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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

West Cumbria Rivers Trust  
Keswick Convention Centre  
Skiddaw Street  
Keswick  
CA12 4BY  
FAO: Mr Luke Bryant

**APPLICATION No: 4/23/2066/0F1**

**RE-ROUTING OF 200M OF STREAM FROM ITS CURRENT LOCATION INTO VALLEY BOTTOM; CREATING BETWEEN TWO & FIVE NEW PONDS; SERIES OF NEW FOOTPATHS TO CREATE ONE CONTINUOUS LOOP; FOUR NEW FOOTBRIDGES FOR PEDESTRIAN ACCESS  
WALKMILL WOODLANDS, MORESBY PARKS**

**West Cumbria Rivers Trust**

The above application dated 09/03/2023 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions:

1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

**Reason**

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

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

Application Form, received 9<sup>th</sup> March 2023;  
Location Plan, scale 1:2500, received 9<sup>th</sup> March 2023;  
Map Showing All Features, received 9<sup>th</sup> March 2023;  
Existing Site Plan, scale 1:900, received 9<sup>th</sup> March 2023;  
Proposed Site Plan, scale 1:900, received 9<sup>th</sup> March 2023;  
Footpath and Boundary Plan, scale 1:4000, received 9<sup>th</sup> March 2023;  
Design Upgrades to Footpaths Plan, received 9<sup>th</sup> March 2023;  
Flood Risk Assessment and Drainage Statement, dated 6<sup>th</sup> December 2022, received 9<sup>th</sup> March 2023;  
Sustainable Drainage System Statement, dated 6<sup>th</sup> December 2022, received 9<sup>th</sup> March 2023;  
Biodiversity Assessment, Final Report, dated January 2023, received 9<sup>th</sup> March 2023;  
Footbridge – General Arrangement, received 9<sup>th</sup> March 2023;  
Footbridge – Construction Method Statement, received 9<sup>th</sup> March 2023;  
River Restoration Features, received 9<sup>th</sup> March 2023;  
River Restoration Measures, 1/2, received 9<sup>th</sup> March 2023;  
River Restoration Measures, 2/2, received 9<sup>th</sup> March 2023;  
Cross Sections and Detailed Drawings, received 9<sup>th</sup> March 2023;  
Support Letter from Cumbria County Council, received 9<sup>th</sup> March 2023;  
Wetlands Ponds and Measurements, scale 1:2,700, 1/2, received 9<sup>th</sup> March 2023;  
Wetlands Ponds and Measurements, scale 1:2,700, 2/2, received 9<sup>th</sup> March 2023.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act

3. The development must be carried out in strict accordance with the details submitted in the Biodiversity Assessment received by the Local Planning Authority on 9<sup>th</sup> March 2023.

#### Reason

To ensure suitable habitat biodiversity is achieved in accordance with Policy DM25 of the Copeland Local Plan.

#### Pre-commencement Conditions:

4. Prior to the commencement of development, a compensatory planting scheme must be submitted to and be approved by the Local Planning Authority in accordance with the Biodiversity Assessment recommendations. Development must be carried out in accordance with the approved details thereafter.

##### Reason

To ensure suitable habitat biodiversity is achieved in accordance with Policy DM25 of the Copeland Local Plan.

5. Prior to the commencement of development, a long-term management plan must be submitted to and be approved by the Local Planning Authority in accordance with the Biodiversity Assessment recommendations. Development must be carried out in accordance with the approved maintenance scheme.

##### Reason

To ensure suitable habitat biodiversity is achieved in accordance with Policy DM25 of the Copeland Local Plan.

#### Land Affected by Contamination – Reporting of Unexpected Contamination:

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

##### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

## **Informative Notes:**

### **River Works Consent**

Prior to any work commencing on the watercourse, the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

[LFRM.consent@cumbria.gov.uk](mailto:LFRM.consent@cumbria.gov.uk) to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required, it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

### **Public Right of Way**

- The granting of planning permission would not give them the right to block or obstruct the rights of way shown on the attached plan.
- The rights of way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order made to divert or to temporarily close them has been confirmed.
- The proposed upgrades to the FP 417019, FP 417020, FP 417021 must comply with the 2m width for the footpaths recorded in Definitive Map and Statement.
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### **Coal Authority**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

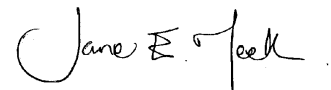
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice



Jane Meek

Assistant Director

Thriving Place and Investment

12<sup>th</sup> May 2023

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

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.