

Our Ref: OLT13/01/2025

Your ref:

The Head of Planning
Cumberland Council
The Market Hall
Market Place
Whitehaven
Cumbria
CA28 7JG

Dear Sir/Madam,

PROPOSED UPGRADE OF FIBRE OPTIC INFRASTRUCTURE ALONG OFF THE A5086 , NORTH OF EGREMONT, CUMBRIA, CA22 2SZ AT NGR: NY00909 12582

Viberoptix are a Tier 1 Contractor, building fibre networks and connecting rural communities throughout Ireland and the UK. They specialise in the complete design and build of fibre networks. They are the principal designer and contractor of Fibrus Network Limited’s new hyperfast broadband network, part of the UK Government’s £5 billion programme ‘Project Gigabit’ which will enable hard-to-reach communities access to lightning fast-gigabit capable broadband. Viberoptix are proposing works in the Woodend area, comprising the installation of a 9m pole and ducting following an existing route.

This notification is submitted under Part 16 “Communications” of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). In accordance with Schedule 2, Part 16, Class A of the GPDO, a determination is sought as to whether the prior approval of the Authority will be required for the siting and appearance of the development.

The proposed work comprises the upgrade of fibre optic infrastructure off the A5086, north of Egremont, Woodend, from **E:300917, N: 512545** to **E:300910, N: 512582**. This new infrastructure proposed is essential to connect properties at Wooden. This will comprise the installation of:

- 1x 9m pole (in the grass verge) and
- 110mm traditional dig (**65m** in length on the tarmac in the carriageway). This is required to bury the duct with the broadband cable.

Further details of these works are outlined in the table below:

Planned Build Option	Excavation Depth	Description of Works
Poling	1.5m	Excavate to required depth for surface. Install duct, backfill and reinstate
Traditional Dig Ducting	Carriageway – 560mm	Excavated to required depth for surface. Install duct, backfill and reinstate

Under Part 16 (Communications), Class A (electronic communications code operators) of the GPDO, the development would be classed as permitted development.

Details of what constitutes permitted development is explained by Paragraph A of Part 16 of the Order:

“A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of –

- a. ***the installation, alteration or replacement of any electronic communications apparatus.***
- b. *the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
- c. *development ancillary to radio equipment housing.*

We note that the proposed works are located the on the edge (**duct is on the boundary and the pole is 0.9m inside**) of the Clints Quarry Site of Special Scientific Interest (SSSI) and local Wildlife Site. We have also noted the geological conservation interest of the SSSI.

Under Schedule 1, Part 1 (Article 2(3) land) of the GPDO, Article 2(3) land is defined as:

“1. Land within –

- (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);*
- (b) an area of outstanding natural beauty;*
- (c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);*
- (d) the Broads;*
- (e) a National Park; and*
- (f) a World Heritage Site.*

Due to the siting of the works within the boundary of the Clints Quarry SSSI, a prior notification or consultation is required as per the requirements of Paragraph A.3, subparagraph 4 of the legislation:

“(4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development”.

This Prior Notification is submitted for Viberoptix. In accordance with the provisions of Part 16 of the GPDO, the following information is provided:

- **Written Description of the Proposed Development-** Proposed upgrade of fibre optic infrastructure comprising the installation of ducting and a pole along the course of the existing infrastructure route.
- **Site Location-** Off the A5086, north of Egremont (from E: 300917, N: 512545 to (E: 300910, N: 512582).
- **Plan indicating the site and showing the Proposed Development**
- **Contact address and email address for the developers**
Fibrus Networks Limited, 108-113 Dargan Crescent, Belfast, BT3 9JP
Telephone – 028 9099 3230
Email – chris.collins@fibrus.com
- **Contact address and email address for the landowner**
mail@cumbriawildlifetrust.org.uk.
01539 816300

In support of this application, Viberoptix assigned Wardell Armstrong to undertake a high-level Desk Based Ecology Assessment to identify potential ecological constraints pertinent to the proposed works planned at Woodend. The study includes detail on the level of impact likely to be experienced at the Clints Quarry SSSI as a result of the proposed works, alongside a list of recommended measures that should be considered prior to any works being undertaken.

Also, the report (Desk Study Technical Note) (included within this submission for completeness) has been produced for the purpose of providing the relevant Authority with the information necessary to enable compliance with its duties under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 ('Habitat Regulations 2019'), It describes the methods used to define the scope of a screening assessment and identify potential effects on the SSSI with the proposed scheme individual, and in combination with other plans or projects.

A detailed Ecological Management Plan (EMP), Construction Material Management Plan and Pollution Prevention Plan, which contains specific measures to protect features of ecological interest during the proposed fibre optic upgrade works, has also been prepared in support of this application. Appropriate and deliverable mitigation measures have been identified to avoid or minimise the risk of impacts and that there will be no adverse effect upon the integrity of the SSSI. This will be implemented by the Viberoptix contractors with ongoing support from an Ecological Clerk of Works (ECoW) from Wardel Armstrong to ensure all mitigation is adhered to.

A Heritage Impact Assessment (HIA) through the preliminary report was also undertaken for the wider area, taking into consideration the geological importance of the Clints Quarry and potential impacts to the significance of designated and non-designated heritage sites and to the character and appearance of the area. In conclusion, it was considered that the works would result in any harm to the designated and non-designated assets assessed including the Clints Quarry (**HER 12324**).

The application has been prepared in accordance with the Code of Practice for Wireless Network Development in England (March 2022).

The proposals contained within the notification are identified as the most suitable option that balances operational need with local planning policies and national planning policy guidance.

We are committed to maintaining a positive relationship with the Local Planning Authority and we would be happy to provide any reasonable additional information in relation to this application.

You are reminded that the time period specified for a decision on this application is defined under Paragraph A.3(8) of Part 16 of the Town and Country Planning (General Permitted Development) (England) (No.2) Order 2016 and nothing in this letter, allows or agrees to an extension to that time period.

We look forward to receiving your acknowledgement and decision in due course.

Yours faithfully,

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Environmental Compliance Manager

In accordance with the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016, all correspondence to the developers, in the first instance, should be sent to:

Fibrus Networks Limited

108-113 Dargan Crescent

Belfast

BT3 9JP