

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2244/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 3 AND BNG CONDITION OF PLANNING APPLICATION 4/25/2146/0F1
3.	Location:	HAILE MOOR MINE, HAILE
4.	Parish:	Haile
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location: <p>The site lies within the grounds of former Haile Moor Mine, an isolated location in open countryside situated some 0.8km to the south-east of the village of Haile and to the east of the Lake District National Park boundary (LDNP). Some remnants of the redundant mine still exist, including mine shafts and related structures/ buildings, but much of it has now been naturally reclaimed.</p>	

To the west is Cold Fell, a prominent fell within the LDNP which stands at 293 metres above sea level.

The proposed development will be sited to the immediate west of the former mine buildings and is surrounded by farmland. Within the grounds is an existing telecommunications mast, a 15m Airwave mast which has been on site for a number of years.

There are a number of isolated properties in the vicinity including dwellings and farms. The nearest being the dwelling Braymoor sited opposite the entrance / access track to the mine at some 280m distant from the location of the proposed mast. There is also Haile Moor Cottages adjacent to the unclassified road which are some 350m away.

Proposal:

Planning permission was approved in June 2025 for an 18m high lattice telecoms mast with ground based equipment in a fenced compound (application reference 4/25/2146/0F1 relates).

Planning Condition3 imposed on application ref. 4/25/2146/0F1 set out the following:-

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.
Biodiversity Net Gain Condition

An informative was also included on the decision notice which required the submission of a Biodiversity Gain Plan condition. The exact wording was as follows:-

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.



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>

This application seeks to discharge the details of these conditions.

Consultation responses:

Consultee:	Nature of Response:
Environmental Health	Environmental Health are satisfied that this document can be approved and that condition 3 can therefore be discharged.
Ecology	<p>The County Ecologist confirms receipt of the CEMP and accepts the information provided within it. The requirement to safeguard the site's ecology and its protected species has been met in part by the procedures set out within the CEMP.</p> <p>The County Ecologist also confirms receipt of the Biodiversity Gain Plan and approves the plan.</p>

Development plan policies:

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 2001-2016.

The policies relevant to this application are as follows:

Policy DS4: Design and Development Standards

Policy N1 Conserving and enhancing Biodiversity and Geodiversity

Policy N3 Biodiversity Net Gain

Policy N6 Landscape Protection Policy N14 Woodland, Trees and Hedgerows

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Assessment:

Condition 3 – Construction Environmental Management Plan

A comprehensive Construction Environmental Management Plan was submitted which includes the following information:

- Operating hours;
- Site establishment and logistics plan;
- Construction programme;
- Roles and responsibilities;
- Contractor and visitor information;
- Arboricultural impact assessment findings;
- Site and environmental management;
- Site ecology management.

The information within the plan has been fully assessed by Environmental Health and the Councils Ecologist and is considered to be acceptable for this development.

The condition is therefore suitable for discharge.



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	<p><u>Biodiversity Net Gain Condition</u></p> <p>The application has been accompanied by a Biodiversity Net Gain Assessment and Biodiversity Gain Plan detailing how the BNG requirements will be met onsite. The development will not displace and irreplaceable habitats with 0.58 BNG units to be lost and 0.64 BNG units to be gained, giving a 10.61% change.</p> <p>The information has been fully assessed by the Council's Ecologist and it is considered that the proposal meets the requirements of the condition. It can therefore be discharged.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 3 and the Biodiversity Net Gain condition of planning permission 4/25/2146/0F1 and therefore these conditions should be considered to be discharged.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Sarah Papaleo		Date : 28/08/2025
Authorising Officer: N.J. Hayhurst		Date : 28/08/2025
Dedicated responses to:- N/A		