

S78 Town and Country Planning Act 1990 (as amended)

Land at Harras Moor, Whitehaven

**Appeal by Homes England against a refusal of Planning
Permission by Copeland Borough Council for a
development of up to 370 dwellings with associated open
space and infrastructure**

(LPA Reference: 4/18/2287/001)

Statement of Common Ground

June 2023

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Report title: Statement of Common Ground

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Status: Final

Draft date: 13 June 2023

1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Avison Young and Vectos, acting for Homes England, and Cumberland Council ('the Council') as Local Planning Authority (LPA). It has been prepared in respect of an appeal made by Homes England against Copeland Borough Council's (CBC) decision to refuse to grant outline planning permission for a residential development at Harras Moor, Whitehaven (LPA reference: 4/18/2287/001).
- 1.2 On 1st April 2023, Copeland Borough Council (CBC) and Cumbria County Council (CCC) ceased to exist and were replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.
- 1.3 The SoCG has been prepared by Cumberland Council who are now the local planning authority and local highway authority for the former CBC administrative area.
- 1.4 The SoCG has been prepared utilising the guidance contained in the 'Procedural Guide: Planning appeals – England' (December 2022).
- 1.5 The SoCG sets out those matters that are agreed between the parties and those matters that remain in dispute.

2. The Planning Application

2.1 The planning application was submitted to Copeland Borough Council by Homes England in May 2018. It was validated on 26 June 2018 and was given reference no. 4/18/2287/001.

2.2 The application was made in outline with all matters, except for access, reserved for subsequent approval. The description of the proposed development was as follows:

“Outline application for development of up to 370 dwellings with associated open space and infrastructure”.

2.3 At the point of submission the application comprised:

- Application form;
- Site Location Plan (Drawing No:A090070 410 001 Rev B);
- Illustrative Masterplan (Drawing No: A090070 003 Rev G);
- Illustrative Layout (Drawing No: A090070 004 Rev B)
- Illustrative Phasing Plan (Drawing No A090070-007);
- Parameters Plan (Drawing No: A090070-410 004 Rev: B);
- Cross Section Plan Part 1 (Drawing No: A090070-410 005 Rev A);
- Cross Section Plan Part 2 (Drawing No: A090070-410 006 Rev A);
- Proposed Site Access Junction Plan (Drawing No: A090070-P002);
- Design and Access Statement by WYG dated May 2018 (A090070-410_Harras Moor_DAS Rev C);
- Flood Risk and Drainage Assessment by WYG dated June 2018 (A090070-410 Rev. A);
- Desk Based Ecological Assessment by TEP dated June 2018 (5810.66.006);
- Transport Assessment by WYG dated June 2018;
- Travel Plan by WYG dated 2018;
- Phase I Geo-Environmental Desk Study and Coal Mining Risk Assessment by AECOM dated May 2018 (60562211_001);
- Landscape and Visual Appraisal by WYG dated May 2018;
- Archaeological Assessment by WYG dated May 2018;
- Arboricultural Impact Assessment by The Environment Partnership (TEP) dated May 2018 (5060.Eco.Harras.006);
- Statement of Community Involvement by WYG dated June 2018;
- Planning Statement by WYG dated June 2018; and

- Noise Assessment by WYG dated May 2018.

2.4 During the determination period the following documents were submitted:

- Ecological Assessment Wintering Birds Survey Appendix dated May 2018 (5060.ECO.HarrasMoorEcoandArb.005.004);
- Transport Assessment Addendum by WYG dated November 2018;
- Planning Policy Update Report by WYG dated November 2018;
- Geophysical Survey Report by Magnitude Surveys dated February 2019 (MSNX389);
- Ecological Assessment by TEP dated January 2019 with appendices (5060.Eco.Harras.003);
- Phase 1 Habitat Survey Appendix dated January 2019 (5060.Eco.HarrasMoor.007 V2);
- Woodland and Hedgerow Survey Appendix dated January 2019 (5060.Eco.HarrasMoor.008);
- Ecological Assessment Breeding Birds Appendix dated January 2019 (5810.66.001);
- Ecological Assessment Bat Survey Appendix dated January 2019 (5810.66.002);
- Ecological Assessment Grassland Survey Appendix dated January 2019 (5810.66.003);
- Technical Note 1 - Response to Local Highways Authority by WYG dated March 2019;
- Technical Note 2 - Response to Highways England by WYG dated April 2019;
- Technical Response to Highways Matters by WYG dated October 2019;
- Stage 1 Road Safety Audit by Road Safety Initiatives dated December 2019 (RSI-MH-1219-004 Issue 1.0);
- Stage 1 Road Safety Audit - Audit Response by WYG dated January 2020;
- Updated Flood Risk and Drainage Assessment by WYG dated March 2021;
- Planning Statement Revision 2 by WYG dated March 2021;
- Technical Note 3 - Improvements to Offsite Roundabouts by Tetra Tech (formerly WYG) dated March 2021;
- Report to Inform Habitats Regulations Assessment by Tetra Tech (formerly WYG) dated September 2021;
- Ecological Appraisal by Tetra Tech (formerly WYG) dated September 2021;
- Illustrative Masterplan (Drawing No. TTE 00 XX DR UD 03 Rev H) dated April 2022;
- Parameters Plan (Drawing No. TTE 00 XX DR UD 04 Rev C) dated April 2022;
- Illustrative Layout (Drawing No. TTE 00 XX DR UD 04 Rev E) dated February 2022;
- Indicative Phasing Plan (Drawing No. TTE 00 XX DR UD 07 Rev A) dated April 2022;

- Design and Access Statement by Tetra Tech (formerly WYG) dated May 2022;
 - Habitat Management Plan by Tetra Tech (formerly WYG) dated May 2022 ;
 - Biodiversity Net Gain Assessment by Tetra Tech (formerly WYG) dated March 2022;
 - Planning Statement Revision 3 by Tetra Tech (formerly WYG) dated May 2022; and
 - Harras Moor Sports Facility Mitigation Report by Tetra Tech (formerly WYG) dated May 2022.
- 2.5 Homes England's proposals for this site were the subject of extensive pre-application discussions, including with CBC, CCC (acting as the Local Highways Authority, Lead Local Flood Authority, the Local Education Authority and County Archaeologist), National Highways, Natural England and the Environment Agency. In December 2017, Homes England submitted to the Council a request for a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council responded with a Screening Opinion in January 2018. This confirmed that, in the opinion of the Council, the proposed development is not EIA Development.
- 2.6 In March 2018, Homes England held a public exhibition and consultation event with the local community, immediately prior to which it met with local Ward Councillors and key stakeholders.
- 2.7 During pre-application meetings held with Council Officers between October 2017 and February 2018, the parties discussed the site's constraints and opportunities, the planning policy framework and its support for the proposals, the scope and content of the planning application and the illustrative masterplan for the site. Parallel discussions were had with statutory and other consultees with a view to agreeing the scope of the various technical studies that were required and the approach to assessment.
- 2.8 As regards highway matters, Homes England and its consultants liaised with both CCC, as local highway authority, and National Highways (previously Highways England), with a view to agreeing the scope of the transport assessment, the proposed access arrangements into and through the site, the impact that the proposed development will have on the highway network, matters relating to highways safety, and the need for highway works to mitigate the effects of the proposals. These discussions started in September 2017 and were followed by the issuing of a Transport Technical Note and a Transport Assessment ("TA") scoping email in January 2018. Both CCC and National Highways commented on the documents, providing advice on the scope of the TA in the process. The TA was prepared in accordance with the agreed scope and was submitted with the planning application in June 2018.
- 2.9 CCC and National Highways provided feedback on the TA post-submission and, in November 2018, Homes England submitted to CBC an Addendum to the TA which addressed the questions that the highway authorities had posed. Further comments were then received from CCC in February 2019 and a Technical Note was submitted by way of response in March 2019. National Highways provided additional comments also and a second Technical Note was submitted to address these in April 2019. Discussions then continued until, in the summer of 2019, agreements were reached on all relevant matters including trip generation, assignment, access, the impact of the development on the network and the highway improvements considered necessary by the highway authorities to mitigate the proposals.
- 2.10 As work on the highway matters was progressed, Officers worked through their assessment of all other relevant matters and Homes England submitted to CBC several additional technical documents to assist. These included:

- a) further Ecological Assessments dated January 2019 with surveys dating from April, May, October and November 2018;
- b) Report on the results of a geophysical survey dated February 2019;
- c) a planning policy update report addressing changes that had been made to the NPPF, dated November 2018; and
- d) a Viability Assessment, dated January 2019.

2.11 At the conclusion of the highway discussions, and in the light of the additional submissions made by Homes England on the above-mentioned technical matters, Officers considered the application ready for determination and prepared a Report to be taken to the CBC's Planning Panel on 18 September 2019. The report described the site, the proposals, the representations that had been made by consultees and interested parties and the relevant provisions of the development plan and other material considerations before then setting out Officers' assessment of the proposals. The assessment concluded with the following:

- a) Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Despite the Council having a 5 year housing land supply, the policies in the Core Strategy must still be considered out of date and only some weight be given their content as far as they are consistent with the provisions of the NPPF.;
- b) the proposals would help significantly boost the supply of housing and help meet identified housing needs in Whitehaven and the wider Borough;
- c) the proposals would be of an appropriate scale and character for Whitehaven, the Principal Service Centre in the Borough;
- d) a significant part of the site is allocated for housing in the Local Plan;
- e) it has always been envisaged that the whole Site would be allocated for housing in the emerging Local Plan and that is now in preparation;
- f) the site is in close and convenient proximity to the wide range of services and employment opportunities that Whitehaven offers – many are within walking distance;
- g) sustainable travel options are available within 1km and 2km walking catchments and the site is within 700m of a regular bus service;
- h) the development will not result in unacceptable impacts or raise unresolvable issues in respect of highway safety, residential amenity, ecology, land contamination, flood risk, and drainage, subject to the imposition of conditions;
- i) the development will result in some adverse local landscape and visual impacts in conflict with Local Plan Policy ENV5; but
- j) overall, the adverse impacts in terms of landscape are not sufficiently harmful to significantly and demonstrably outweigh the significant benefits of the development.

- 2.12 Accordingly, the Report recommended that Officers be given delegated authority to grant outline planning permission, subject to Homes England first entering into a Planning Agreement and subject also to the imposition of planning conditions.
- 2.13 However, Members concluded that they were minded not to grant planning permission in the light of concerns they had about highway safety and the adequacy of the local road network to accommodate the traffic that would be generated by the proposed development. In these circumstances, the Constitution of Copeland Council enabled Members' decision on the application to be deferred to "allow time for further advice to be prepared, including the advice of expert consultants, which might include drafting suitable conditions or confirmation that clear and convincing reasons for refusal of the application can be made, based on material planning considerations." In the light of the concerns raised by Members, Officers commissioned an independent review of the TA and Technical Notes, as well as the comments provided by the CCC and National Highways. The scope of the review was agreed with Members of the Planning Panel to ensure Members' concerns were fully and independently considered. The review was undertaken by Arup in October/November 2019.
- 2.14 Draft findings of the Arup review were shared with Members ahead of a meeting with them which took place on 13 November 2019. That meeting was attended by a representative of Arup who presented the assessment and took questions. The traffic and transportation implications of the proposed development were discussed in detail at that meeting. The Arup work: concluded that the TA is robust; addressed Members' concerns; and concluded that there were no highway grounds for refusing planning permission. An audio recording of this meeting is available and can be made available if the Inspector wishes to hear it.
- 2.15 During 2020, updates were made to the outline drainage strategy for the site and Homes England worked with the Local Highway Authority to agree designs for the off-site highway works that the TA had deemed necessary and a Road Safety Audit for the site access onto Harras Road (which confirmed that the proposed arrangement is safe, subject to minor upgrades to be delivered via a s278 agreement).
- 2.16 In 2021, CBC re-consulted on the application, and this generated comments from Sport England, Natural England and the Woodland Trust. In response, Homes England updated ecological surveys and agreed an appropriate buffer to the adjacent Midgey Wood, carried out a Biodiversity Net Gain Assessment, and produced a Habitats Regulations Assessment. The Council's Planning Panel was kept apprised of the work that was being undertaken, and the reasons for the delay in taking the application back to the Panel for determination, by way of an Update Report.
- 2.17 A final re-consultation was undertaken in 2022 in the light of the additional material that had been supplied. By July 2022, all consultee concerns had been addressed and all the highway experts had given the proposals their approval. The application was taken back to the Planning Panel on 16 August 2022 for determination and the Officer recommendation was again that delegated authority be given to grant planning permission subject to conditions and Homes England entering into a Planning Agreement to secure various planning obligations.
- 2.18 However, at the meeting, several Members continued to voice concerns about the proposals.
- 2.19 Following the initial vote on the recommendation, in accordance with the Council's constitution, where members refuse planning permission against the officer recommendation, each member voting against is required to provide a full, clear and detailed statement of their reason(s) for refusal.
- 2.20 Members outlined reasons in relation to: highway safety; the impacts of the additional traffic generation on the capacity of the highway; the ability to mitigate the impacts of the highway given the constraints of the highways; the availability of education places to serve the development; and the

adequacy of the drainage information in demonstrating that the development would not increase flood risk and can be drained adequately.

- 2.21 Following discussion, Members sought to withdraw the reasons relating to the availability of education places to serve the development and the adequacy of the drainage information in demonstrating that the development would not increase flood risk.
- 2.22 The reasons for refusal were summarised by Officers.
- 2.23 A further vote was then completed by Member on a motion to refuse the planning application for the reasons summarised by Officers. The result of the vote was 5 for refusal, 2 against refusal and 1 abstention.
- 2.24 The Decision Notice was issued on 18 August 2022.

3. The Reason for Refusal

3.1 The planning application was refused for two reasons as follows:

1. *The proposed development will result in an unacceptable impact on highway safety on the public highway network, with specific regard to the public highways known as Harras Road, Park View, Victoria Road, Albert Terrace, Solway View, Hilton Terrace and Wellington Row and the junctions of Park View with Albert Terrace, Park View with Solway View, Albert Terrace with Victoria Road and Victoria Road with the A595. Given the constraints of the public highways and junctions, the impacts of the proposed development on highway safety cannot be cost effectively mitigated to an acceptable degree.*

The development is in conflict with the requirements of Policies ST1 and T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

2. *The proposed development will result in severe residual cumulative impacts on the road network, with specific regard to capacity and congestion on the public highways known as Harras Road, Park View, Victoria Road, Albert Terrace, Solway View, Hilton Terrace and Wellington Row and the junctions of Park View with Albert Terrace, Park View with Solway View, Albert Terrace with Victoria Road and Victoria Road with the A595. Given the constraints of the public highways and junctions the impacts of the proposed development on capacity and congestion cannot be cost effectively mitigated to an acceptable degree.*

The development is in conflict with the requirements of Policies ST1 and T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

4. The Appeal Site and its Surroundings

Appeal Site Description

- 4.1 The application site, which extends to 23 hectares, is located to the south west of Harras Moor in Whitehaven which is the 'principal town' within the CBC settlement hierarchy outlined within the Copeland Local Plan 2013-2028.
- 4.2 The site is predominantly an area of greenfield land which has historically been used for grazing, with a small portion of the northern extent of the site comprising a former quarry which has been infilled. The site also contains a disused playing field to its north eastern corner. The playing field has not been used for a long time, is not maintained, no longer has goal posts in place, is not easily accessed and is not over-looked. The site consists of several parcels of open land separated by shelter belts of mature planting.
- 4.3 The topography of the land rises steeply from the Loop Road South (A595) in the west up to Harras Road, levelling out in line with the Caldbeck Road entrance into the site. The site benefits from distant views out to the Solway Firth and St Bees Head at the crest of this hill.
- 4.4 The site is identified within the Cumbria Landscape Character Guidance Toolkit (CLCGT) map as being predominantly sub type category 5d (Urban Fringe).
- 4.5 The site is located within Flood Zone 1 and is not at risk of flooding. The site is not the subject of any formal or informal ecological, historical or landscape designations.

Appeal Site Context

- 4.6 The site is bound directly to the north by the residential estate of the Highlands and to the south by the residential area of Hillcrest and dwellings fronting on to Loop Road South. To the north east of the site is Harras Road, beyond which is land that has planning permission for around 110 dwellings under references 4/16/2415/001 (outline) and 4/21/2195/0R1 (Reserved Matters) and 4/16/2416/001 (outline) and 4/21/21960R1 (Reserved Matters).
- 4.7 To the east of the site is the Harras Moor Industrial Estate located off Red Lonning and to the north east, beyond Red Lonning, is Whitehaven Golf Club.
- 4.8 Midgey Wood, located immediately south of the site (in separate ownership) and running down to Loop Road South, is partly designated as an Ancient Woodland. Beyond Loop Road South, the wood extends further to the south and west. Midgey Gill watercourse runs within the woodland.

Services and Facilities

- 4.9 The site is located within the Whitehaven main town settlement boundary and benefits from easy access to a wide range of services and community facilities within the town including shops, schools, churches, sports facilities and public transport. The site also benefits from being within reasonable walking distance of a number of facilities in the locality of Hensingham which includes the town's two secondary schools, primary schools and the regional hospital, as well as a range of local shops, public houses and other services.
- 4.10 The plan at Appendix I shows the community services and facilities within the local area.

Accessibility

- 4.11 The proposed points of access to the site are shown at Appendix II.
- 4.12 Appendix III illustrates a 5km and 8km active travel catchment from the centroid of the site area.
- 4.13 The following key services and facilities are available within typical reach from the site by active travel, including facilities within Whitehaven Town Centre:
- Jericho Primary School, Windsor Court;
 - St Benedicts RC High School, Red Lonning;
 - Mayfield School, Red Lonning;
 - Whitehaven Golf Club, Red Lonning;
 - The Fun House Play Centre, Red Lonning;
 - Morrisons Supermarket, Flatt Walks;
 - Spar, Main Street, Hensingham;
 - Whitehaven Sports Centre, Flatt Walks;
 - The Whitehaven Academy, Cleator Moor Road;
 - St James' C of E Junior and Infant Schools, High Street;
 - St Begh's Catholic Junior School, Coach Road;
 - Hensingham Primary School, Main Street, Hensingham;
 - Red Lonning Community Centre;
 - Whitehaven library, Lowther Street;
 - Flatt Walks Surgery, Flatt Walks.
- 4.14 Dedicated cycle routes are shown at Appendix IV. The local residential streets which are not marked as dedicated cycle routes are suitable for cycling.
- 4.15 National Route 72 of the National Cycle Network (NCN), runs south/north into Whitehaven town centre. The route, which is largely traffic free in this area, is located around 1km to the west of the site's western boundary.
- 4.16 National Route 71 of the NCN runs from National Route 72 to the west, in a northeast direction. The route runs approximately 2.3km to the south of the site. National Route 71 makes up the western third of the Coast to Coast (C2C) cycle route between Whitehaven or Workington and Blencow (Penrith).
- 4.17 The closest bus stops to the site are shown at Appendix V.
- 4.18 These stops mentioned above are served by the regular no. 30 bus service operated by Stagecoach. This service offers connections to a number of destinations including Maryport, Workington,

Whitehaven, Thornhill and Frizington. This service provides 4 buses an hour between 06:30 and 18:00 Monday to Saturday and an hourly evening service. An hourly service is provided during the daytime on Sundays.

- 4.19 The nearest rail station to the site is Corkickle Rail Station which is located approximately 1.6km from the site. Corkickle Rail Station provides hourly services in both directions during the daytime Monday to Saturday providing links to Barrow-in-Furness, Carlisle and Lancaster. Whitehaven can also be accessed from the station using northbound trains to Carlisle.

The Highway Network

Harras Road/ Park View

- 4.20 Harras Road, to the northeast of the site, runs in an east-west direction connecting to Red Lonning Road in the east and Solway View in the west. Harras Road forms a priority T-junction to the east of the site with Red Lonning Road which further connects to B5295. Harras Road is subject to a 30mph limit and has a footway and streetlighting to its southern side.
- 4.21 As Harras Road runs in a westerly direction, it changes to Park View. Park View forms a priority T-junction with Albert Terrace which further leads to Victoria Road. Park View passes beneath the A595 and further connects to Solway View.
- 4.22 Park View is subject to a 30 mph speed limit and is lit.

Red Lonning

- 4.23 To the east, the site adjoins Red Lonning. Red Lonning is subject to the national speed limit (60mph) adjacent to the site frontage but further to the south, where it enters the residential area, the speed limit reduces to 30mph and then to 20mph. There is a footway along the western edge of Red Lonning along the frontage of the site which is separated from the road by a verge. There is street lighting on Red Lonning near the site.

Caldbeck Road

- 4.24 Part of Caldbeck Road runs through the site and provides access to the existing residential area to the south of the site. The northern section of Caldbeck Road has footways on both sides of the road and is subject to a 30mph speed limit. Street lighting is provided.

Loop Road South

- 4.25 The site has frontage, 12m long, with the A595 (Loop Road South) along the site's western boundary. The A595 forms part of the trunk road network and is therefore managed by National Highways. Near the site, the A595 is around 7.5m wide, has footways on both sides of the road and is subject to a 40mph speed limit. Street lighting is also provided.
- 4.26 The A595 is the primary vehicular route through Whitehaven and links Whitehaven to Sellafield and Barrow-in-Furness approximately 14km and 50km respectively to the south, and to Workington and Carlisle and the M6 approximately 8km and 55km to the north and north east.

Victoria Road/ Solway View/ Hilton Terrace/ Wellington Row

- 4.27 This area lies to the north of the development site and runs in a north-south direction connecting a predominately residential area to Whitehaven town centre.

- 4.28 Victoria Road runs northbound and connects to Red Lonning Road forming a priority T-Junction. The route is lit with footpaths on both the sides of the carriageway.
- 4.29 As Victoria Road runs south it connects to the A595 through a priority road link which is approximately 110m to the north of Albert Terrace. Further south Victoria Road forms a priority T-junction with Albert Terrace.
- 4.30 As Victoria Road approaches a priority T-junction with Park View it becomes Solway View. The street is lit and has footways on both sides.
- 4.31 Further south Solway View becomes Hilton Terrace and as Hilton Terrace runs south, it becomes Wellington Row. It has footways on both the sides. Further south Wellington Row connects to A5094/ George Street.

Albert Terrace

- 4.32 Albert Terrace provides a connection linking Park View with Victoria Road. It is lit along its length.

5. The Proposals

- 5.1 The planning application sought outline planning permission for a residential development, with all detailed matters, except for vehicular access (to but not within the site), reserved for approval later. The Masterplan submitted with the application is indicative only but shows how a scheme of up to 370 dwellings could be accommodated within the site.
- 5.2 The application proposed:
- 370 high quality dwellings of a variety of sizes (with an appropriate dwelling mix to be agreed at reserved matters stage);
 - affordable housing in accordance with the Council's current adopted policy with 15%¹ of the total number as 'affordable' within a mix of dwelling types and tenures to meet identified needs;
 - a new all modes access taken off Harras Road, with all modes access also from Caldbeck Road providing a through-route within the site;
 - new active travel link to Loop Road South;
 - the creation of 7.1 ha of new public open space, comprising formal play areas, wildlife buffers and corridors and an enhanced planting scheme to strengthen the existing woodland tree belts and provide sufficient standoffs and protection to the ancient woodland adjacent to the Site;
 - the retention of woodland, tree groups and hedgerows;
 - a sustainable drainage system (the principles of which are provided in the submitted outline drainage strategy with full details to be agreed at reserved matters / discharge of conditions stage); and,
 - the creation of new habitats, through tree planting/a woodland buffer and the design of the sustainable drainage system (the details of which to be agreed at reserved matters / discharge of conditions stage).
- 5.3 Details of the proposed access onto Harras Road, and associated improvements to Harras Road are shown on drawing no. A090070-P002 'Proposed Site Access Junction Option 1' accompanying the application. This plan forms Appendix VI. This drawing shows a simple priority-controlled site access junction with 2m wide footways provided on both sides of the access road connecting into the existing footways on Harras Road. The plan also details a pedestrian refuge to the east, adjacent to the junction with Red Lonning and the new footway to the northern side of Harras Road to be provided as part of the development approved under planning permission references 4-16-2415-001 and 4-16-2416-001. The second vehicular access to the site would be taken via the existing adopted highway of Caldbeck Road which extends into the site. No new junction arrangements would be required. The access arrangement was agreed with CCC as Local Highway Authority who raised no objection to the proposals.

6. Planning Decisions

- 6.1 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, this Appeal must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

7. The Development Plan

- 7.1 Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.
- 7.2 The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.
- 7.3 The Development Plan for the former Copeland Borough area of Cumberland comprises:
- The Copeland Local Plan 2013-2018 (Adopted December 2013);
 - Copeland Local Plan 2001-2016 (LP) Saved Policies.
- 7.4 The LP Proposals Map shows the site lying within the settlement boundary of Whitehaven. The northern and eastern portions of the site are allocated for housing under saved policy HSG2 of the Local Plan 2001-2016.
- 7.5 The following development plan policies are of relevance to this appeal. Those policies which are fundamental to understanding the merits of the proposals (i.e. of most importance to the appeal) are highlighted in bold.

The Copeland Local Plan 2013-2028

Core Strategy:

- **Policy ST1 – Strategic Development Principles**
- **Policy ST2 – Spatial Development Strategy**
- Policy ST4 – Providing Infrastructure
- Policy SS1 – Improving the Housing Offer
- Policy SS2 – Sustainable Housing Growth
- **Policy SS3 – Housing Needs, Mix and Affordability**
- **Policy SS5 – Provision and Access to Open Space and Green Infrastructure**
- Policy T1 – Improving Accessibility and Transport
- **Policy ENV1 – Flood Risk and Risk Management**
- Policy ENV3 – Biodiversity and Geodiversity
- Policy ENV4 – Heritage Assets
- **Policy ENV5 – Protecting and Enhancing the Borough's Landscapes**

Development Management Policies:

- Policy DM10 – Achieving Quality of Place

- Policy DM11 – Sustainable Development Standards
- Policy DM12 – Standards for New Residential Development
- **Policy DM21 – Protecting Community Facilities**
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
- Policy DM26 – Landscaping
- Policy DM27 – Built Heritage and Archaeology
- Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP)

- **Policy HSG2 – New Housing Allocations**

- 7.6 The proposals accord with all the above Policies (or are capable of satisfying relevant policy requirements at the Reserved Matters stage). The Council's position on Policies ST1 and T1 will be explained to the Inspector ahead of the Hearing.
- 7.7 The Local Plan 2001 – 2016 was adopted in 2006 and the Local Plan 2013-2028 was adopted in 2013. Only parts of the 2001 – 2016 Local Plan have been saved and the Core Strategy contains a development strategy that is designed to address development requirements, including a housing requirement, which are out of date. The Council is in the process of preparing a new Local Plan for the area that was formerly Copeland Borough (see below) and, when adopted, this will replace both the 2006 and 2013 Local Plans. As a consequence of the age of the Development Plan, the changes that have been made to national planning policy since it was adopted, and the changes in circumstances that have arisen as regards development needs and requirements, the adopted development plan policies, as shown in bold in para 7.5 above, which are most important for determining this Appeal are out-of-date. The weight to be afforded to each of the policies which are relevant to the determination of the appeal will depend on their degree of consistency with the NPPF.

8. Other Material Considerations

National Planning Policy Framework

- 8.1 The NPPF (July 2021) is a material consideration in the determination of this appeal. The NPPF should be read as a whole (including its footnotes and annexes).
- 8.2 The most relevant parts of the NPPF to this Appeal are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 - Decision-making
 - Chapter 5 - Delivering a sufficient supply of homes
 - Chapter 8 - Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 - Achieving well-designed places
 - Chapter 15 - Conserving and enhancing the natural environment
- 8.3 It is agreed that the proposals accord with all provisions of the NPPF. The Council's position on paragraphs 110 and 111 will be explained to the Inspector ahead of the Hearing.

Planning Practice Guidance

- 8.4 The parties acknowledge that the Planning Practice Guidance (PPG) supports the NPPF and is a material consideration in the determination of the appeal. The following sections of the PPG are relevant to this appeal:
- Climate change
 - Design: process and tools
 - First Homes
 - Flood risk and coastal change
 - Historic environment
 - Land affected by contamination
 - Land stability
 - Natural environment
 - Noise
 - Open space, sports and recreation facilities, public rights of way and local green space

- Planning obligations
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

The Publication Draft Copeland Local Plan 2021-38

- 8.5 The Council is preparing a new Local Plan for the area that was formerly Copeland Borough. This was submitted for examination in September 2022. Hearing Sessions commenced on 31 January 2023 and concluded on 9 March 2023. On 17 March 2023, the Inspector appointed to examine the Plan published a consolidated list of work that needs to be done / matters that need to be addressed, before the Council produces a definitive schedule of Main Modifications. Most of this work has now been done. On 9 June 2023, the Inspector wrote to the Council describing the steps that now need to be taken to conclude the Examination. As and when outstanding pieces of technical information are produced, the Council will prepare and then consult on a consolidated schedule of Main Modifications. The Inspector indicates in her letter that, overall, at this stage of the Examination, she considers that, subject to MMs, the Plan is likely to be capable of being found legally compliant and sound. She goes on to note that her final conclusions on this and all of the main issues covered in the Matters, Issues and Questions will be set out in my report, which will be published following consultation on the proposed Modifications, taking account of any representations on them. The Council has not yet indicated when it might be in a position to consult on its Main Modifications. Notwithstanding the work that remains to be done by the Council, it is agreed that the Plan is at an advanced stage of preparation.
- 8.6 A number of the Policies in the Plan are the subject of unresolved objections but very few of these are significant and all are likely to be resolved by way of Main Modifications.
- 8.7 Policies within the emerging Local Plan that are of relevance to this Appeal are listed below. Those in bold text are the subject of outstanding objections which relate to the parts of the policy relevant to this appeal:
- Policy DS1PU - Presumption in favour of Sustainable Development
 - Policy DS2PU - Reducing the impacts of development on Climate Change
 - Policy DS3PU - Settlement Hierarchy
 - **Policy DS5PU - Planning Obligations**
 - Policy DS6PU - Design and Development Standards
 - Policy DS7PU - Hard and Soft Landscaping
 - Policy DS8PU - Reducing Flood Risk
 - Policy DS9PU - Sustainable Drainage
 - Policy DS10PU - Soils, Contamination and Land Stability
 - Policy H2PU - Housing Requirement
 - Policy H3PU: Housing Delivery

- Policy H4PU - Distribution of Housing
- Policy H5PU - Housing Allocations
 - HWH2 Red Lonning and Harras Moor
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix
- Policy H8PU - Affordable Housing
- Policy SC1PU - Health and Wellbeing
- Policy SC3PU - Playing Fields and Pitches
- Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic
- Policy N3PU - Biodiversity Net Gain
- Policy N5PU - Protection of Water Resources
- Policy N6PU - Landscape Protection
- Policy N9PU - Green Infrastructure
- **Policy N11PU - Protected Green Spaces**
- Policy N13PU - Woodlands, Trees and Hedgerows
- Policy BE3PU - Archaeology
- Policy CO4PU - Sustainable Travel
- Policy CO5PU - Transport Hierarchy
- Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

8.8 None of the above listed Policies are referred to in the RfR.

8.9 It is agreed that the Policies of the emerging Plan may be afforded significant weight in the determination of this Appeal where they are not the subject of significant outstanding objections. Policies that are the subject of significant outstanding objections may only be afforded limited weight.

Local Plan Evidence Base

8.10 Evidence base and other documents that are of relevance to the determination of the appeal are set out below. Documents that are the subject of significant outstanding objections may only be afforded limited weight in the determination of this appeal. These documents are highlighted in bold:

- Settlement Hierarchy & Development Strategy Paper Update, Copeland Borough Council, January 2022;
- Strategic Housing Market Assessment and Objectively Assessed Housing Need Final Report, JG Consulting for Copeland Borough Council, October 2019;

- Strategic Housing Market Assessment Update Final Report, JG Consulting for Copeland Borough Council, October 2021;
- Borough Wide Housing Needs Survey - A report for Copeland Borough Council from Cobweb Consulting July 2020;
- Strategic Housing Land Availability Assessment, Copeland Borough Council, September 2022;
- Five-year Housing Land Supply Statement September 2022 Base Date, Copeland Borough Council, 1st April 2022;
- Copeland Borough Council Playing Pitch Strategy Needs Assessment, 4 Global Consulting for Copeland Borough Council, November 2020;
- Copeland Borough Council Playing Pitch Strategy and Action Plan v3.0, 4 Global Consulting for Copeland Borough Council, March 2021;
- Copeland Landscape Settlement Study V3 Ethos and David Wilson Partnership for Copeland Borough Council, July 2020;
- Copeland Borough Council Open Space Assessment Report with Protected Site Summary, Knight Kavanagh & Page (KKP) for Copeland Borough Council, March 2020;
- Copeland Open Space Assessment Addendum, Copeland Borough Council, January 2022;
- **Infrastructure Delivery Plan Stage 1, Copeland Borough Council, September 2020;**
- **Infrastructure Delivery Plan Stage 2, Copeland Borough Council, January 2022;**
- **Copeland Transport Improvements Study, Appendices and Proformas, WSP, August 2021;**
- Local Plan 2021-2038 Site Access Assessment, WSP, December 2021.

DfT Decarbonising Transport: A Better Greener Britain 2021

- 8.11 The parties acknowledge the policy aim to better plan for sustainable transport and to develop innovative policies to reduce car dependency. They acknowledge the move away from transport planning based on 'predict and provide' and planning that sets an outcome communities want to achieve (referred to in the document as 'vision and validate').

Copeland Borough Council Climate and Environment Policy 2020

- 8.12 This document sets out CBC's policy framework for issues relating to climate and environment. It explains the pledge for Cumbria to become a carbon neutral County and that CBC will stimulate a fundamental shift in culture in terms of how individuals and the Council take account of climate and environmental considerations when carrying out activities and decision making.

9. Other Matters Agreed

The Principle of Residential Development

- 9.1 As set out in section 7.6, it is agreed that the policies of the adopted Development Plan that are of most importance to the determination of this appeal are out of date. The tilted balance in paragraph 11 of the NPPF is therefore engaged.
- 9.2 Within the adopted Development Plan, Whitehaven is identified as the Borough's Principal Service Centre under Policy ST2 of the Core Strategy.
- 9.3 Policy ST2 states that the Principal Service Centre will be the focus for the largest scale development, regeneration and important development opportunities within the defined settlement boundary.
- 9.4 In setting out the appropriate scale and type of development within the spatial strategy, the Council identifies a settlement hierarchy (Figure 3.2 of the CS) which, for the Whitehaven area, states:

"Housing. Allocations in the form of estate-scale development where appropriate and continuing initiatives for large scale housing renewal. This could involve extensions to the town's settlement boundary. Infill and windfall housing. Larger sites will require a proportion of affordable housing."

- 9.5 The proposal offers a large estate-scale development which is located wholly within the existing settlement boundary of Whitehaven and is therefore in accordance with CS Policy ST2.
- 9.6 The CS of the adopted Local Plan sets out other strategic policies which specifically relate to the development of new housing. Policy SS1 (Improving the Housing Offer) states:

"The Council will work to make Copeland a more attractive place to build homes and to live in them, by:

A. Allocating housing sites to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard."

- 9.7 The majority of the site is allocated for housing in the adopted local plan. The site is situated in the town of Whitehaven, a location deemed to be attractive to house builders when allocations within it were made in line with Policy SS1, and where new development is required to meet local housing needs.
- 9.8 Saved Policy HSG2 of the Copeland Local Plan 2001-2016 allocates land for housing purposes. These allocations include HA1 "Highlands Extension" which takes in the northern part of the site adjacent to the Highlands estate. The allocation is for 200 dwellings at a minimum density of 30 dwellings per hectare (dph). The eastern part of the site incorporating the playing field forms part of allocation HA2 "Red Lonning" which is allocated for 20 dwellings at a minimum density of 30dph. These allocations establish the principle of residential development on these parts of the site.
- 9.9 The Emerging Local Plan (ELP) proposes to allocate the entirety of the appeal site for housing development.
- 9.10 Policy DS3PU of the Emerging Local Plan ELP identifies Whitehaven as the Principal Town.
- 9.11 Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords

with the Development Plan unless material considerations indicate otherwise. The site lies within the development boundary of Whitehaven.

9.12 Policy H1PU of the ELP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by:

- a) *allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents;*
- d) *approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and*
- e) *ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.*

9.13 Policy H2PU of the ELP states that the housing requirement is a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2038. In order to plan positively and support employment growth over the Plan period, the Plan identifies a range of attractive allocated housing sites, which when combined with future windfall development, previous completions and extant permissions, will provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.

9.14 Policy H4PU of the ELP states that 40% of new housing development will be located within Whitehaven.

9.15 Policy H5PU of the ELP allocates land for housing purposes. The whole of the application site is proposed to be allocated as site HWH2 "Red Lonning and Harras Moor" which has an indicative yield of 370 dwellings.

9.16 It is agreed that the principle of the development is supported by the Development Plan, the NPPF and the policies of the ELP.

Design, Environmental and Technical Considerations

9.17 It is agreed that the proposal is not EIA development. A screening opinion was issued by CBC on 19 January 2018.

9.18 As set out below, a Shadow HRA in respect of the Solway Firth Special Protection Area (SPA) was completed by Homes England and subsequently agreed by CBC and Natural England. The content and the conclusions remain up to date and agreed. The parties invite the Secretary of State to adopt the Shadow HRA when deciding the appeal.

9.19 It is agreed that the proposals are acceptable in the following respects, or that they are capable of being found acceptable when relevant details are assessed at the Reserved Matters or discharge of conditions stages.

Open Space and Sports Provision

9.20 Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 9.21 Policy SS4 and Policy DM12 of the CS also seek to resist the loss of land or buildings belonging to existing sports facilities where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.
- 9.22 Policy SC3PU of the ELP states that proposals affecting playing fields will only be permitted where one of a defined list of criteria are met unless one of a defined list of exceptions applies.
- 9.23 Policy N11PU of the ELP identifies Protected Green Spaces which are of a high quality and/or value and states that the loss of such Protected Green Spaces will be resisted unless equivalent replacement provision of the same or better quality is provided within the same settlement.
- 9.24 An area to the east of Loop Road South and the former recreation/sports area to the South of Red Lonning Industrial Estate are identified as Protected Green Spaces in Policy N11PU of the ELP. The Copeland Borough Council Open Space Assessment identifies the areas as amenity greenspaces.
- 9.25 The Illustrative Masterplan demonstrates how a development could be delivered that maintains as open space the majority of the area to the immediate east of Loop Road South but provides for development on the former recreation/sports area.
- 9.26 The Illustrative Masterplan identifies the delivery of a total of 7.1 ha of publicly accessible open space comprising formal play areas, wildlife buffers and corridors and an enhanced planting scheme to strengthen the existing woodland and ensure the protection of the woodland outside the Site.
- 9.27 It is agreed that this delivers equivalent replacement provision of better-quality open space than currently exists and makes these spaces accessible thus improving their community value. It is agreed that the delivery of this open space can be secured through a planning obligation.
- 9.28 In respect of the loss of the recreation/sports area, this area is unsuitable for use as a playing pitch and has not been utilised for a prolonged period. However, despite this it is considered a “playing field” by Sport England and for the purposes of applying the policies of the adopted and emerging development plans. The proposed development would result in the loss of the existing playing field.
- 9.29 A Sport Mitigation Strategy was submitted with the application to assess the impact of the loss of the existing playing field and provide mitigation by way of an upgrade to an equivalent / improved provision elsewhere within the locality. It is agreed that the appellant will make a contribution of £100,000 towards off-site sports facilities. The agreed contribution is based on the costs of constructing a new football pitch of similar dimensions to that at Harras Moor.
- 9.30 Sport England raised no objection to the planning application, subject to the above contribution being secured.
- 9.31 The loss of playing fields is not a reason for refusal of the application.
- 9.32 It is agreed that the proposals are in accordance with policies SS4 and DM12 of the adopted Local Plan, policies SC3PU and N11PU of the ELP and paragraph 99 of the Framework.

Housing Mix

- 9.33 The site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 (SHMA). The SHMA suggests a particular focus on the delivery of two and three bedroom (75%) and some 4+ bedroom houses (20%) semi-detached and detached houses. It is stated that the Council should also consider the role of bungalows. The Copeland Housing Officer in his response to the planning application highlights the current lack of and strong interest in one bed dwellings, reflecting the younger age profile and newly forming households.
- 9.34 The appeal relates to an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval; however, the illustrative plans submitted in support of the application demonstrates how a scheme of up to 370no. dwellings comprising a mix of detached, semi-detached, terraced houses and some apartments including one bed dwellings could be developed.
- 9.35 It is proposed that 15% of the total number of proposed dwellings are to be affordable in accordance with the adopted plan requirement.
- 9.36 It is agreed that the site is capable of delivering a mix of housing that accords with the need identified within the SHMA and the requirements of Policy SS3 of the CS and Policy H7PU of the ELP.

Landscape and Visual Impact

- 9.37 A Landscape and Visual Appraisal prepared by WYG dated May 2018 accompanied the planning application. It is agreed that this document is comprehensive, robust and up to date. Its content and conclusions are agreed.
- 9.38 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within the Type 00 Urban Area and Type 5 Low Land and Sub-type 5d Urban Fringe.
- 9.39 It is agreed that negligible effects are anticipated upon the setting of Landscape Sub-type 5a Ridge and Valley at both construction and operational stages due to the distance and limited intervisibility between the site and Landscape Sub-type. Negligible effects are also anticipated upon the Urban Area due to the localised change within the wider context of the urban area. Minor adverse effects are anticipated upon Landscape Sub-type 5d Urban Fringe within which the site is mostly located due to the direct change in landscape features and characteristics.
- 9.40 Moderate adverse effects are anticipated to be experienced upon the Open Greenspace identified within the site area during the construction phase; however, these are anticipated to reduce to minor adverse at completion as the introduction of public open space within the development is anticipated to partially offset the loss.
- 9.41 Minor adverse effects are anticipated upon the existing woodland/woodland structure planting and hedgerows on the site perimeter and within the site as the majority of this is identified on the Illustrative Masterplan as being retained, although it is anticipated that localised removal may be required. Moderate adverse effects are anticipated upon pasture land, rough grassland and scrub, and permissive footpaths within the site area as these would all experience direct adverse effects/loss of features due to the proposed development. It is agreed that this effect would be very localised.
- 9.42 The Council concluded that the adverse impacts in terms of landscape are not sufficiently harmful to significantly and demonstrably outweigh the significant benefits of the development. Landscape matters did not form part of CBC's reasons for refusing the application and it is agreed that the

proposals are acceptable in landscape terms and in accordance with policy ENV5 of the Local Plan and N6PU of the ELP.

Layout and density

- 9.43 Whilst being made in outline, the application was accompanied by an Illustrative Masterplan (Drawing No: A090070 003 Rev H), Illustrative Layout Plan (Drawing No: A090070 004 Rev E), and Illustrative Phasing Plan (Drawing No A090070-007 Rev A). These show how the site can accommodate 370 dwellings.
- 9.44 These plans have been informed by a detailed analysis of the site's constraints and parameters which are set out within the accompanying Design and Access Statement.
- 9.45 CS Policy DM10 sets out the Council's requirements for new development to be of a high standard of design, setting out a number of criteria by which all applications will be assessed.
- 9.46 It is agreed that the Illustrative Masterplan provides an appropriate layout for the site which complies with the principles set out in Policy DM10. The detailed design, layout and appearance of the development will be agreed through the Reserved Matters submission.
- 9.47 The Council's standard density requirement is 30 dwellings per hectare, as set out in Policy S22 of the Core Strategy. The supporting text to Policy SS2 in paragraph 5.3.11 states that lower densities may be acceptable with specific justification.
- 9.48 The gross site area of the application site is approximately 23ha. The developable areas within the site are reduced by the need to allow for retained ecology (including woodlands) and infrastructure such as roads, footpaths, public open space and drainage attenuation. This means that 62% of the site is available for residential development. Accounting for this, the Net Developable Area (NDA) for the site is considered to be circa 14.2ha which equates to approximately 26 dwellings per hectare (370 dwellings divided by the NDA of 14.2ha).
- 9.49 The illustrative masterplan shows how 370 homes can be accommodated, including an appropriate mix of housing types. It is agreed that the proposed density is appropriate for the site for the following reasons:
- Site levels and steep gradients
 - Retained infrastructure including woodland belts and ecological features which limit the size and shape of development parcels;
 - Surrounding context including the lower density of surrounding residential areas
- 9.50 It is agreed that given the nature of the site and its context, the proposals are acceptable in terms of density and are in accordance with Policies DM10 and SS2.

Ecology and biodiversity

- 9.51 The planning application was accompanied by the following documents :
- Desk Based Ecological Assessment by TEP dated June 2018;
 - Ecological Assessment by TEP dated January 2019 and the following technical appendices:
 - Phase 1 Habitat Survey Appendix dated January 2019

- Woodland and Hedgerow Survey Appendix dated January 2019
 - Breeding Birds Appendix dated January 2019
 - Bat Survey Appendix dated January 2019
 - Grassland Survey Appendix dated January 2019
 - Report to Inform Habitats Regulations Assessment (in relation to the Solway Firth SPA) by Tetra Tech dated September 2021
 - Updated Ecological Appraisal by Tetra Tech dated September 2021
 - Habitat Management Plan by Tetra Tech dated May 2022
 - Biodiversity Net Gain Assessment by Tetra Tech dated March 2022
- 9.52 An Extended Phase 1 Ecological Survey and associated surveys were submitted in support of the application. An update to the Ecological Appraisal was carried out in 2021.
- 9.53 The updated Ecological Appraisal concludes that there are no ecological issues that would prevent the development of the Site subject to mitigation. Overall, it is agreed that the above reports are comprehensive, provide up to date data and analysis and appropriately demonstrate the proposed development is acceptable in terms of ecology, biodiversity and habitat.
- 9.54 The Ecological Assessment report recommended that a Habitats Regulations Assessment (HRA) be prepared to identify any likely significant effects upon European designated sites, either alone or in combination with other plans or projects. A Shadow HRA was therefore completed by the Applicant and subsequently reviewed by CBC and Natural England. Natural England confirmed in its response to the planning application that it was satisfied with the conclusion of the Shadow HRA and that there will be no impact on the site integrity of the Solway Firth SPA subject to mitigation comprising the provision of homeowner packs and additional signage which can be secured by planning condition.
- 9.55 A Biodiversity Net Gain assessment (BNG) of the site and a supporting Habitat Management Plan accompanied the application. This remains up to date.
- 9.56 The BNG of the masterplan and habitat enhancements in the Habitat Management Plan shows a loss of 48.53 habitat units. It is agreed that the proposed development must deliver a net gain in terms of biodiversity and that this should be controlled by way of suitably worded planning conditions..
- 9.57 It is agreed that subject to appropriate conditions to secure tree protection and mitigation measures, the development will not have an adverse impact on the adjacent ancient woodland.
- 9.58 It is agreed that the proposals are acceptable in terms of ecology and biodiversity and in accordance with Policy ENV3 of the CS, Policy N1PU of the ELP and the Framework.

Flood Risk and Drainage

- 9.59 The application was supported by a Flood Risk and Drainage Assessment by WYG dated June 2018 and this was followed by an Updated Flood Risk and Drainage Assessment by WYG dated March 2021.
- 9.60 It is agreed that the Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

- 9.61 It is agreed that an adequate SuDS based surface water drainage scheme can be achieved to existing watercourses utilising a scheme of attenuation without increasing flood risk to the Site or adjacent land. Additionally, it is proposed to open up and improve the existing watercourse in order to create new blue corridors within the development and enhance the existing ecology and biodiversity, whilst managing the surface water run-off.
- 9.62 The proposed drainage strategy seeks to divide the Site into two surface water drainage catchments, to the east and west of the site. It is agreed that the eastern catchment will drain to the culverted watercourse under Balmoral Road; whereas the western catchment will drain to Midgey Gill. Discharge rates into these watercourses will be restricted to the greenfield runoff rate of the impermeable areas of the site. This strategy enables the delivery of a phased development as it provides several attenuation features that can be constructed as the phases of the development are progressed. The drainage strategy has been amended to set out two options for draining the western catchment, to provide greater flexibility in the proposed drainage design. Both of these options are agreed by the parties as being suitable for the site.
- 9.63 It is agreed that the proposed drainage strategy accords with the national drainage hierarchy and includes SuDS features. It is agreed that the development is in accordance with Policy DM11 and DM24 of the CS and Policy DS8PU and DS9PU of the ELP as well as paragraphs 167-169 of the Framework.
- 9.64 CCC as Lead Local Flood Authority and CBC Flood and Coastal Defence section raised no objection to the planning application subject to the imposition of planning conditions securing a detailed drainage scheme and management scheme and a construction surface water management plan.

It is agreed that sufficient information has been submitted to demonstrate that an appropriate scheme of drainage is reasonably deliverable to serve the proposed development and a planning condition is proposed to secure this.

Residential Amenity

- 9.65 Policy ST1 of the CS includes provisions requiring that development provides or safeguards good levels of residential amenity and security.
- 9.66 Policy H6PU of the ELP requires that in respect of new housing development, an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sun lighting and daylighting.
- 9.67 Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.
- 9.68 A Noise Assessment by WYG dated May 2018 was submitted in support of the planning application. The Assessment concludes that the noise impacts will not adversely impact on the health or quality of life of either existing local residents or future residents of the development subject to an appropriate scheme of glazing and attenuating boundary fencing. As part of the site's Habitat Management Plan further acoustic screening is proposed by way of a planted earth mound on the boundary of the site with Red Lonning Industrial Estate.
- 9.69 The conclusions of the Noise Assessment are agreed.
- 9.70 The matters of layout, appearance and landscaping are reserved matters; however, given the size of the site and scale of development proposed, it is agreed that a scheme can be delivered that will not

result in adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking.

Ground Conditions

- 9.71 A Phase I Geo-Environmental Desk Study and Coal Mining Risk Assessment by AECOM dated May 2018 was submitted in support of the planning application.
- 9.72 The submitted report identifies the previous use of the site as overlying potential mined coal seams, an infilled quarry site containing potentially waste materials and mounds of unknown materials on the Site. These present a high risk of contamination that could be mobilised during construction to pollute controlled water and are particularly sensitive in this location due to the location upon a Secondary Aquifer A.
- 9.73 The report concludes that it is possible to suitably manage the risk proposed to controlled water by this development; however, further information will be required before built development is undertaken.
- 9.74 The report also carried out an assessment of the coal mining risks associated with the site and demonstrates that the site is, or can be, made safe and stable for the development proposed.
- 9.75 The conclusions of the report are agreed between the parties.
- 9.76 The Coal Authority and Copeland Borough Council – Environmental Health did not object to the planning application. Pre-commencement conditions are agreed which require the agreement and implementation of an Intrusive Site Investigation and contamination remediation measures.
- 9.77 It is therefore agreed that the proposals are acceptable in terms of ground conditions and in accordance with policy ST1 of the CS and policies DS6PU and DS10PU of the ELP.

Archaeology

- 9.78 The planning application was accompanied by an Archaeological Assessment by WYG dated May 2018. This concludes that the construction of the proposed development is likely to disturb a number of archaeological assets. The report evaluates the character of these assets and shows that it is very unlikely they are so significant that provisions should be made to secure their preservation. The findings of the assessment are agreed and it is agreed that a scheme of Archaeological Investigation and recording is secured by condition. It is agreed that the proposals accord with policies EN4 and DM27 of the Local Plan and policies BE1PU and BE3PU of the ELP.

Education Provision

- 9.79 In its response to the planning application, CCC confirmed that there will be sufficient capacity within existing schools for the estimated primary and secondary yield from the proposed development. It also confirmed that no contribution for school transport is required as there are sufficient safe walking routes in the vicinity of the Site from which primary and secondary schools can be accessed. It is therefore agreed that no contributions towards education provision or school transport are required from the development.

The Benefits of Allowing the Appeal

- 9.80 It is agreed that the principal benefits of the proposals include:
- a) the delivery of up to 314 market homes;

- b) the delivery of up to 56 affordable homes (at 15% of the total dwellings proposed);
- c) improved choice of homes for the local housing market available to meet different population needs including single bedroom homes and larger family homes;
- d) provision of executive style homes for which there is an identified need;
- e) the provision of 7.1 hectares of open space that would benefit existing residents of Whitehaven as well as the residents of the proposed development;
- f) extensive tree planting and the enhancement of existing, including the planting of new areas of native woodland;
- g) provision of two Locally Equipped Areas of Play (LEAPs) which will benefit existing as well as new residents [there are no LEAPs within the Highlands estate or the Caldbeck Road estate];
- h) Provision of a network of publicly accessible footpaths and green spaces providing active travel routes across / through the site;
- i) a reduction in the risk of surface water flooding downstream of the application site in extreme rainfall events through the introduction of flow control measures and managed sustainable drainage features;
- j) the creation of jobs during the construction period;
- k) economic benefits flowing from the generation of additional spend in the local economy, both during construction and post-occupation;
- l) the delivery of improvements to two key road junctions;
- m) the generation of additional New Homes Bonus and Council Tax revenue, supporting local services and infrastructure; and
- n) the making of financial contributions towards off site sports provision (the installation of a new all weather pitch at Whitehaven Academy for which planning permission has been granted) and off site habitat creation through planning obligations.

10. Planning Conditions and S106 Contributions

Planning Conditions

- 10.1 The Appellant and the Council are agreed that, if the appeal is to be allowed, planning permission should be granted subject to the conditions listed below. The vast majority of these were included in the Officer's Report to the Council's Planning Panel of August 2022 but the parties have agreed a small number of additional conditions which deal with proposed highway improvements and BNG. The Inspector should note that the Appellant is discussing with National Highways whether the highway improvements referred to in Conditions 16 and 17 would be better dealt with by way of a planning obligation. The Appellants will update the Inspector on this matter either during or in advance of the Hearing.

Text	Text
1.	<p>The development to which this permission relates must be begun not later than whichever is the later of the following dates:</p> <p>a) FIVE YEARS from the date of this permission; or</p> <p>b) the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.</p> <p>Applications for the approval of the reserved matters must be made not later than FIVE years from the date of this permission.</p> <p>Reason To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</p>
2.	<p>Reserved Matters</p> <p>For each phase, details of the: appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out as approved.</p> <p>Reason To ensure a satisfactory standard of development on site.</p>
3.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • Drawing No. A090070-410 001 Rev. B – Site Location Plan • Drawing No. A090070-P002 - Proposed Site Access Junction Option 1

	<p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p>
4.	<p>Phasing</p> <p>Prior to the commencement of development, a phasing plan shall be submitted to the Council for approval or submitted with the first reserved matters application (unless otherwise agreed in writing with the Council). Thereafter all phases of the development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason</p> <p>To ensure a satisfactory standard of development on site.</p>
5.	<p>Drainage</p> <p>Prior to the commencement of each phase, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) in relation to the phase concerned, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme(s) must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The drainage scheme submitted for approval for each phase shall also be in accordance with the principles set out in the Flood Risk & Drainage Assessment Revision C dated March 2021 proposing surface water discharging to Midgey Gill and Bedlam Gill.</p> <p>The details of the surface water drainage scheme submitted for the first phase shall also include a condition survey of the culverted sections of Bedlam Gill.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason</p> <p>To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ST1 and ENV1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
6.	<p>Ground Conditions</p> <p>No development shall commence on each phase until a remediation strategy to deal with the risks associated with contamination on that phase of the site has been</p>

	<p>submitted to, and approved in writing by, the Local Planning Authority. Each strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses; • potential contaminants associated with those uses; • a conceptual model of the site indicating sources, pathways and receptors; and • potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how/when they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>The measures in the approved remediation scheme for each phase must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report for that phase must be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
7.	<p>Intrusive Site Investigation</p> <p>No development shall commence on each phase until a scheme of intrusive site investigations for that phase, (designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity) has been completed and a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The approved scheme(s) of remedial works and/or mitigation measures for each phase must then be implemented in accordance with the approved details. Following completion of measures identified in the approved remedial works and/or mitigation</p>

	<p>measures a validation report for each phase must be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To ensure that the development does not pose an unacceptable risk in respect of ground stability in accordance with the relevant provisions of the National Planning Policy Framework.</p>
8.	<p>Construction Management Plan</p> <p>No development hereby approved shall commence on each phase until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The statement(s) shall include:</p> <ul style="list-style-type: none"> - details of the means of access and parking for construction traffic and vehicles - procedures for the loading and unloading of plant and materials - details of the storage of plant and materials used in construction - details of measures to control dust, emissions, sediments and pollutants arising from the development - a scheme for recycling/disposing of waste resulting from construction works <p>The approved Construction Method Statement(s) and Management Plan(s) for each phase shall be adhered to throughout the construction period.</p> <p>Reason</p> <p>To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan.</p>
9.	<p>Construction Surface Water Management Plan</p> <p>No development shall commence on each phase until a Construction Surface Water Management Plan for that phase has been agreed in writing with the local planning authority.</p> <p>Reason</p> <p>To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems Policies ST1 and ENV1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
10.	<p>Tree Protection – Reserved Matters</p> <p>Notwithstanding the information contained within the Arboricultural Impact Assessment (Outline Planning) dated May 2018 produced by TEP, the plans and particulars for the reserved matters application of each phase shall include:</p>

	<p>(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree and hedge on that phase and on land adjacent to that phase that could influence or be affected by the development, indicating which trees and hedges are to be removed;</p> <p>(b) and in relation to every tree and hedge identified for that phase a schedule listing:</p> <ul style="list-style-type: none"> i. information as specified in section 4.4 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations; ii. Any proposed pruning, felling or other work; <p>(c) and in relation to every existing tree and hedge identified for that phase to be retained on the plan referred to in (a) above, details of:</p> <ul style="list-style-type: none"> i. The position of root protection areas for all trees and hedgerows which could affect or be affected by development of the site. ii The position of root protection areas shown overlaid on a proposed detailed site layout plan for the phase being considered for approval. iii Any potentially damaging activities proposed near the trees and hedges, such as, proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.4.2 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations). iv. All appropriate tree and hedge protection measures, including details of tree and hedge protection barriers, required before and during development (in accordance with section 5.5 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations). <p>Reason</p> <p>To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.</p>
11.	<p>Tree Protection</p> <p>Prior to the commencement of development on each phase, an Arboricultural Method Statement for that phase detailing how works are to be undertaken within the root protection area of retained trees and hedges shall be submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement(s) shall include, where appropriate, but is not limited to:</p> <ul style="list-style-type: none"> i) Removal of existing structures and hard surfacing; ii) Installation of temporary ground protection; iii) Facilitation tree works; iv) Excavations and the requirement for specialised trenchless techniques for the installation of services; v) Installation of new hard surfacing; vi) Installation of access roads – materials and design;

	<p>vii) Details of specialist foundations;</p> <p>viii) Retaining structures to facilitate changes in ground levels;</p> <p>ix) Preparatory works for new landscaping;</p> <p>x) Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision;</p> <p>xi) A programme for the phasing of the works.</p> <p>xii) Contact details of relevant parties</p> <p>The approved Arboricultural Method Statement for each phase shall be implemented in its agreed form, unless the local planning authority gives written approval to any variation.</p> <p>Reason</p> <p>To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.</p>
12.	<p>Construction Traffic Management Plan</p> <p>No development hereby approved shall commence on each phase until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:</p> <ul style="list-style-type: none"> - the construction of the site access and the creation, positioning and maintenance of associated visibility splays; - access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility splays; - proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route; - the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; - details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development; - details of proposed crossings of the highway verge; - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development; - construction vehicle routing; - the management of junctions to and crossings of the public highway and other public rights of way/footway; - the scheduling and timing of movements, temporary warning signs and banksman/escort details. <p>Construction shall be carried out in accordance with the approved Construction Traffic Management Plan.</p>

	<p>Reason</p> <p>In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
13.	<p>Archaeology</p> <p>No development shall commence on each phase until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been approved in writing by the Local Planning Authority.</p> <p>This written scheme of investigation for each phase will include the following components:</p> <p>i) An archaeological evaluation;</p> <p>ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.</p> <p>Reason</p> <p>To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
14.	<p>Main Street/Cleator Moor Road Junction modifications</p> <p>Prior to first occupation full design details of a scheme for junction modifications of the Main Street/Cleator Moor Road Junction shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
15.	<p>Main Street/Cleator Moor Road Junction modifications implementation</p> <p>Prior to the occupation of the 100th dwelling no further dwellings shall be occupied until the junction modifications for the Main Street/Cleator Moor Road Junction approved in writing under the provisions of Planning Condition 14 and as agreed with the Highways Authority under section 278 of the Highways Act 1980, is constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).</p> <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>

16.	<p>A595 Egremont Road/ Homewood Road roundabout improvement</p> <p>Prior to the occupation of the 100th dwelling (or two years after the first unit is completed, whichever comes first), full design details of a scheme to reduce the impact of the development on traffic to the A595 Egremont Road/ Homewood Road roundabout have been submitted to and approved in writing by the local planning authority in consultation with National Highways.</p> <p>The details to be submitted and to be agreed shall include:</p> <ul style="list-style-type: none"> • Final design details of how the scheme interfaces with the existing highway alignment. • Full carriageway marking details. • Full construction details. • Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies. • An independent Stage 1 and Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes. <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
17.	<p>A595 Egremont Road/ Homewood Road roundabout improvement implementation</p> <p>Prior to the occupation of the 200th dwelling or prior to the expiration of 4 years after the first unit is completed, whichever comes first, no further dwellings shall be occupied until the scheme to provide improvements to the A595 Egremont Road/ Homewood Road roundabout junction approved in writing under the provisions of Planning Condition 16 is constructed and completed to the satisfaction of the local planning authority in consultation with National Highways (unless otherwise agreed).</p> <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
18.	<p>A595 Signalised Crossing</p> <p>Prior to the occupation of the 100th dwelling or prior to the expiration of 4 years after the first unit is completed, whichever comes first, no further dwellings shall be occupied until a signal controlled crossing across the A595 has been provided in accordance with the details shown on drawing no. VN232529-D-100 Rev B. to the satisfaction of the local planning authority in consultation with National Highways (unless otherwise agreed).</p> <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>

19.	<p>Park View Improvement scheme</p> <p>Prior to the first occupation of the first phase of the development, full design details of a scheme of improvements to Park View tunnel and junction shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
20.	<p>Park View Improvement Scheme</p> <p>Prior to the occupation of the 100th dwelling no further dwellings shall be occupied until the improvements to Park View tunnel and junction approved in writing under the provisions of Planning Condition 19 and as agreed with the Highways Authority under section 278 of the Highways Act 1980, is constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).</p> <p>Reason</p> <p>In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
21.	
22.	<p>Vehicular access to dwellings</p> <p>No dwelling hereby approved shall be occupied until the means of vehicular access to serve that dwelling has been constructed in accordance with the approved plans.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
23.	<p>Archaeology</p> <p>Where significant archaeological remains are revealed by the programme of archaeological work for each phase of development secured under the provisions of Planning Condition 12, there shall be carried out within one year of the completion of that programme on that phase, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.</p> <p>Reason</p>


	To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.
24.	<p>Working Hours</p> <p>No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason</p> <p>In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan.</p>
25.	<p>Ecology</p> <p>The development shall implement all of the mitigation and compensation measures relevant to that phase set out in the Tetra Tech Ecological Appraisal Revision 2, dated September 2021 and received May 2022, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason</p> <p>To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy ENV3 and Policy DM10 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
26.	<p>Contamination</p> <p>If during development, contamination not previously identified is found to be present at the site then no further development on that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.</p> <p>Reason</p> <p>To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
27.	<p>Biodiversity Net Gain</p> <p>Prior to the commencement of each phase of the development, a Biodiversity Net Gain (BNG) Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The BNG Strategy shall detail proposals to redress loss of biodiversity and</p>

	<p>the mitigation strategy proposed to include all on site habitats and any off site habitats required to deliver a BNG. This shall be informed by a contemporary habitat survey and condition assessment of the whole site and any off-site habitats. The BNG Strategy shall use the Biodiversity Metric 3.0 Calculation Tool unless an amended statutory Biodiversity Metric Calculator associated with the Environment Act 2021 becomes mandatory.</p> <p>On completion of each Phase, an update to the BNG Strategy shall be submitted to the Local Planning Authority, demonstrating how a BNG has been delivered for that Phase.</p> <p>Reason</p> <p>To ensure that the development delivers a net gain in biodiversity in accordance with paragraph 180 of the National Planning Policy Framework.</p>
28.	<p>Biodiversity Net Gain</p> <p>Prior to the commencement of each Phase of the development, a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the Local Planning Authority. The PIP shall detail the delivery of on and off-site ecological and Biodiversity Net Gain (BNG) mitigation and compensation, in accordance with the approved BNG Strategy. The purpose of the PIP shall be to ensure that a framework is adopted by all relevant parties which ensures a consistent, integrated and common approach for the delivery of the agreed scheme targets for ecology and BNG. The PIP shall include timescales, phasing, critical pathways, programme risks, roles and responsibilities, communication pathways, and project controls as may be required to ensure the successful delivery of the combination of mitigation and compensation measures on and off site. The PIP shall thereafter be adhered to.</p> <p>Reason</p> <p>To ensure that the development delivers a net gain in biodiversity in accordance with paragraph 180 of the National Planning Policy Framework.</p>

Planning Obligations

10.2 The parties are in the process of preparing a S106 Planning Agreement. An agreed version of this will be issued to the Inspector ahead of the Hearing. The Agreement will contain obligations in respect of the matters listed below. It may also contain obligations in respect of the highway improvements proposed at the Homewood Road roundabout.


Requirement	Request
Open Space and outdoor sports	7.1 ha of public open space Provision for the ongoing maintenance and management of the public open space on site A payment for the provision of local outdoor sports provision off site
Affordable Housing	15% of the dwellings to be affordable housing.



Signed:

Printed: Craig Alsbury BA (Hons) BTP MRTPI, Principal, Avison Young

On behalf of: Homes England

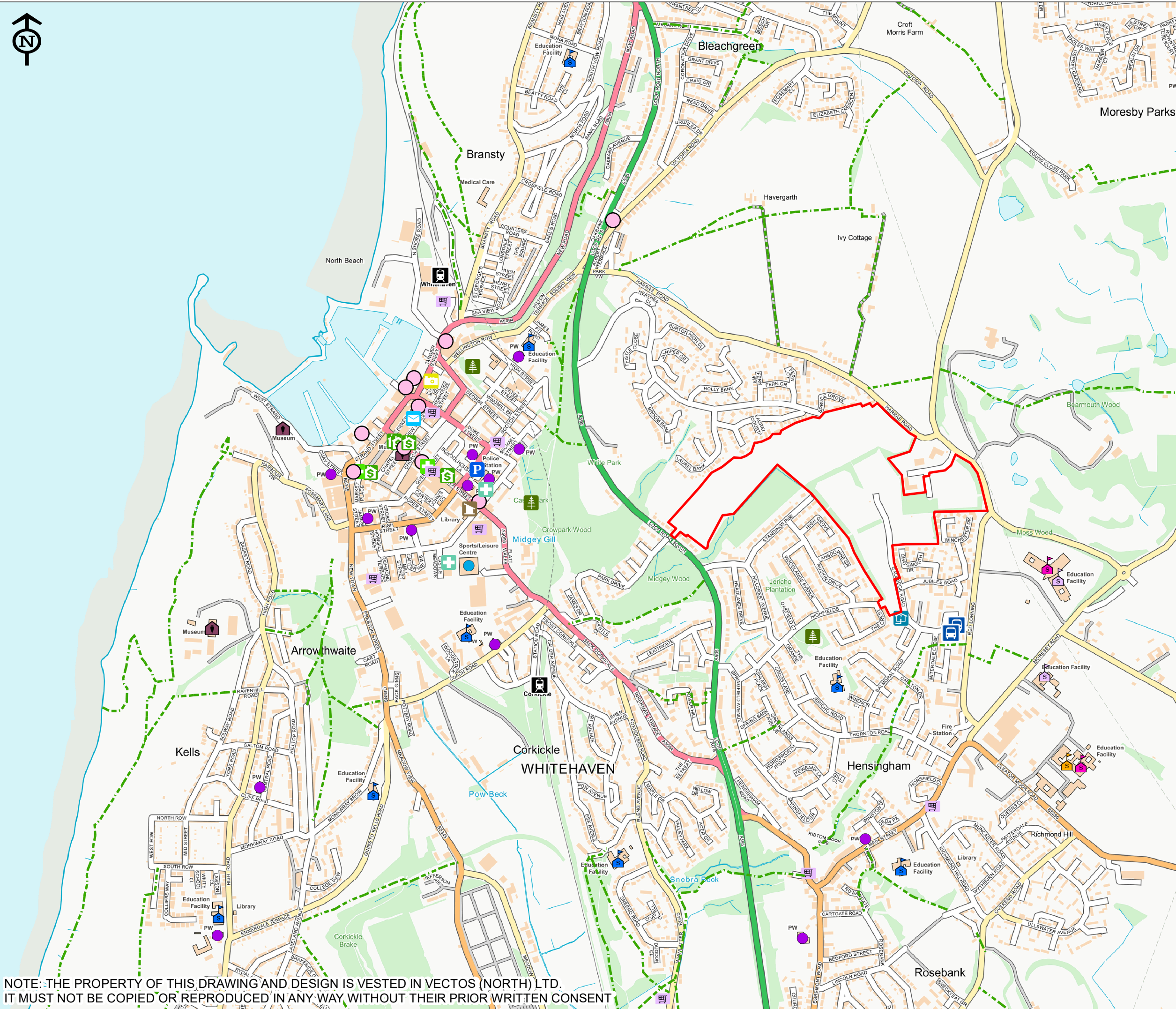


Signed:

Printed: Nick Hayhurst, Head of Planning and Place, BA (Hons) BTP MRTPI

On behalf of: Cumberland Council

Appendix I



- Legend**

Site Boundary

Bus Stop

Railway Station

Public Rights of Way

Bank

Cinema

Community Centre

Convenience Store / Supermarket

Health Centre

Library

Park

Pharmacy

Police Station

Post Office

Public House

Further Education

Museum

Place Of Worship

Primary Education

Secondary Education

Special Needs Education

Sports And Leisure Centre
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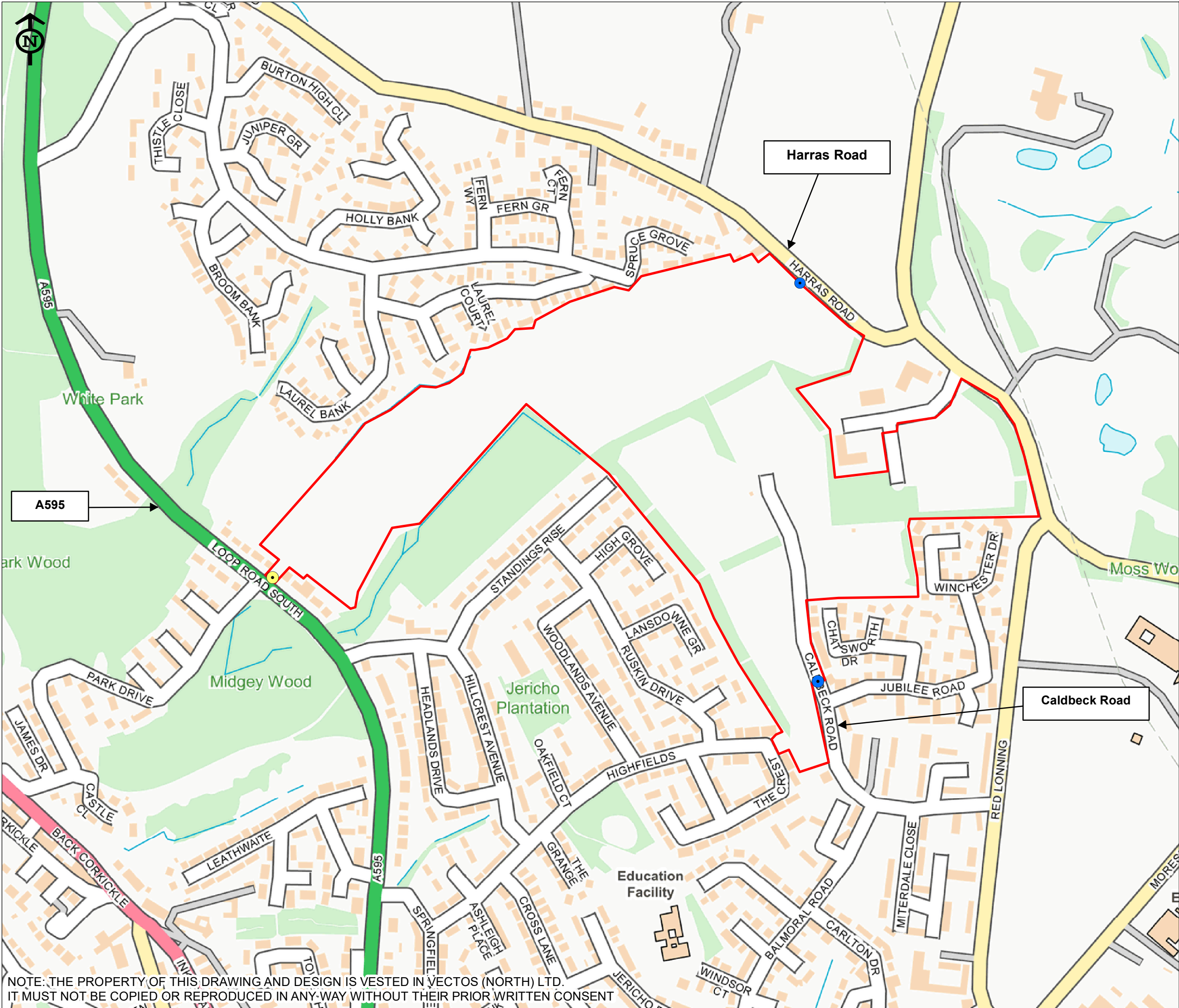
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- CLIENT:

Homes England
- PROJECT TITLE:

Harras Moor, Whitehaven
- DRAWING TITLE:

Site Location with Amenities
- SCALE: 0 0.2 0.4 km
- | | | |
|--------|----------|------------|
| DRAWN: | CHECKED: | DATE: |
| AT | PW | 03/02/2023 |
-
- Oxford Place, 61 Oxford Street, Manchester M1 6EQ
t:0161 228 1008 e:manchester@vectos.co.uk
- | | |
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| VN232529-G100 | 1 |
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Appendix II



- Legend**
- Site Boundary
 - Caldbeck Road All Modes Site Access
 - Harras Road All Modes Site Access
 - A595 Active Travel Site Access

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CLIENT:

Homes England

PROJECT TITLE:

Harras Moor, Whitehaven

DRAWING TITLE:

Site Access Points

SCALE: 0 100 200 Meters

DRAWN:	CHECKED:	DATE:
AT	PW	03/02/2023



— PART OF SLR

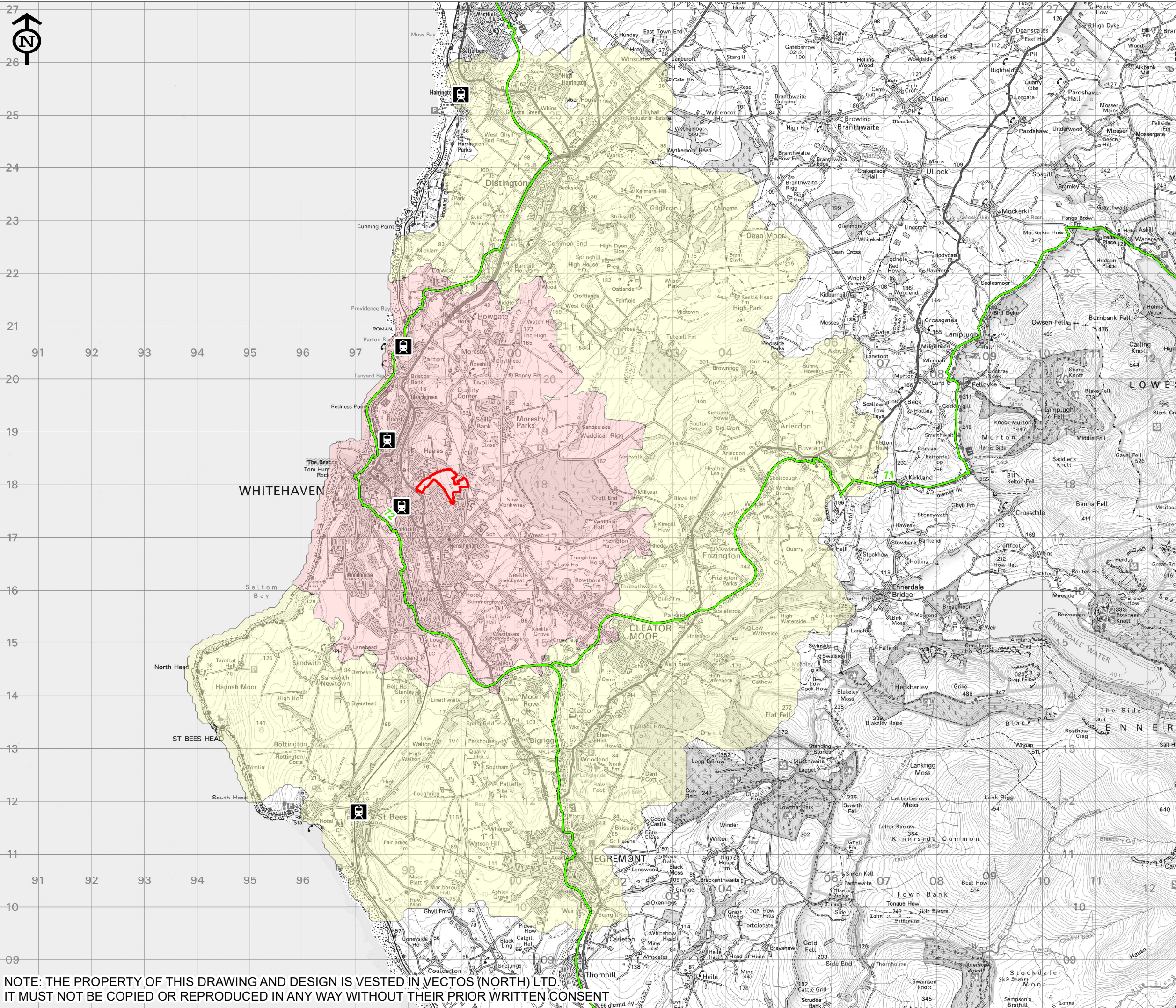
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Appendix III




Legend

 Site Boundary

 Railway Station


National Cycle Network (NCN)

Route Type

 National Cycle Network (Route 72)

Cycling Catchment

 0 - 5 km

 5 - 10 km

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CLIENT:


Homes England

PROJECT TITLE:

Harras Moor, Whitehaven

DRAWING TITLE:

Cycling Catchment

SCALE: 0 1.7 3.4
 km

DRAWN:	CHECKED:	DATE:
AT	PW	19/04/2023

vectos.

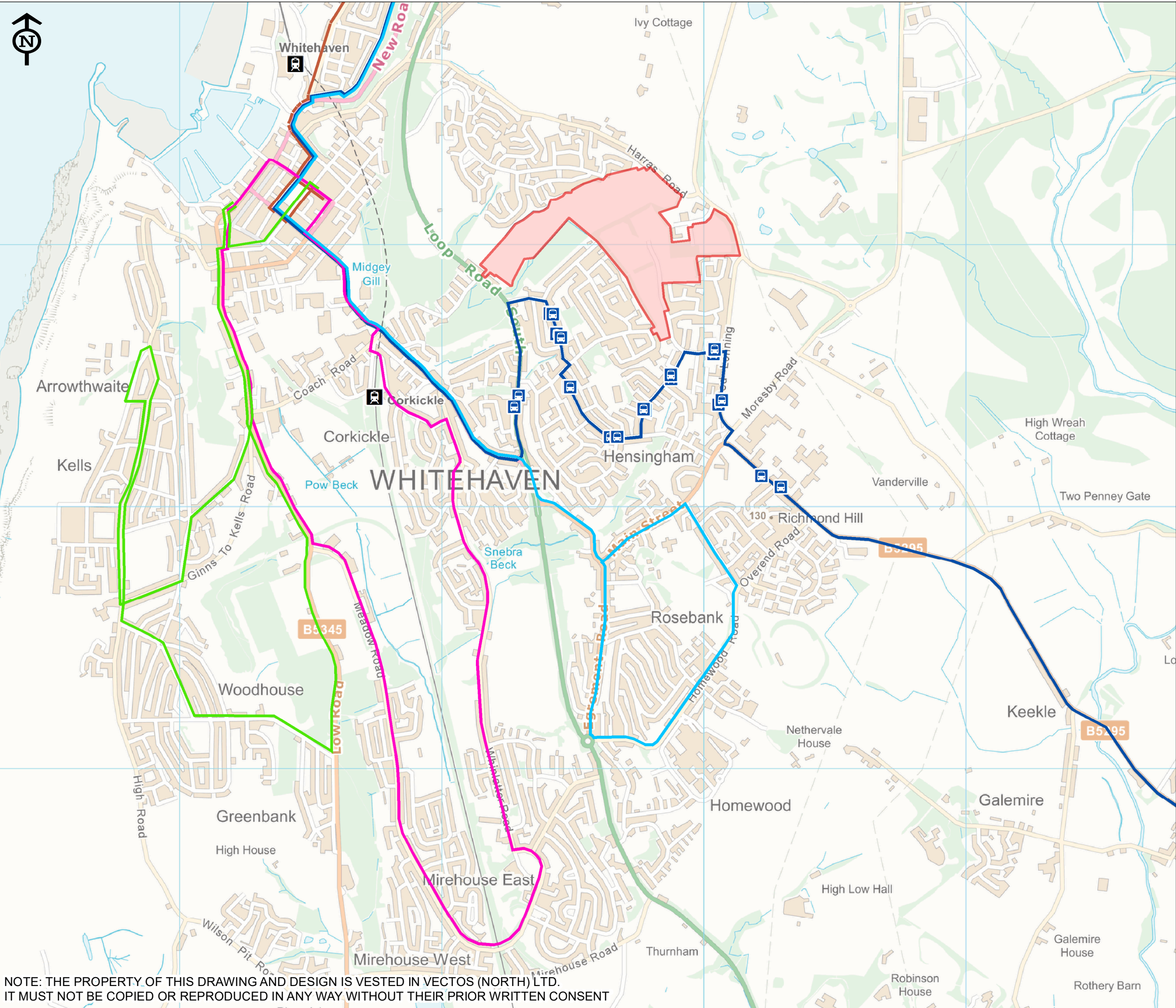
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Appendix IV



Legend

- Site Boundary
- Bus Stop Locations for No. 30
- Railway Station

Bus Route Lines

Service No:

- 1
- 2 / 2A
- 3 / 3A
- 29
- 30

(Excludes School Routes)

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CLIENT:

Homes England

PROJECT TITLE:

Harras Moor, Whitehaven

DRAWING TITLE:

**Existing Bus Services
and Routes**

SCALE: 0 0.3 0.6
km

DRAWN:	CHECKED:	DATE:
AT	PW	24/04/2023

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— PART OF **SLR**

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VN232529-G104

REVISION:

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Appendix V

FILENAME: J:\2017\A090070 - 270 AND 410 - HARRAS ROAD, HARRAS MOOR, WHITEHAVEN\CAD\WYG DRAWINGS\A090070-P002.DWG | PLOTTED BY: LUKASZ BARAN | PLOTTED DATE: 17 May 2018 13:54:38



- DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS
1. This drawing should be read in relation to the subject of the title only. Other information shown on the drawing is to be considered indicative only. Reference should be made to appropriate drawing series/specifications for other information.
 2. All dimensions are in metres unless specified otherwise.
 3. Visibility splay are based upon MIS requirements.

Key:
2.4m x 63m Visibility splay

FOR INFORMATION ONLY

REV	DESCRIPTION	BY	CHK	APP	DATE
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Project:
PROPOSED RESIDENTIAL DEVELOPMENT AT
HARRAS MOOR, WHITEHAVEN

Drawing Title:
PROPOSED SITE ACCESS JUNCTION
OPTION 1

Scale @ A1 1:500	Drawn JG	Date MAR 2018	Checked MS	Date MAR 2018	Approved MS	Date MAR 2018
Project No. A090070	Office 27	Type C	Drawing No. A090070-P002	Revision --		

Contact details

Enquiries

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3 Brindleyplace, Birmingham B1 2JB

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