

6. THE ENVIRONMENT

6.1 NATURE CONSERVATION

- 6.1.1 There is strong national concern for wildlife and natural habitats. The first protection act was passed in the 1880s and the major part of statutory protection is currently embodied in the Wildlife and Countryside Act 1981 (as amended). More recently an increasing awareness of global pressures had led governments to place greater emphasis on ways of conserving the earth's biological diversity. At the 1992 Rio Earth Summit the United Kingdom signed the Biodiversity Convention and subsequently the Government published the UK Biodiversity Action Plan in 1994 setting out a 10-20 year conservation strategy. At a local level Cumbria Wildlife Trust [Biodiversity Partnership](#) have produced The Cumbria Biodiversity Action Plan which seeks to implement the UK Biodiversity Action Plan through identifying targets for habitats and species.
- 6.1.2 PPG 9 on Nature Conservation currently provides guidance on how the government's policies should be reflected in land-use planning. RPG Policy ER5 emphasises the importance of protecting our biodiversity. At the County level JSP Policies ~~E34 and E32~~ [ST1-3, E34-40 and L57](#) also provide a context for the policies in this section of the plan.
- 6.1.3 Although the impact of the Local Plan in nature conservation is significant, the Council recognises that many other strategies and plans make a major contribution to the management of the natural environment within the borough. These include the Environment Agency's Local Environment Agency Plans, Shoreline and Coastal Management Plans amongst others.
- 6.1.4 The Borough contains a wide range of different habitats from coastal salt marsh to sub-alpine heath. The most significant are protected by designations of international, national, regional and local importance.
- 6.1.5 At an international level, 'The Habitats Directive'(Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) is European law which, [along with the Birds Directive \(Directive 79/409/EEC on the conservation of wild birds\)](#) provides for the creation of a network of protected wildlife areas across the European Union to be known as 'Natura 2000'. The Natura 2000 network consists of Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) classified under the Birds Directive (Directive 79/409/EEC on the conservation of wild birds). Wildlife and nature conservation sites of international importance are shown on the proposals map.

- 6.1.6 SACs are the most important sites for wildlife in Europe covering animals, plants and habitats providing increased protection and management. Candidate SACs, in the plan area include the Drigg Coast and Duddon Mosses Site of Special Scientific Interest (SSSI) and Morecambe Bay (which includes the Duddon Estuary). Candidate SACs are those which have been identified but are awaiting final confirmation of their status by the EU. They are afforded the same protection as designated SACs.
- 6.1.7 Also of international importance is the Duddon Estuary SSSI, which is both a SPA and a designated Ramsar site (established under the Ramsar Convention of Wetlands of International Importance especially as Waterfowl Habitat 1971).
- 6.1.8 PPG 9 (Annex C) requires that any proposals likely to affect these internationally important sites must be subject to the tests based on Article 6 of the Habitats Directive and the associated Conservation (Natural Habitats & c) Regulations 1994. These include an evaluation of appropriate assessment including the need for a full Environmental Impact Assessment, and alternative solutions for the change proposed and the impact proposals would have on the setting of the site.
- 6.1.9 Where a priority habitat or species is involved permission for development can only be justified in terms of human health, public safety or beneficial consequences of primary importance to the environment.
- 6.1.10 The Council has taken these tests and JSP Policy E34 34 and E32 into account in framing Policy ENV 1 and will liaise with English Nature and other conservation bodies in its implementation. It will have regard to the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 where a proposed development is likely to have significant environmental effects, and also to the use of planning conditions or agreements to secure mitigation or enhancement measures as appropriate to ensure that the overall coherence of Natura 2000 is safeguarded.
- 6.1.11 Within Nature Conservation Sites of International Importance, where development proposals would normally be classed as permitted development, consultation with the local planning authority will still be necessary to assess whether the proposals will have an affect on the integrity of the site.

POLICY ENV 1: Nature Conservation Sites of International Importance

Proposals for development which may affect a site, or proposed site of international nature conservation importance including designated or candidate Special Area of Conservation, a classified or potential Special Protection Area or a Ramsar site will be subject to the most rigorous scrutiny. Development will only be permitted where:

1. the development is necessary to the conservation management of the site or
2. there is no alternative solution and
3. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/or a priority species development will not be permitted unless ~~the Council is satisfied that~~ it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Where development proposals meet the above criteria ~~the Council will consider~~ the use of planning conditions or agreements to secure all necessary compensatory measures to maintain or enhance the international nature conservation importance of the site will be considered.

6.1.12

Sites of Special Scientific Interest (SSSIs) are the country's very best wildlife and geological sites. There are 16 SSSIs which lie wholly or partly within the Copeland Local Plan area. These are listed in Appendix 5 and shown on the proposals map. Development proposals likely to affect these sites will be subject to special scrutiny in line with PPG 9 and JSP Policy E34 34 and ~~32~~ 35 and the Council will liaise with English Nature on all proposals which may affect these sites. Development proposals may also require an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council will seek to protect or enhance the nature conservation interest as part of any development permitted through the use of planning conditions and / or planning obligations. It will also take into account the merits of alternative locations for the proposed development.

POLICY ENV 2 : Nature Conservation Sites of National Importance

Proposals for development likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) which will have a direct or indirect adverse effect on the special interest of the site will **be subject to special scrutiny.** **Development proposals** not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.

Where development is permitted ~~the Council will consider~~ the use of conditions and/or planning obligations to provide appropriate mitigation and compensatory measures **to ensure the protection and enhancement of the site will be considered.**

6.1.13 At the local level, a Local Nature Reserve at Devonshire Road, Millom has been jointly declared by the Council and Cumbria **County** Council. A Local Partnership has been formed to implement a management plan and other sites may be considered for LNR designation in the future.

6.1.14 In addition there are many sites of local importance for nature conservation. Cumbria Wildlife Trust have compiled a register of Wildlife Sites which need to be ~~preserved~~ **conserved** in order to provide a wide variety of areas which are important for education, research, amenity and recreation. In addition to this Regionally Important Geological/Geomorphological Sites (RIGS) are also identified. This offers a non-statutory means of conserving sites of importance for education and local research as well as those of historic and aesthetic value. Wildlife Sites and RIGS are listed in Appendix 6. Where any development is permitted the Council will seek to protect or enhance the nature conservation interest through the use of planning conditions and / or obligations.

POLICY ENV 3 : Nature Conservation Sites of Local Importance

Development likely to have an adverse effect on a Local Nature Reserve (LNR), an identified Wildlife Site or a Regionally Important Geological /Geomorphological Site, will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site.

The Council will consider declaring additional LNR's in the future as opportunities arise.

Where development is permitted ~~the authority will consider~~ the use of conditions and/or planning obligations to provide appropriate mitigation and compensatory measures to ensure the protection and enhancement of the site will be considered.

6.1.15 The Habitat Regulations require local authorities to provide protection to features of the landscape of major importance for flora and fauna. English Nature has undertaken a habitat survey of Copeland which is a useful record of the extent and location of types of countryside which are disappearing as a result of agricultural practices, exploitation, urbanisation or overuse. The Biodiversity Action Plan also identifies priority habitats and species. A number of such sites are included within Policy ENV 9 protection but the Council will use its planning powers to protect all important habitats and biodiversity including wildlife links and corridors and preventing habitat fragmentation. Where development involving such sites is being considered the Council may require developers to enter into a legal agreement under s.106 of the Town and Country Planning Act 1990 (or s.39 of the Wildlife and Countryside Act 1981) to help protect and enhance important habitats or exceptionally to provide equivalent exchange land and habitat features for any reduced nature conservation interest.

POLICY ENV 4 : Protection of Landscape Features and Habitats

Development which may adversely affect, directly or indirectly, landscape features listed below will only be permitted if it can be shown that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which could reinstate the nature conservation value of the features. Appropriate management of these features will be encouraged through the imposition of conditions on planning permissions where appropriate, ~~†The use of planning obligations and by entering into management agreements with landowners and developers~~ will also be sought where appropriate.

The landscape features are: estuary, sand dune, low land raised mire, hay meadows and nationally important areas of basin mires, wet grasslands and flushes, tarns, sea cliff, heath, woodland, hedgerow, stone walls, semi natural grasslands, marsh, ponds, green lanes, wetland, coastal habitat systems and river corridors and other wildlife corridors linking sites of nature conservation importance.

- 6.1.16 Occasionally, development proposals may involve buildings or land which have been colonised by a particular wildlife species or group and is not within an otherwise protected site as regards nature conservation. Bat roosts and barn owls in buildings are examples and where the species involved itself is protected by law permission will not normally be granted unless expert advice has been sought to establish an appropriate course of action. Schedules 1,5 and 8 of the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations 1994 list protected species. Separate legislation affords protection to badgers and seals. The Council will consult English Nature on any application affecting protected species. Where development adversely affecting protected species does occur conditions / planning obligations will be imposed minimising these effects. A DEFRA licence is also required for any development that is likely to harm a European protected species.

POLICY ENV 5 : Protected Species

~~The Council will not permit d~~**Development which would have an adverse effect upon the conservation interest of any site supporting species protected by law and their habitats will not be permitted. Development proposals should ensure that species and habitats set out in the UK and Cumbria Biodiversity Action Plans will be protected and where possible enhanced.**

~~Where an overriding need for the development is demonstrated, the Council will impose~~ conditions on the planning permission **will be imposed** or enter into the planning obligations **may be secured** to:

1. **facilitate the survival of individual members of species;**
2. **reduce disturbance to a minimum**
3. **provide adequate alternative habitats to sustain at least the current levels of population of the species**

6.2 LANDSCAPE

- 6.2.1 There are some very fine stretches of landscape within the plan area. The County Council have identified landscape types and sub types for Cumbria (outside of the National Park) in accordance with 1992 Countryside Commission methodology. All development should be sensitive to the surrounding landscape. Some of these landscape areas are of such significance that they are designated Landscapes of County

Importance (LOCI) which are shown on the proposals map. Within these areas development should not threaten or detract from their distinctive characteristics. Features within the landscape are also afforded protection by Policy ENV 4.

- 6.2.2 It should be noted that there are currently proposals to produce a Landscape Character Assessment of the Borough to replace the existing LOCI approach. This approach will be taken into consideration in measuring the impact of proposed development in accordance with Structure Plan Policy E37 as it becomes available. Other recognised landscape character tools including countryside design summaries, village design statements and parish plans will also be taken into account.

POLICY ENV 6 : Landscapes of County Importance

The Council will seek to protect the areas designated as Landscapes of County Importance (LOCI) on the Proposals Map from inappropriate change. Where development is permitted special regard will be paid to the design, scale, siting and choice of materials for building which should be sympathetic to the particular character of these areas.

- 6.2.3 St Bees Head was designated a Heritage Coast in 1989 in recognition that the scenery is of the highest quality and with a character which should be protected. The designation covers an area of 5.9km and the headland which forms part of the Heritage Coast is also a SSSI and RSBP reserve. In addition to implementing Policy ENV 7 the Council will consider carefully the need for an environmental statement to accompany proposals for development within or in the vicinity of the Heritage Coast in accordance with Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council intends to prepare a St Bees Heritage Coast Management Plan in the near future.

POLICY ENV 7 : Heritage Coast

The extent of the St. Bees Head Heritage Coast is defined on the Proposals Map. New development other than that serving the local agricultural economy or designed to improve public access will not be permitted within its boundaries. Any development which does take place must be designed, sited and landscaped in such a way as to minimise its impact on the landscape and should incorporate traditional local materials.

POLICY ENV 8 : Views from and to Heritage Coast

Careful regard shall be had for views from and to the Heritage Coast when considering development proposals in the vicinity.

6.2.3 There are also areas of local landscape importance within settlements. These may be unused tracts of land, woodland areas and river/beck-corridors or sites which also have community uses like parks, playing fields, allotments and village greens. Often as a result of restrictive policies outside settlements there is pressure to fill in all the remaining gaps within the built up areas. However, the Council considers that it is important to protect such areas for their contributions to visual amenity, townscape or village character (sense of place) and/or wildlife habitat. It has therefore identified a number of sites on the Proposals Map Insets in relation to Policy ENV 9 where development restrictions will apply. These include, in Whitehaven, the steep valley sides rising above the town including the Arrowthwaite, Castle Park, Midgey and Snebro Gill woods. Quite often, as noted above, landscape or wildlife significance coincides with a sites' value to the community for recreation or other uses. Where in the Council's opinion this applies, the sites are identified on the Proposals Map Insets under the policy reference SVC 47 13/ENV 9.

POLICY ENV 9 : Areas of Local Landscape Importance

~~The most significant areas of local landscape importance within and on the fringe of built up areas are identified on the Proposals Map. The Council will protect t~~ **These areas will be protected** from non essential and inappropriate development and ~~will not permit~~ development which would result in their loss **will not be permitted**. ~~It will support p~~ **Proposals to enhance their amenity or to improve public access will be supported.**

~~The Council will also generally consider t~~ **The amenity value of any area of public or private open space where there are proposals for development will be considered.**

6.2.4 Trees and woodlands in the countryside and in urban areas are of benefit to our environment, landscape, quality of life and economy. They are relatively scarce within the plan area and the Council has protected with Tree Preservation Orders (TPO) those that have appeared to be threatened. Current TPOs are shown on the proposals map and are listed in Appendix 7. Further details regarding the trees or areas covered by TPO designations can be obtained from the Council.

6.2.5 In addition, all trees in Conservation Areas (see Policy ENV 30) and Ancient Woodlands are also afforded protection. Ancient Woodlands are those which have had continuous woodland cover since at least 1600AD. Ancient Woodlands and Conservation Areas are shown on the Proposal and Inset Maps.

6.2.6 Where trees are lost as a result of development they should be replaced on a ratio of at least 2 : 1. Replanting should normally take place on the development site, but if this is not possible, then a nearby suitable location, outside of the site should be agreed. Where dead or damaged trees are of a veteran age their wildlife value should be assessed before they are felled and replaced.

POLICY ENV 10 : Protection of Trees

~~The Council will protect~~ **Land and individual trees covered by Tree Preservation Orders and areas of Ancient Woodland will be protected from inappropriate development. and will make f Further Tree Preservation Orders will be made to protect trees threatened by development or other proposals.**

Where trees are lost through development they must be replaced, either on the development site or elsewhere, at a ratio of at least 2 : 1.

6.2.7 Woodland expansion is now a major government policy commitment. The Forestry Commission's 'England Forestry Strategy' sets out two main aims, firstly the sustainable management of existing woods and forests and secondly a continued steady expansion of woodland area to provide benefits for society and the environment. Further tree planting is desirable from economic, landscape, biodiversity and general amenity standpoints but additionally, well managed woodland is a sustainable land use which can also help to combat the greenhouse effect. Regional Planning Guidance aims to increase tree cover in the North West by at least 15% by 2020.

6.2.8 At a local level Cumbria Woodlands identifies West Cumbria and the Solway Plain as an area of opportunity for future woodland planting, with particular emphasis on degraded or derelict land such as former opencast sites. Emphasis should also be given to locations which are accessible to the public for recreational uses and those which will not detrimentally affect existing habitats. Broadleaved, indigenous species will be favoured. JSP Policy E39 **40** will be employed to strike a balance between the competing interests of economy, conservation, public access and agriculture.

- 6.2.9 The Council will continue to initiate and support new planting and management schemes through liaison with the Forestry Commission, NWDA (Newlands Project), Cumbria Woodlands, landowners, Groundwork West Cumbria, the Woodland Trust, [English Nature](#) and other groups/bodies. It will look towards the economic possibilities presented by both the management of mature woodlands and quick growing renewable plantations or energy crops (see Policy EGY5), particularly in relation to farm diversification. Where new planting is proposed, consideration should be given to adjoining land uses as, for example, small leaved trees can cause problems in autumn for the performance of trains when located next to railway lines.

POLICY ENV 11 : Tree Planting

~~The Council will support p~~**Proposals for new tree planting, and will will be supported, particularly support planting using native species subject to the form and extent of any scheme respecting the existing landform and where appropriate, adjacent land uses**

- 6.2.10 In order to achieve quality and minimise impact of development on the environment, development proposals should always respect and reflect existing landform and landscape. To assist with the integration of development proposals into their surroundings the Council ~~will~~ **may** require landscaping schemes **in the more sensitive locations**. Landscaping may involve additional planting or screening, earth modelling, surface treatments or other features. Developers should seek advice on landscaping requirements from the Council at the earliest opportunity. The Council will also seek to ensure that landscaping schemes are maintained, including the replacement of dead or damaged trees and planting, for a minimum of 5 years in order to ensure successful implementation. Attention should also be given to the requirements of [Policy ENV 4](#), Policy DEV 6 [7](#) and paragraph 2.9.2 [3.2.2](#) and 2.9.5 [3.2.5](#).

POLICY ENV 12 : Landscaping

~~A landscaping scheme will~~ **may** be required as a condition of any approval for new development and this will be expected to show the retention of existing landscape features and reflect local landscape character.

The Council will require landscaping schemes to be maintained for a minimum of 5 years.

6.3 ACCESS TO THE COUNTRYSIDE

6.3.1 Copeland has a good network of footpaths with a more limited number of bridleways. There are three significant long distance footpaths which run through the borough: the Cumbrian Coastal Way which follows the Duddon estuary and the Copeland Coastline over a system of permissive paths and rights of way; the Coast to Coast which runs from St Bees to Robin Hood's Bay on the east coast; and the Copeland Boundary Walk.

6.3.2 Cycleways also form an essential form of access between our urban and rural areas. The Council will seek to protect existing routes and support extended and new routes particularly through the creation of 'greenways' linking towns and villages through a combination of footpaths, bridleways and cycleways. The Council would particularly encourage opportunities for improved access to the Ehen and Keekle valleys. Policy TSP 5 (Chapter 6 : Transport) deals with issues surrounding cycleways.

POLICY ENV 13 : Access to the Countryside

~~The Council will protect e~~**Existing rights of way will be protected from development and will support proposals for the improvement and promotion of locally important circular routes and long-distance paths where possible served by public transport and/or sensitively designed and landscaped car parking.**

6.4 THE COAST

6.4.1 Within the plan area there is about 29 miles of coastline. In recent years there has been increasing concern and interest regarding the management of our coasts. It is predicted that sea level rise is likely to accelerate as a result of global warming which will have potentially significant effects on the coastline, increasing areas prone to flooding along with severity and frequency. These problems may potentially be made worse by changing storm characteristics, altering wave direction and increasing wave height. It is anticipated that the whole of the Copeland coastline will continue to erode with the exception of Haverigg Point.

6.4.2 Land use planning has its limitations however when it comes to managing and influencing the coast and both Europe and the UK government support the move towards Integrated Coastal

Zone Management (ICZM), seeking to bring together all issues affecting the coast whether that be onshore/off shore development, water quality or shoreline management. The Council supports this integrated approach and recognises the importance of other strategies and plans. The Council will work with and support all relevant partners regarding coastal issues.

- 6.4.3 The Duddon Estuary and Solway Firth Partnerships bring together the relevant bodies and interested parties in these areas of coast, seeking through the implementation of Management Plans to improve the quality of these areas and promote sustainable use.
- 6.4.4 Shoreline Management Plans (SMPs) set out a strategy for sustainable coastal defence. Coastal defence must be taken into account when considering development proposals (JSP Policy C38). The Copeland Coastline is covered by 2 SMPs (the St Bees Head to Earnse Point SMP and the St Bees Head to Scottish Border SMP) and take into account natural coastal processes, human influences, land use and other environmental matters. There is existing coastal protection at St Bees, Nethertown, Haverigg and the Duddon Estuary, but the condition of these defences varies.
- 6.4.5 Areas at risk from tidal flooding are [shown by the Flood Zone Maps](#) included within the Indicative Floodplain Maps supplied by the Environment Agency. [The most up to date data on these areas is available from the Council or the Environment Agency.](#)
- 6.4.6 There are several other important coastal issues which involve policies in the local plan. The following paragraphs highlight the issues and provide signposts to the relevant policies.
- 6.4.7 The Coast has a significant number of nature conservation and wildlife sites (see Section 5.1 : Nature Conservation). Policies ENV 1 - 5 aim to prevent unsympathetic development which could have an adverse impact on these areas. St Bees is also a designated Heritage Coast (Policies ENV7 and ENV8).
- 6.4.8 Coastal locations also have potential for renewable energy schemes. A study was carried out into the feasibility of constructing a barrage across the Duddon Estuary. Given its international recognition for nature conservation the benefits would have to be wide ranging to justify such a venture (see Policy EGY 4). The best wind energy sites are open to constant high speed winds which often mean coastal locations, whether that be off shore or on shore. The environmental impact of such proposals have to be carefully assessed against the benefits (see Policy EGY1).

- 6.4.9 The coast as a recreational resource is becoming increasingly popular. The Council will continue to investigate further potential for tourist attractions which involve the coast, provided the conservation and wildlife interests of the area are not compromised (see Policy TSM 2). It should also be remembered that the landscape value of the coast is derived not only from the unspoilt nature of the coast but also the potential for views out to sea.
- 6.4.10 The Coast is therefore an area of conflicting and competing issues including natural erosion or deposition, flooding/inundation, man made pollution, important wildlife and landscape designations, and pressure for development, particularly tourist related. This concentration of potentially incompatible demands and forces means that special regard must be given to our coast.
- 6.4.11 PPG 20 emphasises the need to conserve the natural environment of the coast by resisting development that does not require a coastal location and enhancing areas that have suffered from dereliction. RPG requires that all coastal Local Planning Authorities should define a Coastal Zone to foster integrated management of the coast, assisting with its management, protection and enhancement.
- 6.4.12 The County Council has identified large areas of the Borough as falling within its definition of a Coastal Landscape Zone and an Immediate Coastal Zone (fig 9 and paras 7.5/6 in the JSP). This has largely been based on its Landscape Classification (JSP Technical Paper 5). Whilst there is some value in this work the Council does not feel it is necessarily appropriate to include all lowland areas west of the Lakeland hills and its upland margins as "coastal". Further consultation on this issue is required and this must also be informed by the results of the JSP's Examination. In the interim the Council will maintain its definition of a coastal zone ~~The Council has therefore identified a Coastal Zone for the plan area and this is shown on the proposals map. The seaward boundary of the Coastal Zone is defined by the mean low water mark and the landward boundary by a combination of coastal landscapes and habitats, areas of tidal flood risk and erosion and manmade boundaries or barriers.~~
- 6.4.13 Any development which is permitted within the Coastal Zone must maintain or enhance the natural coastline, its habitats and other conservation interests. This will include public access and viewing facilities. Development within the Coastal Zone will be limited to that which requires a coastal location and the Council may require evidence to demonstrate this need. Permitted development is therefore likely to focus on uses such as flood

protection, informal recreation, tourism, coastal navigation, fisheries, nature conservation and agriculture. Attention is also drawn to Policy DEV 6 **Z** with particular regard to good design and choice of materials.

- 6.4.14** RPG Policy CZ1 and JSP Policy C37 **C41** require that the Coastal Zone be identified into developed or undeveloped areas. The purpose for this is to ensure that wherever possible, development which requires a coastal location is situated within the existing developed coast. This will protect stretches of undeveloped coast and promote coastal renaissance in existing built up areas. The developed coast includes Whitehaven, Sellafield, Seascale and Millom. Outside of these areas the coast is defined as undeveloped.

POLICY ENV 14 : Development in the Coastal Zone

~~Development in the coastal zone must require a coastal location.~~ Development will not be permitted in the coastal zone which would be likely to:

1. increase the risk of flooding, coastal erosion or instability through its impact on natural coastal process, or
2. prejudice the capacity of the coast to form a natural sea defence or adjust to changes in conditions without risk to life or property, or
3. increase the need for additional sea walls or other civil engineering works for coastal protection purposes except where necessary to protect existing investment (or achieve the Council's strategic planning objectives), or be prejudicial to local fisheries, or
4. have a detrimental impact on water quality, or
5. have an adverse effect on natural landscape character or be prejudicial to people's enjoyment and understanding thereof, or
6. have an adverse effect on areas of historic, conservation or wildlife importance.

POLICY ENV 15 : Undeveloped Coast

Development will only be permitted on the undeveloped coast where:

- 1. the development requires a coastal location and there is no suitable site available within the developed coast.**
- 2. the development ~~maintains~~ conserves or enhances the quality and character of the coastal zone.**

6.5 FLOODING

6.5.1 Flooding can occur almost anywhere, but that which causes most concern is on low lying ground either by inundation from the sea, by river flooding or a combination of both. The realisation that flooding is a potential result of climate change and global warming has led to an increase in the emphasis placed on flooding and its effects.

6.5.2 The latest guidance on flooding as contained in PPG25 suggests that a sequential approach to the use of land should be taken, based on the risk of flooding (see Policy DEV 6 7). Areas at risk from flooding are shown on Flood Zone Maps supplied by the Environment Agency. The most up to date data on these areas is available from the Council or the Environment Agency. ~~The Environment Agency supply the Council with Indicative Floodplain maps which identify areas of tidal and fluvial flooding. The 2002 Indicative Floodplain Areas are shown in Appendix 9.~~

6.5.3 Development has the ability to increase the risk of flooding elsewhere by increasing surface water run off or reducing the floodplain storage capacity. The Council will require, where appropriate, the use of Sustainable Drainage Systems (SuDS) in new developments in order to reduce flood risk, erosion and water quality.

6.5.4 Where proposed development is likely to be at risk from flooding or cause flooding elsewhere, a flood risk assessment (FRA) of the site and/or area, as prescribed by PPG25 Appendix F will be required. The FRA should investigate the use, adoption and maintenance of SuDS and such systems should be used unless evidence has been produced which precludes their use. The FRA should be of a scale and nature appropriate to development.

POLICY ENV 16 : Flooding

Development will not be permitted where:

1. there is an unacceptable risk of flooding, or;
2. the development would increase the risk of flooding elsewhere, or;
3. the development would cause interference with or loss of access to a watercourse.

Where a proposed development is likely to be at risk from flooding or increase risk of flooding elsewhere, the Council will require a Flood Risk Assessment (FRA) will be required to be submitted as part of a the planning application.

Where a development requires the provision of additional flood defence and mitigation works, any costs, including maintenance, should be met by the developer.

6.5.5 ~~The Council will also support where appropriate the use of Sustainable Drainage Systems (SuDS) in new developments in order to reduce flood risk, erosion and deterioration of water quality (see Policy DEV 6 and paragraphs 2.9.10 and 7.2.2).~~

6.6 DERELICT AND CONTAMINATED LAND

6.6.1 Whilst Copeland has much fine landscape it also has a significant amount of land which is derelict as a result of past industrial activity. The Council maintains a register of derelict land through the National Land Uses Database which is updated annually. In 2003 the plan area contained 195ha of derelict land. Many of these sites are located in rural areas and therefore may only have potential environmental or soft end uses. Of the sites within settlements, most are allocated within the plan or already have planning permission for development.

6.6.2 Where the opportunity arises the Council will work with Cumbria County Council and The North West Development Agency through the Land Reclamation Programme in seeking to reclaim derelict and underused brownfield land for appropriate use.

POLICY ENV 17 : Derelict Land

The Council will seek to reclaim land identified as derelict. The Council will also protect and where possible enhance any nature conservation and archaeological interests associated with these sites

- 5.6.3 Copeland has a significant amount of land, both derelict and in current use, which is contaminated. The major contaminated land sites in the borough are the Huntsman site in Whitehaven, the Drigg LLW site and BNFL Sellafield. Similarly, many of the other contaminated sites are due to the industrial heritage of the area. Whilst some areas of potentially contaminated land are readily identifiable by the presences of structures remaining from previous use (e.g. old pits and factories), others are not so obvious (e.g. spoil heaps may pose a risk of contaminating local water and ground courses).
- 5.6.4 Copeland Borough Council has prepared a Contaminated Land Strategy under Part IIA of the Environmental Protection Act 1990 and is currently preparing a register of contaminated and potentially contaminated sites.
- 6.6.3 Industry in Copeland has brought about many advantages to the area, but in some cases, a legacy of contamination has remained on and around industrial sites. In an effort to deal with this legacy, the Council is following the Government's 'Contaminated Land Regulations' which aim to: identify land causing unacceptable risk to human health or the wider environment; bring damaged land back into beneficial use and; ensure remediation costs are proportionate and economically sustainable. The Council's published Inspection Strategy outlines how the Council will identify Contaminated Land, and a detailed Prioritisation Procedure, prioritises sites for inspection based on a methodological risk assessment.
- 6.6.4 Copeland Borough Council has prepared a Contaminated Land Strategy under Part IIA of the Environmental Protection Act 1990. The Council will develop a database of potentially contaminated sites, these sites will then be prioritised for remediation. A remediation register, consisting of sites no longer considered contaminated will then be maintained. This will ensure that development on, or adjoining, potentially contaminated land only takes place when contamination is shown not to be present, or the pollutant linkage has been broken
- 6.6.5 The Council will encourage the remediation and re use of contaminated land. Where proposals are acceptable in principle on contaminated or potentially contaminated land, planning permission will be granted subject to conditions requiring a site investigation and risk assessment in accordance with relevant and current guidelines and protocols will be required before the application is determined. Where land is suspected to be contaminated planning permission will be granted subject to conditions requiring a site investigation and risk assessment

prior to development proceeding. In both scenarios and the development will be required to include all necessary remedial measures. Any treatment of the land should not endanger public health or the environment or be discharged to public sewers without agreement from the statutory sewerage undertaker.

POLICY ENV 18 : Contaminated Land

~~The Council will prepare and maintain a record of potentially contaminated land and will seek to ensure that development on or adjoining such land only takes place when, either contamination is shown not to be present or any contamination has been removed or treated so as to pose no hazard to those using the land.~~

Where a proposed development is located on land known to be contaminated, site investigation works and remediation strategies must be submitted as part of the planning application. Where land is suspected to be contaminated, planning conditions will be imposed ~~or potentially contaminated land, the Council will consider the use of planning conditions to ensure that all appropriate remedial measures required are taken.~~

6.7 WASTE DISPOSAL AND RECYCLING

6.7.1 Changes in society, accompanied by advancing technology and materials has lead to a 'throw away' culture and subsequent increase in waste generation. A characteristic of this increase has been a disproportionate rise in the levels of non-degradable waste such as plastics and packaging.

6.7.2 The UK must reduce the amount of waste it produces and seek alternative disposal options to landfill. The European Landfills Directive requires a 65% reduction of biodegradable municipal waste sent to landfill on 1995 levels by 2020. Following from this, the Governments National Waste Strategy 2000 identifies targets for Local Authority recycling such that 33% of household waste should be recycled or composted by 2015. At present Copeland recycles just 6% of its waste. ~~and the target is to recycle 18% by 2005/6.~~

6.7.3 The Council does not determine waste proposals other than its own facilities. All other waste management development is controlled by Cumbria County Council as waste planning authority. In terms of waste management within the Borough, the Environment Agency is responsible for waste regulation,

Cumbria County Council is responsible for waste disposal and Copeland Borough Council is responsible for waste collection. The Cumbria Joint Municipal Waste Strategy 2003 sets out proposals for dealing with waste in Cumbria over the next 25 years and Copeland Borough Council's current Waste Management Strategy covers a period up to 2008. Both of these strategies are consistent in their aims of waste minimisation and increased recycling based on the Best Practicable Environment Option (BPEO) that is available. The BPEO is that which provides most benefit or least damage to the environment as a whole at acceptable cost. It takes into account the proximity of waste management to its source and operates on the principles of the waste hierarchy (waste minimisation - re-use - recycling - composting and energy production where recycling is not appropriate recovery (recycling / composting / energy) - disposal) as advocated by RPG's Policy EQ4. As a consultee on waste disposal and recycling developments, the Council will support the BPEO.

~~POLICY ENV 19 : Waste Disposal and Recycling~~

~~The Council will support waste disposal and recycling opportunities that offer the Best Practicable Environmental Option.~~

- 6.7.4 At present there is only one landfill site for domestic refuse, at Distington. There are also Civic Amenity sites located at Frizington and Millom where the public can dispose of household wastes. There are a further 28 recycling bring sites within the plan area for materials such as glass, oil, paper, cans and textiles and potential exists for additional sites, particularly within the Whitehaven area and other Key Service Centres in accordance with JSP Policy R46 49. There may also be potential for energy from landfill sites (see paragraph 89.2.9). The Environment Agency will be consulted on any planning application falling within 250 meters of existing landfill sites.

~~POLICY ENV 20 : Recycling Sites~~

~~Subject to the appropriate siting the Council will support proposals for new collection and sorting sites for recyclable materials.~~

- 6.7.5 As regards non-domestic operations BNEG dispose of construction wastes which may contain levels of radioactivity very slightly above natural levels on the South Tip within the Sellafield site. There are a number of other relatively small landfill sites in the plan area used by the construction industry

for the disposal of inert non-putrescible waste. These sites when properly managed give rise to few pollution problems but need to be located carefully to ensure adequate protection of the environment including groundwaters. The Council will seek to maximise the benefits of the Landfill Tax Credits.

- 6.7.6 When consulted on proposals for the disposal of inert waste the Council will support them where there is no adverse impact on landscape or nature conservation interests and where there is good access from the main road network, the land is not susceptible to flooding and where satisfactory arrangements are made for subsequent landscaping and after-use.

~~POLICY ENV 21 : Disposal of Inert Waste~~

~~When consulted on proposals for the disposal of inert waste the Council will support them where there is no adverse impact on landscape or nature conservation interests and where there is good access from the main road network and where satisfactory arrangements are made for subsequent landscaping and after-use.~~

6.8 MINERAL WORKINGS

- 6.8.1 The Council is not the minerals planning authority. Control of all such development is exercised through the County Council via its ~~Minerals and Waste Local Plan~~. Where consulted on proposed mineral development the Council will consider economic and environmental benefits which may accrue through the provision of infrastructure or beneficial after use in its response.

6.9 POLLUTION OF THE ENVIRONMENT

- 6.9.1 It is crucial that planning policies ensure that the quality of the air we breathe and the water we drink is protected. There is now a greater understanding that the long term effects of some of the substances that we let loose on the environment are global and, if they become irreversible, will have catastrophic consequences for the natural world. The control of pollution is dependent in part on the implementation of local policies detailed below. ~~Waste disposal sites and~~ ~~Radioactive discharges are dealt with by Policies ENV 20-22 and~~ Policy NUC 1 respectively.

- ~~6.9.2~~ Primary legislation in respect of pollution control is provided by the Environmental Protection Act 1990. It introduces into law the concept of integrated pollution control in which

responsibilities are coordinated and where concern is about the effect of activities on the environment. The main responsibilities for control rest with the Environment Agency, the sewerage undertaker and the Council.

6.9.3 The Council monitors aspects of pollution drawing together its own data and those from other bodies, interpreting it for the benefit of the public. Further environmental monitoring will be supported where this leads to greater knowledge of the local environment.

6.9.4 In recent years the types of air pollution in Copeland have changed. Pollution from industry and home fuel burning have declined, and pollutants from vehicles are now dominant. The Council will seek to minimise any pollution caused by new development and will discourage use of the private car through policies TSP 3 – 6 (Chapter 6 7 Transport).

6.9.5 In accordance with the requirements of the Governments Air Quality Strategy the Council monitors and assesses air quality within the Borough. It is agreed with DEFRA that as air pollution levels in Copeland are so low, no further action regarding the designation of Air Quality Management Areas is currently required.

POLICY ENV 22 19: Air Pollution

In dealing with new development the Council will seek to minimise harmful or offensive aerial discharges. The Council will consult statutory bodies to minimise discharges from existing uses.

6.9.6 Control of discharges to surface water, groundwater and coastal waters are the responsibility primarily of the Environment Agency. The Council will use its statutory powers and appropriate liaison arrangements with operators and with the Environment Agency to prevent or minimise harmful effects of offensive liquid discharges from existing uses and from new development.

6.9.7 There are four beaches in Copeland at Haverigg, Silecroft, Seascale and St Bees all of which have been consistently rated good since 1999 in terms of the EU Bathing Water Directive.

POLICY ENV 23 20: Water and Sewerage Facilities

~~The Council will support the d~~Development of water and sewerage facilities which are necessary either for the

implementation of the development policies of the plan or which are necessary to enable water and sewerage undertakers to meet statutory obligations and environmental standards as established by the Government and the European Commission will be supported.

- 6.9.8 Pollution through noise is very often through anti social behaviour outside the control of the local planning authority. However where the noise normally associated with a particular activity that is being proposed is clearly going to conflict with adjoining uses then the development will be refused or approved subject to conditions that reduce the noise to acceptable levels.

POLICY ENV 24 21: Noise Pollution

Development likely to generate unacceptable levels of noise will not be permitted unless it can be reduced to acceptable levels by sound proofing measures or by controlling hours of operation or methods of working.

- 6.9.9 Light pollution is also an issue of increasing concern, particularly in rural areas where it can significantly affect landscape character and tranquillity. It can occur in three forms – glare, sky glow or light trespass – and can have potentially adverse impacts including highway safety problems, loss in appreciation of the night sky and intrusion of light into peoples’ homes. Whilst light in itself is not development, the Council can impose planning controls where the provision of lighting involves development or it is part of a larger development scheme. The Council will consult Environmental Health Officers and DEFRA on issues of light pollution.

POLICY ENV 22: Light Pollution

Development likely to generate unacceptable levels of light pollution will not be permitted.

6.10 HAZARDOUS INSTALLATIONS

- 6.10.1 Two premises have been notified to the Council as hazardous Installations under arrangements set out in ODPM Circular 04/00 "Planning Controls for Hazardous Substances". Consultation zones have been established within which it would be undesirable for there to be any significant population increase, and clearly the nearer the site is to the installation the greater the risk. Consultations are carried out with the Health and Safety Executive including, where appropriate, the Nuclear Installations Inspectorate. The relevant premises are:-

1. Sellafield: nuclear reactors and fuel reprocessing (2 mile zone)
2. Huntsman, Whitehaven: chemical works (1 kilometre zone)

6.10.2 There is also a high pressure gas pipeline running from Derwent Howe, Workington to the Huntsman site, Whitehaven. The Council consults with Transco over proposals within 50 metres of this pipeline. Safeguarding zones are shown on the proposals map.

POLICY ENV 25 23: Safeguarding Zone

Within the defined safeguarding zones of hazardous installations and high pressure gas pipelines there will be no significant increase in population and any proposals for new development will be the subject of consultation with the appropriate authorities and interested parties.

6.10.3 The Town and Country Planning (Hazardous Substances) Act 1990 provides for a system whereby the introduction of hazardous substances onto a site or a significant increase in such substances already stored on site requires Hazardous Substances Consent. Deemed consent is granted for quantities of hazardous substances already on site. If consent is agreed a consultation zone will be established within which proposals for future development will also be referred to consultees.

POLICY ENV 26 24 : Hazardous Substances

~~The Council will seek to ensure that h~~**Hazardous substances are will not be introduced into locations which significantly increase the risk of damage to the health of nearby residents or the environment.**

6.11 CONSERVATION OF THE BUILT ENVIRONMENT

6.11.1 The conservation and protection of our built environment contributes significantly to creating a sustainable environment. Not only does the protection and enhancement of our towns, villages and individual buildings allow for the enhancement of our local, regional and national heritage and culture, it is also a means of facilitating sustainable regeneration.

6.11.2 In recent years the importance and contribution of the historic environment has been increasingly recognised. PPG 15 provides guidance on protection of listed buildings and development in Conservation Areas whilst PPG16 focuses on archaeology and planning. JSP Policy E34 [38](#) requires that all aspects of the Historic Environment should be identified, recorded, conserved and enhanced. Cumbria County Council have also produced a Cumbria Historic Characterisation Programme based on the Sites and Monuments Records and the Countryside Agency's Character Maps. This can be applied to provide information for understanding and managing the historic environment.

6.11.3 As advised by RPG the Council will continue to work with English Heritage to maximise the potential of our historic environment. The merits of conservation and its links to economic regeneration has long been recognised by the Council and grant schemes to improve the quality of our built heritage have been in operation throughout the borough since the 1970's.

6.12 CONSERVATION AREAS

6.12.1 There are currently 9 Conservation Areas within Copeland, outside the Lake District National Park. These are: Whitehaven – Town Centre; Whitehaven – High Street; Whitehaven – Corkickle; Whitehaven – Hensingham; Egremont; Cleator Moor; Millom; St Bees; Beckermest, Whitehaven Town Centre Conservation Area is of national significance for the Georgian and Victorian Architecture.

6.12.2 Conservation Areas vary greatly in their nature and character. The special character and identity of these areas does not come from the quality of the buildings alone, but takes into account many contributing factors such as the historic layout of streets and squares, sense of place created by public and private spaces, archways, trees, parks or street furniture. These features and spaces should be protected from development proposals and where possible, their quality enhanced. New development proposals should also respect and enhance the character [and setting](#) of the Conservation Area [and must also consider impacts on views in and out of the designation](#).

6.12.3 Conservation Area status allows the Council to have increased control over demolition. Demolition will not be permitted where a building or structure contributes to the character of the Conservation Area. Where demolition is permitted the Council will require details of a replacement building or scheme which will enhance the townscape. All applications to demolish must

therefore be accompanied by details of a redevelopment scheme. Applicants will be required to enter into a legal agreement to ensure that redevelopment takes place consecutively.

6.12.4 Conservation Area status does not prevent new development but instead seeks to promote controlled and positive management of any change. To assist with this positive management, the Council currently operates a Townscape Heritage Initiative Scheme in Cleator Moor (in partnership with Heritage Lottery Fund, Cleator Moor SRB, ERDF and NWDA) and Heritage Economic Regeneration Schemes (HERS) in Whitehaven and Millom (in partnership with English Heritage). The Millom HERS also forms part of the Millom Market Towns Initiative. All of the schemes seek to promote conservation-led regeneration, supporting traditional improvements and works to historic buildings and their re-use, particularly for commercial purposes. In line with English Heritage advice, the Council will also seek to prepare Conservation Area appraisals for all designations within the Borough.

POLICY ENV 27 25: Demolition in Conservation Areas

The demolition of buildings which make a positive contribution to a Conservation Area will not be permitted unless the Council is satisfied that ~~there is no viable use~~ can be found following adequate efforts. In all cases where demolition is permitted this will be subject to the carrying out of a redevelopment scheme which enhances the Conservation Area consecutive to the demolition ~~and compliance with the provisions of Policy DEV 6.~~

All proposals for demolition must be accompanied by details of redevelopment, which will be secured by means of a legal agreement.

POLICY ENV 28 26: Development in and affecting Conservation Areas

Development within Conservation Areas or that which impacts upon the setting of a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the Area and, if appropriate, views in and out of the Area. In particular it should:

- 1. respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, detailing and use of traditional materials**

2. respect existing hard and soft landscape features including open space, trees, walls and surfacing
3. respect traditional street patterns, plot boundaries and frontage widths
4. improve the quality of the townscape

Outline applications will not be acceptable in respect of sites within Conservation Areas unless they contain sufficient detail to enable the visual impact of the proposal to be understood.

POLICY ENV 29 27: Trees in Conservation Areas

~~The Council will resist p~~**Proposals to fell trees in Conservation Areas will not be permitted unless required in the interests of public safety.**

- 6.12.5** In the Whitehaven Town Centre, Corkickle and High Street Conservation Areas the Council has made an Article 4 Order which brings alterations to unlisted domestic properties under planning control. The Council may seek the Secretary of State's consent to withdraw "permitted development" rights elsewhere if it considers that further protection is needed in certain areas.

POLICY ENV 30 28: Article 4 Directions

~~The Council may seek to withdraw permitted development rights under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 where it considers that further protection of the amenity and character of an area is required.~~

- 6.12.6** Within our town centres, conflict often arises between the aspirations of shop owners wishing to promote a corporate image or to maximise areas of window display and conservation objectives. The Council has produced separate design guidance to advise on shopfront design and associated advertising in the Whitehaven Conservation Area. This design guidance is issued as supplementary planning guidance (SPG 3). The principles contained in SPG 3 are applicable to all towns in the Borough.

POLICY ENV 34 29: Shopfronts in Conservation Areas

Shopfronts in Conservation Areas should be of suitable scale, design, materials and proportion which reflect the traditional character of the application building and the Conservation Area. Signage should be an integral part of the design. Internally illuminated signs and projecting box signs will not be permitted.

6.13 LISTED BUILDINGS

6.13.1 There are 708 listed buildings or structures of architectural or historic interest within the plan area. Of these, 665 are Grade II, 29 are Grade II* and 14 are Grade I. The Council has a duty to exercise strict control over proposals which affect these buildings and to ensure that they are maintained in a reasonable state of repair. Demolition of listed buildings will only be permitted in the most exceptional circumstances and where all efforts to find viable use or ownership has failed or the community benefits of the demolition would far outweigh the loss of the building. Where demolition is permitted the listed building should be recorded and appropriate use made of features and materials such as being re-used within the redevelopment scheme or stored / displayed elsewhere in the located.

6.13.2 There are also four buildings which currently appear on English Heritage's Buildings At Risk (BAR) Register. The Council will endeavour to seek that these buildings are improved and consequently removed from the register.

POLICY ENV 32 30: Alterations and Extensions to Listed Buildings

Listed Building Consent will not be granted for alterations or extensions which do not respect the architectural or historic character of the building.

POLICY ENV 33 31: Demolition of Listed Buildings

Listed Building consent will not be granted for total or substantial demolition except in the most exceptional circumstances.

Where demolition is permitted conditions requiring the recording of features will be imposed on any consent.

POLICY ENV 34 32: Essential Repairs to Listed Buildings

If a Listed Building is at risk through inadequate maintenance the Council will use its powers under the

Planning (Listed Buildings and Conservation Area) Act 1990 to ensure that essential repairs are carried out.

POLICY ENV 35 ~~33~~: Development Affecting the Setting and important views of Listed Buildings

Applications for development affecting the setting or important views of a Listed Building will only be approved when there is no significant adverse impact on the Listed Building.

POLICY ENV 36 ~~34~~: Changes of use to Listed Buildings

Proposals for change of use to all or part of a listed building will be permitted where:

1. the new use contributes to the preservation and overall economic viability of the building;
2. the use can be exercised without adversely impacting the structure, fabric, appearance or setting of the building

6.14 ARCHAEOLOGICAL SITES

6.14.1 Within the plan area there are ~~22~~ 24 Scheduled Monuments. These are shown on the Proposals Map and listed in Appendix 8. They are of national significance and any works which may affect them will require the consent of the Secretary of State. There are also a large number of other sites of local archaeological and historic interest which the Council will seek to protect in dealing with proposals for development. These are not identified in the plan but they will be a material consideration in the exercise of policies ENV ~~39~~ 36 and ENV ~~40~~ 37.

6.14.2 Where known archaeological interests are involved prospective developers are invited to consult the Council at the earliest opportunity. A qualified archaeologist appointed by the developer will be required to produce an initial assessment of the site's value together with any recommendations for an archaeological field evaluation which should include an assessment of the impact of the development on the preservation of any remains.

6.14.3 Wherever possible the Council would expect to secure the preservation of existing or newly discovered archaeological remains where they occur along with interpretative material for

their better understanding and appreciation. The mechanism for this will depend on the importance of the remains and the type and design of development. In all cases the Council will seek advice from a competent body on the value of finds. Should they be of national significance they must be left undisturbed whilst advice is sought from English Heritage on the question of Ancient Monument scheduling when permanent preservation in-situ would usually be required. Where remains are of local significance the Council will before development commences either a) seek an agreement with the developer to have them permanently preserved in situ by a body nominated or approved by the Council as part of the development design incorporating appropriate interpretive material or b) where this is impractical, require that the site is fully investigated and recorded by a body nominated or approved by the Council and any remains of value removed to a suitable location for display along with the results of the investigations.

POLICY ENV 37 ~~35~~: Development Affecting a Scheduled Monument

~~The Council will not grant p~~Planning permission for development which would adversely affect a Scheduled Monument or its site or setting **will not be granted**.

POLICY ENV 38 ~~36~~: Development Affecting Sites of Local Archaeological or Historic Importance

In considering proposals for new development the Council will seek to minimise their affect on any site of local archaeological or historic importance. Where proposals are likely to affect such sites the Council will:

1. require an initial assessment of the archaeological value of the site to be submitted as part of the planning application
2. require a full archaeological field evaluation to be carried out before a decision is made on the planning application should the results of (1) above or other research so warrant
3. seek the statutory protection and permanent in situ preservation of nationally important remains before development commences
4. seek the permanent in situ preservation of locally important remains as part of the

development design by agreement with the developer before development commences

- 5. require in cases where the preservation of remains in situ is not appropriate, full investigations and recording of the site by a body nominated or approved by the Council before development commences and removal of the remains to a suitable location for display.**

6.14.4 Over the plan period remains may be found in areas of previously unsuspected archaeological potential and new sites of value may come to light through studies and investigations. In such circumstances the Council will take advice from a competent body and where development is involved may require developers to carry out an initial assessment of archaeological potential before a decision is taken on the planning application.

POLICY ENV ~~39~~ 37: Site of Potential Archaeological Importance

Where chance finds or developing knowledge indicate possible archaeological importance ~~the Council may require an initial site assessment of archaeological value~~ may be required to be submitted as part of a planning application for development. Where evidence of significant archaeological remains is found then the criteria set out in Policy ENV ~~390~~ 36(2-5) will apply.

6.15 PUBLIC ART

The incorporation of high quality art on public view helps to create an impression of social and economic confidence essential to promote the area for incoming business, investment and tourists. The addition of artistic elements helps to create a "sense of place" and so enhance the quality of the environment for residents. The involvement of artists and crafts people can take several forms - features designed into the walls of a building, outdoor features to enhance the setting of a building, street or open space such as lighting, seating, sculpture, fencing and surface treatments or imaginative landscaping.

6.15.1 The Council has adopted a Cultural Strategy which includes a commitment to maximising artistic opportunity and ensuring that wherever possible development reflects the local character of Copeland and incorporates significant public art. The Council is also currently developing an Arts Strategy.

POLICY ENV 40 38: Public Art in Development Schemes

All developers will be encouraged to incorporate new works of art as part of development schemes. Where development costs total £500,000 or more, developers will be encouraged to devote at least 1% of those costs to a work(s) of art to be displayed within the development in an area accessible or visible to the general public including people with impaired mobility.

6.16 ADVERTISEMENTS

6.16.1 The proliferation of signs along the roadside in the countryside and in un-commercialised parts of the built up area detracts from the quiet enjoyment of these areas. The rural part of Copeland is an Area of Special Advertisement Control where the Council has greater control over the size and location of advertisements. In this area existing policies have been to resist advance warning signs and internally illuminated signs except in special cases. Areas of Special Advertisement Control are shown in Appendix 10.

POLICY ENV 41 39: Areas of Special Advertisement Control

In the Areas of Special Advertisement Control the Council will exercise strict control to minimise the undue commercialisation of these areas and will not normally grant express consent for the display of advance warning signs unless:-

- 1. there is no nearer location on a public road or**
- 2. the sign is of a standard design approved by the Council and serving to advertise one or more businesses in a nearby community or**
- 3. the sign is reasonably required having regard to the nature and situation of the land or building to which it relates.**

6.16.2 In the commercial parts of the Borough not subject to special control the Council will have proper regard to public amenity and safety in considering applications for express consent and will be particularly concerned to obtain a high standard of advertisement display in Conservation Areas (**Policies ENV 32 26 and 29**). Appendix 12 shows the Special Control Area definition.

POLICY ENV 42 40: Advertisements

Outside Areas of Special Advertisement Control, advertisements will only be granted consent if all of the following criteria are met:

- 1. they would not be obtrusive or dominant features in the street scene;**
- 2. they would not create clutter on a building or within the street scene;**
- 3. they would not harm public safety;**
- 4. where attached to a building, they would respect its scale, proportions and architectural features;**
- 5. where attached to a Listed Building, or within the grounds of a Listed Building, they would preserve the special architectural or historic character and appearance of the building;**
- 6. where displayed in Conservation Areas, they would preserve or enhance the character and appearance of the area and comply with Policy ENV 32.**

6.17 AGRICULTURAL DEVELOPMENT

6.17.1 The rural landscape is a direct result of farming practice. Over recent years the economics of farming and the provision of subsidies to guarantee a market for increased production have tended to encourage the amalgamation of farms, the industrialisation of farm buildings and the maximisation of yields in the short term sometimes at the expense in the long term of soil fertility and water quality

6.17.2 PPG 7 “Countryside” and RPG Policy RU 1 both advocate the protection of high quality agricultural land. Farming is the principal activity in large parts of the plan area but the majority of this land is of average quality. The 2000 Agricultural and Horticultural Census shows that within the whole of the Borough over 90% of land is used for grassland or rough grazing.

6.17.3 A small part of the plan area to the east of Cleator Moor and Egremont is within the Lake District Environmentally Sensitive Area where support is available to farmers to maintain and enhance the traditional farming landscape.

- 6.17.4 Foot and Mouth hit the county in 2001 and although the number of farms actually affected by the disease within the plan area was minimal, the overall impact on agriculture and the rural economy was devastating. The Council would therefore consider favourably farm diversification proposals which comply with Policies RUR 1 and RUR-2 (Chapter 4 **5** “Regeneration”).
- 6.17.5 In terms of agricultural operations the role of the local planning authority is limited as generally speaking they do not require planning permission.

POLICY ENV 43 : ~~Sustainable Agriculture~~

~~The Council will use available legislation to maintain existing woodlands and traditional field boundaries on farmland and will support initiatives to move towards a more sustainable agricultural economy.~~

- 6.17.5 The size of new farm buildings usually means that it is impractical and uneconomic to use traditional materials. However large structures are more easily assimilated into the landscape by the sensitive use of colours and modern materials such as dark coloured profiled metal sheeting, stained timber, or wetdash render on blockwork. The avoidance of visually prominent sites and shelter planting to give long term screening is also desirable.

POLICY ENV 44 **41: New Farm Buildings**

~~The Council will approve n~~**New farm buildings in association with an existing farm building complex or in other well screened locations will be approved subject to an appropriate design, scale and use of materials and where necessary a planting scheme.**

- 6.17.6 Against the trend in farm amalgamations the Council receives a number of proposals for smallholdings and nursery gardens. Because they are often in rural locations there is a need to ensure that the proposals are genuine and not a back door means of obtaining planning permission for a rural dwelling. The Council will require evidence that the enterprise is viable and will expect the smallholding to be operational before any permanent dwelling is constructed, and comply with the provisions of policies HSG 5 and HSG 6.
- 6.17.7 There are few intensive agricultural operations in Copeland but where they are established they can be visually intrusive and create local environmental problems.

POLICY ENV 45 42: Intensive Agricultural Development

Egg laying, chicken and other intensive agricultural units will be permitted ~~provided the requirements of policies ENV 47 and DEV 6 are met.~~ subject to other policies in the Plan

- 6.17.8** Modern methods of caring for livestock produce large quantities of slurry instead of the more manageable manure heap. There is a need to ensure that the slurry does not pollute watercourses or wetland sites, or cause offence to adjoining residents. The Council will require proper regard to the codes of good agricultural practice for the protection of air, water and soil and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991.

POLICY ENV 46 43: Agricultural Slurry Stores and Lagoons

The Council will seek to secure the siting of slurry stores or lagoons in a manner which minimises any potential nuisance to nearby residents.