



Whangs Beck, Egremont

Planning Supporting Statement

Environment Agency

29 April 2022

Notice

This document and its contents have been prepared and are intended solely for the Environment Agency’s information and use in relation to an application for full planning permission for the creation of two new accesses to the upper and lower Whangs Beck flood storage areas (FSAs), at Whangs Beck, Egremont, as part of the approved Skirting Beck and Whangs Beck Flood Risk Management Scheme (FRMS).

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1. Introduction

1.1. Introduction

- 1.1.1. This Planning Supporting Statement ('the Statement') has been prepared on behalf of the Environment Agency (EA) in support of an application for full planning permission to Copeland Borough Council (CBC) for amendment to the Whangs Beck section of the Skirting Beck and Whangs Beck Flood Risk Management Scheme (FRMS) ('the wider Scheme') to allow periodic access to the flood storage areas (FSAs) for maintenance purposes (hereafter referred to as 'the proposed Development') on land at Whangs Beck, on the western edge of Egremont, Cumbria.

1.2. Background

- 1.2.1. The Whangs Beck FSAs are one of three main FSAs, which collectively form the wider Scheme, which was granted planning permission in October 2019 (application reference: 4/19/2044/0F).
- 1.2.2. Since planning permission was granted, the EA has worked with partners to deliver the wider Scheme, with two sections of the wider Scheme at West Lakes Academy & Falcon and How Bank almost complete and the two sections at Whangs Beck, which the proposed Development relates to, still to be delivered.
- 1.2.3. After the wider Scheme was approved, it became apparent that two new accesses, for which planning permission is being sought collectively through the proposed Development, would be required to serve the Whangs Beck FSAs for maintenance purposes. Typically, this will be for essential activities such as debris clearance, grass cutting, and maintenance of the telemetry installations to ensure that the new flood defences can operate safely and effectively. The new accesses would also allow for quick mobilisation should this be needed during a flood event. It is estimated that the accesses will be used two or three times per normal year.

1.3. The Applicant

- 1.3.1. This application is made by VBA (a joint venture between VolkerStevin, Boskalis Westminster and SNC-Lavalin's Atkins business) on behalf of the EA. The EA are responsible for managing the risk of flooding from main rivers, reservoirs, estuaries, and the sea, including in Egremont through the recently approved wider Scheme.

1.4. Summary of Planning Application Submission

- 1.4.1. A range of professional disciplines have been involved in the development of the design and assessment of the proposed Development, which has directly informed the preparation of this planning application. As discussed, and agreed, with CBC planning officers at the pre-application stage (19th October 2021) and in subsequent discussions, the application is supported by several documents and drawings covering a range of planning, technical and environmental issues relevant to the proposed Development which satisfy CBC's planning application validation requirements.
- 1.4.2. In accordance with the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) Order 2015, the planning submission comprises the following documents:

- Application forms, including Certificates of Ownership, and notices duly completed;
- Planning Supporting Statement (this Statement);
- Drainage Strategy Technical Note; and
- Ecology Technical Note.

1.4.3. The following plans and drawings also form part of the planning application:

- Redline Boundary Plan (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0003);
- General Arrangement Drawing (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0001);
- Whangs Beck Upper – Existing and Proposed Plans (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0002);
- Whangs Beck Lower – Existing and Proposed Plans (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0005);
- Cross Sections (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0004); and
- Landscape Masterplan (drawing reference: IMNW000818-VBA-LL-3T3-DR-L-0001).

1.5. Structure of the Statement

1.5.1. This Section provides a general introduction to the proposed Development with the remainder of the Statement divided into a further six sections as described below:

- Section 2: The Application Site and Surroundings – gives a description of the Sites to which this planning application relates and the context, including a history of any relevant planning applications at the Sites;
- Section 3: The Proposed Development – describes the need for the proposed Development and sets out a detailed description of the proposed works;
- Section 4: Summary of Technical Assessments - provides a summary of the technical assessments and drawings that have been prepared in support of the planning application;
- Section 5: Planning Policy Context - outlines the relevant national and local planning policy context within which this planning application is to be considered;
- Section 6: Planning Considerations - considers the case for the proposed Development, demonstrating why planning permission should be granted; and
- Section 7: Summary and Conclusions - presents the conclusions of this Statement.

2. The Application Site and Surroundings

2.1. Site Location

- 2.1.1. The combined 0.37-hectare site to which this application relates comprises two separate discrete sites (hereafter collectively referred to as ‘the Site’) as shown edged red on the submitted Planning Redline Boundary plan (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0003). The western most site (hereafter referred to as ‘Whangs Beck Upper access’) is located at the northern extent of The Lilacs, adjacent to The Oaks whilst the eastern most site (hereafter referred to as Whangs Beck Lower access’) is located at the northern extent of The Larches both of which are located in the residential area of Egremont, Cumbria.

2.2. Site Description

- 2.2.1. The Site forms part of the wider Scheme which was granted planning permission in October 2019 (application reference: 4/19/2044/0F) for the creation of three flood storage areas and associated works across land at How Bank Farm, Whangs Beck, Falcon Club, West Lakes Academy and land west of Croadalla Avenue. As shown on the submitted General Arrangement drawing (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0001), the Site is located immediately adjacent to the Whangs Beck section of the wider Scheme.
- 2.2.2. The 0.18-hectare Whangs Beck Upper portion of the Site is shown edged in red on the Whangs Beck Upper Existing and Proposed Plan (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0002) and will provide access to the Upper Whangs Beck FSA. The 0.19-hectare Whangs Beck Lower portion of the Site is shown edged in red on the Whangs Beck Lower – Existing and Proposed Plans (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0005) and will provide access to the Lower Whangs Beck FSA.
- 2.2.3. The Site falls within a combination of land ownerships. The proposed Development has been discussed with landowners, neighbours, and stakeholders prior to the submission of this planning application.
- 2.2.4. The proposed Development has been designed to maximise the use of existing assets such as highways and hardstanding where possible and minimise the extent of new surfacing.

Whangs Beck Upper

- 2.2.5. The proposed 0.18-hectare Whangs Beck Upper portion of the Site comprises the existing highway, a small area of hardstanding at the northern end of The Lilacs which crosses a public footpath, and a grassed area which lies further to the north (shown in Figure 1 below). This part of the Site is currently utilised as an access track by CBC for grass cutting and maintenance purposes.

Figure 1: Whangs Beck Upper Access Context



Source: Google maps

- 2.2.6. The southern boundary of this portion of the Site is formed by the adopted highway which runs to the rear of The Lilacs and the curtilage of residential properties (numbers 10 The Lilacs and 14 The Ferns). The western boundary generally follows the alignment of the public footpath (situated outside the red-line boundary) which runs northwards from The Lilacs past the residential properties to the west, at The Oaks. The northern and eastern boundaries include grassed areas and the Whangs Beck Upper FSA which the proposed Development will provide essential access to.

Whangs Beck Lower

- 2.2.7. The 0.19-hectare Whangs Beck Lower portion of the Site comprises the existing highway, a small area of hardstanding and amenity grassland located to the northern end of The Larches, and a non-designated footpath. A larger area of grassland lies further to the north.
- 2.2.8. The southern boundary of this portion of the Site is formed by the adopted highway which runs to the rear of The Larches and the curtilage of residential properties at numbers 9 to 12 The Larches, and number 15 The Hollies. The northern part boundary of this portion of the Site includes grassed areas and the Whangs Beck Lower FSA which the proposed Development will provide access to.

2.3. Site Context

- 2.3.1. As described above, the Site falls within a wider area of land which has been granted planning permission and will provide the Whangs Beck FSAs. Further to the east and north of the Site is the main residential areas and businesses of Egremont which, alongside properties in the vicinity of the proposed Development, the wider Scheme aims to protect.
- 2.3.2. The Site is not covered by any international or national ecological designations, nor is the land part of a nationally protected landscape. The nearest statutory designated site for nature conservation is Clints Quarry Site of Special Scientific Interest (SSSI) which is located approximately 1.3 kilometres to the north-east. There are no Listed Buildings within or adjacent to the Site and it is not within or adjacent to a Conservation Area.
- 2.3.3. No Public Rights of Way (PRoW) run through the Site. Footpaths 406006 and 406001 will be permanently stopped up, in line with the Secretary of State's decision of 12th October 2021, to facilitate and operate the wider Scheme.

2.4. Planning History

- 2.4.1. A search of CBC’s online planning register has been undertaken to identify any planning applications on the Site or within the Site’s surroundings. The search did not identify any relevant planning applications aside from the extant planning permission for the wider Scheme as detailed below.

Table 1: Planning History

Planning ref.	Description of development	Site Address	Site Address in relation/ proximity to the proposed Development	Decision
4/19/2044/0F	Creation of three flood storage areas, landscaping, and associated works	Land at How Bank Farm, Whangs Beck, Falcon Club, West Lakes Academy and West of Croadalla Avenue, Egremont	Whangs Beck area of the wider Scheme which directly relates to the proposed Development	Approved - Oct 2019

3. The Proposed Development

3.1. Need for the Proposed Development

- 3.1.1. Skirting Beck and Whangs Beck are two small watercourses that flow through the town of Egremont, Cumbria and the area has a long history of flooding. With no formal defences in place, there was an urgent need to create new flood defence infrastructure and improve existing assets to reduce flood risk.
- 3.1.2. Planning permission was granted in 2019 for the wider Scheme (planning application reference: 4/19/2044/0F) which included for the creation of three new FSAs and a range of other interventions. This includes two connected FSAs along Whangs Beck (Upper and Lower) which will hold back water during periods of very heavy rainfall and reduce flood risk to properties located downstream. Construction has commenced at the Whangs Beck lower basin, with work due to start at Whangs Beck upper imminently.
- 3.1.3. During the detailed design stage of the wider Scheme, a requirement for maintenance access to the Upper and Lower Whangs Beck FSAs was identified. This access will typically be used for essential maintenance activities such as debris clearance, grass cutting, and maintenance of the telemetry installations. There are also sound health and safety reasons for the access, aligned to the Environment Agency's policy on good maintenance practice, including reducing the risks from manual handling etc.

3.2. Evolution of the Proposed Development

- 3.2.1. The proposed Development has been the subject of an iterative design process that has been informed through consultation and a number of surveys and technical assessments. The design has sought wherever possible to minimise impacts to residents, the landscape and environment through the retention and utilisation of existing features as far as possible. Every effort has been made to conserve features such as existing trees which contribute positively to visual amenity and the environmental value and character of the local area. The design has also been developed to protect the value of the land where the new accesses will be created.

3.3. Consultation and Engagement

- 3.3.1. The EA have built upon the stakeholder engagement and consultation undertaken during the development of the wider Scheme engaging directly with CBC and CCC, as well as Egremont Town Council and residents regarding the proposed Development, details of which is set out below.

Copeland Borough Council

- 3.3.2. Initial pre-application discussions with CBC took place on 19th October 2021 involving representatives of the EA, VBA, and Heather Morrison (CBC Senior Planning Officer) to introduce the requirement for the proposed Development, discuss the approach and content of the planning application, and the timetable for submission.
- 3.3.3. During the pre-application discussions, CBC accepted the principle of the development, identifying the main issues that would need to be addressed in the planning application which included the need to minimise potential impacts on residential amenity. Consequently, it was recommended that the EA seek the opinions of CCC Highways and Countryside Access officers, Egremont Town Council, and local residents.

- 3.3.4. CBC advised that finished levels and materials should blend with the surroundings, which following feedback received from the other consultees has been incorporated into the design, to minimise potential impacts.

Cumbria County Council

- 3.3.5. As the proposed Development will necessitate works to the existing highways and footpath, as well as the creation of new accesses, the EA have consulted with Doug Coyle (Manager of Flood and Development Management) and Sandra Smith (Countryside Access Officer) at CCC to discuss the design of the proposed Development and explore the requirements for obtaining any other necessary consents or permits.
- 3.3.6. Following discussions with Doug Coyle it was advised that the surface for the vehicle turning areas should be grasscrete to provide a hardwearing surface for vehicles, whilst still allowing infiltration and grass cutting by CBC across the whole of the open area. It was also agreed that the design of the new accesses should be to adoptable standards or a standard acceptable to the Highway Authority. It was also identified that a s278 Agreement would be required to make the alterations to the public highway.
- 3.3.7. Ongoing discussions have also taken place with Sandra Smith, principally relating to the status of an Order application made in June 2020 to permanently stop up/divert Footpath 406001 and 406006. As set out above, these changes were approved by the Secretary of State in October 2021.

Egremont Town Council

- 3.3.8. The EA has engaged with Councillor Sam Pollen and Councillor Michael McVeigh, both of Egremont Town Council in the development of the proposed designs for the proposed accesses. Written correspondence was sent to both Councillors on 21st February 2022 which included details of the proposed Development and a draft letter which the EA was proposing to send to residents. Both Councillors were supportive of the proposals, and no changes were suggested to the letter.

Residents

- 3.3.9. Nearby residents who have the potential to be affected by the proposed Development were informed of the proposals through a letter drop on 28th February 2022. This letter included details of the accesses and a Plan showing the proposals (a copy of which is included at Appendix A of this Statement) and sought the residents views on the proposals. In this letter, representatives of the EA and VBA design team made themselves available to answer any questions via a dedicated project email address.
- 3.3.10. One response to the letter drop was received on 15th March 2022 from a resident of The Larches who was concerned about the potential loss of car parking spaces. The VBA design team reviewed the width required to accommodate the proposed Whangs Beck Lower access and confirmed that no more than one parking space would be lost. A response was issued to the resident by email on 18th March 2022 and the resident subsequently confirmed that they were satisfied with the explanation provided. No comments were received from any of the other residents following the letter drop.
- 3.3.11. The EA and VBA will continue to engage with residents to address any concerns and keep them informed of progress.

3.4. The Proposed Development

3.4.1. The final design of the proposed Development has emerged from an iterative design process taking account of considerations raised by CCC, CBC and local residents as detailed above. The design of the proposed Development is shown on the following submitted drawings:

- General Arrangement drawing (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0001);
- Whangs Beck Upper – Existing and Proposed Plans (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0002);
- Whangs Beck Lower – Existing and Proposed Plans (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0005); and
- Cross Sections (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0004).

3.4.2. The proposed Development includes for the construction of two new accesses and associated drainage and landscaping which are described in more detail below.

New Accesses

- 3.4.3. As shown on the General Arrangement drawing (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0001), it is proposed that the two new accesses to the Upper and Lower Whangs Beck FSAs will mostly be provided through the use, alteration, and extension of the existing features and highway at The Lilacs and The Larches. It is estimated that the accesses will be used two or three times per normal year.
- 3.4.4. The Whangs Beck Upper portion of the Site incorporates an existing concrete access track, currently used by CBC for grass cutting and maintenance purposes, which will require minimal changes to the highway. The majority of the new access track will be constructed from grasscrete, with three demountable bollards provided across the start of the access to restrict access by unauthorised vehicles.
- 3.4.5. The design of the Whangs Beck Lower portion of the Site maximises the use of existing hardstanding areas, with the remainder of the access track to be constructed from grasscrete. Existing street furniture will need to be removed to facilitate the creation of the new access and an overhead cable may need to be relocated to allow the construction work to take place. A dropped kerb will be provided at the start of the access, with three demountable bollards provided to restrict access by unauthorised vehicles.
- 3.4.6. Details of the proposed grasscrete tracks is shown on the submitted Cross Sections drawing (drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0004). This comprises 150mm high Specification for Highway Works (SHW) Type 1 Sub-Base, and 100mm high Grasscrete Type GC1 with A252 Mesh. This will provide an environmentally friendly, reliable, and hardwearing surface for vehicles whilst also providing good infiltration that is aesthetically pleasing to blend with the surroundings. The crossfall (direction as appropriate to the track location) will be 2.5% (1 in 40).
- 3.4.7. Also shown on the Cross Sections drawing is the proposed tarmac surface for the footpaths that will also facilitate occasional vehicular access. This surface comprises a Geotextural Separator Layer with 150mm high 'Type 1' Granular Sub-Base, with 80mm of Dense Bitumen Macadam Base Course, then 60mm of Dense Bitumen Macadam Wearing Course on top. 50mm wide by 200mm high P.C.C Edging will be laid on 290mm high by 150mm wide 10/20 Concrete Back, haunched to within 50mm of the top. The width of the tarmac surface will vary.

Landscaping

- 3.4.8. The submitted Landscape Masterplan (drawing reference: IMNW000818-VBA-LL-3T3-DR-L-0001) shows the landscape proposals for the proposed Development, which is linked to that developed for the wider Scheme. Dry woodland mix is proposed adjacent to both new accesses. Agricultural grass reinstatement mix – hay meadow is proposed adjacent to the Whangs Beck Upper access and embankments, and drought mix proposed adjacent to the Whangs Beck Lower access.
- 3.4.9. Measures for the protection of existing trees will be used where required to avoid harm during the works. No significant vegetation clearance is required and grasscrete will be used to blend the proposals into the surrounding landscape and allow grass cutting across the whole of the open area.

Construction

- 3.4.10. To avoid impacts on the amenity of surrounding properties during construction, Best Practicable Means will be used to reduce the levels of noise and any dust generated. Working hours will be limited, with Sunday working avoided. At this stage it is expected that the construction period is likely to be approximately three weeks for each access.
- 3.4.11. Several mitigation measures will be used to minimise impacts on the highway, including:
- Restricting delivery times to between the hours 09:00 - 15:00 or 16:00 - 17:00 Monday to Friday during school term times or between 09:00 - 17:00 outside of term time;
 - A vehicle marshal directing delivery vehicles at the Site entrance;
 - Issuing all suppliers with a Construction Traffic Management Plan detailing the delivery route, traffic management signage and delivery times; and
 - Road sweeping carried out by an approved highways road sweeper as required on site.

4. Summary of Technical Assessments

4.1. Introduction

- 4.1.1. On the advice of CBC Planning Officers, a small number of technical assessments have been undertaken in support of this application for full planning permission. These assessments determine the suitability of the Site, establish the potential effects of the proposed Development and identify mitigation which can be used to minimise any potential impacts and enhance the area.
- 4.1.2. Commissioned by the EA and in consultation with statutory consultees, this suite of technical assessments includes a Landscape Masterplan, Drainage Strategy Technical Note, and Ecology Technical Note, the key findings of which are described below.

4.2. Summary of Technical Assessments

Landscape Masterplan

- 4.2.1. A Landscape Masterplan (drawing reference. IMNW000818-VBA-LL-3T3-DR-L-0001) has been submitted in support of this application which has been designed to minimise land take and limit potential negative impacts on amenity, landscape, and the environment. In addition, the retention and enhancement of existing vegetation, such as trees and grassland where possible, will ensure that the overall amenity, seasonal variation and character of the locality is maintained.

Drainage Strategy Technical Note

- 4.2.2. To effectively manage any potential risk impact to surface water drainage, a Drainage Strategy Technical Note has been prepared to ensure the proposed Development does not increase flood risk either to or from the Site.
- 4.2.3. The construction of the two FSAs within the Whangs Beck valley (as part of the wider Scheme) will significantly reduce the surface water run-off in the area, with water intercepted before reaching residential properties. The Upper FSA will empty into the existing Whangs bypass culvert, whilst the Lower FSA is connected into the highways drainage system.
- 4.2.4. The Whangs Beck Upper access incorporates an existing concrete access track, requiring minimal changes to the highway. The majority of this new access track will be constructed from grasscrete which is likely to nominally increase the surface water run-off. However, this provides a significantly higher rate of infiltration when compared to tarmac or concrete which were both considered and discounted. The impact of this access track on surface water drainage is considered to be negligible.
- 4.2.5. The Whangs Beck Lower access will largely be comprised of grasscrete, with the exception of where it ties-in to existing footpaths. Any existing tarmac footpaths which may be disturbed during construction will be replaced to match the existing, including levels, gradients, and material. Consequently, there will be no change to current surface run-off. As set out above, the inclusion of grasscrete is expected to contribute nominally to the surface water run-off in this locality due to its slightly lower infiltration rate compared to normal grass cover, however any change will be negligible and much better than alternatives such as tarmac or concrete.

- 4.2.6. The Drainage Strategy Technical Note concludes that due to the significant works undertaken as part of the wider Scheme and the limited nature of the proposed Development, only a negligible increase in surface water flows from the two proposed access tracks is predicted. A significant percentage will be intercepted by the lower FSA, before being slowly released into the existing surface water network.

Ecology Technical Note

- 4.2.7. A preliminary ecological appraisal (PEA) has been carried out to assess the potential impacts of the proposed Development on important ecological features in the Ecological Zone of Influence (EZoI) the result of which is presented in the Ecology Technical Note which accompanies this planning application.
- 4.2.8. Habitats within the Site comprise solely of existing hardstanding and amenity grassland. Furthermore, the design of the proposed Development has sought to minimise the loss of grassed areas as much as possible to ensure that the physical continuity of the ecology network is maintained as much as practical during construction and operation. Habitats adjacent to the Site predominantly comprise a thin strip of broadleaved woodland to the west of the upper access and further amenity grassland.
- 4.2.9. Based on the habitats present and the results of the PEA, it is considered reasonably unlikely that protected and priority species would be present within the Site. However, due to the adjacent watercourse and nearby waterbody and woodland habitats, there is some limited potential for commuting and foraging bats, badger, reptiles, amphibians (excluding Great Crested Newt), red squirrel, otter, and other notable species (including hedgehog, common toad, and polecat) to be present on the grassland at the Site. There is also potential for invasive non-native species (INNS) such as montbretia (which has previously been identified within the wider Scheme) to be present within the Site. However, no INNS were identified during the walkover survey, and the only habitat that will be impacted by the proposed Development is limited to amenity grassland.
- 4.2.10. Having considered the embedded design features, construction phase mitigation, and the precautionary approach to protected and priority species, the Ecology Technical Note concludes that the proposed Development is not expected to result in any significant impact on any features of nature conservation importance throughout its construction or operation.

5. Planning Policy Context

5.1. Introduction

- 5.1.1. This section sets out the planning policy context against which this application will be determined. The proposal has considered the prevailing planning policy and has also considered the Site and the nature and design of the proposed Development. In so doing, it sets out the basis of the planning policy rationale for the proposed Development and has provided the context for guiding the evolution of the design.
- 5.1.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) requires that all planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2. National Planning Policy Framework

- 5.2.1. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions.
- 5.2.2. The NPPF states that at the heart of the Framework is a presumption in favour of sustainable development (paragraph 10). For decision-making, this means that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay.
- 5.2.3. Paragraph 38 of the NPPF sets out that local planning authorities should approach decisions on development proposals in a *'positive and creative way.... and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area'*. Decision-makers at every level should seek to approve applications for sustainable development where possible. Paragraph 39 highlights the value to development proposals of early pre-application discussions.
- 5.2.4. Paragraph 47 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2.5. Chapter 12 of the NPPF aims to achieve well-designed places. Paragraph 126 notes that *'good design is a key aspect of sustainable development'*. Paragraph 130 requires planning decisions to ensure that development proposals function well and add to the overall quality of the area and are sympathetic to the surrounding built environment and landscape setting.

5.3. Local Planning Policy

- 5.3.1. For the purposes of S38 (3) of the PCPA, the Statutory Development Plan for Copeland currently comprises the following documents:
- Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies (adopted in December 2013);
 - Copeland Local Plan 2013-2028 Proposals Map and Copeland Local Plan 2001-2016 'Saved' Policies; and
 - Copeland Local Plan 2013-2028 - Interactive Proposals Map

- 5.3.2. The Local Plan (also known as the Local Development Framework) covers those parts of the administrative area of CBC which are not within the Lake District National Park, including the Site.

Copeland Local Plan 2013-2028 - Core Strategy and Development Management Policies DPD (adopted December 2013)

- 5.3.3. The Core Strategy and Development Management Policies DPD replaced the Copeland Local Plan 2006 (except for some specific land allocation policies). The DPD recognises that some areas of Copeland are at risk of flooding and that new development should ameliorate the impacts of flooding on people and property when it does occur. The proposed Development will form an essential part of the on-going maintenance required for the approved wider Scheme to ensure that the new flood defences can operate safely and effectively. This will also support one of the key environmental visions for Copeland to 2028 as '*a place that adapts to climate change*'.
- 5.3.4. Policy ST1 'Strategic Development Principles' sets out the fundamental principles that will guide development management in the Borough. This includes social and environmental sustainability, protecting and enhancing assets, and ensuring quality of place.
- 5.3.5. Policy ST4 'Providing Infrastructure' supports mechanisms for new infrastructure where it will support development.
- 5.3.6. Policy ENV1 'Flood Risk and Risk Management' develops a strategic approach towards flood risk and flood management introduced in Policy ST1 B(ii). It states that '*The Council will ensure that development in the Borough is not prejudiced by flood risk*' by ensuring that new development does not contribute to increased surface water run-off, and new flood defence measures are supported to protect against both tidal and fluvial flooding in the Borough. The proposed Development supports the aim of the wider Scheme which is to reduce flood risk in Egremont and has been designed to limit any impacts on surface water run-off.
- 5.3.7. A series of Development Management Policies are included and provide further detail on how the Core Strategy will be implemented. The Development Management Policies relevant to the proposed Development are described below.
- 5.3.8. Policy DM11 'Sustainable Development Standards' requires development proposals to reach high standards of sustainability by encouraging construction materials to be sourced, where possible, from local and sustainable sources.
- 5.3.9. Policy DM24 'Flood Risk and Risk Management' prohibits development proposals where there is an unacceptable risk of flooding or where the proposed Development would increase the risk of flooding elsewhere.
- 5.3.10. Policy DM26 'Landscaping' aims for development proposals, where necessary, to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact.
- 5.3.11. Policy DM28 'Protection of Trees' requires development proposals to protect trees on or near development sites.

Emerging Planning Policy

- 5.3.12. CBC are in the process of producing a new Local Plan which will replace the currently adopted Local Plan Core Strategy and saved policies. It is not expected that the new Local Plan will be adopted until at least Spring 2023.

6. Planning Considerations

6.1. Introduction

6.1.1. Having established the Site conditions, the prevailing planning policy framework and the likely effects arising from the proposed Development, the main planning issues raised by this application are considered within this section under the following headings and in so doing it demonstrates the planning rationale for the proposed Development, and why planning permission should be granted.

- Principle of Development;
- Sustainable Development;
- Flood Risk;
- Landscape and visual impact;
- Nature Conservation;
- Amenity; and
- Highway's impact.

6.2. Principle of Development

- 6.2.1. The Whangs Beck FSAs are one of three main FSAs forming part of the wider Scheme which were collectively granted planning permission in October 2019 (application reference: 4/19/2044/0F) with the aim of increasing the level of flood protection to homes and businesses in Egremont.
- 6.2.2. During the detailed design stage of the wider Scheme, a requirement for maintenance access to the Upper and Lower Whangs Beck FSAs was identified. This access will allow essential maintenance access to ensure the new flood defences can operate effectively, helping to ensure the efficient operation of the wider Scheme as a whole. There are also health and safety reasons why the access is required, linked to the Environment Agency's policy on good maintenance practices, with the need to reduce risks from manual handling etc.
- 6.2.3. As such the proposed Development is considered to accord with the policies of the Development Plan, in particular policies ST1 and ENV1 as well as national planning policy.

6.3. Sustainable Development

- 6.3.1. The design of the proposed Development has been informed by the findings of the technical reports and surveys which accompany the planning application and feedback received from consultees and aims to minimise potential impacts on amenity, the landscape and environment.
- 6.3.2. The proposed Development covers two small discrete areas of land which will form a very small, but essential part of the wider Scheme. The proposals maximise the use of the locations existing assets, including the existing highway and areas of hardstanding, as well as the existing access track which currently provides CBC with access to the land near the proposed Whangs Beck Upper access for grass cutting and maintenance purposes.

- 6.3.3. In line with the requirements of policy DM11, the proposed Development will use locally sourced and sustainable materials where possible to reduce the environmental impact of the proposed Development.
- 6.3.4. As such the proposed Development is considered to accord with the policies of the Development Plan, in particular policies ST1, ENV1 and DM11, and national planning policies.

6.4. Flood Risk and Drainage

- 6.4.1. The proposed Development will form an essential part of the wider Scheme. The Drainage Strategy Technical Note submitted with the planning application demonstrates that the two FSAs at Whangs Beck, as part of the wider Scheme, will significantly reduce surface water run-off in the local area, with water intercepted before reaching residential and other properties. Although there could be a nominal increase in surface water from the grasscrete proposed as part of the proposals, the Technical Note concludes that any effects would be negligible and there would be no significant impact on flood risk at the Site or increased risk of flooding elsewhere. Furthermore, grasscrete is a much more preferable solution than tarmac or concrete which were both considered and discounted as part of the iterative design process.
- 6.4.2. The proposed Development therefore complies with policies ENV1 and DM24 of the Development Plan and is in accordance with national planning policy.

6.5. Landscape and visual impact

- 6.5.1. As shown on the Landscape Masterplan (drawing reference: IMNW000818-VBA-LL-3T3-DR-L-0001) submitted with this application, the design of the proposed Development has considered the need to develop alignments and footprints which conserve trees and retain as much grassed land as possible whilst still delivering the accesses required to support the wider Scheme. Furthermore, new landscaping is also included as part of the wider Scheme to compensate for potential landscape and visual impacts. Important trees will be fenced off where necessary and appropriately protected from damage during construction.
- 6.5.2. There will be no impacts to the wider landscape as part of the proposed Development. It is likely that the construction activities themselves will form a noticeable feature in the view for some residential receptors and users of nearby footpaths, however all construction activities will be temporary and short-term in nature (estimated three weeks to construct each access).
- 6.5.3. The proposed Development is considered to comply with relevant policies with respect to landscaping, in particular policies DM26, DM28 and ENV5.

6.6. Nature Conservation

- 6.6.1. As demonstrated in the Ecology Technical Note submitted with this application, the proposed Development seeks to protect the biodiversity value of the Site and in the vicinity through minimising the fragmentation of habitats. No trees will be lost, and grassed land will be retained as much as possible, whilst the submitted Landscape Masterplan (drawing reference: IMNW000818-VBA-LL-3T3-DR-L-0001) will compensate for any loss through appropriate replacement and enhancement.
- 6.6.2. Accordingly, the proposed Development is in accordance with the Development Plan, particularly policy DM25, and national planning policy.

6.7. Amenity

- 6.7.1. There are a number of homes located in the vicinity of the Site, principally along The Larches, The Lilacs, The Ferns, and The Oaks, as well as users of the local footpath/cycle network, who could potentially be affected by the proposed Development.
- 6.7.2. However, construction works will be short-term and any effects such as from noise, vibration or dust would be of a temporary duration only. During construction, appropriate mitigation measures will be implemented which may include acoustic screening and the adoption of best practicable means to reduce noise and dust arising from construction works.
- 6.7.3. There is likely to be some temporary disruptions to local footpaths during construction for safety reasons. However, this will be carefully managed on-site to minimise impacts and maintain access. The proposed Development is therefore considered to accord with the requirements of policy ST1 and national planning policy.

6.8. Highways Impact

- 6.8.1. The proposed Development has been designed to be safe and functional and, once completed, it will integrate with the existing highway and areas of hardstanding. The Whangs Beck Upper access track incorporates an existing concrete access track, requiring minimal changes to the highway. Proposals for the Whangs Beck Lower access track include reinstatement of the tarmac footpaths.
- 6.8.2. As agreed with CCC, a s278 Agreement will be acquired separately to, but as part of, the planning approval process to make the necessary alterations to the public highway.
- 6.8.3. The contractor will encourage and facilitate safe movements for residents and others during construction, and supplement this with live information on-site where appropriate.
- 6.8.4. The proposed Development is considered to comply with the Development Plan and national planning policy.

7. Summary and Conclusions

- 7.1.1. The wider Scheme is required to ensure that the risk of flooding to residents and businesses in Egremont is reduced. During the detailed design stage of the wider Scheme, a requirement for maintenance access to the Upper and Lower Whangs Beck FSAs was identified. These accesses will allow essential maintenance access (an estimated two or three times per normal year) to ensure the new flood defences can operate effectively helping to ensure the efficient operation of the wider Scheme as a whole.
- 7.1.2. The final preferred design for the new accesses has emerged through a comprehensive iterative design process, with a number of locations and options evaluated during the course of its evolution. The design proposals were discussed with CBC and CCC to identify and address any areas of concern as far as possible and agree the preferred solutions prior to the submission of this application. This consultation process, alongside consultation with residents and Egremont Town Council and close collaboration between the design and environmental teams has enabled the evolution of the proposed Development and helped to identify the necessary associated mitigation measures.
- 7.1.3. The proposed Development has been sensitively designed to minimise land take, integrate with existing features where possible, and includes appropriate materials (such as grasscrete).
- 7.1.4. The supporting documents which accompany this application present the findings of surveys and assessments that have been undertaken in connection with the proposed Development. The assessments demonstrate that the proposed Development would not result in any significant adverse impacts. In addition, the use of industry best practice construction mitigation measures will help to manage any construction impacts. As such, any effects that would result from the proposed Development would be negligible, temporary, and short-term.
- 7.1.5. The overall benefits of the proposed Development described within this Statement, with its direct links to the wider Scheme, combined with the minimal impact upon amenity, landscape and the environment means that the proposed Development is fully in accordance with the provisions of adopted the Development Plan and national policy.
- 7.1.6. Consequently, in line with NPPF, it is considered that the proposed Development has been fully justified and there are no sound planning considerations why planning permission should not be granted.

Appendices



Appendix A: Consultation Letter to Residents

creating a better place
for people and wildlife



Our ref: IMNW000818_WHANGS1

Your ref:

Date: 1 March 2022

Dear Resident

Skirting and Whangs Beck Flood Risk Management Scheme - new access tracks proposed

As you will be aware, the Environment Agency is constructing a flood risk management scheme in Egremont that will reduce flooding to a significant number of properties in the town.

As part of this scheme, two small flood storage basins are being constructed at Whangs Beck. The storage basins will hold back water during periods of very heavy rainfall, and reduce flood risk to properties situated downstream. Planning consent is in place for this work, construction at both sites is now underway.

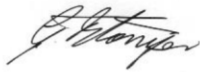
The Environment Agency will need access in future to carry out routine maintenance and inspections, such as grass cutting and debris removal, to ensure the new flood defences continue to operate safely and effectively. The proposed access tracks were not included within the original planning submission, a new application is now required for these proposals. The details are as follows:

- Separate accesses are proposed for Whangs Beck upper and lower basins, from the ends of The Ferns, and The Larches
- The access tracks will be surfaced in grasscrete - this provides a robust surface for vehicles whilst still allowing grass to grow and soften the appearance
- Removable bollards are planned to be installed at the access points, to prevent access by unauthorised vehicles
- The access tracks will typically be used by a 4x4 vehicle and trailer to access the site to clear debris clearance and maintenance around periods of heavy rainfall
- The access tracks are planned to be constructed in summer 2022, following completion of the main works to construct the storage areas

A plan of the proposals is also supplied. We would welcome any comments you have on these proposals, please send your comments through to the project team at the following email address by Friday 11 March:

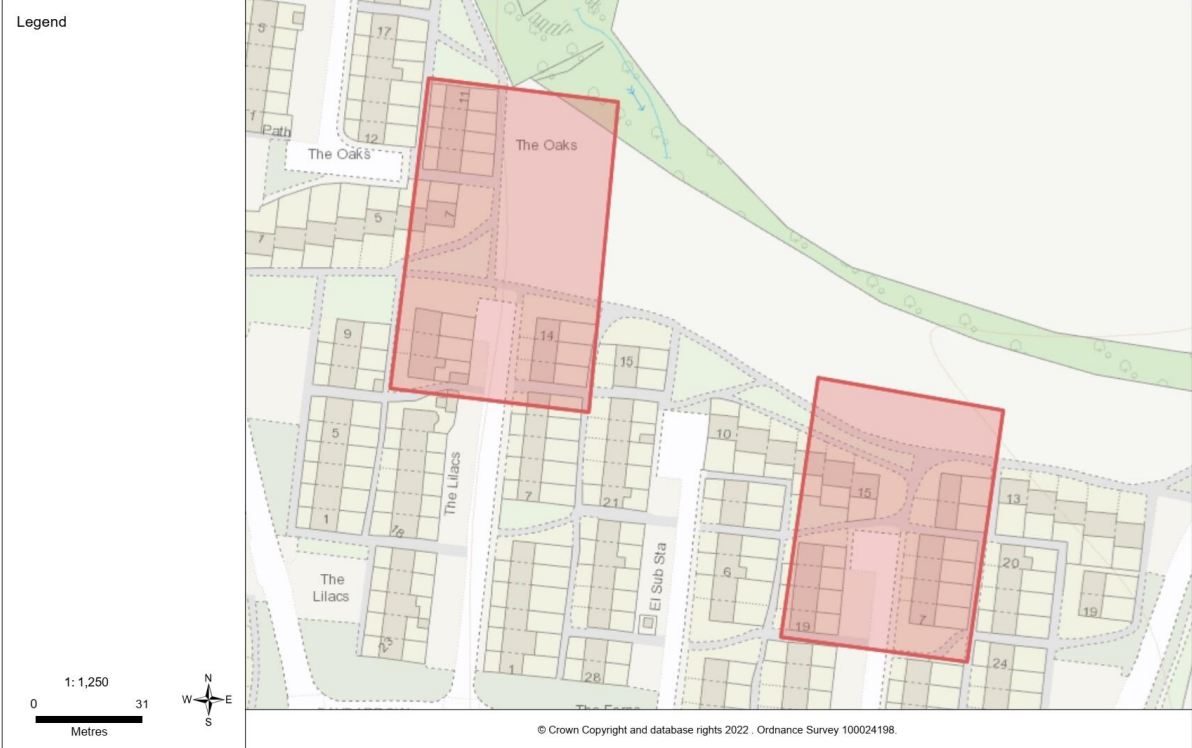
SkirtingFRMS@environment-agency.gov.uk

Yours faithfully



Graham Stanger
Environment Agency Project Manager

Whangs Beck - letter drop areas



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