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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

WK Design Architects Limited
43 The Mount
Papcastle
Cockermouth
CA13 0JZ
FAO Mrs Carolyn Williamson

APPLICATION No: 4/24/2296/0F1

**CREATION OF NEW ACCESS ONTO CLASSIFIED ROAD AND
REINSTATEMENT/UPGRADE OF TRACK TO SERVE EXISTING FARMHOUSE
WITH ASSOCIATED ON SITE BNG
LAND AT OXENRIGGS FARM, EGREMONT**

Ms Eileen Chapman

The above application dated 27/08/2024 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:

1. The development hereby permitted must be commenced 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. Permission must relate 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 27th August 2024.
- Existing Farm Entrance Limits of Current Visibility (Amended), Scale 1:1250, Drawing No: 24.08.02a, received by the Local Planning Authority on the 23rd September 2024.
- Proposed New Entrance and Domestic Access Track (Amended), Scale 1:200 and 1:1250, Drawing No: 24.08.01d, received by the Local Planning Authority on the 23rd September 2024.
- Planning Statement (Amended), Prepared by WK Design Architects, Rev: A, Ref: 2024-08-08, received by the Local Planning Authority on the 8th September 2024.
- Proposed New Access Track – Agent Response to Highway Authority, Prepared by WK Design Architects September 2024, Ref: WKDA001.LH, received by the Local Planning Authority on the 23th September 2024.
- Speed Survey – Class Summary, Prepared by Matrix Traffic and Transport Data, received by the Local Planning Authority on the 28th November 2024.
- Speed Survey – Data, Prepared by Matrix Traffic and Transport Data, received by the Local Planning Authority on the 28th November 2024.
- Speed Survey – Speed Summary, Prepared by Matrix Traffic and Transport Data, received by the Local Planning Authority on the 28th November 2024.
- Speed Survey – Summary of Automatic Traffic Count Data, Prepared by Matrix Traffic and Transport Data, received by the Local Planning Authority on the 28th November 2024.
- Speed Survey – Volume Graph, Prepared by Matrix Traffic and Transport Data, received by the Local Planning Authority on the 28th November 2024.
- Speed Survey – Volume Summary, Prepared by Matrix Traffic and Transport Data, received by the Local Planning Authority on the 28th November 2024.
- Proposed New Access - Agent Response to Parish Concerns, Prepared by WK Design Architects January 2024, Ref: WKDA001.LH, received by the Local Planning Authority on the 2nd January 2024.
- Proposed New Access - Agent Response to Neighbour Concerns, Prepared by WK Design Architects January 2024, Ref: WKDA001.LH, received by the Local Planning Authority on the 2nd January 2024.
- Biodiversity Net Gain (BNG) Small Sites Metric Plan, Prepared by Mitchells Farm & Environmental Services July 2024, received by the Local

Planning Authority on the 27th August 2024.

- Oxenrigg Small Sites Metric Calculation Tool, received by the Local Planning Authority on the 27th 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.

BNG Conditions:

3. 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 (BNG) Small Sites Metric Plan, Prepared by Mitchells Farm & Environmental Services July 2024, received by the Local Planning Authority on the 27th August 2024.
- Oxenrigg Small Sites Metric Calculation Tool, received by the Local Planning Authority on the 27th 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.

4. 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.

5. Prior to the commencement of development 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.

6. The development hereby approved must not become operational until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 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.

7. 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 4, 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.

8. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 4 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.

9. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 4 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 4 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition

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:

10. The development must not commence until visibility splays providing clear visibility of 105m to the west and 116m to the east measured 2.0m down the centre of the 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 grown within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded and must be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan.

Prior to First Use Condition:

11. Prior to the first use of the access and access track hereby approved the drainage details must be installed in accordance with the approved plan 'Proposed New Entrance and Domestic Access Track (Amended), Scale 1:200 and 1:1250, Drawing No: 24.08.01d, received by the Local Planning Authority on the 23rd September 2024'. The approved drainage details must be retained 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.

12. Prior to the first use of the access and access track hereby approved the first 5m of the access from the highway must be installed in accordance with the approved plan 'Proposed New Entrance and Domestic Access Track (Amended), Scale 1:200 and 1:1250, Drawing No: 24.08.01d, received by the Local Planning Authority on the 23rd September 2024'. The access must be retained as approved 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.

Other Conditions:

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

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan.

14. De-vegetation works should occur outside of the breeding bird season, which runs from March to August inclusive. Vegetation removal should be undertaken in a top-down phased approach allowing reptiles and small mammals to move to a place of safety.

Reason

To protect the ecological interests evident on the site, in accordance with Policies N1 and N3 of the Copeland Local Plan.

Informatives:

1. 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.

2. Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

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

29th January 2025

**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/appeal-planning-decision> . 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) 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.