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**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).**  
**NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION**

Avison Young  
Central Square  
Forth Street  
Newcastle Upon Tyne  
NE1 3PJ  
FAO: Tom Wignall

**APPLICATION No: 4/24/2281/001**

**OUTLINE APPLICATION FOR THE ERECTION OF TWO MODERN  
AGRICULTURAL SHEDS AND FARMHOUSE BUILDING (ALL MATTERS  
RESERVED EXCEPT FOR ACCESS)**

**NEW HOUSE FARM, DRIGG**

**Nuclear Decommissioning Authority**

The above application dated 06/08/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

**Defining the Permission:**

1. The layout, scale, appearance, and landscaping must be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-
- a) The expiration of THREE years from the date of this permission
  - Or
  - 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 matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Covering Letter, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Location Plan, Scale 1:1250 & 1:2500, Drawing Number: P01, Rev: -, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Site Plan Existing, Scale 1:500, Drawing Number: P02, Rev: A, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Site Plan Proposed, Scale 1:500, Drawing Number: P02, Rev: A, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Use Parameter Plan, Scale 1:500, Drawing Number: P04, Ref: -, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Vertical Limitations Parameter Plan, Scale 1:500, Drawing Number: P05, Ref: -, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Quantum Parameter Plan, Scale 1:500, Drawing Number: P06, Ref: -, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
  - Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.

- Biodiversity Net Gain Assessment Report, Prepared by BiOME Consulting July 2024, Version 2, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
- Planning, Design and Access Statement, Prepared by NDA Properties Limited May 2024, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.
- Flood Risk and Outline Drainage Strategy, Prepared by NDA Properties Limited November 2023, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.

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 2004.

4. This permission gives outline approval for a maximum of one residential dwelling and two modern agricultural sheds only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

BNG Conditions:

5. The development hereby approved must be carried out in accordance with and implement all the mitigation measures set out in the following approved documents:
  - Biodiversity Net Gain Assessment Report, Prepared by BiOME Consulting July 2024, Version 2, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. Prior to the commencement of the works hereby approved a Biodiversity Net Gain Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Prior to the commencement of development/the development must not commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan must include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

8. The development hereby approved must not be operational until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 7 have been completed in accordance with the approved details.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

9. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 7, a completion report, evidencing the completed habitat creation and habitat enhancements must be submitted to and approved in writing by the local planning authority.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

10. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 7 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 7 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

11. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 7 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports must be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 7 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 7.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Pre Commencement Conditions:

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- iii. Levels of the proposed systems including proposed ground and finished floor levels in AOD;
- iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- v. Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

13. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

The development must be carried out in accordance with the approved details at all times thereafter.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

14. The access and parking/turning requirements must be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

#### Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

15. The development must not commence until visibility splays providing clear visibility of 60metres measured 2.4 metres down the centre of both access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

Prior to First Use/Occupation Conditions:

16. Any existing highway fence/wall boundary at both vehicle accesses must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

17. Prior to their first installation within the development hereby approved, details of the proposed mitigation and enhancement measures set out within the approved document 'Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 6<sup>th</sup> August 2024' must be submitted to and approved in writing by the Local Planning Authority. The approval measures must be installed prior to the first occupation of the development and must be retained at all times thereafter.

Reason

To protect the ecological interests evident on the site

Other Conditions:

18. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk and Outline Drainage Strategy, Prepared by NDA Properties



Limited November 2023, received by the Local Planning Authority on the 6<sup>th</sup> August 2024', and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

19. The development must be carried out in strict accordance with and implement all of the mitigation and compensation/enhancement measures set out in the following approved documents:

- Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 6<sup>th</sup> August 2024.

These measures must be maintained as such at all times thereafter.

Reason

To protect the ecological interests evident on the site.

20. There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

21. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

22. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and
- Saturday 08.00 – 13.00

There must be no construction activities at any time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

#### Reason

In the interests of the amenities of surrounding occupiers during the demolition / construction of the development.

23. 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. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which should be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the remediation scheme, a verification report must be prepared, which is subject to the approval in writing of 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 offsite receptors.

#### **Informative:**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is

deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

**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



Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

26<sup>th</sup> November 2024

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

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.