

<b>Application Reference Number:</b>	4/24/2391/0F1
<b>Application Type:</b>	Full Planning Application
<b>Application Address:</b>	Land Off Dalzell Street, Moor Row, Egremont.
<b>Proposal</b>	Proposed surface water dry retention basin and associated infrastructure including BNG enhancements relating to residential development pursuant to outline application reference 4/23/2076/0O1.
<b>Applicant</b>	Nigel Kay Homes Ltd
<b>Agent</b>	Alpha Design
<b>Valid Date</b>	21 <sup>st</sup> November 2024
<b>Case Officers</b>	Christie Burns and Nick Hayhurst

## **Cumberland Area**

Copeland and Egremont Parish

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## **Relevant Development Plan**

Copeland Local Plan 2021-2039.

## **Reason for Determination by the Planning Committee**

The Application Site exceeds 2 hectares in area; therefore, it falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

## **Recommendation**

It is recommended that Members grant and delegate the Head of Planning and Place to grant planning permission subject to the conditions set out under Appendix 1 with delegated powers to the Head of Planning and Place to amend any conditions as deemed necessary.

## **1. Site and Location**

- 1.1 The Application Site comprises two separate parcels of agricultural land located to the northern edge of Moor Row.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 There are no listed buildings on or directly adjacent to the Application Site.
- 1.6 The northern parcel of land is located in Flood Zone 2 and Flood Zone 3, which are the highest categories of flood risk.
- 1.7 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.
- 1.8 Part of the southern parcel of land is located in an area defined by the Mining Remediation Authority as high risk.

## **2. Directly Relevant Planning Application History:**

App. Ref. 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.

App. Ref. 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.

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

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

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

### **3. Proposal**

- 3.1 This application seeks Full Planning Permission for the formation of a surface water attenuation pond on the southern parcel of land.
- 3.2 The development incorporates three headwalls and piped connections from the approved residential development granted outline planning permission under application ref. 4/23/2076/001 and to the proposed point of outfall at an existing drain.
- 3.3 A separate Full Planning Application for the formation of the surface water attenuation pond and piped connections is required as the development is located outside of the approved Application Site of application ref. 4/23/2076/001.
- 3.4 The proposed attenuation pond is partially developed into the ground and is partially earth banked above the ground.
- 3.5 The pond is to be lined with an impermeable membrane.
- 3.6 The pond is designed to hold surface water from the approved residential development for short period of time during storm events and allow discharge at a controlled rate.
- 3.7 A scheme of Biodiversity Net Gain is proposed to mitigate the impacts of the proposed surface water attenuation pond and the residential development granted outline planning permission under application ref. 4/23/2076/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/24/2323/0R1. This application is included on the agenda.

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### **4. Consultation Responses**

#### Egremont Town Council

No objection.

#### Cumberland Council Highway and Lead Local Flood Authority

No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere.

#### Cumberland Council Environmental Health

The Application Site is identified as being within potential zones of influence from historic landfill sites across the River Keekle at the former Crossfield Tip and Montreal Tip. Both were former mine workings that were later used as landfill.

These were referenced in the Phase 1 and 2 Ground Investigation Reports submitted in support of application ref. 4/23/2076/001 and application ref. 4/24/2323/0R1.

The potential migration of ground gas was noted. This should be borne in mind during any groundworks and built into the Construction Risk Assessment and Method Statement.

A detailed ground gas investigation is not formally requested at this stage, given that the nature of the works does not directly entail residential end-use.

A Planning Condition to control unexpected contamination is requested.

A planning condition is proposed to control the hours of construction to prevent adverse impacts upon residents in the area.

#### Environment Agency

No consultation response received.

#### United Utilities

No consultation response received.

#### Cumberland Council – Ecologist

No consultation response received.

#### Natural England

No consultation response received.

#### Mining Remediation Authority (Coal Authority)

The Coal Authority records indicate that the south eastern part of the site marginally lies in an area where underground coal mining has taken place at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application. However, we note that the proposed surface water dry retention basin and majority of the associated infrastructure will be located outside the DHRA, i.e. within the Development Low Risk Area. Part of the proposed surface water sewer is located in the DHRA, but this would not appear to require substantial groundworks or

earthworks. The Coal Authority's Planning & Development Team therefore does not consider that a Coal Mining Risk Assessment is required to support the proposal in this particular case, and we **do not object** to this planning application.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

However, we do recommend that, should planning permission be granted for this proposal, an informative should be attached to the decision notice.

### **Public Consultation**

The application has been advertised by the erection of a planning application site notice.

No representations have been received.

## **5. Planning Policy**

- 5.1 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 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

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

## **6. 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).

## **7. Assessment**

### **Principle of Development**

- 7.1 This application seeks Full Planning Permission for the formation of a surface water attenuation pond and associated infrastructure to serve the residential development granted outline planning permission under application ref. 4/23/2076/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/24/2323/0R1. This separate application has been included on the agenda.
- 7.2 The proposed development is located outside of the approved Application Site of application ref. 4/23/2076/001.
- 7.3 There are no policies in the LP specifically relating to the location of drainage infrastructure serving residential development; therefore, the development falls for consideration on its individual planning merit against the LP as a whole.
- 7.4 Such development can deliver benefits where such proposals enable the delivery of improved design, layout or planning outcomes as part of a wider development and where the infrastructure is acceptable in all other planning respects.

## **Landscape and Visual Impact**

- 7.5 Strategic Policy N6: Landscape Protection of the LP seeks to protect all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit.
- 7.6 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Application Site as being located within an area of landscape classified as Sub-type 5d Urban Fringe.
- 7.7 The Application Site is located in an area identified as Sub Type 5d – Urban Fringe in the CLCG. It is stated that the key characteristics of the area are stated as: long term urban influences on agricultural land; recreation, large scale buildings and industrial estates are common; and, wooded valleys, restored woodland and some semi-urbanised woodland provide interest.
- 7.8 The Guidelines for Development include: protect 'green' areas from sporadic and peripheral development. Support the retention and development of 'green gaps', green infrastructure and ecosystem services approaches in Local Development Frameworks where they would help maintain distinctive, undeveloped characteristics.
- 7.9 The visible development proposed is limited to the formation of the surface water attenuation pond, incorporating three headwalls on the southern parcel of land.
- 7.10 The Application Site is not located within a defined green wedge.
- 7.11 The surface water attenuation pond is located to the north of the residential development granted outline planning permission under application ref. 4/23/2076/001 and will be viewed in the visual context of the development.
- 7.12 The surface water attenuation pond is located on a low-lying field bounded by established hedgerows and groups of trees.
- 7.13 Long range and short-range views of the Application Site are limited due to the screening provided by existing vegetation. Further screening of the Application Site will be provided by the residential development granted outline planning permission under application ref. 4/23/2076/001.
- 7.14 The grassed surfacing of the pond will help assimilate the development into the landscape.
- 7.15 Given the scale, form and nature of the development, it will not impact the key landscape characteristics of the area.

## **Ecology**

- 7.16 Policy N1 of the LP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.
- 7.17 The Application Site comprises an existing area of agricultural grassland and is not of significant ecological interest.
- 7.18 No protected species are known or anticipated to exist on the Application Site.

## **Biodiversity Net Gain**

- 7.19 Policy N3 of the LP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

### Proposed Surface Water Attenuation Pond

- 7.20 As this Full Planning Application was submitted after the 12<sup>th</sup> February 2024, the development is the subject of mandatory biodiversity net gain to provide a minimum of ten percent biodiversity net gain over and above existing site levels as required by the Environment Act 2021.
- 7.21 A Biodiversity Impact Assessment has been prepared in support of this Full Planning Application.
- 7.22 The Assessment concludes that the site of the proposed surface water attenuation basin currently comprises approximately 0.51ha of modified grassland in poor condition. This condition results from low species diversity. This gives a total baseline score for the site of 1.03 habitat units.
- 7.23 The proposed development will result in the loss of approximately 925m<sup>2</sup> of existing modified grassland, to be replaced by a surface water attenuation pond. It is confirmed that the pond will achieve moderate condition and generate approximately 0.22 habitat units. The newly created bund surrounding the drainage basin will be seeded with a suitable grass mix upon completion and is separated from the adjacent field by a post-and-wire fence, which will exclude livestock grazing from the bund and is considered likely to enable sufficient species diversity to establish that this area achieves good condition modified grassland. This will deliver 0.61 habitat units post development.
- 7.24 Impacts on the remaining area of the Application Site are only considered to be temporary, with this ground reverting to its original state of modified grassland in poor condition within two years. As a result, in line with



guidelines, these areas are all classified as retained within the metric calculation. These contribute approximately 0.58 habitat units post-development.

- 7.25 A total of approximately 1.42 units are therefore delivered post-development, giving an overall net gain of approximately 0.39 habitat units, an uplift of 37.77%.
- 7.26 The Assessment demonstrates the achievement of an overall biodiversity net gain exceeding ten percent.
- 7.27 Planning conditions are proposed to secure a detailed scheme of habitat creation, to ensure that the net gain is delivered at an appropriate time in the delivery of the project and to ensure that the net gain is maintained for a minimum of 30 years.

Residential Development Approved Under Application Ref. 4/23/2076/001.

- 7.28 As application ref. 4/23/2076/001 was submitted prior the 12<sup>th</sup> February 2024, the development was not the subject of mandatory biodiversity net gain.
- 7.29 The requirements to provide a minimum of ten percent biodiversity net gain over and above existing site levels was required by the provisions of then Policy N3PU of the then Emerging Copeland Local Plan 2021-2039.
- 7.30 A Biodiversity Impact Assessment has been prepared in support of this Full Planning Application.
- 7.31 The Assessment calculates the post development habitat value of the residential development based upon the current reserved matters planning application - application ref. 4/24/2323/0R1.
- 7.32 It is concluded that a biodiversity net gain of ten percent is not achievable on site. A scheme of habitat enhancement is proposed for the northern parcel of land comprising part of the current Application Site to deliver the required biodiversity net gain of ten percent.
- 7.33 The proposed enhancement will deliver a biodiversity net gain of 2.07 habitat units (10.03%) and 1.99 hedgerow units (313.76%).
- 7.34 Planning conditions are proposed to secure a detailed scheme of habitat creation, to ensure that the net gain is delivered at an appropriate time in the delivery of the project and to ensure that the net gain is maintained for a minimum of 30 years.
- 7.35 Securing the delivery of the required biodiversity net gain as part of this planning application removes the requirement for a new Section 106 Agreement to secure the net gain against application ref. 4/23/2076/001, simplifying the process and reducing cost for both the Applicant and Cumberland Council.

## **Flood Risk and Drainage**

- 7.36 Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 7.37 Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 7.38 The surface water attenuation pond and associated connections are located in Flood Zone 1 and Flood Zone 2. Flood Zone 1 is the lowest category of flood risk. Flood Zone 2 is considered a medium risk. Areas within Flood Zone 2 have between a 1 in 1000 (0.1%) and 1 in 100 (1%) annual probability of flooding in any given year.
- 7.39 The proposals comprise a water compatible development, which is acceptable in Flood Zone 1 and Flood Zone 2. The Sequential Test and Exception Test are not applicable.
- 7.40 Planning Condition 5 of application ref. 4/23/2076/001 requires that prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. As such, assessment of the technical suitability of the overall surface water drainage scheme to serve the residential development falls for consideration under application ref. 4/24/2335/DOC and not this planning application, of which the proposed surface water attenuation pond and piped connection are simply component parts.

## **Ground Conditions**

- 7.41 Policy DS6 and Policy DS10 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 7.42 Part of the southern parcel of land is located in an area defined by the Mining Remediation Authority as high risk.
- 7.43 The Mining Remediation Authority (Coal Authority) have been consulted on this proposal, and they have confirmed that they have no objections subject to the inclusion of an informative on any planning permission.
- 7.44 The Application Site is identified as being within potential zones of influence from historic landfill sites across the River Keekle at the former Crossfield Tip and Montreal Tip. Both were former mine workings that were later used as landfill.
- 7.45 Phase 1 and 2 Ground Investigation Reports were submitted in support of application ref. 4/23/2076/001.

- 7.46 The potential migration of ground gas was noted in the Phase 1 and 2 Ground Investigation Reports.
- 7.47 Environmental Health have confirmed that this should be borne in mind during any ground works on this development and built into the Construction Risk Assessment and Method Statement.
- 7.48 Environment Health have confirmed that a detailed ground gas investigation is not formally required at this stage, given that the nature of the works does not directly entail residential end-use, though a condition for unexpected contamination is requested.
- 7.49 A Planning Condition to control unexpected contamination is requested by Environmental Health and is proposed.

### **Residential Amenity**

- 7.50 Policy DS4 of the LP requires that development maintains high levels of amenity and contribute positively to the health and wellbeing of residents.
- 7.51 Given the scale, form and layout of the proposed development adverse impacts upon existing and proposed dwellings will not result through loss of light, overbearing, overshadowing and overbearing effects.
- 7.52 A planning condition is proposed to control the hours of construction.

### **8. Planning Balance and Conclusion**

- 8.1 The development proposed will not cause unacceptable visual impacts and will not impact the key landscape characteristics of the area.
- 8.2 No issues are arising in respect of drainage, flood risk, highway safety, mining risk, gas infrastructure and residential amenity subject to the planning conditions proposed.
- 8.3 Schemes of habitat enhancement are proposed to secure the required ten percent biodiversity net gain over and above existing site levels for the surface water attenuation now proposed and the residential development granted outline planning permission under application ref. 4/23/2076/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/24/2323/0R1.
- 8.4 Planning conditions are proposed to secure a detailed scheme of habitat creation, to ensure that the net gain is delivered at an appropriate time in the delivery of the project and to ensure that the net gain is maintained for a minimum of 30 years.

- 8.5 On balance, it is considered that subject to the planning conditions proposed, the development is acceptable and accords with the relevant provisions of the Development Plan.

**Recommendation:-**

It is recommended that Members grant and delegate the Head of Planning and Place to grant planning permission subject to the conditions set out under Appendix 1 with delegated powers to the Head of Planning and Place to amend any conditions as deemed necessary.

## **APPENDIX 1**

### **List of Conditions and Reasons**

#### Standard Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

#### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Application Form

SUDS Details Sheet 1 – Drawing No. 24-011-236 Rev. P1.

SUDS Details Sheet 2 – Drawing No. 24-011-236 Rev. P1.

Engineering Layout Sheet 3 – Drawing No. 24-011-202 Rev. P1.

Hydrobrake Detail-S36 – Drawing No. 24-011-235 Rev. P1.

DOCUMENT: BIODIVERSITY IMPACT ASSESSMENT DOCUMENT REF:

JN00551/D03

JN00551/D03 – BIODIVERSITY IMPACT ASSESSMENT - LAND OFF DALZELL STREET, MOOR ROW

Drainage Maintenance & Management Schedule - 24-011 Dalzell Street, Moor Row

Prepared for Nigel Kay Homes Ltd – First Issue

#### Reason

For the avoidance of doubt and in the interests of proper planning.

#### Biodiversity Net Gain

3. Prior to the commencement of development a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.

- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

#### 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.

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.

6. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by Planning Condition 3 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

#### 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.

7. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 3 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 unless otherwise stated in the Habitat Management and Monitoring Plan secured by Planning Condition 3.

#### 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.

#### Ground Conditions

8. 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 within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

#### Construction Management

9. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

07:30 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

## Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

## Maintenance and Management – Attenuation Pond

10. The development hereby approved shall be managed and maintained in accordance with the provisions of Drainage Maintenance & Management Schedule - 24-011 Dalzell Street, Moor Row Prepared for Nigel Kay Homes Ltd – First Issue for the lifetime of the development.

## Reason

To ensure surface water is managed in a sustainable way in accordance with the provisions of Policy DS7 of the Copeland Local Plan 2021-2039.

## **Informatives**

### *Mining Risk*

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

What is a permit and how to get one? –

[www.gov.uk/government/publications/permit-process/permit-process](http://www.gov.uk/government/publications/permit-process/permit-process)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here –



[www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements](http://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements)

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [www.gov.uk/government/organisations/mining-remediation-authority](http://www.gov.uk/government/organisations/mining-remediation-authority).

### ***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>