

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2079/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4 AND 5 OF PLANNING APPLICATION 4/24/2391/0F1	
3.	Location:	LAND OFF DALZELL STREET, MOOR ROW, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Coal - Development Referral Area - Data Subject to Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	The Application Site comprises two separate parcels of agricultural land located to the northern edge of Moor Row.		
	The northern parcel of land extends to c.2.4ha and is bounded by the River Keekle to the East and further parcels of agricultural land to the West.		

The southern parcel of land extends to 0.6ha and is surrounded by further parcels of agricultural land to the North, East and West and both agricultural land and the former Moor Row goods yard to the South.

The agricultural land and the former Moor Row goods yard to the South benefits from Outline Planning Permission for the erection of up to 65 dwellings approved under application ref. 4/23/2076/001.

There are no listed buildings on or directly adjacent to the Application Site.

The northern parcel of land is located in Flood Zone 2 and Flood Zone 3, which are the highest categories of flood risk.

The main part of the southern parcel of land is located in Flood Zone 1, which is the lowest category of flood risk with a small element to the north located in Flood Zone 2.

Part of the southern parcel of land is located in an area defined by the Mining Remediation Authority as high risk.

Directly Relevant Planning Application History:

4/16/2275/001 – Outline application for residential development – Approved in Outline.

4/23/2076/001 - Outline application for residential development for up to 65 dwellings with details of proposed access & all other matters reserved – Approved subject to planning conditions and Section 106 Agreement.

4/24/2323/0R1 - Application for reserved matters relating to layout, scale, appearance and landscaping pursuant to outline application reference 4/23/2076/001 – Valid planning application.

4/24/2335/DOC - Discharge of conditions 5, 6, 8, 19 and 20 of planning application 4/23/2076/001 – Approved.

4/24/2336/DOC - Discharge of conditions 9, 10 and 21 of planning application 4/23/2076/001 – Approved.

4/24/2337/DOC - Discharge of conditions 11, 12, 13, 14, 15 16, 17, 18 and 22 of planning application 4/23/2076/001 – Approved.

4/24/2391/0F1 – Proposed surface water dry retention basin and associated infrastructure including BNG enhancements relating to residential development pursuant to outline application reference 4/23/2076/001 – Approved subject to planning conditions and Section 106 Agreement.

4/25/2213/DOC – Discharge of condition 3 of planning application 4/24/2391/0F1 – Approved.



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Proposal

In June 2025, planning permission (ref: 4/24/2391/0F1) was granted by Members of the Planning Committee for a proposed surface water dry retention basin and associated infrastructure including BNG enhancements relating to residential development pursuant to outline application reference 4/23/2076/001.

This current application seeks to discharge conditions 4 and 5 of planning approval 4/24/2391/0F1. These conditions state the following:

4. The development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

5. 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 3, a completion report, evidencing the completed habitat creation and habitat enhancements shall 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

The information submitted in support of the application comprises the following:

- Application Form, received by the Local Planning Authority on the 11th March 2026.
- Confirmation of Habitat Creation Drainage Basin, Letter from Environmental Solutions Ltd, Ref: SK/JN00551/LE02, received by the Local Planning Authority on the 11th March 2026.
- Photo 1 of Site Works, received by the Local Planning Authority on the 17th March 2026.
- Photo 2 of Site Works, received by the Local Planning Authority on the 17th March 2026.
- Photo 3 of Site Works, received by the Local Planning Authority on the 17th March 2026.

- Photo 4 of Site Works, received by the Local Planning Authority on the 17th March 2026.
- Invoice, received by the Local Planning Authority on the 17th March 2026.

Consultation Responses

Cumberland Council – Ecology Team

17th March 2026

Request for More Information

Condition 4 Wording

The condition states, “the development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.”

Council Response

Further information required: Photographs and respective descriptions must be submitted as evidence that the works have been undertaken.

Condition 5 Wording

Condition 5 states, “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 3, a completion report, evidencing the completed habitat creation and habitat enhancements shall 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.”

Council Response

Further information required: The council accepts the completion report by Environmental Solutions Ltd, confirmed by a site visit in February 2026, however the applicant must evidence that the habitat creation works were completed no more than three months prior to the submission of the completion report, as is a requirement of the condition.

18th March 2026



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Condition 4 Wording

The condition states, “the development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.”

Council Response

The County Ecologist confirms that works stated within the HMMP have been undertaken after receipt of site photographs on 17 March 2026.

Condition 5 Wording

Condition 5 states, “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 3, a completion report, evidencing the completed habitat creation and habitat enhancements shall 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.”

Council Response

The council accepts the completion report by Environmental Solutions Ltd, confirmed by a site visit in February 2026, and confirms that the report was written within 3 months of the completion of works, evidenced through receipt of an invoice for the habitat works.

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 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.

Strategic Policy DS1: Settlement Hierarchy

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage Policy DS8: Soils, Contamination and Land Stability

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy N14: Woodlands, Trees and Hedgerows

Key Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Cumbria Development Design Guide (CDDG)

Assessment

This application seeks to discharge conditions 4 and 5 of planning approval 4/24/2391/0F1.

Condition 4

This condition seeks to discharge the requirement for the development to complete the habitat creation and habitat enhancement works approved under condition 3, and discharged previously under application ref: 4/25/2213/DOC, before the first use of the site. Following the submission of additional information to support this application, the Council's Ecologist has confirmed that this condition can be discharged.

It is therefore confirmed that condition 4 can be discharged.



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	<p><u>Condition 5</u></p> <p>This condition seeks to discharge the requirement for the development to a completion report to evidence that the completion of the habitat creation and habitat enhancement works approved under condition 3 and discharged previously under application ref: 4/25/2213/DOC. Following the submission of additional information to support this application, the Council's Ecologist has confirmed that this condition can be discharged.</p> <p>It is therefore confirmed that condition 5 can be discharged.</p> <p><u>Conclusion</u></p> <p>It is therefore confirmed that conditions 4 and 5 can be discharged.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of conditions 4 and 5.</p>
Case Officer: C. Burns	Date : 14.04.2026
Authorising Officer: N.J. Hayhurst	Date : 14.04.2026
Dedicated responses to:- N/A	