



**Cumberland Council**  
**Cumbria House**  
**107-117 Botchergate**  
**Carlisle**  
**Cumbria CA1 1RD**  
**Telephone 0300 373 3730**  
**[cumberland.gov.uk](http://cumberland.gov.uk)**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Jacobs UK Ltd  
5 First Street  
Manchester  
M15 4GU  
FAO: Mr Ben Hampson

**APPLICATION No: 4/25/2009/0F1**

**THE CREATION OF TWO CYCLING AND WALKING PATHS INCLUDING  
PROPOSED LANDSCAPING  
NORTH EAST OF THE B5295 HIGH STREET, CLEATOR MOOR**

**Cumberland Council**

The above application dated 13/01/2025 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 shall 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 shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Application form, received 12th February 2025;

Site Location Plan, scale 1:1250, drawing number BCU00027-JAC-B5295-HGN-DR-C-0100, received 13th January 2025;

Proposed Site Plan, scale 1:1000, drawing number BCU00027-JAC-B5295-HGN-DR-C-0102, received 13th January 2025;

Proposed Cross Section, drawing number BCU00027-JAC-B5295-HGN-DR-C-0103, received 13th January 2025;

Shared Use Path Landscape Drawing B5295, scale 1:1000, drawing number BCU00027-JAC-B5295-ELS-DR-L-0007, received 13th January 2025;

Biodiversity Net Gain Assessment Report for Planning, drawing number BCU00027-JAC-ECO-GEN-RP-YE-0001, received 13th January 2025;

BS5837:2012 Tree Survey Report, document number BCU00027-JAC-MLT-ENV-RP-LE-0001, received 13th January 2025;

Cleator Moor PEA Report, version P01, received 13th January 2025;

Planning Statement, document number BCU00027-JAC-GEN-PL-RP-C-0001, received 13th January 2025.

#### 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.

3. Prior to commencement of development, submit an Arboricultural Impact Assessment and Method Statement to and approved in writing by the Local Planning Authority. The Arboricultural Impact Assessment and Method Statement must follow the guidance in the British Standard (BS 5837:2012 – *Trees in relation to design, demolition and construction – Recommendations*). and include, but not limited to:
  - a) Impact of the scheme on the adjacent trees;
  - b) Facilitation tree works;
  - c) Installation of temporary ground protection;
  - d) Installation of tree protection barriers;
  - e) Excavations and level changes;
  - f) Preparatory works for new landscaping;
  - g) Auditable/audited system of arboricultural site monitoring, including a

schedule of specific site events requiring input or supervision, if required.

The approved Arboricultural Method Statement must be implemented in its agreed form unless the Local Planning Authority gives written approval to any variation.

#### Reason

In order to ensure that the existing trees are protected and in accordance with Policies DS5 and N3 of the Copeland Local Plan.

### **Informative Notes**

#### **Biodiversity Net Gain – Applicable**

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.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

#### **Coal Mining**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered

during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also 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



Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

20th March 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](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.