



LAND AT FORMER ROMAR FACTORY, IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN

The Outline consent for this site, 4/17/2143/001, was approved on 5 July 2017, the Reserved Matters application is dated 10.8.20 and received through the Planning Portal on 11.8.20 which is in excess of 3 years from the grant of outline consent.

The Reserved Matters application can be made as due to the Business and Planning Act 2020 (BPA 2020) received Royal Assent on 22nd July 2020. The BPA 2020 provides extensions to planning permissions that elapsed between 23rd March 2020 and 31st December 2020. The BPA2020 effectively extends the date that the permission elapse until 1st May 2021.

The extensions are subject to an Additional Environmental Approval Application.

Applications must be:-

- In writing
- Submitted electronically to the LPA
- The date this application is made
- Identify the relevant planning permission and condition that the application relates to
 - The relevant planning permission is 4/17/2143/001
 - Condition 2 of the planning permission provides for 3 years for a reserved matters application to be submitted and for development to commence within 2 years of reserved matters approval
- Any other conditions that related to mitigating measures secured to address environmental effects.
 - Condition 8 is a pre commencement planning condition which requires a remediation strategy to deal with risk of contamination to be submitted and approved prior to the commencement of development.
 - Condition 9 is a pre commencement planning condition and requires a asbestos survey to be submitted and approved prior to the commencement of development.

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- Whether the original permission was subject to an Environmental Impact Assessment and/or a Habitats Regulation Assessment, or screening for either type of assessment
 - The original permission was not subject to an EIA and/or HRA or screening for either type of assessment.
- If the original planning permission was granted without the need for an Environmental Impact Assessment or a Habitats Regulations Assessment, applicants should provide a brief explanation of why they consider it remains the case that neither of these assessments would be needed if an application for planning permission was being made now.
 - Since planning permission was granted in July 2017 there has been no substantial change in either primary or secondary legislation which would mean that a residential development of this scale in this location would require a EIA or HRA.
 - The last update to the EIA legislation was on the 16th May 2017 with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Statutory Instrument (EIA Regulations) which became law before outline planning permission was granted.
 - Schedule 2 of the EIA Regulations sets the threshold of residential development to be EIA development at either developments of over 150 houses or developments of over 5 hectares. The site is less than 1 hectare and it is proposed to develop 26 houses.
 - A HRA is only required if a proposed development is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017). An Ecological Survey was submitted with the outline planning application finding no substantive evidence of any protected species on site.

Conclusion

It is clear that there are no requirements for additional Environmental approval and this application should be approved.