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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Planning Branch Ltd  
19 Greystoke Park Avenue  
Penrith  
CA11 9DB  
FAO: Ms Anthea Jones

**APPLICATION No: 4/24/2330/0F1**

**CREATION OF A HANDLING SYSTEM  
LAND OFF SHORE ROAD, DRIGG**

**Messrs Ireland**

The above application dated 24/09/2024 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:

Standard 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 24<sup>th</sup> September 2024.
- Location Plan, Scale 1:2500, Ref: PB1, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Block Plan, Scale 1:2500, Ref: PB2, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Plan View of Layout Showing Equipment Dimensions, Drawing No: SW-000639.2, Revision: -, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Plan View of Layout Showing Post Ctr Dims, Drawing No: SW-000639.3, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Elevation Views, Scale 1:75, Drawing No: SW-000639.4, Revision: -, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Isometric View of Layout, Drawing No: SW-000639.1, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Plan View of Layout Showing Sheep Area, Drawing No: SW-000639.5, Revision: -, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Biodiversity Net Gain Statement, Prepared by Planning Branch Ltd August 2024, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Design and Access Statement, Prepared by Planning Branch Ltd August 2024, received by the Local Planning Authority on the 24<sup>th</sup> September 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 Statement, Prepared by Planning Branch Ltd August 2024, received by the Local Planning Authority on the 24<sup>th</sup> September 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/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.

6. 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 5 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 5, 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 5 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 5 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 5 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 5 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 5.

**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.

**Other Conditions:**

10. 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 should be no construction activities on the site 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 neighbouring occupiers during the construction of the development.

**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. Only clean and uncontaminated surface water from roofs and paved areas should be discharged to any surface water soakaway.

**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

19th November 2024

**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](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.