be accessible to all users prioritising pedestrian and cycle needs, encouraging public transport and manages traffic access and speeds without resorting to engineering measures and incorporates appropriate parking standards.
  - *Policy DM24: Development Proposals and Flood Risk* requires a Flood Risk Assessment (FRA) to be submitted as part of the planning application where a proposed development is likely to be at risk from flooding or increases risk of flooding elsewhere.
  - *Policy DM26: Landscaping* sets out that all development proposals will be assessed in terms of their potential impact on the landscape.
  - *Policy DM28: Protection of Trees* requires an arboricultural assessment as to whether any trees are worthy of retention and protection and stipulates that any trees removed are replaced at a minimum ratio of 2:1.

The following 'saved' policies of the Copeland Local Plan 2001-2016 have been identified as relevant:

- *EMP1: Employment Land Allocations* designates Leconfield Industrial Estate as an employment site where development for employment and industry uses (Class B1 Office and Business, B2 General Industrial and B8 Storage and Distribution Uses<sup>1</sup>) will be permitted provided that other Plan policies are met.

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended) essentially categorises different types of property and land into classes. A significant reform of the Use Classes Order came into force on 21st April 2021, with Class B1 replaced by new Class E(g) Uses which can be carried out in a residential area without detriment to its amenity:

- E(g)(i) Offices to carry out any operational or administrative functions,
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes



## 5. Assessment of the Proposals

5.1 From the planning policy review the following policy considerations have been established as pertinent to the determination of the planning application proposals:

- The Principle of Development
- Other Material Considerations
  - Access and Transport
  - Flood Risk and Drainage
  - Ecology
  - Trees
  - Ground Conditions
  - Amenity and Public Health
  - Design and Impact on Character of the Area
  - Security

### Principle of Development

5.2 The proposals seek the change of use of land to accommodate the relocation and continued operation of an existing business at Leconfield Industrial Estate for the storage and distribution of bottled gas products. BOC has operated from Leconfield Industrial Estate since 2017, the principle of development is therefore established by the existing lawful operation at Leconfield Industrial Estate.

5.3 Nevertheless, with regards to Local Plan policies the Site is situated within the settlement limits of Cleator Moor, a 'Key Service Centre' under Core Strategy Policy ST2 within which development is considered appropriate subject to other policy considerations. In addition, the Site is within the allocated 'Leconfield Industrial Estate' employment site, which Policies EMP1 and ER6 support the development of for employment uses, which includes Class B8 Storage and Distribution uses. Therefore, the Proposals are in full accordance with Local Plan Policies EMP1, ST2, ER6 in being in an appropriate, preferred, and sustainable location to accommodate Class B8 use.

5.4 Furthermore, the application Site comprises of derelict brownfield land by bringing this vacant, previously developed land back into use for a viable and established business the proposals are in full accordance with NPPF Paragraphs 119 and 120, and Core Strategy Policies ST1 and ST2 which prioritise the reuse of brownfield land to encourage a prosperous economy.

- 5.5 The relocation of the BOC compound is required to facilitate the prompt delivery of the CMIQ proposals. Consequently, the proposals assist in the regeneration and renewal of Leconfield Industrial Estate and more widely Cleator Moor and Copeland Borough by enabling the creation of the CMIQ with its aims for business creation, diversification of the Borough's economic base and increasing local employment and training opportunities. In this regard the proposals accord with the principles of NPPF Paragraphs 81 and 83 Local Plan Policies ST1, ST2, ER4 and ER6 in supporting economic growth and productivity, allowing Copeland Borough to build on its strengths, and adapt to and address the challenges of the future.

## **Access and Transport**

- 5.6 The BOC compound is an existing and lawful operation on the Estate, and currently operates without any control or restriction over hours of operation or the number and type of vehicles used for the deliveries, nor their frequency of movement. The business has been successfully operating from Leconfield Industrial estate for over four years. The BOC operation is limited to the supply of specialist gases for industrial and medical uses, it does not provide direct sales to the public. As such the operation does not generate significant vehicle movements.
- 5.7 The development proposals comprise of the relocation of the existing business to a directly comparable site within Leconfield Industrial Estate, no expansion or intensification of operations is proposed. Consequently, the proposals will not result in any increase in travel movements over the existing situation and as such, no intensification in the use of the estate roads or access with Leconfield Street would result from the development.
- 5.8 A new vehicular and pedestrian access is proposed to the site at its northern boundary. The proposed 7.5m wide carriageway will connect with the existing internal estate road c.55m to the east between Unit 1 and Unit 6-8 and subsequently permitting access from Leconfield Street. The new road also includes 2m foot/cycle path provision which whilst currently terminates at the boundary of Unit 1 is envisaged will be extended as part of the wider CMIQ masterplan proposals. It is not proposed that the road be adopted. The design is such to enable the safe and efficient use by pedestrians and vehicles. Within the site the hardstanding will be clearly defined pathways and operational areas to ensure legibility and minimise conflict between pedestrians and vehicles.
- 5.9 The size and layout of the yard is such that lorries will access the site in forward gear turn within the yard and leave in forward gear. Parking is provided in basis of five car bays and two bays for specialist gas lorries. The parking provision is sufficient to meet operational requirements and will not impact on the carriageway.

- 5.10 Access to the site will be via controlled gates. The site will not be open for passing trade or trade with the public.
- 5.11 Overall, it is considered, therefore, that the proposals accord with NPPF paragraph 110 and Local Plan Policies ST1 and DM22 with regards to ensuring safe and efficient access by all users and parking provision.

## **Flood Risk and Drainage**

- 5.12 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage strategy prepared by BGP.
- 5.13 The FRA confirms that the site is wholly in Flood Zone 1. Flood Zone 1 is land that is assessed as having less than a 1 in 1000 (0.1%) chance of flooding each year. Consequently, risk of flooding from fluvial sources is categorised as low.
- 5.14 With regards to surface flooding, the Surface Water Flooding Map for Planning shows that the majority of the site is at 'very low risk (<0.1%) risk to surface water flooding with a small area towards the centre of the site at medium risk (1-3.3%). The medium risk area is above the elevation of the site where gullies are located with surface flooding considered likely due to gullies not being maintained due to the site being derelict following demolition of the adjacent building. It is anticipated that through the development of the site and introduction of positive drainage systems that this will be alleviated. Consequently, risk of flooding from overland sources is categorised as low.
- 5.15 In accordance with Building Regulations and the NPPF the disposal of water has been considered in following order of priority: discharge to ground, a watercourse, sewer.
- 5.16 Exploratory ground investigations have revealed that ground is made up of made ground overlaid silty/sandy clay and mudstone. As such infiltration rates would be poor. Discharge of surface water via ground infiltration is therefore not feasible.
- 5.17 The nearest watercourse Nor Beck is located 275m northeast of the site. CCTV investigation has shown that it is culverted running southeast into Leconfield Industrial estate and through the application site. Nor Beck culvert continues southeast through Norbeck Park and adjacent fields ultimately converging with the River Keele.
- 5.18 The watercourse is within the site and accessible and therefore as per the hierarchy it is deemed necessary to discharge the surface water to Nor Beck.

- 5.19 It is proposed that runoff rates from the Site be restricted to brownfield rates as per the Cumbria County Council SuDS Adoption Guidance for Major Developments. It is proposed that surface water flows are restricted to a brownfield run off rate of 15.0l/s. Due to the industrial nature of the Site and its surroundings there is no available green open space to accommodate an open SuDS feature such as a pond or basin. As such attenuation is proposed in the form of 2m sub surface attenuation tank. The tank will provide suitable volume to retain the 1 in 100 year +40% climate change flood event.
- 5.20 The surface water system consists of a network of pipes throughout the service yard that will drain via gravity into the attenuation tank before controlled discharge into Nor Beck.
- 5.21 Foul water will connect to the existing sewer system.
- 5.22 Considering that the proposed strategy will not increase risk of flooding on or off-site and so accords with NPPF paragraph 159 and local planning policies ST1 and DM24.

## Ecology

- 5.23 The application is accompanied by an Ecology Statement prepared by Tetra Tech (February 2022) and Cleator Moor Innovation Quarter (CMIQ) Ecological Appraisal Report (Tetra Tech, 2021) is also provided for background context in relation to the wider site.
- 5.24 The Statement confirms that no protected or priority species or habitats have been recorded on the site but it does have the potential to accommodate nesting birds, potential foraging opportunities for bats and the presence of common lizard has been recorded on adjacent land.
- 5.25 Two non-native invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act were recorded as present:
- Montbretia '*Crocasmia x crocosmiiflora*'
  - Wall cotoneaster '*Cotoneaster horizontalis*'
- 5.26 The Statement makes several recommendations to mitigate ecological impact, including implementation of appropriate construction methodologies, and invasive species removal methodology which can be secured through the the attachment of an appropriately worded condition to any permission.
- 5.27 Furthermore, in response to the potential for impact on bats the lighting scheme proposed has been designed to incorporate a range of measures to reduce impact on bats including the use of LED (150w) bulbs which have no UV output and are 'warm light' therefore less likely to disrupt foraging; to

be secured on fencing to provide directional light down, across the site and minimise light spillage, and will be sensor operated (heat / motion) during out of hours.

- 5.28 As such the proposals are in accordance with NPPF Paragraph 174 and Core Strategy Policy ST1.

## **Trees**

- 5.29 The application is accompanied by an Arboriculture Impact Assessment (AIA) Plan, Report and Tree Protection Plan (TPP) prepared by Barnes Associates. The AIA illustrates that the proposals will require the full removal of two tree groups (G27 and G28) and the partial removal of a third (G26). All trees affected are considered to be of no more than Category C typology i.e. very young and/or of low quality, with several identified as having a range of defects that require management. Given the limited scale of the site and their value their removal is considered acceptable.
- 5.30 Given the tightly constrained size of the site and its proposed use it is not possible to provide replacement tree planting as part of the proposals. However, additional landscaping is proposed at the site entrance comprising of native hedge/shrub planting and meadow grass. It is also highlighted that the proposals are required to facilitate the delivery of the 'Hub building' as part of the wider CMIQ redevelopment proposals for the Industrial Estate. The Hub building and the wider CMIQ proposals include extensive new landscaping and tree planting. As such the loss of the trees on the current application site will be adequately compensated elsewhere on the industrial estate as part of wider redevelopment proposals.
- 5.31 All trees in the vicinity of the site, identified on the submitted TPP, will be protected from harm during the construction process by the implementation of tree protection measures commensurate to BS5837:2012 which can be secured through the attachment of an appropriately worded condition to any permission.
- 5.32 Therefore, the proposals are considered acceptable against NPPF paragraphs 131, 174 and Core Strategy Policy DM28 in respect of tree impact.

## **Ground Conditions**

- 5.33 The application is accompanied by the following reports into ground conditions:
- Phase 1 Desk Study, January 2020 prepared by WYG.
  - Phase 2 Site Investigation, November 2020 prepared by WYG.
  - Phase 2 Site Investigation, March 2022 prepared by Solmek

- 5.34 With regards to land contamination the WYG Phase 1 Desk Study included a preliminary conceptual model. The initial risk was based on the site history which recorded iron and steel works from 1863 with slag heaps noted, prior to the industrial estate being noted from 1962. The report provided the following risk register was provided for various receptors:
- Human Health – Low to High
  - Controlled Water – Moderate
  - Current Site Users (on-site workers/visitors) – Low to Moderate
  - Vegetation – Low
  - Construction Materials – Moderate
- 5.35 The WYG Phase 2 Site Investigation then undertook the below soils contamination testing, a refined conceptual model was put forth:
- Human Health – Low (Soils) to High (Ground Gas)
  - Controlled Water – Low to Moderate
  - Current Site Users (on-site workers/visitors) – Low (Soils) to High (Ground Gas)
  - Vegetation – Low
  - Construction Materials – Moderate
- 5.36 To provide information upon the possibility of ground contamination 13no samples of made ground have been taken for shallow contamination testing by Solmek, results are to be issued as an addendum to the Solmek Phase 2 Site Investigation report when available.
- 5.37 With respect to risk from ground gas, as there are no enclosed structures the proposals are not considered to be at risk from ground gases.
- 5.38 With respect of historic mining operations the WYG Phase 1 Desk Study indicated that the west of the site was within a Development High Risk Area with relation to coal. There were understood to be three coal seams worked beneath the wider CMIQ site. Two mine shafts, nos.301515-006 & 301515-008 were identified as located either side of the proposed BOC yard. WYG commissioned Terradat to undertake geophysical survey including 301515-006. It was not possible to investigate 301515-008 due to this area being overgrown. WYG concluded that mine workings were not considered to pose a significant risk however mine shafts may pose a risk and further drilling may be required based on building layouts.

- 5.39 The Solmek Site Investigation consisted of two boreholes (BH01 & BH02) to investigate the area proposed for the BOC Yard. The investigations revealed no voids/workings were encountered. BHs 01 & 02 recorded slag to between 9.70 and 10.20mbgl, respectively. This corroborates the findings of the WYG report which also recorded deep slag in this area (up to 8.80m). It is understood that the slag was deposited some time after the shafts were sunk, with historic maps and anecdotal evidence suggesting this was done by the 1960s.
- 5.40 As the proposed yard will be very lightly loaded, utilised simply for the storage of gas bottles/canisters, IBCs and forklifts. Given that neither shaft directly underlies the proposed yard, and the nature of the proposals, it is considered that the proposed yard can be safely developed based on the available information.
- 5.41 The development proposals are therefore in accordance with NPPF Paragraph 183 and Core Strategy policy ST1 in relation to ground conditions.

## **Amenity and Environmental Health**

- 5.42 The application site is located at the western extent of Leconfield Industrial Estate. The nearest residential properties are located on Bowthorn Road, approximately 100m to the northeast. These properties are separated from the site by a mix of open grassland, dense vegetation buffer and informal allotments. The site is also bound to the south by existing industrial units with trees located to the north and further to the south. Consequently, the site is largely visually contained.
- 5.43 Operations on the site will comprise of the storage and distribution of gas cylinders and the filling of gas lorries. No other industrial processes are required. Noise generation will therefore be limited to that of vehicle noise. Lighting of the site is proposed via 10no. 150w LED lights which will be focussed inward cross the yard with 2no. additional lights at the Liquid nitrogen tank to provide additional illumination during the filling procedure.
- 5.44 Health and Safety enforcement on the site falls to the Health and Safety Executive, notwithstanding this, for clarity specialist suppliers are dealing with the liquid nitrogen tank and gas cylinders with provision of the nitrogen and gases will come from specialist provider (BOC Gases Ltd) who are required to comply with relevant health and safety laws and guidance. The company will be responsible for the operation of the tank and cylinders on a day-to-day basis and ongoing maintenance and these operations will be covered by health and Safety laws and are required to be suitably risk assessed.

- 5.45 Given the site's visual containment, the nature of proposed operations and separation from residential properties, it is considered that there will be negligible impact on the levels of amenity currently enjoyed by neighbouring residential properties or environmental health more widely resulting from noise, light, ground contamination, air quality or visual impact. The proposals therefore accord with NPPF Paragraphs 130, 186 and Core Strategy Policy ST1 in protecting residential amenity and environmental health.

## **Sustainability**

- 5.46 The proposals will bring a vacant plot of previously development back into viable employment generating use. In this regard the proposals accord with key sustainability requirements with regards to the efficient reuse of land.
- 5.47 In addition, the prefabricated modular cabins come with a number of sustainability features including:
- Efficient LED lighting
  - Double glazed windows for improved insulation and noise reduction
  - Waterless urinals to reduce overall water consumption
  - Non concussive taps to reduce water loss
  - Timed heaters to minimise energy use through unnecessary heating
  - Painted white to reduce solar gain
- 5.48 As such it is considered the proposals accord with Core Strategy policy ST1 and the general sustainability principles set out in the NPPF.

## **Design and Impact on Character of Area**

- 5.49 Core Strategy Policy ST1 requires that the design of development proposals respond appropriately to the site and surrounding context. The existing site is located within an established Industrial Estate and comprises part of the demise of a previously razed industrial structure and is immediately adjacent buildings currently in industrial use. There is little architectural merit in the vicinity of the site.
- 5.50 The tallest element of the proposals is the liquid nitrogen tank which is to be situated at the southeast corner of the site. At 5m the tank is shorter in scale than the existing adjacent industrial buildings. The proposed prefabricated modular cabins are of standard design and in the surrounding industrial setting are an appropriate design. Overall, the visual impact and the effect on the character of the



area is considered acceptable and in accordance with the principles of NPPF Paragraphs 126 and 130, and Core Strategy Policy ST1 with regards to appropriate design response.

## **Security**

- 5.51 In part, paragraph 127 of the NPPF (2021) requires that planning decisions should ensure that development proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.52 A 2.4-metre-high galvanised palisade fence and gate and 10no. LED lights are proposed around the site perimeter to provide security at the site. Such fencing and lighting would provide a sufficient and acceptable level of security around the liquid nitrogen tank and gas cylinders and would be sufficient to deter crime in accordance with paragraph 127 of the NPPF (2021).

## 6. Summary and Conclusions

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 6.2 This Planning Statement has set out how the proposed development accords with the NPPF and the relevant policies of Copeland Borough Council's adopted Development Plan and saved policies.
- 6.3 The development proposals seek the relocation of an existing business operation on the Leconfield Industrial Estate site to an alternative location also within the Industrial Estate. The site is an allocated employment site in the key service centre of Cleator Moor as defined in the adopted Development Plan. In this regard the principle of development has been previously established and is considered acceptable.
- 6.4 The proposals do not require the expansion or intensification of the operations. As such there will be no impact on the surrounding highways network above that currently undertaken.
- 6.5 Furthermore, the proposals accord with national and local planning policy objectives that prioritise the reuse of vacant brownfield land and will assist in the economic regeneration of Cleator Moor and Copeland Borough more widely by facilitating the prompt delivery of the CMIQ proposals.
- 6.6 Overall, the proposals will not result in harm that would outweigh the benefits of granting permission.

# Appendix I

## Photographs

1. Existing Liquid Nitrogen tank to be relocated





2. Example storage pallets to be used





3. Sign to be relocated



# Contact details

## Enquiries

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## Visit us online

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