

Homes England
Land at Harras Moor, Whitehaven
Appeal Reference APP/Z0923/W/23/3316104

Updated Draft Conditions Schedule

Text	Text
1.	<p>The development to which this permission relates must be begun not later than whichever is the later of the following dates:</p> <p>a) FIVE YEARS from the date of this permission; or</p> <p>b) the expiration of TWO YEARS from the final approval of the last such Reserved Matters to be approved pursuant to this permission.</p> <p>Applications for the approval of the Reserved Matters must be made not later than FIVE years from the date of this permission.</p> <p>Reason To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</p>
2.	<p>Reserved Matters</p> <p>For each phase of the development, details of the: appearance, landscaping, layout and scale (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out as approved.</p> <p>Reason To ensure a satisfactory standard of development on site.</p>
3.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• Drawing No. A090070-410 001 Rev. B – Site Location Plan

	<ul style="list-style-type: none"> • Drawing No. A090070-P002 - Proposed Site Access Junction Option 1 • Drawing No. VN232529 – D102 Rev. A – General Arrangement – Caldbeck Road Access <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p>
4.	<p>Access and Movement Parameters Plan</p> <p>Prior to the submission of the Reserved Matters, an Access and Movement Parameter Plan shall be submitted to and approved by the Local Planning Authority.</p> <p>The Access and Movement Parameter Plan shall include details of Active Travel (non vehicular) Connections in broad accordance with the locations of the 'Potential Pedestrian Accesses' identified in Plan reference A090070-410 TTE 00 XX DR UD 04 Rev C Parameters Plan.</p> <p>The Access and Movement Parameter Plan will demonstrate how Active Travel Routes are to be provided between the Active Travel Connections on:</p> <ul style="list-style-type: none"> • Highlands and Caldbeck Road; • Harras Road and the A595; and • Caldbeck Road and Harras Road. <p>The Reserved Matters shall be in accordance with the approved Access and Movement Parameters Plan.</p> <p>Reason:</p> <p>To aid in the delivery of sustainable transport objectives in accordance with the relevant provisions of the National Planning Policy Framework.</p>
5.	<p>Phasing</p> <p>Prior to the commencement of each phase of the development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will provide the following information:</p> <ul style="list-style-type: none"> • The boundary of the land included in that phase, previous phases and subsequent phases; • The number of market dwellings in that phase • The number of affordable dwellings in that phase • The location, boundaries and quantum of public open space, play areas and buffer planting in that phase and • The location of vehicular, pedestrian and cycle accesses serving that phase. <p>The development shall be implemented in accordance with the approved Phasing Plan.</p> <p>Reason:</p> <p>To ensure a satisfactory standard of development on site.</p>
6.	<p>Drainage</p>

	<p>Prior to development commencing within a particular phase, a Surface Water Drainage Scheme for the phase to be commenced shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme to be submitted shall be based on the 'hierarchy of drainage options' in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, the scheme shall not provide for any surface water to be discharged to the public sewerage system either directly or indirectly.</p> <p>The scheme shall be in accordance with the principles set out in the Flood Risk & Drainage Assessment Revision C dated March 2021 proposing surface water discharging to Midgley Gill and Bedlam Gill.</p> <p>Any Scheme requiring the discharge of surface water into Bedlam Gill must include a condition survey of the culverted sections of Bedlam Gill. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ST1 and ENV1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
7.	<p>Ground Conditions</p> <p>Prior to development commencing within a particular phase, a remediation strategy designed to deal with the risks associated with ground contamination within the area covered by that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy must include the following:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which identifies: <ul style="list-style-type: none"> • all previous uses; • potential contaminants associated with those uses; • a conceptual model of the site indicating sources, pathways and receptors; and • potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how/when they are to be undertaken.

	<p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>The measures in the approved remediation scheme for each phase must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report for that phase must be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
8.	<p>Contamination During Construction</p> <p>If during the construction of a particular phase of the development, contamination not previously identified is found to be present at the site then no further development on that phase shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted to and obtained written approval from the Local Planning Authority for a Remediation Strategy for the contamination that has been identified. The Remediation Strategy approved shall be implemented as approved.</p> <p>Reason</p> <p>To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
9.	<p>Intrusive Site Investigation</p> <p>No development shall commence on each phase until a Scheme of Intrusive Site Investigations for that phase, (designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity) has been completed and a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The approved scheme(s) of remedial works and/or mitigation measures for each phase must then be implemented in accordance with the approved details. Following completion of measures identified in the approved remedial works and/or mitigation measures a validation report for each phase must be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p>

	To ensure that the development does not pose an unacceptable risk in respect of ground stability in accordance with the relevant provisions of the National Planning Policy Framework.
10.	<p>Construction Management Plan</p> <p>No development shall commence within a particular phase until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The Plan shall include:</p> <ul style="list-style-type: none"> • details of the means of access and parking for construction traffic and vehicles • procedures for the loading and unloading of plant and materials • details of the storage of plant and materials used in construction • details of measures to control dust, emissions, sediments and pollutants arising from the development • a scheme for recycling/disposing of waste resulting from construction works • a scheme for the management of surface water during the construction period <p>The approved Construction Management Plan for each phase shall be adhered to throughout the construction period for that phase.</p> <p>Reason</p> <p>To protect neighbour amenity and to protect the environment from pollution and flood risk in accordance with Policy ST1 of the Copeland Local Plan.</p>
11.	<p>Construction Traffic Management Plan</p> <p>No development shall commence within a particular phase until a Construction Traffic Management Plan (CTMP) for that phase has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:</p> <ul style="list-style-type: none"> • the construction of the site access and the creation, positioning and maintenance of associated visibility splays; • access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility splays; • proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route; • the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; • details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development; • details of proposed crossings of the highway verge; • retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development; • recommended routes for construction traffic accessing and leaving the site and details of how this will be communicated to drivers;

	<ul style="list-style-type: none"> the management of junctions to and crossings of the public highway and other public rights of way/footway; the scheduling and timing of movements, temporary warning signs and banksman/escort details. <p>The development shall be carried out in accordance with the approved Construction Traffic Management Plan.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
12.	<p>Tree Protection – Reserved Matters</p> <p>Notwithstanding the information contained within the Arboricultural Impact Assessment (Outline Planning) dated May 2018 produced by TEP, the Reserved Matters for each phase shall include:</p> <p>(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree and hedge within that phase and on land adjacent to that phase that could influence or be affected by the development proposed within it, indicating which trees and hedges are to be removed;</p> <p>(b) and in relation to every tree and hedge identified for that phase a schedule listing:</p> <ol style="list-style-type: none"> information as specified in section 4.4 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations; Any proposed pruning, felling or other work; <p>(c) and in relation to every existing tree and hedge identified for that phase to be retained on the plan referred to in (a) above, details of:</p> <ol style="list-style-type: none"> The position of root protection areas for all trees and hedgerows which could affect or be affected by development of the site. The position of root protection areas shown overlaid on a proposed detailed site layout plan for the phase being considered for approval. Any potentially damaging activities proposed near the trees and hedges, such as, proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.4.2 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations). All appropriate tree and hedge protection measures, including details of tree and hedge protection barriers, required before and during development (in accordance with section 5.5 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations). <p>Reason</p> <p>To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.</p>

13.	<p>Tree Protection</p> <p>Prior to the commencement of development within a particular phase, an Arboricultural Method Statement for that phase detailing how works are to be undertaken within the root protection area of retained trees and hedges shall be submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement(s) shall include, where appropriate:</p> <ul style="list-style-type: none"> i) Removal of existing structures and hard surfacing; ii) Installation of temporary ground protection; iii) Facilitation tree works; iv) Excavations and the requirement for specialised trenchless techniques for the installation of services; v) Installation of new hard surfacing; vi) Installation of access roads – materials and design; vii) Details of specialist foundations; viii) Retaining structures to facilitate changes in ground levels; ix) Preparatory works for new landscaping; x) Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision; xi) A programme for the phasing of the works. xii) Contact details of relevant parties <p>The approved Arboricultural Method Statement shall be implemented in its agreed form, unless the local planning authority gives written approval to any variation.</p> <p>Reason</p> <p>To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.</p>
14.	<p>Archaeology</p> <p>No development shall commence within a particular phase until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been approved in writing by the Local Planning Authority.</p> <p>The written scheme of investigation shall include the following:</p> <ul style="list-style-type: none"> i) An archaeological evaluation; ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation. <p>Reason</p> <p>To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy EN4 and Policy</p>

	DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.
15.	<p>Archaeology</p> <p>Where significant archaeological remains are revealed by archaeological work undertaken pursuant to Condition 13, there shall be carried out within one year of the completion of the archaeological works that have revealed the remain, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.</p> <p>Reason</p> <p>To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
16.	<p>A595 Egremont Road/ Homewood Road roundabout improvement implementation</p> <p>Prior to the occupation of the 200th dwelling or prior to the expiration of 4 years after the first unit is completed, whichever comes first, no further dwellings shall be occupied until full design details of a scheme to provide improvements to the A595 Egremont Road/ Homewood Road roundabout junction, which are deliverable within the public highway, has been submitted to and approved in writing by the local planning authority in consultation with National Highways and the scheme has been constructed and completed to the satisfaction of the local planning authority in consultation with National Highways (unless a scheme to meet the same need has already been constructed by another party).</p> <p>The details to be submitted and to be agreed shall include:</p> <ul style="list-style-type: none"> • Final design details of how the scheme interfaces with the existing highway alignment. • Full carriageway marking details. • Full construction details. • Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies. • An independent Stage 1 and Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes. <p>Reason</p> <p>In the interests of preserving highway capacity in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
17.	<p>A595 Signalised Crossing</p> <p>No dwelling within any phase shall be occupied until a signal controlled crossing across the A595, which is deliverable within the public highway, has been provided in broad</p>

	<p>accordance with the details shown on drawing no. VN232529-D-100 Rev B. to the satisfaction of the local planning authority in consultation with National Highways.</p> <p>Reason</p> <p>In the interests of providing improved active travel connectivity in accordance with Policy DM22 of the Copeland Local Plan and paragraphs 104 and 110 of the National Planning Policy Framework.</p>
18.	<p>Park View Improvement scheme</p> <p>Prior to the occupation of any dwelling hereby approved, full design details of a scheme of improvements to Park View underpass and junction shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. The scheme shall be broadly in accordance with drawing reference VN232529-D101 Rev A and shall be deliverable within the public highway. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980.</p> <p>Prior to the occupation of the 100th dwelling, the approved scheme of improvements shall be constructed and completed to the satisfaction of the local planning authority in consultation with the local highway authority.</p> <p>Reason</p> <p>In order to improve the public realm in the vicinity of the site in accordance with policies DM10 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
19.	<p>Vehicular access to dwellings</p> <p>No dwelling hereby approved shall be occupied until the means of vehicular access to serve that dwelling has been constructed in accordance with the approved plans.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
20.	<p>Working Hours</p> <p>No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason</p> <p>In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan.</p>
21.	<p>Ecology</p>

	<p>Prior to development commencing within a particular phase, an Ecological Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall contain details and method statements for the mitigation and compensation measures described below in accordance with Section 6.3 of the Tetra Tech Ecological Appraisal Revision 2, dated September 2021:</p> <ul style="list-style-type: none"> • The provision and maintenance of a 5-10m wide unlit buffer between any existing woodlands and any new housing and the protection of the retained woodland habitats from light disturbance through the use of a wildlife-friendly lighting scheme during the construction phase of the development. • Any trees proposed for removal should be subject to an up-to-date Preliminary Roost Level Assessment prior to any removal taking place. • A pre-works badger survey should be undertaken on site at least three months prior to the development commencing • Any trees proposed for removal should be checked for squirrel dreys prior to removal commencing. These checks should be conducted at least three months prior to the works commencing in order to allow for mitigation measures if red squirrel are discovered to be breeding on site. • Habitat / vegetation clearance should be undertaken outside the bird nesting period (March to September inclusive) or be immediately preceded (no more than 48 hours in advance of the works being carried out) by a check by a suitably qualified ecologist. • Invasive Species Method Statements should be produced and implemented to control and eradicate invasive plant species on site. • Before site clearance works commence, any areas covered by dense vegetation should be checked by Ecological Clerk of Works (ECoW) for presence hedgehog and other species. • The ECoW should deliver a Toolbox talk to site personnel regarding the best practice with regard to ecological issues in advance of working. <p>Reason</p> <p>To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy ENV3 and Policy DM10 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
22.	<p>Lighting</p> <p>No dwelling within a particular phase shall be occupied until a scheme for any lighting proposed within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> • identify any parts of site within the phase that are used by bats for foraging, commuting or roosting; and • detail how and where external lighting will be installed; • include lighting contour plans and technical specifications

	<p>All external lighting shall be installed in accordance with the approved details.</p> <p>Reason</p> <p>To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy ENV3 and Policy DM10 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
23.	<p>Biodiversity Net Gain</p> <p>Prior to the commencement of development within a particular phase of the development, a Biodiversity Net Gain (BNG) Strategy and a Project Implementation Plan (PIP) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority for that phase, unless a BNG Strategy and PIP has already been submitted and approved for the site as a whole.</p> <p>The BNG Strategy shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all on site habitats and any off site habitats required to deliver a BNG. This shall be informed by a contemporary habitat survey and condition assessment of the whole site and any off-site habitats. The BNG Strategy shall use the Biodiversity Metric 3.0 Calculation Tool unless an amended statutory Biodiversity Metric Calculator associated with the Environment Act 2021 becomes mandatory.</p> <p>The PIP shall detail the delivery of on and off-site ecological and Biodiversity Net Gain (BNG) mitigation and compensation, in accordance with the approved BNG Strategy. The purpose of the PIP shall be to ensure that a framework is adopted by all relevant parties which ensures a consistent, integrated and common approach for the delivery of the agreed scheme targets for ecology and BNG. The PIP shall include timescales, phasing, critical pathways, programme risks, roles and responsibilities, communication pathways, and project controls as may be required to ensure the successful delivery of the combination of mitigation and compensation measures on and off site. The PIP shall thereafter be adhered to.</p> <p>On completion of each Phase, an update to the BNG Strategy shall be submitted to the Local Planning Authority, demonstrating how a BNG has been delivered for that Phase.</p> <p>Reason</p> <p>To ensure that the development delivers a net gain in biodiversity in accordance with paragraph 180 of the National Planning Policy Framework.</p>
24.	<p>Travel Plan</p> <p>No dwelling shall be occupied until a Travel Plan Coordinator has been appointed. The Travel Plan Coordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Travel Plan, including day to day management of the steps identified to secure the sustainable transport initiatives set out therein. The details (name, address, telephone number and email address) of the Travel Plan Coordinator shall be notified in writing to the Local Planning Authority upon appointment and written notification shall be given of any changes to those details or personnel.</p>

	<p>Prior to the first occupation of any dwelling, a residential Travel Plan shall be submitted to and approved by the Local Planning Authority. This shall be in accordance with the principles and parameters established by the Framework Travel Plan dated July 2018 and the Travel Plan Addendum dated June 2023. The Travel Plan will include details of those measures referred to in the Travel Plan Addendum and shall include details of implementation, delivery, objectives, outcomes, monitoring and promotion of the Travel Plan by the Travel Plan Coordinator. The Travel Plan will thereafter be implemented as approved.</p> <p>The Travel Plan shall remain in force for a period not less than eight years from first occupation.</p> <p>Reason To aid in the delivery of sustainable transport objectives in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.</p>
25.	<p>Habitat Regulations Assessment – Homeowner Information Packs and Signage</p> <p>No dwelling within a particular phase of the development shall be occupied until details of homeowner information packs to be provided for that phase, and full details of information signage to be provided within that phase, have been submitted to and approved in writing by the Local Planning Authority. The homeowner information packs shall include (but not be limited to) the information set out in part 6.1.1 of the Report to inform Habitats Regulations Assessment by Tetra Tech dated September 2021. The signage shall contain information on the Solway Firth Special Protection Area and the steps to be taken by residents to help preserve it.</p> <p>The approved signage shall be provided on site before any dwelling within the relevant phase is first occupied and the homeowner information packs shall be provided to the first occupants of each dwelling within the relevant phase within one week of them taking occupation.</p> <p>Reason In the interests of preserving the Solway Firth Special Protection Area in accordance with Policy ENV3 of the Copeland Local Plan and paragraph 180-181 of the National Planning Policy Framework.</p>