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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Smith Tunbridge Ayres Ltd  
Walkers Byre  
10 The Menagerie  
Skipwith Road  
Escrick  
York  
YO19 6ET  
FAO: Mr Jim Smith

**APPLICATION No: 4/25/2146/0F1**

**18M HIGH LATTICE TELECOMS MAST WITH GROUND BASED EQUIPMENT IN  
FENCED COMPOUND**

**HAILE MOOR MINE, HAILE**

**Electricity North West Ltd**

The above application dated 17/04/2025 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:

**Standard 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: -

Plans

Proposed Location and Site Plan, dwg no. P2407\_002\_GA\_001\_A, scales 1:50,000 and 1:25000.

Proposed Plan, dwg no. P2407\_002\_GA\_004\_B, scale 1:200.

Proposed Site Elevation, dwg no. P2407\_002\_GA\_005\_B, scale 1:100.

Existing Site Layout, dwg no. P2407\_002\_GA\_002\_A, scale 1:200.

Existing Elevation. V5, ref. P2407\_002\_GA\_003\_A, scale 1:100.

Site Access Plan, ref P2407\_002\_GA\_008\_B, scale 1:1250.

Documents

Supporting Statement and Technical Justification – Haile moor Mine, by ENW.

ENW Design and Access Statement, by Smith, Tunbridge Ayres Ltd.

Ecological Desk Study by TEP (The Environment Partnership) ref 10969.01.001 April 2025, Version 1.0.

Arbicultural Impact Assessment, ref 10969.001.

Construction Traffic Statement by LARS Communications Ltd.

BNG Assessment Report by TEP, ref.10969.01.004, April 2025, v1.

EclA (Ecological Impact Assessment), ref 10969.01.003, v1, April 2025.

Generator Specification, Rev. A by Baker Hughes, dated 23/03/2025.

ICNIRP Declaration, 7 April 2025.

Discounted Options Plan, ENWL.

The Statutory Biodiversity Metric Calculation\_Tool.xlsx ref. 10969.001

Visual Appraisal for ENWL.

PhotoMontage Report v2rs, 10/03/25.

PhotoMontage Report, V1, 22/11/24.

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.

Pre- Commencement Conditions

Construction Environment Management Plan (CEMP)

3. A Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority before development commences. This shall include standard best-practice methods on how site run-off will be controlled, how site waste will be managed, how fuel and other spillages will be prevented and include emergency procedures for any pollution accidents. It shall include a section on ecology precautionary works. Construction activities shall be undertaken in accordance with the CEMP.

#### Reason

To minimise the risk of pollution from construction activities to enter nearby habitats.

#### Construction Working Hours

4. Following approval of the development, construction activities shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00

Saturday 08.00 – 13.00

At no time on Sunday or Bank Holidays.

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

#### Reason

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

#### Reporting of Unexpected Contamination

5. 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 and be submitted and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved 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 off site receptors.

### **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>

### **Informative Notes**

#### **Trees**

A Root Protection Zone (RPZ) may be required around retained off-site trees that lie in close proximity to the site boundary in accordance with BS5837:2012. If development is likely to affect the trees, their roots and overhanging canopies. Replacement planting of trees unavoidably lost to development should be provided on site or, where this is not possible, in the local vicinity.

### **Ecology and Protected Species**

#### **Ecological Supervision of Works**

Precautionary working measures should be adopted to minimise the risk of harm or injury to brown hare, hedgehog and herptiles and badgers. A pre-works check

should be undertaken of the site by an Ecological Clerk of Works (ECoW) and potential refuge features to ensure such species are not present ahead of works,

If vegetation clearance works are taking place during the hibernation period (October to March, inclusive) and a hibernating hedgehog is found, the hedgehog should be moved to a hibernation box placed in a safe place and lined with straw.

The on-site pile of roofing materials, off-site rubble pile and gaps between the stones in an adjacent earth bank may provide refuge for small mammals and herptiles should they be present.

### **Badgers**

If works have not commenced within twelve months of the original assessment (by March 2026) a pre-commencement badger survey is recommended to ensure no badger setts have been built within influencing distance of the proposed development.

### **Breeding Birds**

Vegetation clearance works should be undertaken outside of the breeding bird season, which runs from March to August (inclusive). Should works need to proceed within this timeframe, the ECoW will need to undertake a nesting bird check of all areas to be cleared and those within the near vicinity. Any active nests will be cordoned off until the chicks have fledged.

### **Bats - Sensitive Lighting Strategy**

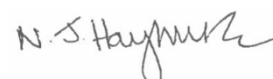
A Sensitive Lighting Strategy should be employed during and post construction to avoid indirect impacts of lighting on nocturnal, and crepuscular species (such as barn owl). The Guidance Note GN 08 / 23 from the Bat Conservation Trust should be used when designing the lighting strategy.

### **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

26<sup>th</sup> June 2025



Nick Hayhurst  
Head of Planning and Place

**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.