

[REDACTED]

From: [REDACTED] <[REDACTED]@stephenson-halliday.com>
Sent: 13 January 2022 15:25
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Good afternoon [REDACTED].

I am well thank you and hope you are too. Christmas seems a long time ago now but was quiet and so very restful thank you. I hope you had a good break too.

I think perhaps I have not explained myself clearly in my earlier request. The purpose of seeking a Certificate of Lawfulness of Proposed Development would be to establish that the construction of the Energy Recovery Facility (ERF) at Kingmoor would be lawful. The application would seek to establish that the works undertaken to install the access are sufficient to be considered a 'material operation' as defined by Section 56(4)(d) of the Town and Country Planning Act 1990 (TCPA1990), and so comprise the commencement of development for the purposes of Section 56 of the TCPA1990. This, in turn, would represent implementation of the planning permission for the ERF and the certificate would confirm that this has been undertaken within the three year period specified by Condition 1 of the planning permission, removing all doubt about the validity of the permission in advance of significant further works for the construction of the facility.

Whilst I am satisfied that the works are more than sufficient to comprise the implementation of the permission, my clients would like the assurances that would be brought about by a certificate to that effect. I do not believe that my clients are under any obligation to seek such a certificate albeit that it might be prudent to do so in advance of significant investment in the site.

Whilst I think it would be helpful for all parties for such a certificate to be sought and obtained, there is a cost implication of going through this process, of which the fee payable to CCC is a component. The planning portal guidance at https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf indicates that the fee for a proposed use or operation is half the normal planning fee. If the purpose of the application for the certificate is to establish that the construction of the ERF would be lawful, is it not the case that the fee for the lawful development certificate would be half the fee payable if we were to apply for the ERF? I am not sure what the fee was when permission was originally sought or the fee basis for that – building floor space, erection of plant and machinery? Either way, the costs attributable to the application fee for the certificate would be significant and may be of sufficient disincentive for my clients to reverse their view that a certificate is needed.

I would be grateful for any further thoughts you may have on this. I would be delighted to inform my clients that the fee is £234, however, should you take a different view in the light of the comments above, I would be grateful for confirmation of this, an indication of the fee basis, and a calculation of what the fee would be.

I am, of course, happy to discuss.

Kind regards

[REDACTED]
ical Director Planning
ob: [REDACTED]

Stephenson Halliday
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**STEPHENSON
HALLIDAY**

Planning, Landscape & Environment



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From: [REDACTED] <[REDACTED]@cumbria.gov.uk>
Sent: 07 January 2022 10:16
To: [REDACTED] <[REDACTED]@stephenson-halliday.com>
Cc: [REDACTED] <[REDACTED]@cumbria.gov.uk>; [REDACTED] <[REDACTED]@cumbria.gov.uk>
Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Good morning [REDACTED],

I hope you are well and had a restful Christmas.

Further to your query below regarding the fee for the certificate of lawfulness for the commencement works, I believe the fee will be £234.

Please do contact me if you have any queries.

Kind regards

[REDACTED]

[REDACTED]

Lead Officer | Development Control

Economy and Environment | Cumbria County Council
County Offices | Busher Walk | Kendal | LA9 4RQ

t. 01539 713427

m. [REDACTED]

Personal E-mail: [REDACTED]@cumbria.gov.uk

Dept. E-mail: developmentcontrol@cumbria.gov.uk

Cumbria.gov.uk/planning-environment/DC/dc.asp

From: [REDACTED] <[REDACTED]@stephenson-halliday.com>
Sent: 06 January 2022 13:51

To: [REDACTED] <[REDACTED]@cumbria.gov.uk>

Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Good afternoon [REDACTED],

Could you please confirm the fee that would need to accompany the application for a certificate of lawfulness of proposed use.

Kind regards

[REDACTED]
ical Director Planning
ob: [REDACTED]

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From: [REDACTED] <[REDACTED]@cumbria.gov.uk>

Sent: 04 January 2022 17:51

To: [REDACTED] <[REDACTED]@stephenson-halliday.com>

Cc: [REDACTED] <[REDACTED]@verusenergy.co.uk>; [REDACTED] <[REDACTED]@verusenergy.co.uk>;

[REDACTED] <[REDACTED]@fortum.com>; [REDACTED] <[REDACTED]@cumbria.gov.uk>; [REDACTED]

[REDACTED] <[REDACTED]@cumbria.gov.uk>

Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Hello [REDACTED],

Yes -similarly good here. It felt like a decent break as well.

If you can let us know how the work is progressing that would be great.

Kind Regards,

[REDACTED]
Manager Development Control and Sustainable Development

Environment and Regulatory Services | Cumbria County Council

T. 01539 713 414

M. [REDACTED]

Dept. E-mail: developmentcontrol@cumbria.gov.uk

From: [REDACTED] <[REDACTED]@stephenson-halliday.com>

Sent: 04 January 2022 17:23

To: [REDACTED] <[REDACTED]@cumbria.gov.uk>

Cc: [REDACTED] <[REDACTED]@verusenergy.co.uk>; [REDACTED] <[REDACTED]@verusenergy.co.uk>; [REDACTED] <[REDACTED]@fortum.com>

Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Hello [REDACTED],

Thank you yes I had a very quiet and restful Christmas and I trust you also had an enjoyable one.

The work commencing on 10th January will be works to construct the vehicular access which will include works to the existing access onto Kings Drive.

If you wish, I can get in touch after the start of work to let you know how things are progressing in advance of a visit by one of your staff.

Kind regards

[REDACTED]
cal Director Planning
ob: [REDACTED]

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From: [REDACTED] <[REDACTED]@cumbria.gov.uk>

Sent: 04 January 2022 12:55

To: [REDACTED] <[REDACTED]@stephenson-halliday.com>

Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Hello [REDACTED]

Best wishes for the New Year.

I hope that you had a good Christmas and a decent amount of time away from work?

We hope to make a site visit either on the 10th or more likely a few days afterwards. It would be very helpful if you could itemise the work to be undertaken, or confirm what has been carried out so that we know what to look for when we visit the site.

We look forward to receiving an application for a Lawful Development Certificate.

Kind Regards,

[REDACTED]
Manager Development Control and Sustainable Development

Environment and Regulatory Services | Cumbria County Council
County Offices | Busher Walk | Kendal | LA9 4RQ

T. 01539 713 414

M. [REDACTED]

Dept. E-mail: developmentcontrol@cumbria.gov.uk

From: [REDACTED] <[REDACTED]@stephenson-halliday.com>

Sent: 21 December 2021 15:22

To: [REDACTED] <[REDACTED]@cumbria.gov.uk>

Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Thank you [REDACTED]

It is our intention to seek a certificate of lawful development following these works to confirm that the permission has been implemented and that the remaining development can lawfully take place.

Kind regards

[REDACTED]
cal Director Planning
ob: [REDACTED]

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From: [REDACTED] <[REDACTED]@cumbria.gov.uk>
Sent: 21 December 2021 15:19
To: [REDACTED] <[REDACTED]@stephenson-halliday.com>
Cc: Development Control - Planning Dept address <Development.Control@cumbria.gov.uk>
Subject: RE: Kingmoor Energy Recovery Facility - Notification of Commencement of Development

Hello [REDACTED],

Thank you for the email and letter attached confirming that your clients wish to make a material commencement on the development.

For the moment I am simply acknowledging receipt of your email.

Either I or one of my colleagues will be in touch about being able to witness the possible commencement of works on 10th January.

Please be aware that we strongly advise developers and others to submit for a Certificate of Lawful Use to confirm the commencement of operations.

Kind Regards,

[REDACTED]
Manager Development Control and Sustainable Development

Environment and Regulatory Services | Cumbria County Council
County Offices | Busher Walk | Kendal | LA9 4RQ

T. 01539 713 414

M. [REDACTED]

Dept. E-mail: developmentcontrol@cumbria.gov.uk

From: [REDACTED] <[REDACTED]@stephenson-halliday.com>
Sent: 21 December 2021 14:44
To: [REDACTED] <[REDACTED]@cumbria.gov.uk>
Cc: Development Control - Planning Dept address <Development.Control@cumbria.gov.uk>
Subject: Kingmoor Energy Recovery Facility - Notification of Commencement of Development
Importance: High

Good afternoon [REDACTED]

Please find attached a letter providing notice for the start of work for the construction of the access into the Kingmoor site. This work will implement planning permission 1/18/9012.

Please do not hesitate to get in touch if you have any queries or wish to discuss.

Kind regards.

cal Director Planning
ob: [REDACTED]

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