

Planning Application Reference Number:	4/25/2180/0F1
Application Type:	Full Planning Application
Application Address:	Land Between Woodend and Moor Row, Egremont
Proposal	Construction and Installation of a Battery Energy Storage System (Bess) and Associated Infrastructure, Landscaping and Buried Grid Cable Route
Applicant	JT Energy Storage (Windel Energy)
Agent	Stephenson Halliday
Valid Date	30 th May 2025
Case Officer	Heather Morrison/Nick Hayhurst

Cumberland Area and Region

Copeland and Egremont/Cleator Moor Parishes

Relevant Development Plan

Copeland Local Plan 2021-2039.

Reason for Determination by the Planning Committee

The Service Manager for Development and Implementation in consultation with the Chair and Legal Officer is satisfied that it has been demonstrated that the application raises significant material planning issues for consideration by Committee in line with the terms of reference for the Planning Committee as set out in the Scheme of Delegation.

Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

1. Site Location

- 1.1 The Site comprises approximately 1.18 ha of pastureland that is located to the east of Dalzell Street, approximately 700 metres to the north of the hamlet of Woodend.
- 1.2 The site is split across two fields which are separated by an access track. It lies between the villages of Bigrigg, Cleator and Moor Row. The larger settlements of Egremont, Cleator Moor and Whitehaven are all located within a 5km radius of the Site. The Lake District National Park boundary lies approximately 2.7km to the north-east.
- 1.3 Access to the site is gained via an existing track from Dalzell Street, an unclassified road (U4030) which connects with the A5086 and the A595, approximately 1-1.25km to the south of the Site.
- 1.4 The Site is bound immediately to the east by the former railway embankment which now forms part of National Cycle Route 72. The site is adjoined to the north and south by agricultural land and to the west by Dalzell Street.

2. Relevant Planning History

- 2.1 There is no relevant planning history pertaining to the Application Site itself.
- 2.2 In the surrounding area, planning permission has previously been granted for BESS development at a site immediately adjacent to Woodend Substation. The first application (planning permission ref 4/16/2263/0F1) was for an extension to the substation to facilitate grid connected battery storage (with a capacity of 10MW), while the second application (planning permission ref: 4/22/2335/0F1) related to a small extension and modifications to the operational battery storage facility.

3. Proposal

- 3.1 Planning permission is sought for the construction and installation of a Battery Energy Storage System (BESS) and associated access, landscaping and ancillary works. It would be connected to the existing substation at Woodend via a buried grid cable route.
- 3.2 Planning permission is sought for a 40 year period. The land would be restored to its former state at the end of this period.
- 3.3 The Proposed Development would comprise the following key components along with associated ancillary infrastructure and equipment.

- 16 no. battery storage containers providing a total capacity of 30MW. Each BESS unit typically resembles a storage container, measuring 6m long, 2.5m wide and 2.9m high.
 - 8 no. inverter stations measuring 6.1m in length, 2.5m in width and 2.9m in height.
 - Spare parts container, measuring 12.2m in length, 2.5m in width and 2.6m in height.
 - 2 Substations (which are positioned back-to-back and read as a single unit):
 - Applicant's substation: 7.5m length, 3.5m width and 3.3m in height;
 - DNO substation: 7.5m in length, 5.35m in width and 3.3m in height.
 - Access track comprised of crushed stone.
 - Fencing – 2.4m high palisade fence.
 - CCTV cameras.
 - Water tank: 10.45m depth and 3.9m in height.
 - Aux transformer: 4.7m in length, 3.8m in width and 2.4m in height.
 - Landscaping and biodiversity enhancements.
- 3.4 The Site would be accessed via the existing track to the east of Dalzell Street. A secondary access, for emergency use only, would be provided in the same location as the existing field gate onto Dalzell Street.
- 3.5 An internal access track with a turning area is required to facilitate the construction and maintenance of the Proposed Development. The track would consist of a layer of permeable, unbound granular material (clean, crushed, and compacted stone/gravel) placed on an underlying layer of recycled aggregate.
- 3.6 The following information has been submitted in support of the application: -
- Application Form and Certificates;
- Plans and Elevational Drawings including
- Site Location Plan (Drawing Ref 030.300.01)
 - Site Layout Plan (Drawing Ref 030.301.05)
 - Inverter Plans and Elevations (Drawing Ref 030.302.01)
 - Battery Plans and Elevations (Drawing Ref 030.303.01)
 - DNO Substation Plans and Elevations (Drawing Ref 030.304.01)
 - Private Substation Plans and Elevations (Drawing Ref 030.305.01)
 - Aux TX Plans and Elevations (Drawing Ref 030.306.00)
 - Spares Container Plan and Elevations (Drawing Ref 303.307.01)
 - Proposed Fence Elevations (Drawing Ref 030.308.01)
 - Water Tank Plans and Elevations (Drawing Ref 030.309.00)
 - Proposed Track Detail (Drawing Ref 030.310.01)
 - Proposed Site Elevations (Drawing Ref 030.311.00)
- Ecological Impact Assessment;
- Biodiversity Impact Assessment & DEFRA Metric;
- Wintering Bird Survey Report;

Arboricultural Assessment;
Flood Risk Assessment and Drainage Strategy;
Historic Environment Assessment;
Landscape and Visual Appraisal;
Noise Impact Assessment;
Agricultural Land Classification (ALC) Survey and
Transport Statement and Traffic Management Plan.

4. Consultation Responses

Egremont Town Council

No objections

Cleator Moor Town Council

Members did feel that some further information would be required on this application to determine its proximity to the historic Graveyard and Quaker grave and whether any disturbance to these would occur. Resolved this question be forwarded to Cumberland Planners.

Highways Authority/LLFA

First Response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows :

Countryside Access Response

We have no objection to the development. Public Right of Way FP 403005 is located to the north of the development site. The applicant has assessed the visual impact of the development on the surrounding Public Rights of Way Network which includes the route of the Coast-to-Coast National Trail which is currently being established on the ground.

Advisory Comments

The applicant should be advised that:

- ☐ The granting of planning permission would not give them the right to obstruct, close or divert the public right of way.
- ☐ The public right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Local Highway Authority response:

I note the following scheme facts and impacts:

- The total trips (2-way) HGV + staff traffic is a maximum of 20 per day during the construction phase. This is not considered to be material, and considering the short duration of the project will not have a material impact on the highway network.
- However, the U4030 is a quiet road and used by pedestrians and cyclists. A Construction Traffic Management Plan including measures to manage deliveries and routing should be provided (will be conditioned)
- There is sufficient space and suitable layout to allow for the site vehicles to park and turn so they can enter and exit in a forward gear.
- I note the proposed line of the mains cable in Dalzell Street. The applicant will need to apply for the appropriate permits well in advance of the works to secure the proper permissions.

Traffic Routing

The routing proposal is consistent with the Council's previous response to 4/2336/0F1. I.e. all construction and delivery vehicles would be required to travel to/from the Site via the A595, with use of the A5086 being limited to that section between the A595 and the C4002 so that such vehicles would not pass through Cleator, Cleator Moor, Frizington or Rowrah.) No construction or delivery vehicles will be permitted to use the U4030 to the north of the site (i.e. not passing through Moor Row) or along the U4030 to the south of Woodend.

The LHA agree with this routing proposal outlined in the Outline Construction Traffic Management Plan. A full detailed CTMP will be conditioned in due course.

Areas / matters where further evidence or attention to detail is required

1. The access track which is to be used as the temporary and permanent access to the site is pot-holed and is a stone (sub-base) type finish. This is not to the required standard for a new or improved access which should be metalled for at least the first 5m and also include measures to prevent surface water run-off from flowing onto the highway (this requirement could be conditioned if not addressed at this time).
2. There are no visibility splays shown at the proposed access. I appreciate that it is an existing access but it will see intensification and therefore has to comply with the new layout design. Please demonstrate that the appropriate visibility splay for the speed limit (de-restricted) or more realistically, commensurate with the actual measured 85th %ile speed can be provided onto the U4030. I note that the bank to the north of the access is lowered to help with visibility.

LHA Conclusion

I cannot make a final recommendation until the two points mentioned above have been addressed / investigated.

Lead Local Flood Authority response:

I have reviewed the Flood Risk Assessment and Drainage Strategy (May 2025) referencing the EA's flood maps. I note that the site is in Flood Zone 1 so is at very low risk from fluvial flooding but some of the site is in the medium risk zone for

surface water flooding. However, the layout has taken account of the lower lying areas and the units are not within the flood zone areas.

I note from the outline surface water drainage strategy that infiltration is considered unlikely to be feasible. This is a reasonable assumption but will need testing in due course to rule it out. I do note that there is a workable back-up drainage solution with a positive attenuated discharge indirectly to the River Keekle.

The proposed flow management and treatment train is acceptable in principle. Since the increase in impermeable area is relatively small (1,375m²) the greenfield equivalent run-off Q_{bar} rate is about 1 m/s. This should be achievable with the appropriate volume of attenuation.

LLFA Conclusion:

The LLFA has no objection to the proposal but suggests the following conditions are included in any consent granted:

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance shall be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted)

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy dated May 2025.

The works shall be constructed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

Informative

1. Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>. Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

2. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

Second Response

For the highway comments I have focused on the two areas / matters where further evidence or attention to detail was required from my previous response:

Local Highway Authority response:

1. The access track which is to be used as the temporary and permanent access to the site is pot-holed and is a stone (sub-base) type finish. This is not to the required standard for a new or improved access which should be metalled for at least the first 5m and also include measures to prevent surface water run-off from flowing onto the highway (this requirement could be conditioned if not addressed at this time).

This matter has now been addressed satisfactorily. It is proposed to surface the track and install drainage as necessary to prevent surface water runoff flowing onto the highway.

2. There are no visibility splays shown at the proposed access. I appreciate that it is an existing access but it will see intensification and therefore has to comply with the new layout design. Please demonstrate that the appropriate visibility splay for the speed limit (de-restricted) or more realistically, commensurate with the actual measured 85th %ile speed can be provided onto the U4030. I note that the bank to the north of the access is lowered to help with visibility.

This matter has now been addressed satisfactorily. Evidence has been provided to show that the access use is not intensified so in principle, the existing visibility splays are permitted. However, these can be improved by maintenance of the verge vegetation, and this is a recommended condition. LHA

Conclusion

The LHA has no objection to the proposal subject to conditions relating to visibility splays, measures to control the discharge of surface water on to the highway, the surfacing of the access road at its entrance off the highway and the provision of a Construction Traffic Management Plan.

United Utilities

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:

Condition

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems. The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution

Environment Health

There are no objections to this development from Environmental Health, subject to the following comments.

In terms of possible noise intrusion from the operation of the BESS, Environmental Health accept the findings of the Noise Impact Assessment submitted in support of the application. This may be conditioned as an approved document.

There is likely to be some limited and temporary noise disturbance from the construction phase of the development.

Given that this period is predicted to be at least 6 months in duration, Environmental Health would request that the proposed hours of construction working are trimmed back slightly as detailed below.

The applicant has suggested that a Construction Environmental Management Plan is also submitted in the event of planning approval being granted. A condition on this is suggested below.

The BESS site is not within land mapped as being potentially contaminated due to historical industrial legacy.

The proposed buried grid cable on Dalzell Street does, however, pass within a zone of potential influence from the infilling of old mine workings at Woodend Farm in the 1990s, as well as passing close to historical industrial sites associated with the former rail line and iron ore mine workings.

Whilst the risk of contamination is considered to be low, a condition for unexpected contamination may be imposed to cover the possible eventuality of contamination being encountered during ground works.

It is noted, and welcomed, that passive infra-red lighting units are proposed within the BESS compound.

If further lighting is required around and on the approach to the compound, it should be of a design that is sympathetic to the rural environment.

A condition for external lighting is laid out below.

Note that this condition would not apply to any public street lighting that may be required for road safety purposes.

The following conditions are therefore suggested:

Site specific Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, site lighting and procedures for dealing with complaints and liaison with the Council and residents.

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday, and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

Land affected by contamination – Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Artificial Lighting (external)

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for environmental zone E1 contained within The Institute of Light Engineers Guidance Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.

Reason

In order to safeguard the amenities of nearby residential occupiers.

Coal Authority

We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

Historic Environment Officer

An OS map of 1860 shows the site of an old Nonconformist graveyard extending into the redline application area. While the graveyard was subsequently partially covered by a railway line in the late-19th century, the fate of the burials within the cemetery is unknown. It is therefore considered that the construction of the proposed development has the potential to disturb human burials.

Consequently, I recommend that, in the event planning consent is granted, the site of the former graveyard is subject to archaeological investigation and any remains

found be treated with appropriate due care and attention. I advise that this archaeological work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent. I suggest the following form of words:

No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a postexcavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reasons:

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains)

Natural England

As construction will be taking place in close proximity to the River Ehen Special Area of Conservation, a Construction Environmental Management Plan (CEMP) will need to be secured through condition to detail the pollution prevention measures that will be implemented during the works. Appropriate pollution prevention guideline measures should include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the river from sediment, and pollutants such as fuel and cement.

Ecology Consultant - Tetra Tech

The applicant provided the following ecological documents for initial review:

- Ecological Impact Assessment: BESS Egremont, Futures Ecology May 2025;
- Biodiversity Net Gain (BNG) Statutory Metric; and
- Biodiversity Impact Assessment: BESS Egremont, Futures Ecology May 2025.

Tetra Tech Limited (Tetra Tech), on behalf of Cumberland Council, provided comment response to the above documents on 09/07/2025. These comments are listed below.

Futures Ecology Ltd on behalf of the applicant have provided Cumberland Council with a letter of response to Tetra Tech's comments dated 20/08/2025.

Tetra Tech's current comments with regards to Futures Ecology Ltd's responses are thus provided below and dated, for ease of referral.

09/07/2025 Comments on Biodiversity Impact Assessment and Metric

1. The condition assessment for G1 (southern field) contradicts the submitted condition sheet in Appendix C. It is noted that there are less than 6 species per 1m² and so fails criteria 1, which in turn places it in 'Poor' condition. The report and supporting Metric state the grassland is in 'Good' condition. This should be rectified in either the appended Condition Sheet, or in the report body and supporting Biodiversity Metric. The quadrat data would side with the latter.

2. Hedgerows are Habitats of Principal Importance. As such the strategic significance for Hedgerows should be included as 'Medium' as per the included methodology of Section and the West Moorland and Furnace guidance document. Consequently, the Biodiversity Metric will need to be amended alongside Section 3.5 of the report.

3. The ditch has been included as a feature of the hedgerow and not as a separate watercourse feature. As it is unlikely to hold water for extended periods of the year and is not a conveyancing feature, this assessment is accurate.

20/08/2025 Futures Ecology Ltd Response

The habitat condition assessment (HCA) sheet included for quadrat G1 was included in error. The correct HCA for this grassland quadrat has now been included in the BIA report. With regards to the incorrect assignment of strategic significance of the line of trees, this will now be correctly assigned a strategic significance of Medium. Again, this was an inputting error. Both these errors will be rectified in the forthcoming revised BIA which will be submitted once proposed habitat offsetting has been finalised.

17/09/2025 Tetra Tech Comment

The required amends have been addressed and will be presented in the modified Biodiversity Impact Assessment (BIA) report, which will be submitted to the Council in due course.

09/07/2025 Comments Ecological Impact Assessment

Designated sites and Habitat Regulations Assessment (HRA)

The proposed development site does not lie within any international / European designated sites but does lie within the Impact Risk Zone (IRZ) for River Ehen (Ennerdale Water to Keekle Confluence) SSSI. The nearest international / European site is the River Ehen List Special Area of Conservation 110 m southeast of the site, and the River Ehen Site of Special Scientific Interest (SSSI) is the nearest National statutory designated site. The proposed development does not lie within any Local Nature Reserves. Longlands Lake is the closest Local Wildlife Site 20 m east of the site. A Habitat Regulations Assessment (HRA) has not been completed for the application.

A Stage 1 and Stage 2 Assessment is required.

A Stage 2 Appropriate Assessment is required due to likely significant effects to River Ehen SAC / SSSI during construction phase.

The EclA recommends potential significant adverse effects on River Ehen Ponds LWS and Longlands Lake LWS during are prevented / minimised by the production and implementation of a Construction Environmental Management Plan (CEMP).

20/08/2025 Futures Ecology Ltd Response

A shadow Stage 1 and Stage 2 Assessment has been produced in relation to likely significant effects to the River Ehen SAC / SSSI during the construction phase (Futures Ecology Ltd., FE496/sHRA01, August 2025).

18/09/2025 Tetra Tech Comment

The required Stage 1 and 2 shadow (s) Habitats Regulation Assessment (HRA) has been produced and has been submitted to the Council for assessment.

It's noted the consultation comments received by Natural England requested pollution control measures as mitigation for water quality impact pathways on River Ehen SAC. With regards to Impact Risk Zones, given that the proposals fall into a category of likely risk to the River Ehen SSSI consultation between Natural England and the Competent Authority is required.

Following review of the sHRA, the impact pathways of water quality (both construction and operations) were screened in. Sufficient justification was provided to screen out other impact pathways on the River Ehen, however invasive species (which can easily spread via watercourses) are identified in the Site Improvement Plan and need to be considered.

The mitigation detailed in the appropriate assessment includes protection from siltation; pollutants; the correct storage of materials. Further consideration is required to the storage and management of machinery; and biosecurity measures.

Habitats

Habitat surveys were conducted initially in February 2025 which is outside the optimum survey period. Follow up surveys were conducted in April 2025 at the beginning of the optimum survey window.

Habitats recorded included Broadleaved trees, Ditch, Offsite woodland (Broadleaved and Mixed Woodland), Poor semi-improved grassland and Hardstanding. The EclA concluded there would be permanent significant adverse effects on several habitats through direct damage or indirect impacts from noise and dust during construction and that a CEMP should be produced to protect habitats.

20/08/2025 Futures Ecology Ltd Response

No response received.

17/09/2025 Tetra Tech Comment

No direct response to the comment was provided. The general comment "A number of points raised by the consultation reiterate the conclusions of the EclA that are

proposed to be dealt within under a Construction and Environmental Manage Plan (CEMP). Where this is stated in the document no further comment is provided below.” responds to this comment sufficiently and Tetra Tech’s prior comments (09/07/2025) regarding the Council conditioning a CEMP is appropriate.

Protected species

The EclA states all surveys conducted to most recent standard guidance. It is not clear if the site, in its entirety including the 30 m buffer for badgers, was fully accessible for survey. No figure indicating survey extent, or the presence or extent of inaccessible areas, included.

The impact of the proposed development on red squirrel and otter could not be determined from the information in the EclA and further information is required. The red squirrel survey examined habitat suitability but did not indicate whether a survey for field evidence was included. 44 records of red squirrel were noted in the desk survey, the closest 117 m from the site and a red squirrel survey should be conducted to determine presence / likely absence on site. The EclA states that the ditch on site is unsuitable for otter and therefore otter was not considered further in the impact assessment. The desk study returned six records of otter, the closest 125 m southeast. There are no obvious barriers to movement between the site and the River Keekle to the east. Natal dens can be some distance from riverine habitat and the potential impact of the proposed development on breeding otter was not considered.

The EclA states that specific mitigation is required for grass snake to prevent a permanent not significant adverse effect at a Local level and a breach of the Wildlife and Countryside Act (1981).

Adverse impacts to other protected species are to be prevented / minimised by implementation of the CEMP.

20/08/2025 Futures Ecology Ltd Response

As stated in the methodology section 3.12 of the EclA, signs of badger were searched for within a 30m buffer beyond the application site boundary. All signs were searched for including any mammal paths that could be attributable to badger. This survey was undertaken on two survey occasions as stated in section 3.7 on 13th February and 15th April, 2025. No signs of badger either within the redline boundary or 30m buffer were noted. The land immediately surrounding the application site boundary is within the same ownership of the application site. Any limitation to our search in this respect would have been included within the Limitations section in 3.35 if there had been any.

The desk study exercise confirmed the presence of red squirrel within the local area with the nearest record being 117m to the south-east of the south-eastern extent of the cable route. No desk study records were provided in close proximity to the BESS compound area. Given that this PMEG-PLC-006-06 species is a highly mobile species as well as the relatively close proximity of the nearest record, it was concluded that broadleaved woodland immediately offsite would provide a suitable

resource for this species and therefore red squirrel are likely present within the wider landscape.

There are only very limited features within the redline boundary that represent a potential resource for red squirrel (a small number of individual trees, scattered scrub and a short section of tree line along the southern boundary). All of these features are retained as part of the proposals and the proposals will not physically sever these features from any existing habitat links to offsite habitats. The proposals do not directly affect any of the offsite habitats, no potential linear features around the development will be severed as a result of the proposals. As such, it was concluded that there are no direct impacts on red squirrel. Potential indirect impacts on offsite habitats have been scoped into the EclA for further consideration and will be dealt with by a CEMP to ensure no accidental damage to habitats or disturbance impacts on habitat features that could potentially be used by this species.

Operational phase impacts on onsite retained habitats, onsite new habitats and offsite habitats resulting from development lighting will be fully mitigated through a careful development lighting design. It is anticipated that minimal lighting will be required within the development as the site will be monitored remotely via CCTV and will not have continual site personnel presence. As such, impacts to red squirrel can be adequately avoided and, therefore, presence / absence surveys were not considered necessary.

As part of the Preliminary Protected Species survey undertaken 13th February and 15th April, 2025 the ditch was inspected on two occasions for signs of otter. If any signs including holes that could be attributable to either otter or badger were noted further detailed surveys would have been recommended. As no such signs were observed the ditch was discounted with regard to these species.

17/09/2025 Tetra Tech Comment

Badger: Clarification of the survey effort and limitations for badger field surveys is appropriate. A pre-commencement badger survey is required within three months of the start date (due to the transient nature of badgers). Precautionary working methods to prevent harm to badgers, and other mammals, must be detailed in the CEMP. If any badger setts are identified within 30 m of works, appropriate mitigation is required (which may include a licence).

Red squirrel: It's noted that impacts to on and off-site habitats suitable for red squirrel will be avoided during construction phase and operation, and there will be no severance of habitats. Precautionary working methods to prevent disturbance and harm to red squirrels and their habitats will be detailed in the CEMP. Therefore, no further surveys are considered required. A sensitive lighting scheme, as outlined in Tetra Tech's prior comments, is required.

Otter: The survey effort for otter field surveys were appropriate. A pre-commencement otter survey is required within three months of the start date (due to the transient nature of otter).

Precautionary working methods to prevent harm to otter and other mammals will be detailed in the CEMP. If evidence of otter is identified and otters will be impacted

appropriate mitigation is required (which may include a licence). A sensitive lighting scheme, as outlined in Tetra Tech's prior comments, is required.

Grass snake and other protected species: Futures Ecology Ltd did not provide a response to this comment per se, beyond their general comment "A number of points raised by the consultation reiterate the conclusions of the EclA that are proposed to be dealt with under a Construction and Environmental Manage Plan (CEMP). Where this is stated in the document no further comment is provided below." Precautionary working methods to prevent harm to fauna (including precautionary working methods for vegetation clearance regarding reptiles) must be detailed in the CEMP.

Summary

The updated information has provided clarity on the Biodiversity Impact and Metric.

An Appropriate Assessment has been undertaken due to the significance of effects on the River Ehen SSSI/ SAC during construction phase which sets out the necessary mitigation to minimise this impact.

A CEMP must be secured by a planning condition to provide protection to habitats and protected species and set out appropriate mitigation.

Arboricultural Officer

Following our site visit, we have the following comment/observation to make on the proposed development.

Trees are growing around the property boundary, and their health could be affected by the proposed development if not adequately protected.

The applicant has submitted an Arboricultural Impact Assessment, produced by FPCR Environment and Design, and dated May 2025, and a proposed landscaping plan produced by Stephenson Halliday (Ref. No.0995-SHR SK-XX-XX-DR-L-1000 Rev.02).

The proposed development does not require the removal of existing trees. In order to retain the trees in an healthy condition, the tree protection measures need to be installed and maintained for the duration of the construction operations.

Recommendations

We recommend attaching a condition to any planning permission requesting the applicant submits the following prior to development of the site:

- The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the Arboricultural Impact Assessment, prepared by FPCR Environment and Design and dated May 2025.

The development must be carried out in accordance with the approved document at all times thereafter.

- The approved landscaping scheme (Ref. No.0995-SHR SK-XX-XX-DR-L-1000 Rev.02) must be implemented by the end of the first planting season following

substantial completion of the development. Any trees or plants that die, are removed, or become seriously damaged or diseased, within a period of 5 years from the completion of the development, must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval for a variation.

Cumbria Fire and Rescue Service

Following examination of plans in connection with the above application, I have to inform you that the Fire Authority has no objections to this application. However, it should be noted that access for firefighting and water supplies must comply with Approved Document B Volume 2: Buildings other than dwellings, Requirement B5: Access and Facilities for the fire service. It should also be noted that there is guidance provided by the National Fire Chiefs Council Grid Scale Battery Energy Storage System planning. Which can be found [Here](#).

Advisory

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises. There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general. This is because sprinklers can significantly help to:

- Improve the time available to escape from a fire
- Reduce death and injury from fire
- Reduce the risks to fire fighters who we ask to fight the fires
- Protect property
- Reduce the effects of arson
- Reduce the environmental impact of fire These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk

Joint Emergency Management and Resilience Team

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019. The location of the land is situated outside of an area referred to as the Detailed

Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumberland Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:

<https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

The location of the land does sit within a distance of 10km from the Sellafield site, an area known as the Outer Consultation Zone (OCZ) but after viewing the details of the application, the opinion is that the plan for this development is not of significance in relation to this particular zone, and, therefore, liaison with the applicant is not required.

There are no objections to the proposed works.

Office for Nuclear Regulation

I have consulted with the emergency planners within Westmorland and Furness Council which is responsible for the preparation of the Sellafield Site off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPPIR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development

Electricity North West

We can confirm that there is Electricity North West Ltd (ENWL) infrastructure located on land associated with the above application.

The applicant should be advised that great care should be taken at all times to protect electrical apparatus and any personnel working in its vicinity. Anyone working in proximity to any of our apparatus (whether above or underground) should be referred to two relevant documents produced by the Health and Safety Executive (available from The Stationery Office Publications Centre and The Stationery Office Bookshops) and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services

GS6 – Avoidance of danger from overhead electric lines

ENWL offer a fully supported mapping service, providing up to date information about the location and status of our apparatus. Further information can be found at

<https://www.enwl.co.uk/advice-and-support/line-search-beforeyou-dig>, alternatively you can call us on 0800 195 4141.

It is advisable that the developer and/or their contractors make contact with ENWL as soon as reasonably practicable to discuss the location of our assets and their proposals, to ensure there is no unnecessary delay to any works they wish to carry out.

Other Representations

The Application was advertised by way of a site notice and individual letters sent to the nearest properties surrounding the site.

A total of 24 comments have been received in opposition to the proposal. The main issues raised are as follows: -

- Visually intrusive form of development that will have an adverse impact on the landscape
- Detrimental to the character of the area, including the National Park
- Adverse impact on tourism in the local area including Wainwrights Coast to Coast and the National cycle route
- Adverse impact on residential amenity from noise, dust, smells, pollution
- Potential to result in the contamination of ground water
- Fire safety concerns associated with this type of facility
- Question need and justification for this site which is inappropriate for this form of development
- Potential environmental impacts
- Impacts on highway safety especially during the construction phase due to the increase in the use of the local road network by large wagons
- The proposed screening is inadequate and will take 15 years to mature so the impacts will be evident for a considerable period of time
- Question the sustainability credentials of battery storage proposals
- Adverse impacts on ecology and local habitats including the River Ehen
- The proposal will not provide any community benefit
- The proposed access is inadequate to accommodate construction traffic
- The impacts of this proposal will be evident locally for 40 years
- Approval will set a precedent for similar proposals within the locality
- Lack of community consultation on this proposal
- The development will result in the loss of good quality agricultural land
- Adverse impact on Quaker graveyard remains

5. Planning Policy

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

Development Plan:

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

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

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

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

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2028.

Copeland Local Plan 2021 - 2039 (LP):

The following policies are relevant to this proposal: -

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy CC1: Large Scale Energy Developments (excluding nuclear and wind energy developments)

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

Strategic Policy N9: Green Infrastructure

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non Designated Heritage Assets

Key Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Policy Statements (NSP)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).

Cumbria Development Design Guide (CDDG).

Cumbria Landscape Character Guidance and Toolkit, March 2011

6. Assessment

EIA Development – Screening Opinion

- 6.1 A screening opinion has been prepared under Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 6.2 The screening opinion concludes that the proposed development does not constitute Environmental Impact Assessment development.

Principle of Development

- 6.3 Internationally, in 2005, the UK together with 37 other countries signed the Kyoto Protocol, an international agreement that aimed to reduce carbon dioxide emissions and the presence of greenhouse gases in the atmosphere.
- 6.4 Subsequently, leading on from the from the global agreement and climate pact established at COP26, during the 27th United Nations Climate Change conference in November 2022, governments were requested to revisit and strengthen 2030 targets for mitigating climate change in their national climate plans by the end of 2023, to limit global warming to 1.5 degrees.
- 6.5 Nationally, The Climate Change Act (2008) set legally binding carbon budgets for the UK to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. These figures were revised on 12th June 2019 when the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared

to 1990 levels) in the UK by 2050. The draft order would amend the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to at least 100%, thereby, constituting a legally binding commitment to end the UK's contribution to climate change. In December 2020, the UK communicated its Nationally Determined Contributions to reduce GHG emissions by at least 68 per cent from 1990 levels by 2030. In April 2021, the government legislated for the sixth carbon budget (CB6), which requires the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels.

- 6.6 National Policy Statements (NPS) sets out national policy for the energy sector. The NPS for Energy (EN-1 January 2024) and National Policy Statement for Renewable Energy Infrastructure (EN-3 January 2024) setting out how the energy sector can deliver the Government's climate change objectives for low carbon energy infrastructure and the importance of renewable energy in achieving the Government's ambitious targets for renewable energy generation.
- 6.7 More recently, The Electricity System Operator (ESO) are driving the changes needed to achieve the 2035 and 2050 targets. Future Energy Scenarios outline four different pathways for the future of the whole energy system to reach carbon zero by 2050. Recognising that electricity storage so that it can be used during later periods, when and where it is most needed, is vital to accommodate higher renewable penetration in power systems and ensure security of supply.
- 6.8 Further national legislation includes The UK Clean Growth Strategy (2017) which outlines the Government's objective of achieving clean growth, whilst ensuring an affordable energy supply for businesses and consumers. The Strategy recognises that there will be a need for a significant acceleration in the pace of decarbonisation, while ensuring a secure energy supply at minimum cost to both industry and domestic consumers. The Energy White Paper (2020) sets out the UK Government's commitment to deliver net zero by 2050. The Energy White Paper stipulates the importance of renewable energy schemes in reaching net zero by 2050 and in ending coal in the electricity mix by 2025. Specifically, in respect of the application before Members, The Energy White Paper recognises the importance of energy storage systems in achieving the goals of becoming carbon neutral. The Paper states that "flexibility will come from new cleaner sources, such as energy storage in batteries ... by 2050, we expect low carbon options, such as clean hydrogen and long duration storage, to satisfy the need for peaking capacity and ensure security of supply at low cost".
- 6.9 Planning for new energy infrastructure: 2025 revisions to National Policy Statements are currently undergoing consultation, through these proposed updates, the Government will strengthen the process for delivering major new infrastructure in England and Wales, reinforcing the Government's ambition to deliver Clean Power by 2030 and net zero.

- 6.10 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions to sustainable development being: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform several roles; however, should not be taken in isolation, because they are mutually dependent. Paragraph 10 outlining that: "So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".
- 6.11 To meet the challenge of climate change, flooding and coastal change, paragraph 161 of the NPPF highlighting: "the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".
- 6.12 Paragraph 168 of the NPPF provides guidance on decision making. It states:-
When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
 - b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions:
 - c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site
- 6.13 The Planning Practice Guidance (PPG) provides guidance to assist local councils in developing policies and identifies planning considerations. The Renewable and Low Carbon Energy NPPG was last updated in August 2023. It highlights the importance of increasing the amount of energy from renewable and local carbon technologies to help make sure the UK has a secure energy supply. The NPPG recognises the role of planning in the delivery of new renewable and local carbon energy infrastructure in locations where the local environmental impact is acceptable.
- 6.14 The NPPG has a specific section on BESS facilities, which highlights the importance of BESS in the transition to lower carbon energy generation stating that:

“Electricity storage can enable us to use energy more flexibly and decarbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximizing the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.”

- 6.15 At a local level, the Copeland Local Plan 2021-2039 recognises that the Council is keen to support opportunities for energy storage such as battery storage and other more general mechanisms for storing energy. Although such energies are not classed as clean energy solutions, they do provide opportunities to reduce energy waste. Similar facilities are already in operation at Woodend which lies in close proximity to the site.
- 6.16 Strategic Policy DS1 defines the settlement hierarchy for the former Copeland Borough Council area. The Application Site falls outside any of the defined settlements in open countryside.
- 6.17 Strategic Policy DS2 of the LP defines settlement boundaries for all settlements in the hierarchy. It is confirmed that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. Support is outlined for renewable energy proposals and essential infrastructure to support energy developments and other infrastructure where a proven need for an open countryside location has been demonstrated to the satisfaction of the Council.
- 6.18 Policy CC1 of the LP relates to Large Scale Energy Developments (excluding nuclear and wind energy developments). It states: -
- 6.19 The Council is committed to supporting the transition to a carbon neutral future and will seek to maximise the renewable and carbon neutral energy generated in the Plan area where this energy generation is compatible with other sustainability objectives.
- 6.20 The Council will support proposals for large scale renewable and carbon neutral energy schemes and other large scale energy developments, including (but not limited to) solar farms, geothermal, low-carbon and decarbonisation, hydrogen to energy plants, and battery stores. Careful consideration should be given to siting, scale and design of the development and associated infrastructure to avoid individual and/or cumulative impacts on the following:
- Landscape character, including historic landscape character
 - Residential amenity
 - Visual amenity
 - Biodiversity
 - Geodiversity
 - Flood risk

- Townscape
- Coastal change
- Heritage assets and their setting, including the St Bees and Whitehaven Heritage Coast
- Highway safety
- Aviation and defence navigation systems/communication
- The amenity of sensitive neighbouring uses (including by virtue of noise, dust, odour, air quality, traffic, glare or visual impact)
- The Outstanding Universal Value of the English Lake District and the Frontiers of the Roman Empire (Hadrian's Wall) World Heritage Sites
- Water resources and water quality (including catchment land for public water supply purposes)

Where proposals would result in significant adverse effects on the above, proposals will only be accepted where this harm is outweighed by the wider environmental, economic, social and community benefits and in the case of the historic environment balanced against public benefit. Where harm is unavoidable, the planning application must include details of mitigation measures proposed in order to overcome or reduce such harm.

Proposals will only be considered suitable where it can be demonstrated that the planning impacts identified by local communities during consultation have been taken into account.

Where renewable energy installations become non-operational for a period in excess of six months, the facility must be removed and the site fully restored to its original condition within one year. Additionally, a detailed plan that sets out how any impacts will be managed during construction and restoration must be submitted to the satisfaction of the Council.

- 6.21 In overall terms, the proposed development would contribute towards sustainable development, and it is a type of development that is nationally supported through EN-1, the NPPF and PPG. It is also supported by the local plan when taken as a whole.
- 6.22 The benefits towards a net-zero carbon future must be given substantial weight, as must its contribution towards sustainable development due to it meeting the environmental role of sustainable development. The principle of development, therefore, is acceptable.
- 6.23 The remaining issues raised by this application are discussed in the following paragraphs.

Landscape and Visual Impact

- 6.24 Strategic Policy N6: Landscape Protection of the LP seeks to protect all landscapes from inappropriate change by ensuring that development

conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit.

- 6.25 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Application Site as being located within an area of landscape classified as Sub-Type 5d: Urban Fringe. This is described as being an "agricultural landscape subjected to urban and industrial influences for a long time".
- 6.26 The Application is supported by a Landscape and Visual Appraisal (LVA). It defines the existing landscape and visual baseline environments; assesses their sensitivity to change; describes the key landscape and visual related aspects of the Proposed Development; describes the nature of the anticipated change and assesses the effects arising during construction and operation.
- 6.27 The LVA acknowledges that the agricultural landscape would be partially affected by the loss of landcover within the Site to accommodate the Proposed Development. This would be limited to the Site itself and the prevailing field pattern and landscape character of Sub-Type 5d would be unaffected by the Proposed Development. The LVA also highlights the presence of existing energy infrastructure within the landscape, with pylons and overhead lines near to the Site, already influencing landscape character and views. Scattered agricultural buildings and the nearby settlements of Bigrigg, Cleator and Moor Row, which form part of the same Landscape Character Sub-Type, similarly create an urban presence within the landscape. The Proposed Development would not therefore be read as an uncharacteristic feature.
- 6.28 The LVA determines the Site is afforded a high degree of containment from the surrounding landscape by the combination of mature boundary planting, vegetation within the wider setting and the localised landform. Consequently, in respect of the landscape character, the LVA concludes that the Proposed Development would be afforded a good degree of physical and visual separation from the surrounding landscape and changes would be highly localised. The Proposed Development incorporates mitigation planting and measures to improve the overall landscape fabric, including new trees, hedgerow and grassland. This would serve to integrate the Proposed Development into its setting, reinforcing the well-vegetated context within which it would be located and strengthening green infrastructure connectivity.
- 6.29 In terms of visual amenity, the LVA determines the visual effects of the Proposed Development as highly localised. The incorporation of mitigation planting would soften views towards the Proposed Development once established. The greatest effects would be limited to receptors in the immediate vicinity of the Site. This is primarily limited to motorists using Dalzell Street and users of the NCN 72 cycle route. The effects have been described as 'Moderate Adverse' during construction and completion,

reducing to 'Moderate / Minor Adverse' in the long term once the mitigation planting has established to provide filter views and soften the Proposed Development.

- 6.30 Within the wider setting, the majority of views would be screened or heavily filtered in the long term. Receptors within settlements would be limited to a small number of properties within Cleator to the east and Cleator Moor to the northeast. Given the intervening vegetation cover and landform, it is considered that these receptors would experience 'Negligible Neutral' effects at all stages.
- 6.31 Specific viewpoints have been considered within the LVA, including Dent Fell which is recognised as forming a prominent landform and localised high point within the Study Area. The summit is located approximately 3km east of the Site and can be accessed via several routes, with views provided of the Cumbrian coastline, agricultural landscape and scattered settlements. The LVA has assessed the construction, early and later operation phase effects on Dent Fell as 'Negligible' owing to the small scale of the Proposed Development, the separation distance and the intervening landscape which has a well established network of vegetation. The Proposed Development would be a minor part of the landscape from this location and the view already comprises numerous references to existing built form and industrial development.
- 6.32 Although BESS developments have reasonably small footprints and low vertical extents compared to other forms of electrical energy generation, the LVA gives consideration to potential cumulative effects arising from the Proposed Development in conjunction with other known developments in vicinity of the Site. This includes the nearby planning permission for an extension to a battery storage facility to the south the Site near Woodend Substation (ref: 4/22/2335/0F1) which is located in the same Landscape Character Sub-Type 5d. The permission has not been implemented although there is still potential for it to come forward. The LVA notes that the two sites do not visually interact with each other and would not be visible together in the same view. Other than the very slight combined loss of Sub-Type 5d to development, the LVA considers there to be no notable cumulative effects arising from these two schemes.
- 6.33 Based on the assessment findings of the LVA, it is considered that the Proposed Development would be well contained within the landscape owing to the landform and existing vegetation and would have a highly localised impact on landscape character and visual amenity. Landscape mitigation measures form part of the proposal which would provide enhanced screening to Site boundaries. These would help to integrate the Proposed Development into its setting and also deliver environmental enhancements.
- 6.34 Taking into consideration the mitigation proposed, which will be secured by condition, the proposal will not give rise to any significant adverse effects in terms of landscape character, nor would it result in significant harm in terms of

its impact on the wider landscape character and accords with the requirements of Policies CC1 and N6 of the LP

Ecology

- 6.35 Policy CC1 of the LP seeks to ensure that there are no adverse effects upon biodiversity and geodiversity arising from energy developments.
- 6.36 Policy N1 of the LP also sets out that the Council is committed to conserving Copeland's biodiversity and geodiversity. Proposals must demonstrate that they are in accordance with the mitigation hierarchy – avoidance, mitigation and compensation.
- 6.37 The Application Site comprises an existing area of agricultural grassland. There are no statutory or non statutory ecological designations within the Site boundary.
- 6.38 An Ecological Impact Assessment (EclA) has been submitted in support of this application. The EclA provides an overview of the designations of international, national and local importance within a 10km, 2km and 1km radius of the Site boundary respectively and details the potential impacts of the Proposed Development, any mitigation required and the overall residual effects.
- 6.39 The proposed development site does not lie within any international / European designated sites but does lie within the Impact Risk Zone (IRZ) for River Ehen (Ennerdale Water to Keekle Confluence) SSSI. The nearest international / European site is the River Ehen List Special Area of Conservation 110 m southeast of the site, and the River Ehen Site of Special Scientific Interest (SSSI) is the nearest National statutory designated site. The proposed development does not lie within any Local Nature Reserves. Longlands Lake is the closest Local Wildlife Site 20 m east of the site.
- 6.40 The EclA identifies the potential hydrological connection between the Site and the River Ehen SAC and SSSI as a result of the drainage ditch running along the southern Site boundary.
- 6.41 A shadow Habitat Regulations Assessment (sHRA) was submitted due to the likely significant effects to the River Ehen SAC/SSSI. The sHRA concluded that a likely significant effect to the conservation objectives of the River Ehen SAC / SSSI could not be ruled out in relation to water quality both during construction and operational phases of qualifying features associated with the SAC. As such, a Shadow Appropriate Assessment (sAA) was undertaken.
- 6.42 The completed sAA demonstrates that with the implementation of mitigation measures, adverse effects on the integrity of the qualifying features of the designated sites would be avoided both alone and in-combination with other projects.
- 6.43 Subject to appropriate surface water and pollution prevention mitigation measures, as identified in both the EclA and Flood Risk Assessment and

Drainage Strategy, it is considered that the Proposed Development would not have significant effects on the integrity of the designations.

Habitats

- 6.44 Habitats associated with the Site comprise mostly semi-improved grassland and hardstanding, with some scattered scrub, broadleaved trees and a dry ditch. The habitats are not listed of importance within the local biodiversity action plan or as a habitat of principal importance. The EclA concludes that the habitats are not considered an Important Ecological Feature.
- 6.45 The EclA provides a summary of the ecological features identified which required further assessment and their geographical scale of significance. Each Important Ecological Feature is considered, and relevant mitigation, residual effect and compensation / enhancement are detailed.
- 6.46 It is proposed that the applicant will produce a Construction Environmental Management Plan (CEMP) and Biodiversity Environmental Management Plan (BEMP) to protect habitats as part of this development. No significant adverse residual effects are expected on retained ecological features and the EclA concludes that the Proposed Development would have a 'not-significant' positive effect at the local level in the medium to long term.

Protected Species

- 6.47 Surveys have been carried out to assess the potential impact of the development on protected species. Specific assessments have been undertaken for badgers, squirrels, and otters. Although no direct impacts were identified on protected species it is planned that additional survey work will be required prior to any commencement of development on the site. This will be controlled through a Construction and Environmental Management Plan (CEMP) which can be secured by a planning condition.
- 6.48 All on-site trees would be retained within the main development site and the proposed landscape mitigation would provide significant new habitat creation in the form of native tree and shrub planting, as well as species-rich wildflower meadows. This would serve to provide new foraging and shelter resources for a range of wildlife.
- 6.49 Subject to the imposition of appropriate planning conditions in respect of construction related activities, it is considered that the Proposed Development would not result in any significant harm to protected species or designated sites.

Biodiversity

- 6.50 As per the enactments to the Environment Act 2021 and Policy N3 of the LP the Proposed Development is required to provide 10% Biodiversity Net Gain (BNG) over and above existing site levels as required by the Environment Act 2021.

- 6.51 The application Site comprises a BESS Compound with an area of approximately 0.58ha with a further triangular field with an area of approximately 0.32ha which will be used for on-site delivery of biodiversity net gain measures.
- 6.52 In terms of the baseline value of on-site habitats, this is recorded at 5.22 Area Habitat Units and 0.12 Hedgerow Units. In order to achieve a 10% net gain the Site must achieve 5.74 (+0.52) Area Habitat Units and 0.14 (+0.02) Hedgerow Units.
- 6.53 It was originally intended to achieve the necessary 10% uplift within the red line boundary of the site.
- 6.54 The submitted Biodiversity Impact Assessment (BIA) contains further information on the Site's baseline condition. The baseline condition of the triangular field included within the red line boundary is higher than originally anticipated and this has resulted in this land being unable to achieve all of the required BNG improvements on the site. The shortfall is 0.48 area habitat units.
- 6.55 The Applicant has confirmed that this short fall will be met by purchasing statutory credits to achieve the required 10% uplift. This can be secured by a planning condition.
- 6.56 Planning conditions are proposed to secure a detailed scheme of habitat creation and a habitat maintenance and monitoring plan, to ensure that the net gain is delivered at an appropriate time in the delivery of the project and to ensure that the net gain is maintained for the required minimum of 30 years

Historic Environment

- 6.57 Strategic Policy BE1 Heritage Assets, Policy BE2 Designated Heritage Assets, Policy BE3 Archaeology and Policy BE4 Non-Designated Heritage Assets of the LP relate to the protection of designated and non-designated heritage assets.
- 6.58 A Historic Environment Assessment (HEA) has been submitted in support of the application. This considers the likely effects of the Proposed Development on known and potential archaeology and built heritage alongside the effects that could arise from development taking place within the settings of heritage assets, incorporating a Statement of Significance. The HEA focuses on the main BESS development area and 'BNG field' given that the buried grid connection cable route to Woodend substation will be located within the surfaced carriageway.
- 6.59 The HEA concludes that there are no recorded designated heritage assets within, or pertaining to, the Site; it is located outside of the English Lake District World Heritage Site. The HEA details the location of the nearest designated heritage assets, all of which are Grade II Listed Buildings. However, the HEA concludes that the separation distance and lack of

intervisibility is such that the Site is not within the setting of any of these designated heritage assets and therefore concludes that there would be no adverse impacts.

- 6.60 There is one recorded non-designated heritage asset, a non-conformist graveyard, which partially overlaps the Site boundary. This is an area of scrub and former railway embankment. It is understood that the embankment for the Bigrigg Branch Railway was constructed over it in the late 19th century. The HEA considers that it is unlikely for any of the graveyard remains to be present within the Site. Notwithstanding this, the Proposed Development has been positioned away from the location where the graveyard was historically sited. The existing access track is located between the graveyard (in the northern field) and the Proposed Development which lies in the southern part of the southern field.
- 6.61 The HEA concludes that the Proposed Development would not impact any known heritage assets and the application Site has a low archaeological potential. The Proposed Development would not affect the contribution made by setting to the value of any heritage assets.
- 6.62 The Councils Historic Environment Officer has recommended that, in the event planning consent is granted, the site of the former graveyard is subject to archaeological investigation and any remains found be treated with appropriate due care and attention. He advises that this archaeological work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition on any planning consent. This would also address the concerns raised by Cleator Moor Town Council in their consultation response.
- 6.63 Subject to the above it is considered that the Proposed Development would have a neutral impact on the historic environment and accords with the requirements of the Policies BE2, BE3 and BE4 of the LP.

Flood Risk and Drainage

- 6.64 Local Plan Policy CC1 seeks to ensure that there are no adverse impacts upon flood risk arising from energy developments.
- 6.65 Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 6.66 Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 6.67 A Flood Risk Assessment has been submitted in support of the planning application. This confirms that the Site is entirely located within Flood Zone 1 for fluvial and tidal flooding. Flood Zone 1 has a 'low probability' of flooding

and is the area at least risk of flooding. The FRA also confirms the Site is at very low risk of groundwater flooding.

- 6.68 Although the majority of the Site is at very low risk from surface water flooding the FRA identifies very small areas within the Site that are at a higher risk of surface water flooding owing to the Site's gentle topography and some field depressions. A sequential led approach has therefore been adopted to ensure that all built infrastructure is sited outside the areas at higher risk of surface water flooding.
- 6.69 The proposed internal access tracks have also been sited to avoid these areas while also factoring in other design considerations relating to visibility/manoeuvrability and environmental constraints. The new sections of track have also been designed to be porous and free draining through the use of a stone sub-base layer and would be constructed level with the ground surface in order to prevent any impedance or modification of existing overland flow pathways. In view of this, the FRA concludes that the flood risk from surface water is of a minor nature with low water depths and velocities and on this basis, the risk of flooding from surface water is considered to be of a low significance.
- 6.70 An important aspect of BESS development is having access to the local distribution network, or 'grid'. The DNO provides a point of connection on the network or grid where the power from the BESS must connect. It is important that these developments are close to the point of connection, which in this case is circa 0.9km. Consideration of land closer to the point of connection has been given but discounted as there are significant areas of higher flood risk, proximity to built-up areas and limited availability of landowners willing to lease their land. The FRA concludes that no reasonably available alternative sites are available with a lower risk of surface water flooding within the area.
- 6.71 An assessment of the surface water runoff rates has been undertaken to determine the surface water options and attenuation requirements for the Site. As an undeveloped Greenfield site the impact of the Proposed Development needs to be mitigated so that the runoff from the Site replicates the natural drainage characteristics of the pre-developed Site, in accordance with Local Plan Policy DS7.
- 6.72 The FRA outlines that infiltration to ground is unlikely to be possible and as such discharge to a surface waterbody is the preferred drainage strategy. An existing drainage ditch is located along the southern boundary of the Site which ultimately discharges into the River Keekle. It is anticipated that with attenuation and a restricted run-off rate, this provides the best option for the discharge of surface water runoff from the Site. The various drainage options would be explored further at the detailed design stage.
- 6.73 A suitably worded planning condition requiring the detailed drainage proposals to be submitted to and approved by the LPA is proposed. United Utilities have agreed with this approach.

- 6.74 Cumberland Council as LLFA have been consulted and have raised no objection on the basis that the drainage hierarchy is followed and the technical design is acceptable. A planning condition is proposed to secure a Construction Surface Water Management Plan.
- 6.75 On this basis the Proposed Development is deemed compliant with Local Plan Policies CC1, DS6 and DS7, and the provisions of the NPPF as appropriate.

Access and Transport

- 6.76 Policy CC1 of the LP supports proposals for renewable and low carbon energy provided there are no unacceptable impacts on highway safety.
- 6.77 Policy DS4 requires that developments must: “Not give rise to severe impacts on highway safety and/or a severe impact on the capacity of the highway network”.
- 6.78 Chapter 9 of the NPPF relates to the promotion of sustainable transport, with Paragraph 109 stating that transport issues should be considered from the earliest stages of development, identifying transport solutions that deliver well-designed places, which should involve “understanding and addressing the potential impacts of development on transport networks”.
- 6.79 Paragraph 115 of the NPPF requires, amongst others, that safe and suitable access to the site can be achieved for all users and 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 through a vision-led approach. It is further stated at paragraph 116 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be ‘severe’, following mitigation.
- 6.80 A Transport Statement and Traffic Management Plan (TS&TMP) have been submitted in support of the application. The TS&TMP provides a description of baseline conditions; the transport characteristics of the Proposed Development, including access; an outline construction traffic management plan (CTMP); traffic forecasts and an assessment of the traffic impacts of the Proposed Development.
- 6.81 Access to the Site during the construction and operational phases of development would be obtained via an existing private track taken from Dalzell Street. The private access track is stone surfaced and adjoins Dalzell Street via a simple arrangement adjacent to a highway drainage gully. Some slight widening is proposed along the existing access track but its connection with the public highway would remain unchanged under the Proposed Development.

- 6.81 The Proposed Development also includes a secondary emergency access point, for use in the event of an emergency, to address the updated NPPG and inclusion of the National Fire Chiefs Council (NFCC) Guidance for Fire and Rescue Services for grid scale BESS. This would be achieved via an existing field gate leading into the southern portion of the Site.
- 6.82 An internal access track would be provided within the Site to provide access to the BESS equipment, including the substations and inverter/transformer units. The proposed track would cover an area of 1,650m² and would require 500m³ of stone aggregate. A vehicle tracking plan for articulated HGVs has also been submitted which demonstrates that the Site access and internal access track would suitably accommodate the size of such vehicles.
- 6.83 Construction of the Proposed Development is anticipated to occur over a period of 6 months, with the forecast of vehicle movements associated with construction/installation activities calculated as a maximum average of 5 HGV deliveries per day (or 10 two-way HGV movements). This equates to a total of 20 two-way vehicle movements per day when including worker arrivals and departures. This is based upon a worst-case scenario and the maximum value being associated with the formation of the internal access tracks. Once operational, the development would attract negligible trips, anticipated to be in the order of 1 visit per week for routine monitoring and serving of BESS equipment. No staff would be permanently based at the site.
- 6.84 The TS&TMP concludes that the forecast traffic movements should be suitably accommodated by the proposed access, local roads and the surrounding highway network and no material impact is anticipated upon the normal operation of the highway network, nor would there be any material impacts upon highway safety.
- 6.85 Following initial concerns raised by the Highway Authority with regards to the standard of the access track and also the adequacy of visibility at the site entrance the Applicant has now provided additional information. This clarifies that it is proposed to surface the access track and install drainage as necessary to prevent surface water runoff flowing onto the highway.
- 6.86 The Highway Authority are satisfied that evidence has been provided to show that the access use is not intensified so in principle, the existing visibility splays are permitted. However, these can be improved by maintenance of the verge vegetation, and this is a recommended condition.
- 6.87 Although an outline CTMP has been provided as part of the planning submission The Highway Authority has requested that a detailed CTMP should be requested. This can be secured by a planning condition and would include further mitigation with respect to highways safety and the efficiency of the local highway network.
- 6.88 Subject to the proposed planning conditions referenced above the Proposed Development is considered to provide safe access to and from the site in accordance with Policies CC1 and DS4 of the LP and section 9 of the NPPF.

Noise

- 6.89 Policy CC1 of the LP requires all proposals for new development to safeguard the quality of life for residents within and in the vicinity of the Proposed Development, including from noise effects. It states that development will only be supported where it does not result in significant adverse effect on the nearby residential amenity. With specific reference to noise, Policy DS4 of the LP requires that noise pollution is mitigated through good layout, design and appropriate screening.
- 6.90 Paragraph 187 of the NPPF stipulates that planning decisions should contribute to, and enhance, the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 6.91 A Noise Impact Assessment (NIA) has been submitted in support of the application to assess the potential impact of noise of the Proposed Development upon the nearest Noise Sensitive Receptors (NSRs) during the construction and operational phases.
- 6.92 The Proposed Development includes noise generating equipment and the Noise Assessment details the assessment methodology; considers the potential noise emissions; sets out survey results (background noise and potential noise impact); and, recommends mitigation.
- 6.93 Background sound levels have been measured at three locations selected to represent the closest NSRs to the Site. This monitoring has demonstrated that existing ambient sound levels are low in the vicinity of the Site.
- 6.94 Mitigation measures proposed include the use of silencer kits to encase the battery units. The NIA concludes at a predicted worst-case outcome there would be a low likelihood of adverse impact at all assessed NSRs for the operational life of the Proposed Development.
- 6.95 Potential noise levels during the construction phase of the development would be temporary and would be controlled through the production of a Construction Environmental Management Plan (CEMP).
- 6.96 The Councils Environmental Health Officer has reviewed the NIA and accepts its findings. The EHO has recommended that a CEMP is secured by a suitably worded planning condition to ensure the duration of construction and installation techniques would not result in nuisance or harm to nearby residents. A separate planning condition is also proposed to control hours of construction and decommissioning works.
- 6.97 Subject to the mitigation proposed through the CEMP it is considered that the Proposed Development would not give rise to unacceptable impacts on residential amenity from noise and complies with the requirements of policies CC1 and DS4 of the LP and the provisions of the NPPF.

Ground Conditions

- 6.98 Policies DS6 and DS10 of the LP include provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 6.99 The Application Site is not within land mapped as being potentially contaminated due to historical industrial legacy. The proposed buried grid cable on Dalzell Street does, however, pass within a zone of potential influence from the infilling of old mine workings at Woodend Farm in the 1990s, as well as passing close to historical industrial sites associated with the former rail line and iron ore mine workings.
- 6.100 Whilst the Environmental Health Officer considers the risk of contamination to be low, a planning condition for unexpected contamination is recommended to cover the possible eventuality of contamination being encountered during ground works.
- 6.101 The site falls within the Coal Authority's defined Development Low Risk Area. The Coal Authority has raised no objections although, in the interest of public safety, they have requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant. This can be included as an Informative note on any decision notice.

Fire and Safety

- 6.102 The PPG (paragraph 035 Reference ID: 5-035-20230814) outlines that:"when planning applications for the development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, are submitted to a local planning authority, the local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application. Local planning authorities are also encouraged to consider guidance produced by the National Fire Chiefs Council when determining the application".
- 6.103 The National Fire Chiefs Council document 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' encourages engagement in the planning process. It then provides advice and guidance in respect of system design and construction; testing; design; detection and monitoring; suppression systems; deflagration prevention and venting; site access; access between BESS units and units spacing; distance from BESS units to occupied buildings and site boundaries; site conditions; water supplies; signage; emergency plans; environmental impacts; and recovery.

- 6.104 Cumbria Fire and Rescue Services has been consulted and their consultation response advises that no objection is made against the application subject to the imposition of an informative. The informative draws the applicant's attention to the benefits of installing a sprinkler system.

Other Matters

- 6.105 Subject to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) outlines that every planning permission granted should be subject to a condition that the development to which it relates must be begun not later than the expiration of a set period beginning with the date on which the permission is granted. The time period is usually 3 years; however, Section 91(b) permits such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
- 6.106 In this instance, should Members resolve to approve the application a period of 5 years from the date of approval is sought. This would be in line with other recent applications for BESS developments. It is considered reasonable to recommend that the period for commencement of development be permitted for 5 years from the date of approval.

7. Planning Balance

- 7.1 As set out in the NPPF, a material consideration in the determination of the application, substantial weight should be given to the benefits associated with renewable and low carbon energy generation and the Proposed Development's contribution to a net zero future. In doing so, applicants are not required to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It goes on to state that an application should be approved if its impacts are (or can be made) acceptable.
- 7.2 Transition to renewable energy generation is required to achieve net zero. National Policy Statement (EN - 1) confirms that battery storage has a key role to play in achieving net zero and providing flexibility to the energy system. Additionally, the updated NPS EN-3 (November 2023) reflects the vital role renewables will play in developing a low carbon economy and meeting government's net zero targets.
- 7.3 The adopted Development Plan is supportive of renewable energy development. Policy CC1 supports proposals for large scale renewable and carbon neutral energy schemes and other large scale energy developments, including battery stores.
- 7.4 The development would result in some limited harm to the character and

appearance of the area, however, these are localised and relate mainly to the views from a section of Dalzell Street and also from sections of the adjoining cycle route. A landscaping scheme, would help to mitigate any wider visual impact on the character of the area and over time would help to consolidate the BESS within the wider landscape.

- 7.5 In addition to landscape mitigation, a biodiversity net gain would be delivered at the site. The Proposed Development would not negatively impact on any environmental designations or protected species.
- 7.6 Suitably worded planning conditions would ensure that appropriate measures are put in place to reduce noise levels and light spillage emanating from the site to limit the impact on residential amenity.
- 7.7 Conditions are recommended to ensure that the proposal would not have a detrimental impact on biodiversity and would also secure ecological enhancements in line with the LP and NPPF. Furthermore, the imposition of other recommended conditions would mitigate against any potential negative impact on highway safety and surface water drainage.
- 7.8 The potential of fire risk and the potential safety implications of this proposal have been given due consideration. The relevant consultees have been consulted in relation to this matter, and no objections have been raised to the proposal.
- 7.9 In overall terms, the BESS would provide benefits in terms of assisting in providing energy security and would facilitate the increased use of renewable energy in the UK thereby contributing to the national net zero targets. These benefits are considered to outweigh the additional harm that the development would cause for its lifetime.

Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

APPENDIX 1

List of Conditions and Reasons

Condition 1

The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Condition 2

The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

- Site Location Plan (Drawing Ref 030.300.01)
- Site Layout Plan (Drawing Ref 030.301.05)
- Inverter Plans and Elevations (Drawing Ref 030.302.01)
- Battery Plans and Elevations (Drawing Ref 030.303.01)
- DNO Substation Plans and Elevations (Drawing Ref 030.304.01)
- Private Substation Plans and Elevations (Drawing Ref 030.305.01)
- Aux TX Plans and Elevations (Drawing Ref 030.306.00)
- Spares Container Plan and Elevations (Drawing Ref 303.307.01)
- Proposed Fence Elevations (Drawing Ref 030.308.01)
- Water Tank Plans and Elevations (Drawing Ref 030.309.00)
- Proposed Track Detail (Drawing Ref 030.310.01)
- Proposed Site Elevations (Drawing Ref 030.311.00)
- Ecological Impact Assessment (EcIA) (Futures Ecology)
- Biodiversity Impact Assessment (BIA) & DEFRA Metric (Futures Ecology)
- Wintering Bird Survey Report (Futures Ecology)
- Arboricultural Assessment (AA) (FPRC Environment and Design)
- Flood Risk Assessment and Drainage Strategy (FRA) (KRS Enviro)
- Historic Environment Assessment (Heritage Archaeology)
- Landscape and Visual Appraisal (LVA) including figures and appendices (Stephenson Halliday Ltd)
- Noise Impact Assessment (NIA) (Vibroek)
- Agricultural Land Classification (ALC) Survey (Land Research Associates)
- Transport Statement and Traffic Management Plan (Beacon Transport Planning)
- Drainage Addendum July 2025 (KRS Enviro)
- Site Selection Report - Additional Information August 2025
- Response to Highways - Additional Information August 2025

- Shadow Habitat Regulations Assessment - Additional Information August 2025 (and updated October 2025)

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Construction Effects

Condition 3

No development shall commence until a Construction Environmental Management Plan (CEMP) detailing proposed pollution control measures, construction surface water management, transport routes, signage, wheel cleaning facilities, and site compound location etc. shall be submitted to and approved in writing by the local planning authority. The CEMP shall be implemented as approved.

Reason

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039

Condition 4

Notwithstanding the submitted details, construction and de-commissioning works shall not take place outside the hours of 0730 hours to 1800 hours Monday to Friday inclusive and 0730 hours to 1300 hours on Saturdays. No construction or de-commissioning works shall take place on a Sundays or Public Holidays.

Exceptions for work outside these hours may be carried out only with the prior written approval of the local planning authority.

Emergency works may be carried out at any time provided that the operator retrospectively notifies the local planning authority in writing of the emergency and the works undertaken within 24 hours following the event.

Reason

In the interests of amenity to restrict noise impact and the protection of the local environment in accordance with Policies CC1 and DS4 of the Copeland Local Plan 2021-2039

Condition 5

No development shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. The BEMP shall secure the provision of all compensation/enhancement measures set out in section 6 of the Ecological Impact Assessment (EclA) (Futures Ecology, dated May 2025).

Reason:

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

Biodiversity Net Gain

Condition 6

No development shall commence unless and until a certificate has been submitted to, and approved in writing by the Local Planning Authority, confirming the agreement of an Offsetting Provider with a registered/approved site to deliver any additional biodiversity units required to supplement those units provided onsite (and set out in the Biodiversity Net Gain Plan), to achieve no less than 10% biodiversity units overall above the baseline with management guaranteed for a minimum of 30 years.

Reason:

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Condition 7

No development shall commence until a Biodiversity Net Gain Plan has been submitted to and approved in writing by the local planning authority.

The Biodiversity Net Gain Plan shall include:

- a) The pre-development and post-development biodiversity value of the onsite habitat.
- b) A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development through combined on-site and off-site provision over a minimum period of 30 years.
- c) Planned management activities for the on-site biodiversity net gain including details of the organisation(s) responsible for the delivery of the habitat creation and habitat enhancement works, details of monitoring methods and a monitoring reporting schedule.

Notice in writing shall be given to the Council when the BNG Plan has been implemented.

The created and/or enhanced habitat specified in the approved BNG Plan shall be managed and maintained in accordance with the approved BNG Plan.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved BNG Plan.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Habitat Management and Monitoring Plan

Condition 8

No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority.

The HMMP shall include:

- a) A detailed scheme of on-site habitat creation and habitat enhancement works, including a summary of habitat type, extent and condition with a comparison against the expected condition proposed within the submitted BNG Plan.
- b) Details of the persons and organisation(s) responsible for the delivery of the habitat creation and habitat enhancement works.
- c) Details of the habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- d) Details of monitoring methods and a monitoring reporting schedule.
- e) Planned management and monitoring activities for on-site habitats.

Notice in writing shall be given to the Council when the HMMP has been implemented and the habitat creation and enhancement works have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Drainage

Condition 9

Prior to the commencement of development, details of a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- a) An investigation of the hierarchy of drainage options as set out in the National Standards for Sustainable Drainage Systems (2025) (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the ground investigations) and confirmation that no surface water shall discharge to the public sewerage system either directly or indirectly;
- c) Levels of the proposed drainage systems, including ground and finished floor levels in AOD.
- d) Details of all measures to be taken to prevent surface water discharging onto or off the highway.

The approved drainage scheme shall be in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy dated May 2025.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and maintained and managed thereafter for the lifetime of the development.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and to maintain the safe operation of the public highway in accordance with the provisions of Policy DS7 of the Copeland Local Plan 2021-2039.

Heritage

Condition 10

No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post excavation assessment and analysis, preparation of a site archive ready for deposition at a store

approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with the requirements of the Policies BE2, BE3 and BE4 of the LP.

Highways

Condition 11

The development shall not commence until visibility splays providing clear visibility of 49 metres to the north and 52m to the south measured 2.4 metres down the centre of the access road and the nearside channel line of the U4030 carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason

To ensure a safe vehicular access during construction and operation in the interests of highway safety.

Condition 12

The surfacing of the access road shall extend for at least 5m inside the site, as measured from the highway boundary prior to the use first being commenced and shall be carried out in accordance with details of construction which have been approved by the Local Planning Authority as shown on Drawing No BTP-2409-05.

Reason

To prevent material being tracked onto the public highway

Condition 13

No Development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- Details of proposed crossings of the highway verge;
- Details of verge protection on narrow roads;
- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing (to be consistent with the routing proposal outlined in the Outline Construction Traffic Management Plan);
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

External Finishes

Condition 14

Before any plant and machinery is installed on the site full details of the external materials and finishes to be used on them shall be submitted to and approved by the Local Planning Authority in writing. The plant and machinery shall be installed or constructed as approved and maintained as such for the lifetime of the development.

Reason

To retain control over the design of the plant and equipment in the interests of visual amenity in accordance with Policies CC1 and DS4 of the Copeland Local Plan 2021-2039

Fencing

Condition 15

Notwithstanding the submitted details shown on Proposed Fence Elevations (Drawing Ref 030.308.01), before any new fencing is erected on site full details of the design, external materials and finish to be used shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected as approved and maintained as such for the lifetime of the development.

Reason

To retain control over the design of the new fence in the interests of visual amenity in accordance with Policies CC1 and DS4 of the Copeland Local Plan 2021-2039

CCTV

Condition 16

Prior to installation, full details including siting, make, model and colour of the CCTV system to be installed shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason:

In order to ensure that the impacts of the cameras are acceptable given the open countryside nature of the site in accordance with Policies CC1 and DS4 of the Copeland Local Plan 2021-2039

Trees

Condition 17

The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the Arboricultural Impact Assessment, prepared by FPCR Environment and Design and dated May 2025. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To safeguard the existing trees and hedgerows on the site in accordance with the provisions of Policy DS5 and Strategic Policy N6 of the Copeland Local Plan 2021-2039.

Landscaping

Condition 18

Notwithstanding the details that have been submitted, an updated landscape mitigation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the operation/first use of the development. The approved landscaping scheme must be implemented by the end of the first planting season following substantial completion of the development. Any trees or plants that die, are removed, or become seriously damaged or diseased, within a period of 5 years from the completion of the development, must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval for a variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 and Strategic Policy N6 of the Copeland Local Plan 2021-2039.

Land contamination

Condition 19

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Lighting

Condition 20

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for environmental zone E1 contained within The Institute of Light Engineers Guidance Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.

Reason

In the interest of visual amenity and to safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan 2021 – 2039.

Restoration

Condition 21

Should the installation not be required or unused for a period of 12 months, the plant, machinery and associated structures shall be removed from the site and the land reinstated in accordance with a scheme of restoration to be agreed in writing with the Local Planning Authority before any such work is undertaken.

Reason

For the avoidance of doubt and to prevent harm to protected and priority species and habitats in accordance with the provisions of Policy N1 and Policy DS4 of the Copeland Local Plan 2021-2039.

Decommissioning

Condition 22

The development hereby permitted shall be for a maximum temporary period of 40 years from the date when the development is brought into use. Thereafter, the site shall be decommissioned and returned to its former state in accordance with details that have been submitted to, and agreed in writing by, the local planning authority. Such details shall include a time scale of the decommissioning works.

Reason

To ensure that the land is satisfactorily restored following the cessation of the use in accordance with Policy CC1 of the Copeland Local Plan 2021-2039

Informatives

Highways Permit

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>. Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Local Lead Flood Authority Permit

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

Public Right of Way

The applicant must be advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way.
- The public right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Coal Mining Legacy

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Fire and Safety

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises. There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general. This is because sprinklers can significantly help to:

- Improve the time available to escape from a fire
- Reduce death and injury from fire
- Reduce the risks to fire fighters who we ask to fight the fires
- Protect property
- Reduce the effects of arson
- Reduce the environmental impact of fire These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk

Biodiversity Net Gain – Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun

because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.