

Appendix 3

COPY OF PLANNING PERMISSION



Proud of our past. Energised for our future.

Copeland Borough Council tel: 0845 054 8600
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Catherine Street, Whitehaven, email: info@copeland.gov.uk
Cumbria CA28 7SJ web: www.copeland.gov.uk

Town and Country Planning Act 1990 (as amended)

NOTICE OF GRANT OF PLANNING PERMISSION

Arup
Central Square
Forth Street
NEWCASTLE UPON TYNE
Tyne and Wear NE1 3PL
FAO Mr M Verlander

TEMPORARY SITE INVESTIGATION & CHARACTERISATION WORKS INCLUDING THE DRILLING OF BOREHOLES, ASSOCIATED COMPOUND AREAS, INSTALLATION OF MONITORING EQUIPMENT & OTHER ASSOCIATED WORKS
LAND TO NORTH & WEST OF SELLAFIELD, SEASCALE
Nugeneration Ltd

The above application dated 08/09/2011 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

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

- 2. All drilling operations shall be completed within two years from the date of commencement on site.

Reason

To ensure the duration of the drilling works does not have an unduly unacceptable impact on the amenities of the locality.

Stamp: ARUP NORTH EAST, DATE -3 NOV 2011, 4/11/2432/0F1. Includes a table with columns: DATE, JOB NO, PERM NO, REF NO, ACTION, REASON, COMMENTS, and a signature box with 'M Verlander'.

Stamp: ARUP NORTH EAST, Date Recd. -3 NOV 2011, Job No., Loc. No., Proj. Man, Action by, REVIEWED FOR ADEQUACY, Signed.

3. Within six months from the date when the boreholes are no longer being used for monitoring purposes the boreholes shall have been filled in and their sites and surrounds shall have been restored to their former condition.

Reason

In order to safeguard the amenities of the locality.

4. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Site location plan drawing no. 001, received on 8 September 2011.
- Indicative plan showing location of works reinstated after drilling/testing, drawing no. 007, received on 8 September 2011.
- Indicative plan showing location of monitoring equipment to be left in place, drawing no. 006 Rev A, received on 30 September 2011.
- Site Investigation Works – Planning Statement (Job No. 217308-02, Draft 3 dated 7 September 2011), prepared by ARUP and received on 8 September 2011.

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.

5. No operations shall take place outside the hours of 7:00 to 19:00 on any day unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of neighbouring residents/properties.

6. All plant, machinery and vehicles used on site shall be maintained and silenced at all times in accordance with the manufactures recommendations.

Reason

To safeguard the amenity of local residents by ensuring the noise generated in minimised and so does not constitute a nuisance outside the boundaries of the site.

7. The equivalent continuous noise level (LAeq) attributable to the approved operations shall not exceed 55 dB(A) at any noise sensitive property.

Reason

To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site.

For the purposes of condition 7:-

- The noise levels expressed as LAeq 1hr freefield. Any measurements to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.
- Free field shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the site investigations operations.
- A noise sensitive property shall be defined as any building outside the site used as a dwelling where the occupants are likely to be adversely affected by an increase in noise levels.

8. Details of any proposed floodlighting to be used on site shall be submitted to and approved in writing by the Local Planning Authority prior to it being brought into operational use on site.

Reason

To safeguard the amenity of local residents by ensuring that light generated does not constitute a nuisance outside the boundaries of the site.

9. Prior to the commencement of intrusive works as part of the development, in order to satisfactorily manage any risks associated with potential contamination of the site in relation to the carrying out such intrusive works, a preliminary risk assessment containing the following details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Desk study including: previous known site uses relevant to the proposed areas of investigation and summary of available information of potential contaminants on the site;
- (b) Conceptual model including potential sources, pathways and receptors;
- (c) Potentially unacceptable risks associated with the intrusive investigations in relation to any potential contamination at the site.

The preliminary risk assessment shall be undertaken in accordance with the guidance provided by CLR11 (EA 2004) and GPLC 1 to 3 (EA 2010).

Should the preliminary risk assessment identify any potentially unacceptable risks associated with the intrusive investigations in relation to potential contamination at the site, then a method statement shall be submitted and approved in writing with the Local Authority before the ground investigation (or such relevant phase of the ground investigation as may be agreed in writing with the Local Planning Authority) commences on site.

Reason

To deal with the risks associated with potential contamination of the site and to protect the water environment.

Informatives:

- All development works carried out on, or affecting agricultural land shall be conducted having regard to the Defra "Code of Good Agricultural Practice".
- In the interest of highways safety the public highway should be kept clean of any mud or other debris from the sites.
- The applicant is reminded that the Low Church Moss Site of Special Scientific Interest (SSSI) lies adjacent to the northwest corner of the site. SSSI's are legally protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006.

Reason for decision:-

An acceptable proposal to carry out site investigation and characterisation works in accordance with Policies DEV1, DEV 5, DEV 6 and DEV 7 of the adopted Copeland Local Plan 2001-2016, Policy CNL 2 of the North West Regional Spatial Strategy 2008 and National Planning Policy Statements EN - 1 and EN-6.

Please read the accompanying notice

01/11/2011

S. A. Pomphret
Development Control Manager

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.