

Discharge of Condition Statement

Application to discharge Conditions 3, 6 and 16 of Application 4/22/2092/001 at
Flosh Meadows, Cleator Moor.

Prepared on behalf of Richard Mulholland



Report Details

Issued by	Sam Greig Planning	
Client	Richard Mulholland	
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1 Introduction

- 1.1.1 This Statement accompanies an application to discharge conditions 3, 6 and 16 of Application 4/22/2092/001, which is a 'hybrid' application relating to the erection of 21 self-build dwellings at Flosch Meadows, Cleator Moor.
- 1.1.2 The Statement lists the conditions that are proposed to be discharged, along with the information that has been provided to discharge the conditions in question.

2 Condition 3 – Arboriculture

2.1.1 Condition 3 states that:

“No development shall commence until an Arboricultural Method Statement (AMS) detailing how works are to be undertaken within the root protection area of retained trees and hedges have been submitted to and approved in writing by the local planning authority.

The AMS shall include details of the following where works are proposed within the root protection area of the retained hedgerow/hedgerow trees:

- *Installation of temporary ground protection;*
- *Facilitation tree works;*
- *Excavations and requirements for specialised trenchless techniques for the installation of services;*
- *Installation of access roads (materials and design) and new hard surfacing;*
- *Specialist foundations;*
- *Retaining structures to facilitate changes in ground levels;*
- *Preparatory works for new landscaping;*
- *A programme for the phasing of the works;*
- *Contact details of relevant parties.*

The AMS shall be carried out as approved throughout the construction period.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy ENV5 and Policy DM28 of the Copeland Local Plan 2013-2028.”

2.1.2 The information provided to discharge the condition is as follows:

1. Tree and Hedge Survey Report and Arboricultural Method Statement (Revision A) prepared by Westwood Landscape Ltd, which includes the following appendices:

- Appendix 1 - Tree and Hedge Schedule (Revision A);
- Appendix 2 - Tree Constraints Plan;
- Appendix 2 - Tree Constraints Plan overlaid against aerial map;
- Appendix 2 - Tree Mitigation Plan with the development overlaid (Drawing No. WW-L03);
- Appendix 3 - Photographs (included within the report itself);
- Appendix 4 – Tree Protection Fence Detail (included within the report itself).

3 Condition 6 – Biodiversity Net Gain

3.1.1 Condition 6 states that:

“Prior to the commencement of development a Biodiversity Net Gain Project Implementation Plan (BNGPIP) shall be submitted to and approved in writing by the local planning authority.

The BNGPIP shall detail the delivery of the ecological biodiversity net gain mitigation and compensation scheme outlined in Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2.

The BNGPIP shall include:

- i. detailed specifications of the individual elements of the biodiversity net gain mitigation and compensation scheme. This shall include: specifications for the opening of the existing culvert, detailed hedgerow planting specifications and detailed oversowing specifications;*
- ii. timescales for the implementation of the biodiversity net gain mitigation and compensation scheme; and,*
- iii. an ongoing management and maintenance plan for the biodiversity net gain mitigation and compensation scheme for a period not less than 30 years.*

The BNGPIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3PU of the emerging Copeland Local Plan 2017-2038.”

3.1.2 The information provided to discharge the condition is as follows:

1. Landscape Maintenance and Management Plan (Revision B) prepared by Westwood Landscape Ltd in consultation with Envirotech. The document includes the following appendices:

- Appendix 1 - Biodiversity Net Gain Project Implementation Plan (Drawing No. WW-L01A);
- Appendix 2 - Tree Protection Fence Detail (included within the report itself).
- Appendix 3 – Landscaped Management Scheduled Tasks (note that this is a separate Excel document);
- Appendix 4 – Landscaped Implementation Programme (note that this is a separate Excel document).

3.1.3 The Biodiversity Net Gain Project Implementation Plan (BNGPIP) illustrates the physical works that are proposed, which expands, in considerable detail, on the measures outlined in the approved Biodiversity Net Gain Assessment (specifically the measures outlined in Figure 3 of that document). This document is provided to satisfy Bullet Point i. of Condition 6.

3.1.4 The BNGPIP will be implemented in accordance with the timescales identified in Appendix 4, which is provided to satisfy Bullet Point ii. of Condition 6.

3.1.5 The BNGPIP will be managed and maintained in accordance with the recommendations within the main body of the Landscape Maintenance and Management Plan and Appendix 3. This information is provided to satisfy Bullet Point iii. of Condition 6.

4 Condition 16 – Arboriculture (Plots 12-19)

4.1.1 Condition 16 states that:

“Prior to the commencement of development on Plots 12-19 an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority.

The AMS shall include details of the following where works are proposed within the root protection area of the retained hedgerow/hedgerow trees:

- *Installation of temporary ground protection;*
- *Facilitation hedge/tree works;*
- *Excavations and requirements for specialised trenchless techniques for the installation of services;*
- *Installation of access roads (materials and design) and new hard surfacing;*
- *Specialist foundations;*
- *Retaining structures to facilitate changes in ground levels;*

The AMS shall be carried out as approved throughout the construction period.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy ENV5 and Policy DM28 of the Copeland Local Plan 2013-2028.”

4.1.2 The information provided to discharge the condition is as follows:

1. Tree and Hedge Survey Report and Arboricultural Method Statement (Revision A) prepared by Westwood Landscape Ltd, which includes the following appendices:

- Appendix 1 - Tree and Hedge Schedule (Revision A);
- Appendix 2 - Tree Constraints Plan;
- Appendix 2 - Tree Constraints Plan overlaid against aerial map;

- Appendix 2 - Tree Mitigation Plan with the development overlaid (Drawing No. WW-L03);
- Appendix 3 - Photographs (included within the report itself);
- Appendix 4 – Tree Protection Fence Detail (included within the report itself).

4.1.3 Condition 16 specifically relates to Plots 12-19 and has been imposed principally to protect the hedgerow/hedgerow trees to the western boundary.

4.1.4 The report details how any work within the root protection area of the retained hedgerow should be undertaken and how the hedge should be protected in the construction phase.

4.1.5 It is accepted that the Reserved Matters Applications for the houses to Plots 12-19 have yet to be submitted; however, it is perceived that the condition can be discharged in full. The rationale for this approach is because in respect of the third to sixth unnumbered bullet points within Condition 16 it is not perceived that these elements would be undertaken in the root protection area of the retained hedge for the reasons explained below.

4.1.6 The services will come forward of the dwellings and run alongside the road (the 3rd bullet point).

4.1.7 The access road within the plots will not extend as far back of the hedgerow and hard surface areas, such as patios, are unlikely to extend that far back into the site (the 4th bullet point).

4.1.8 There is no requirement for specialist foundations within the root protection area as buildings are not envisaged in that narrow strip (the 5th bullet point).

4.1.9 Retaining structures are not required to facilitate any change in ground levels (the 6th bullet point).

4.1.10 If the design of any of the self-build dwellings were to deviate from the above logical approach, appropriate conditions could be imposed on the Reserved Matters Application or details provided prior to the determination of the Reserved Matters Application.

4.1.11 In the event that the Council took a contrary view, Condition 16 could be discharged in part.