Application No: 6/17/9005
District: Barrow
Applicant: Capita
    Capita Property and Infrastructure
    The Capita Building
    Carlisle

Date of Receipt: 31 March 2017

Proposal: Remediation of three plots of derelict land comprising altering ground conditions to provide development platforms. Works include erection of fencing, new and enhanced habitat areas and reinstatement of foul and surface water sewers. The development platforms will form part of the larger Barrow Waterfront development.

Location: Barrow Waterfront, Barrow-in-Furness, Cumbria
1.0 RECOMMENDATION
1.1 That planning permission be **Granted** subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL
2.1 Planning permission is sought for the remediation of three derelict plots. The proposed development involves the regeneration of an additional three development platforms. The primary works include:

- Existing topsoil and organic material will be excavated to a maximum depth of 200mm and re-used in landscaping;
- Existing material excavated from high areas of site and placed in low lying areas. Suitable inert fill material to be imported to site, placed and compacted in layers to bring up site levels;
- Imported granular material to be placed and compacted in 0.5m thick layer over proposed development to bring to finished level;
- Removal of Japanese Knot Weed to the rear of plot 2;
- Reptile refugia areas south of plot 1;
- New reptile habitat on the formed St Andrews Engineering site;
- 2.4m high palisade fence with access gates;
- Creation of new pedestrian/cycle path on stopped up section of Ramsden Dock Road;
- New access to UU pumping station.

2.2 The proposed development platforms extend over an area of 11.98ha and form part of the larger Barrow Waterfront Business Park which extends to 23ha.

2.3 It is proposed that 39,100 tonnes of granular material (18,500m²) would need to be imported to raise the site levels to above the predicted flood risk level. The material would be brought onto site 1,960 HGV's (20 tonne capacity HGVs) over a 6 month period.

2.4 Access to the site would be along the A590 which consists of Walney Road, Bridge Road and onto Michaelson Road, Harding Rise and Dova Way. It is proposed to restrict HGV movements to off-peak periods of between 0900 to 1500 hours Monday to Thursday and 0900 to 1400 hours on Friday. The proposed hours of delivery of material would not conflict with peak transport/travel times which include people travelling to/from work and school runs.

2.5 Barrow Waterfront is located on the south side of Barrow Island and is accessed from A590, Bridge Road and Michaelson Road which form part of the strategic road network to Barrow Waterfront.

3.0 SITE DESCRIPTION
3.1 Barrow Waterfront Business Park provides the gateway to the re-development of Barrow Island. The site has a good strategic road network and currently hosts a number of businesses including renewable energy companies, a batching plant and a gas condensate plant.

3.2 To the north of the site are residential properties and Barrow Shipyards, to the west is the gas condensate plant and Ramsden Dock, to the south is Anchor Basin and to the west is Walney Channel.
4.0 SITE PLANNING HISTORY

4.1 Barrow Waterfront originally formed part of the Timber Dock until it was infilled in the early 1970’s. The site was left in an unused state from 1970’s to 2006 when a planning application was submitted for its redevelopment to create a business park.

4.2 There have been a number of planning permission on Barrow Waterfront the main ones being: for works for the remediation of contaminated land, raising of levels and infrastructure works including new access roads, drainage system, public realm landscaping and re-construction of existing allotment gardens (Planning ref: 6/06/9027, approved 10 May 2007); Phase 2 of Barrow Waterfront redevelopment comprising of new access roads, infrastructure improvements and landscaping works (Planning Ref: 6/08/9010, approved 22 October 2008). Other planning applications include alterations to the allotment areas (Planning ref: 6/12/9012, approved 14 September 2012); realignment of the green corridor (Planning ref: 6/14/9006, approved 5 June 2014).

5.0 PLANNING POLICY

5.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise – section 38(6) Planning & Compulsory Purchase Act 2004. Government policy is a material consideration that must be given appropriate weight in the decision making process.

5.2 The Cumbria Minerals and Waste Development Framework’s (CMWDF) Core Strategy 2009-2020 (CS) and Generic Development Control Policies 2009-2020 (GDCP) both adopted in April 2009. The key policies relevant to the determination of this planning application are considered to be:

- Policy CS 1 - Sustainable Location and Design
- Policy DC1 - Traffic and Transport
- Policy DC 2 - General Criteria
- Policy DC 3 - Cumulative Environmental Impacts
- Policy DC 10 - Biodiversity and Geodiversity
- Policy DC 13 - Flood Risk

5.3 The Cumbria Minerals and Waste Local Plan 2015-2030 was submitted to the Secretary of State for examination by an independent Inspector on 9 September 2016. Hearing sessions for the examination were held between 29 November 2016 and 16 December 2016. Following discussion at the Hearing sessions, a ‘Table of Main Modifications to the Plan’ has been prepared, which will be issued for a six week public consultation at the end of March 2017. Having considered the responses to this consultation, the Inspector will send her final report to the County Council. As the emerging plan progresses, greater weight can be attached to the policies in the decision making process.


- Policy A1 – Local employment sites
- Policy E15 – Cycle provision
- Policy E 17 – Improvements for pedestrians

Policy BP23 – Waterfront business park

5.5 The National Planning Policy Framework [NPPF], which was published on 27 March 2012, and the national online Planning Practice Guidance (PPG) suite, which was launched in March 2014, are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF and/or PPG are considered to be relevant to the determination of this application:

- Paragraphs 6-10 - Achieving sustainable development
- Paragraphs 11-14 - The presumption in favour of sustainable development
- Delivering Sustainable Development
  - Section 1 - Building a strong, competitive economy
- Paragraphs 186-187 - Decision Taking

6.0 CONSULTATIONS AND REPRESENTATIONS

6.1 Barrow Borough Council Planning Department: No response received.

6.2 CCC Highway Authority: No objection subject to conditions. The scale of the traffic impact caused by the construction of the main site would overlap with the proposed works. A condition is recommended to prevent the construction periods from overlapping.

6.3 CCC Lead Local Flood Authority: The site is within Flood Zone 2 and 3. There are existing areas of surface water flooding within the site. The proposal is to raise the land out of the surface water flood area but the proposal must not increase flood risk elsewhere by displacing an area of surface water flooding onto its neighbours. A condition is recommended to prevent flooding in the area.

6.4 CCC Ecology: Overall the general trapping will carry on and use of the existing reptile fencing is acceptable. The receptor sites Barrow Slag Bank looks acceptable however work is required on Biggar Bank, Furness Golf Course and Sandscale Park. It is recommended that conditions are imposed to ensure 10 year monitoring plans for Barrow Waterfront and the receptor sites.

6.5 Barrow Borough Council Environmental Health Department: No objection in principle subject to conditions being imposed requiring a testing regime for ground contamination which has not previously been identified.

6.6 Environment Agency: having reviewed the documents submitted with the planning application. It is recommended that conditions be imposed with regards to ground levels being set no lower than 7.4m AOD and ensuring there is no risk of contamination from the development.

6.7 Natural England: No objection subject to appropriate mitigation being secured with regards to Japanese Knotweed, breeding and non-breeding birds, construction environmental management plan and reptile mitigation strategy being implemented.

6.8 Crime Prevention Officer: The pedestrian/cycleway should be as straight and direct as possible; choice of fence as this is susceptible to breaching.

6.9 CCC Resilience Unit: This site is situated in a part of the Dock network in Barrow and is covered by the provision of the Radiation (Emergency Preparedness and Public Information) 2001 Regulations. There are no objections to the proposed development based on the information provided but it should be noted that the
proposed development is situated within the Detailed Emergency Planning Area of the site and straddle an area which have automatic counter measure arrangements in the event of an incident involving boats at Ramsden Dock Basin. Cumbria County Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements made for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site.

6.10 The application has been advertised in the local press and by site notice on the site. Neighbouring properties and the local county councillor were also notified. No representations have been received.

7.0 PLANNING ASSESSMENT

7.1 The main considerations of the proposed development include policy context, highways and transportation, ground contamination, historic environment, flood risk, nature conservation, landscape and visual impact, secure by design and other environmental considerations.

Policy Context

7.2 The proposed development has been considered against local and national local plan policies. Cumbria Mineral and Waste Local Plan Development Control Policies. Policy DC1 – Traffic and Transport: requires development to be well related to the strategic road network, have potential for rail or sea and sustainable travel to work and minimise minerals and waste road miles. Barrow Waterfront is accessed by the strategic road network and has port facilities in close proximity and provides opportunities for sustainable travel to work on foot, bike or public transport; Policy DC2 – General Criteria: requires development to consider noise, air quality and ground stability. The proposed development would have a temporary minimal impact on noise, air quality and ground stability during the development phase and which would be acceptable or can be controlled by condition. Policy DC3 – Cumulative Environmental Impacts: requires development to consider impacts on local communities, habitats and species, vehicles and local amenity to be considered. The proposed development has the potential for disturbance during the construction phases but this would be for a temporary period of time; Policy DC10 – Biodiversity and Geodiversity: requires developments to identify their likely impacts on and also their potential to enhance, restore or add to these resources. The proposal is accompanied by a phase 1 habitat survey along with mitigation measures for the translocation of reptiles from the site; Policy DC10 – Flood Risk: requires development to be located outside areas at risk of flooding. The application site is located on the dockside and flood risk consideration has been taken into account when designing the new development platforms.

7.3 Barrow Borough Council Local Plan 1996-2006 policies. Policy A1 – Local Employment Sites: requires the application site to generate employment opportunities for the area. The proposal is designed to provide additional development platforms which would be available for future employment use; Policy E15 – Cycle Provision: requires provision for cyclists to be improved with dedicated cycle routes and paths. The re-development of Barrow Waterfront has provided new cycle links to other parts of Barrow; Policy E17 – Improvements for Pedestrians: requires development to be accessible for all. The proposed development would provide improved footpath links around to the area.
7.4 Barrow Port Area Action Plan Development Document Policy BP 23 – Waterfront Business Park identifies the site as a key component to Barrow Waterfront and providing a regionally significant employment site.

7.5 It is considered that the proposal complies in principle with the above development plan policies.

Highways and Transportation

7.6 It is proposed that 39,100 tonnes of material (18,500m²) would need to be imported to raise the site levels to above the predicted flood risk level. The material would be brought onto site 1,960 HGV’s (20 tonne capacity HGVs) over a 6 month period.

7.7 Access to the site would be along the A590 which consists of Walney Road, Bridge Road and onto Michaelson Road, Harding Rise and Dova Way. It is proposed to restrict HGV movements to off-peak periods of between 0900 to 1500 hours Monday to Thursday and 0900 to 1400 hours on Friday. The proposed hours of delivery of material would not conflict with peak transport/travel times which include people travelling to/from work and school runs.

7.8 Transport movements are proposed as :

- deliveries restricted to Monday to Saturday, thereby there will be 87 days for delivery of material
- deliveries would be restricted to off-peak period of 0900 to 1500, giving a 6 hour window Monday to Thursday
- deliveries on Fridays would be 0900 to 1400

With the proposed transport delivery restrictions this would entail approximately :

- 24 deliveries per day (48 movements)
- 6 deliveries per hour (12 movements/1 vehicles per 10 min period) Monday to Friday

7.9 The proposed development would have an impact on the local highway infrastructure over a short timescale and there would be some potential conflict with developments which are currently taking place within BAE Systems on Bridge Road and elsewhere in Barrow. However due to the proposed operating hours these would be outside peak times and which could be controlled by condition.

7.10 As part of the 2006 planning application (Ref: 6/06/9027) the majority of fill material was brought to the Waterfront Business Park by sea which restricted the number of HGV movements impacting on the amenities of the area and in particular the residents of Ramsden Dock Road. Since then a new access road has been constructed (Ref: 6/08/9010) to allow HGVs easy access to the Waterfront Business Park without impacting on the amenities of local residents. The new road is 10m wide and has footway and cycle lane.

7.11 It is proposed that 15/20 people would be employed on the creation of the new platforms. The workforce could increase vehicle movements by 30/40 return trips per day.

7.12 There are two main potential sources of granular material in the area that could
be used to create the development platforms; Goldmire Quarry, and Stainton Quarry located 5km and 8 km respectively north of the application site.

7.13 CCC Highways raise no objection to the development subject to conditions being imposed relating to HGV movements and the timing of such to prevent overlapping of the development of the platforms, access to the site, and access gates to open inwards away from the highway.

7.14 National Planning Policy Framework (NPPF) core objective is a presumption in favour of sustainable development which requires Local Planning Authorities to positively seek opportunities to meet the development needs for their area; all developments that generate significant amounts of traffic movement should be supported by a Transport Statement or Transport Assessment taking into account opportunities for sustainable transport modes, safe and accessible access to the site, improvements to the transport network and sustainable transport modes for the movement of goods and people.

7.12 Cumbria Minerals and Waste Local Plan (adopted 2009) Policy DC1 requires developments to be well located to strategic road network, potential for rail or sea transport and to minimise operational minerals and waste road miles. The Furness Peninsula is served by two main quarries Goldmire (5 miles north) and Stainton (8 miles north east) of the application site. Rail and sea transportation would not be viable due to the close proximity of these quarries, however road miles would be kept to a minimum.

7.13 Barrow-in-Furness Local Plan Policy A1 identifies the application site as a Local Employment site this is further enhanced in Barrow Port Area Action Plan (BPAAP) which identifies the proposed site as a major new business and employment location for Barrow.

7.14 Subject to the proposed conditions it is considered the proposed development complies with CMWLDF Policy DC1 – Traffic and Transport.

Ground Contamination

7.15 The application site historically is reclaimed land which formed part of the intertidal mud flats of Walney Channel and subsequently constructed into a dock system in the mid to late 1800’s. The application site formed part of the dock system which comprised a floating timber dock which was infilled in the 1970’s. The majority of the application site has had no previous industrial use and is currently under used port land with the exception of a narrow stip of former railway land to the north east of the site.

7.15 Ground and water contamination tests and reports have previously been carried out as part of previous planning applications for development of the proposed site (6/06/9027, 6/08/9010 and 6/15/9006). Mitigation measures were put in place as part of the planning permissions and which would continue for the duration of this re-development.

7.16 Existing and new boreholes have been monitored and results have shown that there appears to be a reduction in contaminants. However, soil sampling has identified high concentrations of petroleum hydrocarbons and PAHs including the presence of a black, viscous liquid. Further investigations would be required to identify the extent of the contamination which would be required to be remediated or removed from site and which can be controlled by condition. Consequently the recommendation is that the overall risks to groundwater on-
site and to Walney Channel for leaching of soils is managed as development proceeds by lower infiltration from increased hard standing cover or the interception of surface water, leading to a general improvement of water quality.

7.17 The Environment Agency has reviewed the ground contamination reports submitted in support of the planning application and have raised no objection. A condition is proposed to ensure that the any further risk of contamination from the site is contained and that any remediation measures are put in place to ensure that the contamination is properly dealt with.

7.18 Subject to such a condition the proposed development is considered to comply with CMWLDF Policy DC2 – General Criteria.

**Historic Environment**

7.19 A Heritage Statement was submitted with planning application 6/15/9007. This application is supported by an addendum Heritage Statement which assesses the historical impacts the remediation of the development platforms would have on Barrow Waterfront. The addendum has taken into account the three additional development platforms and considers the impacts of development on these areas. Whilst there are no designated assets affecting the three development there are Historic Environment Records identified (HER’s) within close proximity to the platforms. The County Archaeologist raises no objection.

7.20 The proposed development is therefore considered to comply with CMWLDF Policy DC12 – Historical Environment.

**Flood Risk**

7.20 The site is located on the southern part of Barrow Island which is manmade and forms part of the former dock system for Barrow. The application site forms part of the former timber dock which was infilled in the 1970’s. The majority of the application site lies within Flood Zone 1 land having a 1:1000 year annual probability of river or sea flooding. The east of the site is located within Flood Zone 2 land as having a possibility of 1:100 and 1:1000 year probability of flooding and Flood Zone 3 probability of 1:100 or greater probability of river flooding or 1:200 or greater of flooding by sea.

7.21 Currently sea defences are in the form of three structures; Cavendish Dock embankment; Ramsden Dock caisson lock; and the vertical sea walls around Barrow Island. These three elements provide the principle structures for protecting Barrow Island from tidal inundation and sea defences. The flood defences at these locations stand at 7.1 m AOD.

7.22 It is proposed to raise the level of the application site to 7.4 m AOD to prevent any risk of tidal flooding.

7.23 The proposed raising of the land level would produce a viable drainage design. Meaning the site would be slightly elevated eliminating any risk of ponding on or around the site. As the flow of water would slope southwards towards the adjacent waterbodies the site is not considered to be at high risk (as defined in para 7.20 flood zone 2 and 3) of actual flooding.

7.24 The proposed development is therefore considered to comply with CMWLDF Policy DC13 – Flood risk.
Nature Conservation

7.25 Development Control Policies 2009-2020 (adopted April 2009): CMWDF Development Control Policy 10 (Biodiversity and Geodiversity) advises that proposals for new Minerals and Waste Developments that would have impacts on locally important biodiversity and geological conservation assets, as defined by the Core Strategy will be required to identify their likely impacts on, and also their potential to enhance, restore or add to these resources and to functional ecological and green infrastructure networks. Development must demonstrate the need for, and benefits of the development and the reasons for locating the development in its proposed location, and demonstrate appropriate measures to mitigate any adverse effects (direct, indirect, cumulative). Where impacts cannot be avoided or mitigated, appropriate compensatory measures should be identified and secured and must be compatible with the characteristics and features within Cumbria.

7.26 Paragraph 118 of the NPPF states: “when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it a special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.”

7.27 The site lies adjacent to South Walney and Piel Channel Flats SSSI, an area which forms part of Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. It is also within 1 km of the Duddon Estuary SSSI, SPA and Ramsar site. A large number of slow worms and common lizards are present on the site and in the locality, and the site is known to support Linnet and Skylark which are protected under the EC Birds Directive, the Wildlife and Countryside Act and both are Biodiversity Action Plan species.

7.28 The site has an open mosaic habitat as previously developed land; this is a UK Biodiversity Habitat of Principal Importance comprising of buildings, scrub, ruderal vegetation, improved neutral grassland, bracken dune scrub and sand dunes. The site also has protected species under the Wildlife and Countryside Act 1981 (as amended) present on site including slow worms, common lizard and nesting birds. There are also UK Biodiversity Species of Principal Importance: dingy skipper, small heath and cinnabar moth. The site also supports foraging bats.

7.29 Since 2006 Barrow Waterfront has been closely monitored for protected species by the appointed consultants and Natural England. Some of the protected species have been successfully relocated to the designated receptor sites of the Borough Dog Kennels, Walney and Barrow Slag Bank north.
7.30 It has been identified that there are still some protected species on site which would need to be translocated to receptor sites. Five additional receptor sites have been identified Barrow Slag Bank south, Biggar Bank, Furness Golf Course, Sandscale Park and Duncander Bank:

- **Barrow Slag Bank south**: The habitat looks very good and is considered to be ideal for common reptile translocation.
- **Biggar Bank**: 
- **Furness Golf Course**: All require considerable work to get the sites ready for translocation of reptile
- **Sandscale Park**: 
- **Duncander Bank**: No details of the habitat or condition of the site have been submitted. It is recommended that the site is removed from the mitigation programme.

7.31 A preliminary ecological appraisal and national classification report was carried out for the site in June 2015. A addendum to this was undertaken in March 2017. The previous planning applications in 2006 and 2008 were supported by substantial Ecological reports. A condition was imposed on planning permission 6/08/9010 which required 5 years of monitoring of protected species to be undertaken; this monitoring period ceased in 2014.

7.32 Enhancements have been undertaken to Barrow Waterfront development which have included the creation of a greenway which links up to the existing site, footpaths and the creation of small banks, log banks to provide habitat for wildlife, and the creation of a wildlife corridor to the south of the site.

7.33 Extensive works have been undertaken on Barrow Waterfront since 2006 which has seen reptile capture consisting of trapping and mats, introduction of reptile fencing to prevent reptiles re-entering prepared development platforms, creation of enhanced habitat areas and relocation of wildlife corridor. The site still has a number of reptiles which are required to be removed to facilitate the construction of the proposed new development platforms.

7.34 Enhanced habitat areas are also proposed around Barrow Waterfront site. Part of the development includes the creation of a new reptile habitat on the former St Andrews Engineering Site and former garages which is to north of the site these buildings have recently been demolished and the site has been prepared as reptile habitat to compensate against the loss of habitat of plots 1, 2 and 3. These were considered under planning applications 6/17/9001 and 6/17/9006.

7.35 Japanese knotweed is present to the rear of plot 2; this must be disposed of this to a licenced landfill site. This is a noxious weed for which every care should be taken when removing and disposing of to ensure it does not spread.

7.36 Barrow Waterfront has undergone a significant transformation over the last 11 years with ecology playing a major role in particular the capture, translocation of reptiles and receptor sites. Areas of Barrow Waterfront have undergone transformation of enhancements to be suitable for reptile habitation to allow some of the reptiles to be retained and resited within Barrow Waterfront. However a percentage would also be required to be translocated to other sites as identified in the Reptile Mitigation Strategy. The translocation sites have been carefully selected and where necessary enhancements have been carried out to ensure the areas are suitable.
7.37 The CCC Ecologist is in overall agreement with the findings of the reports but is of the view that some additional works are required to bring the translocation sites to an acceptable standard. A condition is proposed to ensure that the works to the translocation sites are carried out to a satisfactory standard along with a 10 year management plan for habitat retention and compliance with the Wildlife and Countryside Act 1981.

7.38 It is considered that the proposed development would comply with CMWLDF Policy DC10 - Biodiversity and Geodiversity subject to such appropriately worded conditions being imposed to ensure a Habitat Management and Maintenance Plan is drawn up. Such plan to ensure that 10 year management of the site is provided for.

Unexploded Ordnance Survey

7.39 The application has been accompanied with an Unexploded Ordnance Survey (UXO) report for the former timber pond which forms part of Plots 2 and 3. The report confirms that Plot 1 and 2 have a low risk level and Plot 3 has a medium to high risk level. The report has recommended that suitable mitigation would be required whilst developing the additional plots. A condition is proposed requiring compliance with the UXO report.

Environmental Impacts

7.40 Noise and Dust: Due to the nature of the proposed development there would be potential for noise and dust to arise from the deposit and spreading of granular material on the application site. Cumbria Minerals and Waste Development Framework Core Strategy and Development Control Policies 2009-2020 (adopted April 2009) Policies DC 4 Noise and DC 5 Dust require schemes to be adequately mitigated to ensure that noise and dust are not an issue to nearby receptors or users of adjacent sites.

7.41 Planning Policy Guidance ID 30 clearly identifies the need to ensure noise does not become an issue during operational development. Conditions are proposed to control noise and dust from the site during construction operations.

7.42 Landscape and Visual Impact: The application site currently consists of industrial buildings, allotment gardens with adhoc buildings and fencing and developed land. The proposed remediation works would not have a significant landscape and visual impact on the area due to the low lying nature of the land and the existing operations which are already taking place. The proposed works would be an enhancement to the area once completed.

7.43 Mud on the highway: There is a potential for mud on the highway being an issue during construction operations. As part of Traffic Management Plan details are required to be submitted identifying how any tracking out of mud would be dealt with during construction process.

Erection of Security Fence

7.44 It is proposed to erect a 2.4m high palisade security fence to the entire site. There are existing palisade fences to the allotments and more recently to the BAE Systems development. The Crime Prevention Officer has raised concern with regards to the design of the fence as this is susceptible to breaching. The principle of palisade fencing in the area has already been accepted on the
allotments, BAE System and other parts of Barrow Island. Thereby continuing with palisade fencing would be in keeping with the context of the area and is considered acceptable.

**Creation of new Pedestrian/Cycle Path**

7.45 A new pedestrian/cycle path is proposed to the development which would link Barrow Waterfront to residential properties on Barrow Island. As part of planning permission 6/06/9027 pedestrian/cycle path was included and the new path would connect to the existing path and link onto Cavendish Park Playing Fields which is to the east of Barrow Waterfront.

**New Access to UU Pumping Station**

7.46 United Utilities have a pumping station on Plot 1 currently access to the pumping station is from Ramsden Dock Road which formed the original access to Barrow Waterfront site. A new designated access is proposed from Harding Rise which would see the removal of HGVs from the residential areas of Barrow Island. CCC Highways has raised no objection to the new access onto Harding Rise.

**Human Rights:**

7.47 Given the nature and purpose of the proposed development no Convention Rights as set out in the Human Rights Act 1998 would be affected.

**Conclusion**

7.48 The development of the three additional development platforms would further enhance Barrow Waterfront Business Park and complete the site as a premium business park for the Furness area. Development land in Barrow is in short supply and the creation of three additional platforms would provide much needed opportunities for businesses in the area.

7.49 Vehicular access to Barrow Waterfront Business Park has been significantly improved with opening of Harding Rise and Dova Way, which has removed HGVs/vehicles from the residential streets of Barrow Island.

7.50 Ecology and biodiversity are the main issue with the development and whilst substantial works have been undertaken to Barrow Waterfront previously, further enhancement works are still required to ensure the application sites and receptor sites are designed and enhanced to the best possible standard. Details have been submitted and additional mitigation and enhancements are still required to prevent the development platforms being delayed further an appropriately worded condition would be imposed require outstanding details to be adequately considered.

7.51 It is considered that the proposed development is in accordance with the policies of the development plan and that there are no material considerations that indicate the decision should be made otherwise than in accordance with the policies of the development plan. It is therefore recommended that planning permission be granted subject to the conditions set out in Appendix 1 to this report.

Mrs Jayne Petersen MA RTPI  
Planning Officer  
Tel: 01539 713549,
PROPOSED PLANNING CONDITIONS

TIME LIMIT FOR IMPLEMENTATION OF PERMISSION

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

   *Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development shall be carried out in accordance with the following:

   a. The submitted Application Form – 30 March 2017
   b. Planning Statement (including Design and Access) – March 2017
   c. Barrow-in-Furness Waterfront Business Park Reclamation – March 2017
   d. Barrow Waterfront development – UXO Survey of former timber pond
   e. Unexploded Ordnance Desk Study – 21 February 2017
   f. Transport Assessment Addendum – March 2017
   g. Reptile Mitigation Strategy (Addendum) – 30 March 2017
   h. Additional Development Platform – Plot 1 Contamination Report – 28 March 2017
   i. Heritage Statement Addendum – February 2017
   j. Addendum to Flood Risk Assessment – March 2017 (CS077918 Ver 1)
   k. The details or schemes approved in relation to conditions attached to this permission.

   *Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.*

3. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

   *Reason: To enable the County Planning Authority to monitor the development.*

Hours of Working

4. No works shall be carried out or fixed or mobile plant operated, outside the hours 0700 to 1900 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays.

   No works shall be carried out or fixed or mobile plant operated on Sundays or Bank Holidays.

   *Reason: To ensure no construction activity, take place outside normal working hours which would have an unacceptable impact upon the amenity of local residents.*

5. Material for the land raising of the site shall only be delivered between the hours...
of 0900 to 1500 Monday to Thursday, 0900 to 1400 on Friday and 0900 to 1300 on Saturday and no material shall be delivered on Sundays or Bank Holidays.

Reason: To ensure no construction activity, takes place outside normal working hours which would have an unacceptable impact upon the amenity of local residents.

Contamination

6. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the County Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the County Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason: To ensure that the risks to human health and the environment from on site contamination is minimised and conforms with Policy DC3 of the Cumbria MWDF Generic Development Control Policies.

7. No soil material or aggregate shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing the materials should be submitted to and approved in writing by the County Planning Authority prior to the material being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that the risks to human health and the environment from on site contamination is minimised and conforms with Policy DC3 of the Cumbria MWDF Generic Development Control Policies.

8. There shall be no soakaway drainage to ground.

Reason: To ensure that the development does not contribute to, or adversely affect, unacceptable levels of water pollution from previously unidentified contamination sources and conforms with Policy DC3 of the Cumbria MWDF Generic Development Control Policies.

Control of Noise

9. All plant, machinery and vehicles on site shall be fitted with silencers and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and does not constitute a nuisance outside the boundaries of the site and conforms with Policy DC3 of the Cumbria MWDF Generic Development Control Policies.

Control of Dust

10. The developer shall maintain on site at all times a water bowser or other dust
suppression systems, together with an adequate supply, of water and during periods of dry weather shall spray the access road, working areas and plant area with water to suppress dust in order that it does not constitute a nuisance outside the site.

Reason: To safeguard the amenity of people in the locality and adjacent property from the effect of dust generated by construction activity and conforms with Policy DC3 of the Cumbria MWDF Generic Development Control Policies.

Storage of Fuels

11. No fuels, oils, chemicals or other potentially polluting liquids shall be stored on the site except within tanks or other containers sited on impervious bases and surrounded by impervious bund walls that are capable of containing 110% of the volume of the all of the tanks or containers sited within the bund. All fill and draw valves and sight glasses shall be located within the bund and all fill and draw valves must be set to discharge downwards into the bund.

Reason: To avoid the pollution of any watercourse or groundwater resource. Protection of Watercourses and conforms with Policy DC3 of the Cumbria MWDF Generic Development Control Policies.

12. Throughout the period of construction and operation provision shall be made for the collection, treatment and disposal of all surface water entering or arising on the development site.

Reason: To ensure there shall be no pollution of watercourses or adverse impacts on the wildlife habitats of the various water bodies within, or adjacent to, the application site and to minimise the risk of pollution to water courses or groundwater resource and conforms with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Construction Management Plan

13. No development shall take place until a Construction Management Scheme has be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following details: HGV routing plan; construction traffic signage; drivers manual; wheel washing facilities or other measures to ensure the highway is maintained free of mud & debris, construction compound and parking, security fencing during construction works, site waste management plan, sufficient oil sorbent material shall be available on site to cope with a loss greater than to the maximum volume of fuel and oil contained by the largest item of plant in use on site at all times. Site staff will be made aware of the locations of spill kits and booms.

The approved scheme shall be implemented in full

Reason: In order to protect the safety of vehicular, animal and pedestrian traffic along the highway and conforms with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

Landscaping

14. All works set out on the Landscaping plan shall be completed by the end of the first planting and seeding seasons following the first occupation of Ramsden
Business Park. Any trees or plants which within a period of five years from the completion of the development die, or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species.

*Reason: To safeguard the visual amenities of the area.*

**Flood Risk**

15. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished levels are set no lower than 7.6 m above Ordnance Datum (AOD).

*Reason: To ensure safe access and egress from and to the site and to reduce flood risk and make the proposed building more resilient to the effects of climate change on sea levels and conforms with Policy DC13 of the Cumbria MWDF Generic Development Control Policies.*

16. Prior to the commencement of development no development shall commence until an assessment has been made and agreed in writing with the County Planning Authority of where the volume of surface water that would occupy the existing site during the design event will be displaced to post construction. If this displaced volume of surface water would increase flood risk elsewhere then compensatory storage must be provided.

*Reason: To safeguard against negative impact outside the development boundary to people and property and conforms with Policies DC13 of the Cumbria MWDF Generic Development Control Policies.*

**Biodiversity**

17. Within 3 months of the date of this permission the following details shall be submitted to the County Planning Authority for approval in writing:

(a) A 10 year management plan for on-site habitat retention and, habitat creation areas along with timescales and monitoring provision; The management plan should include suitable plans showing on-site habitat retention and habitat creation areas to ensure a long-term viable reptile population at Barrow Waterfront, including details of habitat connectivity of these areas);

(b) A 10 year management plan for receptor site habitat creation and management detailing prior survey results for previously used receptor sites as part of the Barrow Waterfront development. The management plan should also detail actions that will be undertaken to bring any new receptor sites into suitable condition prior to first release of reptiles arising from future site clearance. Specific details will be required for each site to demonstrate interpretation of existing habitat suitability (along with photographs) and areas (in ha.) along with the scale, size and nature of enhancement measures proposed. The Management Plan should also detail the Timescales for preparation and management as well as monitoring of all of the receptor sites;
The approved management plan shall thereafter be implemented in full.

*Reason: The two reptile species are UK protected and their populations on the site are significant at a County level. Appropriate mitigation measures are required to maintain some of the reptile population on the site in tandem with the redevelopment of the site and conforms with Policy DC10 of the Cumbria MWDF Generic Development Control Policies.*

18. During periods of cold weather local weather stations shall be monitored and logged. In the event that on seven consecutive days daytime temperatures remain below 0°C works within 10m of Walney Channel shall be suspended. Works shall only resume after three consecutive days on which temperatures remain above 0°C.

*Reason: To ensure that the development does not cause disturbance and stress to feeding waders and wildfowl during periods of severe weather and conforms with Policy DC10 of the Cumbria MWDF Generic Development Control Policies.*

**Traffic and Transportation**

19. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed with the County Planning Authority.

*Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route and conforms with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.*

20. Access gates if provided shall be hung to open inwards only.

*Reason: In the interest of highway safety and to conforms with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.*

21. The total number of laden heavy goods vehicles leaving the site shall not exceed 60 per day. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator at all times and access to this record shall be afforded to the County Planning Authority.

*Reason: To keep to acceptable levels of impact of HGV traffic on the amenity of local residents and other highway users and conforms with Policy DC1of the Cumbria MWDF Generic Development Control Policies.*

**Unexploded Ordnance**

22. The development hereby permitted shall only be carried out in accordance with the approved Unexploded Ordnance Desk Study and UXO Survey of Former Timber Pond report dated 21 February 2017.

*Reason: In order to ensure that the risks to human health and the environment from Unexploded Ordnance or contamination is minimised.*

**Definitions**

**HGV:** A vehicle of more than 7.5 tonnes gross weight.
Date of Commencement: The date that the applicant confirms the commencement of the development in accordance with Condition 3 to this permission

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Wildlife and Countryside Act 1981 provides for the protection of sites and species of national importance for nature conservation. The level of protection depends on which Schedule of the Act the species is listed on. Species protection includes prohibition of some of all of: killing, injuring, disturbing or taking, and also protection of breeding and sheltering places. Schedule 9 (with 2010 amendments) lists invasive non-native species, for which it is an offence to not adequately control and this cause to grow in the wild.

Subscription to the Environment Agency’s Warning Service, particularly with some of the development site located in Flood Zones 2 and 3 as well as the egress routes from Barrow Island.