

PLANNING, DESIGN & ACCESS STATEMENT

Iron Line Project - Land at Steel Green, Hodbarrow Nature Reserve,
Millom. LA18 4JY

Foul Drainage Connection To Mainsgate Road Public Sewer

Reference No. 2567.

August 2026



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1. Introduction

- 1.1 In March 2026, under application 4/25/2198/0F1, planning permission was granted for the erection of a visitor centre with café/shop, group room, staff/volunteer, toilet facilities and car park; consolidation, repair and installation of interpretive sculpture to Towsey Hole Windmill; refurbishment of existing tern hide; new bird hides/viewing screens, pathways, gateway features, street furniture and demarcation of spaces at existing car park; enhancement of wildlife habitats; associated landscaping and drainage infrastructure; and maintenance of byway with restricted vehicular access (the Iron Line Project).
- 1.2 Application ref. 4/26/2096/DOC has been submitted seeking to discharge conditions 3 (Surface Water Drainage), 5 (finalised LEMP), 6 (finalised CEMP), 7 (finalised AMMP), 8 (Notable Plants Method Statement) and the requirements of biodiversity net gain associated with the planning approval under 4/25/2198/0F1.
- 1.3 Under conditions 2 and 9 of 4/25/2198/0F1, the foul drainage strategy was approved inclusive of a connection to the Mainsgate Road foul sewer. However, following the grant of permission it has transpired that a linking connection at the junction of the access road and Mainsgate Road fell outside the red line boundary of the permission granted under 4/25/2198/0F1 and was also not part of the adopted highway. The current application is seeking planning permission for the linking foul drainage connection based on the details already approved under 4/25/2198/0F1 although the onward route of the foul drain (not subject of 4/25/2198/0F1) is now to go along the verge of the adopted highway as opposed to being within the road.
- 1.4 This Statement provides an assessment of the proposed development against the relevant adopted development plan policies and any other material considerations.

2 Planning History

2.1 In relation to the Nature Reserve, the available records indicate that between 1991 and 2015 it was subject to the following applications:

- in 1991, under application number 4/91/0685/4, planning permission was given for a single storey hide.
- In 1996, application no. 4/96/0422/0, permission was granted to create vehicle control bund and level steep banks.
- In 2007, application no. 4/07/2213/0, advert consent was given for a non-illuminated sign.
- In 2015, application no. 4/15/2060/0A1, advert consent was granted for a coastal interpretation information board and marine litter message signage.

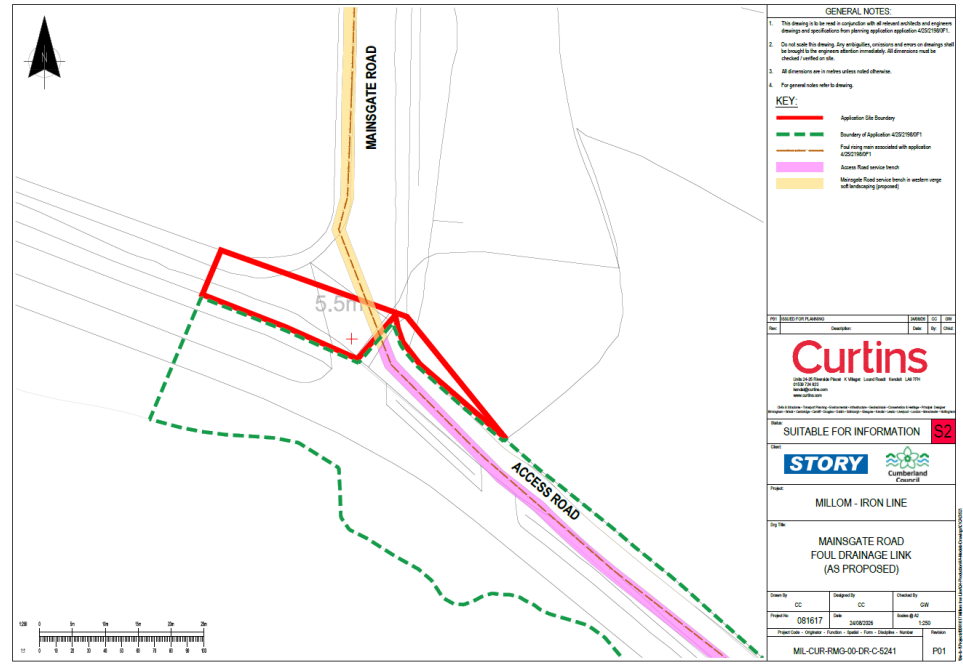
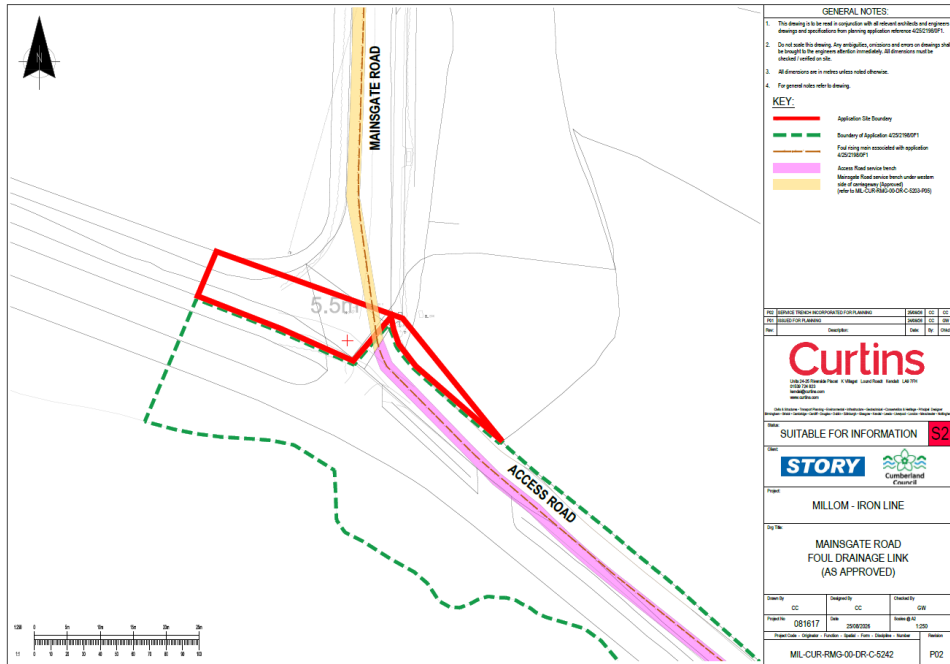
2.2 In March 2026, under application 4/25/2198/0F1, planning permission was granted for the erection of a visitor centre with café/shop, group room, staff/volunteer, toilet facilities and car park; consolidation, repair and installation of interpretive sculpture to Towsey Hole Windmill; refurbishment of existing tern hide; new bird hides/viewing screens, pathways, gateway features, street furniture and demarcation of spaces at existing car park; enhancement of wildlife habitats; associated landscaping and drainage infrastructure; and maintenance of byway with restricted vehicular access (the Iron Line Project).

2.3 The local planning authority is currently processing application ref. 4/26/2096/DOC, that is seeking to discharge conditions 3 (Surface Water Drainage), 5 (finalised LEMP), 6 (finalised CEMP), 7 (finalised AMMP), 8 (Notable Plants Method Statement) and the requirements of biodiversity net gain associated with the planning approval under 4/25/2198/0F1.

3 Proposal

3.1 The scheme approved under 4/25/2198/0F1 involves the foul drainage being pumped from the site by a rising main running in the shared service trench to the south of the access road serving the visitor centre back to Mainsgate Road.

3.2



Extract From Foul Drainage Link Drawings (As Approved & As Proposed)

3.2 The proposed foul drainage strategy is to effectively remain as approved under 4/25/2198/0F1 with the current application submitted to simply seek permission for the linking foul drainage connection (circa 5.7m in length) that fell outside the red line boundary and of the recognised extent of adopted highway.

4 Planning Policy

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that any application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 4.2 The Development Plan comprises the Copeland Local Plan (CLP) 2021-2039 the relevant policies of which comprise Strategic Policy DS6 (Reducing Flood Risk), Policy DS7 (Sustainable Drainage), and Policy N5 (Protection of Water Resources).
- 4.3 At a national level, other material considerations include the revised National Planning Policy Framework 2026 (the Framework/NPPF), Planning Practice Guidance (PPG), and the Countryside and Rights of Way Act 2000.
- 4.4 Paragraph 15 of the Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. The Framework goes on to say that achieving sustainable development means that the planning system has three interdependent overarching objectives (economic, social and environmental) in providing for the homes, commercial development, facilities and infrastructure which society needs (para. 17).
- 4.5 Criteria 1 a and b of Policy S5 (Principle of development outside settlements) of the Framework state that only the listed forms of development should be approved outside settlements and that these should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. The listed forms of development under a) including outdoor sport/recreation and engineering operations/infrastructure. Criterion b) covers development for rural businesses and services, including tourism where a location outside settlements is shown to be necessary.
- 4.6 Further policies of relevance in the Framework include E4, L2, HC3, HC4, P2, P3, F6, N2, N5, and N6. Policy E4 (Rural business development) of the Framework supports the sustainable growth of businesses in rural areas. Policy L2 (Making effective use of land) supports the effective/efficient use of land particularly if it involves remediating derelict or contaminated land. Policy HC3 (Community facilities and public service infrastructure serving new development) requires development which would give rise to significant numbers of additional people visiting the area to have new/improved public service infrastructure necessary for the development to be acceptable. Under policy HC4 (Proposals for new and improved community facilities) substantial weight should be given to the benefits of new/improved public infrastructure or community facilities. Policies P2 (Ground conditions) and P3 (Living conditions) requires proposal to secure a safe development that also takes account of the natural environment. Under policy N2 (Improving the natural environment) proposals should contribute positively to the natural environment. Policy N6 (Areas of particular importance) supports the conservation of important habitats and species.

5 Assessment

- 5.1 In the context of the foregoing, it is considered that the key issues for this application revolve around any impact on the already approved means of foul drainage and the associated matters revolving around contamination and ecology.
- 5.2 Policy DS7 (Sustainable Drainage) of the CLP (2021-2039) requires that surface water is managed in accordance with the national drainage hierarchy, includes Sustainable Drainage Systems where appropriate, with development on greenfield sites seeking to achieve at least pre-development levels of surface water run-off. Policy N5 (Protection of Water Resources) states that new development must seek to protect or improve the quality of surface and groundwater water resources with proposals following the hierarchy for wastewater treatment with foul drainage connected to mains sewer wherever possible.
- 5.3 As already identified, the approved scheme involves foul drainage being pumped from the site by a rising main running in the shared service trench to the south of the access road back to Mainsgate Road. Application 4/25/2198/0F1 was accompanied, amongst other things, by a Drainage Strategy which concluded that the proposed means of foul (and surface water) drainage represented a sustainable solution.
- 5.4 Policy DS8 (Soils, Contamination and Land Stability) of the CLP (2021-2039), explains that it is the developer's responsibility to secure safe development and provide the necessary information at the time of the application. The current application is accompanied by Phase 1 Preliminary Risk Assessment (Phase 1 PRA) that was undertaken as part of the scheme approved under 4/25/2198/0F1. The PRA already encompassing the proposed site boundary and surrounding land (refer to Figure 2.1 of the Phase 1 PRA). The Executive Summary of the initial ground contamination assessment stating:
- "The risk from Made Ground posed to the site's end-users and construction workers is considered to be Moderate based on the nature of uses of the site including mineral extraction and landfilling. The risk posed to groundwater and surface water is considered to be Moderate. The risk posed to site end-users from ground-generating gases arising from organic/putrescible soils and mine workings is considered to be Moderate."*
- 5.5 In summary, the proposed works for this application affect only a small area of the already assessed site and that assessment identified moderate contamination risks which have already been recognised and accepted as part of the wider development.
- 5.6 Strategic Policy N1 (Conserving and Enhancing Biodiversity and Geodiversity) of the CLP (2021-2039) commits the Council to conserving Copeland's biodiversity including protected species and habitats and, in doing so, proposals follow the identified mitigation hierarchy. Where harm remains to a protected habitat (such as a Ramsar site or Site of Special Scientific Interest), development will only be approved where it can be demonstrated that there are imperative reasons of overriding public interest. In such cases, compensatory measures must ensure the overall coherence of the network of European or National Sites as a whole is protected.
- 5.7 The Hodbarrow Nature Reserve is part of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and the Duddon Estuary Site of Special Scientific Interest (SSSI). The SPA, SAC, Ramsar and SSSI are designated for the presence of internationally important coastal habitats which support internationally and nationally important gatherings of breeding, over-wintering and migratory birds. Other species present include great crested newts, natterjack toads, reptiles, hedgehogs, and nationally scarce invertebrate species.

- 5.8 The application is accompanied by a letter from Envirotech explaining that the application site is confined to existing road/hardstanding regularly crossed by vehicles and contains no breeding, foraging, sheltering or hibernation habitat for natterjack toad. As such, it is considered that the chances of a natterjack toad entering this small work area is very low. Subject to proposed precautionary working method, the residual construction risk is low and the ecological effect is assessed as negligible.
- 5.9 On the basis that the proposal is not materially altering the already approved drainage scheme, it is considered to be in accordance with policies DS6 and DS7 of the CLP (2021-2039) and the NPPF. The applicant is also well aware of the ground condition and ecological issues associated with developing the site and these have been fully addressed in compliance with Policies DS8 and N1 of the CLP (2021-2039).

6 Planning Balance/Conclusion

- 6.1 The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development; and that achieving sustainable development means that the planning system has three overarching objectives (environmental, social, and economic), which are interdependent and need to be pursued in mutually supportive ways.
- 6.2 In overall terms, the proposal is in accordance with the policies of the CLP (2021-2039), the revised Framework and relevant legislation.

Issue August 2026

