

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/24/2390/DOC | |
| 2. | Proposed Development: | DISCHARGE OF CONDITIONS 4, 5 AND 9 OF PLANNING APPROVAL 4/24/2330/0F1 | |
| 3. | Location: | LAND OFF SHORE ROAD, DRIGG | |
| 4. | Parish: | Drigg and Carleton | |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafeld 10KM | |
| 6. | Publicity Representations & Policy | Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies | No No No See Report See Report |
| 7. | Report: Site and Location | This application relates to land off Shore Road, located to the south west of the village of Drigg. The application site is located to the south west of Drigg Low Level Waste Disposal Site, and the uninhabited residential dwelling known as Sandy Acre. The site comprises of 0.3 hectares of agricultural land. | |

Relevant Planning History

4/24/2293/0N1 – Prior notification of agricultural development – creation of handling pens – Withdrawn.

4/24/2330/0F1 – Creation of a handling system – Approved.

Proposal

In November 2024, planning permission (ref: 4/24/2330/0F1) was approved for the creation of a handling system at this site. This current application seek to discharge conditions 4, 5 and 9 attached to planning approval 4/24/2330/0F1. These conditions state:

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.

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.

The information submitted to support this application comprises of the following:

- Application form, received by the Local Planning Authority on the 21st November 2024.
- Site Block Plan, received by the Local Planning Authority on the 21st November 2024.
- Habitat Management & Monitoring Plan, received by the Local Planning Authority on the 21st November 2024.

Consultation Responses

Cumberland Council – Ecology Team

The County Ecologist confirms that conditions 4, 5 and 9 for this development relating to Biodiversity Net Gain have been met and can therefore be discharged.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

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.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy RE1: Agricultural Buildings

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy Strategic

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)



Cumberland Council

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| | Assessment The application seeks to discharge the requirements of 4, 5 and 9 attached to the previous planning permission at this site which relate to BNG requirements for the application. The Council's Ecologist has reviewed the information provided as part of this application and has confirmed that the information is acceptable and the conditions can therefore be discharged. Based on this, the Local Planning Authority are satisfied with the information provided. It is therefore confirmed that conditions 4, 5 and 9 can be discharged. | |
| 8. | Recommendation: Approve discharge of conditions 4, 5 and 9 | |
| Case Officer: C. Burns | | Date : 18.12.2024 |
| Authorising Officer: N. J. Hayhurst | | Date : 19.12.2024 |
| Dedicated responses to:- N/A | | |