

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2201/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4, 8 AND 9 OF PLANNING APPLICATION 4/25/2411/0F1
3.	Location:	PLOTS 9 & 12 LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way, Main River Consultation Area - Main River Consultation Area
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location Leconfield, an established industrial estate. comprises 17.6ha in area and is strategically located within Cleator Moor, between the town centre and the built-up area to the north-west. It forms part of what is known as Cleator Moor Innovation Quarter (CMIQ), a 'business cluster' for the new nuclear and clean energy sectors, as a focus for collaboration, innovation and diversification. Main vehicular access to the estate is via a mini roundabout off the B5295 /Leconfield Street. The site to which this application relates is situated within Leconfield and takes the form of two physically separate parts. The main site (construction zone) is centrally located within the Estate, currently vacant and relatively level. It amounts to some 3.52 ha. and is served by two existing accesses off the estate's main spine road. This part of the site is bounded to the north by an existing building part of which is occupied by a garage business, the spine road to the west facing Brannan's factory opposite and a vacant plot to the far east. To the south it	

is flanked by another existing factory. In the central area to the north is located plot 19 which is occupied by a `mock up chimney` structure, granted consent in 2022 for a temporary period of two years (4/22/2256/0F1 refers) which was subsequently extended until February this year.

In-between plots 9 and 12 and to the rear of plot 19, is a parcel of land identified for BNG enhancements, and this will take the form of a landscaped area with some limited earthwork mounding. Another parcel of land sits to the rear of plot 12 and will be retained as wet woodland.

The other part of the site comprises a substantial, crescent shaped, vacant section of partially cleared/ regenerated land. This measures some 1.83 ha in area which it is proposed to be used as a BNG Off-Setting Area for the development. This is physically separate from plots 9 and 12, being situated to the far west of the estate and borders it`s northern boundary.

Relevant Planning History and Context

Full planning permission was granted for the erection of two new buildings (4/25/2411/0F1 refers) for B2 general industrial and ancillary office use, comprising 6,356sqm GEA floorspace, with associated car parking, hard and soft landscaping, infrastructure and biodiversity enhancements on plots 9 and 12 Leconfield Estate on 18 June 2026. It was subject to 19 conditions and a Unilateral Undertaking requiring financial contributions for identified off site highway works.

Proposal

This application seeks to discharge the four pre commencement conditions; 3,4,8 & 9 of planning permission 4/25/2411/0F1.

Assessment

Condition 3

This relates to Highways details and states:

3. The carriageway, footways, footpaths, cycleways, cycle parking (including cycle sheds) etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification and the other details requested have been approved. Any works so approved shall be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety.

Condition 8

Surface Water Drainage

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance, shall be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted)

The surface water drainage scheme shall be in accordance with 'The Non-Statutory Technical Standards for Sustainable Drainage – (NSTS)' or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme shall also be in accordance with the principles set out in the Drainage Philosophy proposing surface water discharging indirectly to Nor Beck.

The works shall be constructed, maintained, and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution 9. No development shall commence until a Construction.

Condition 9

9. No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

The LLFA & HA in their consultation response to pre-commencement conditions 3, 8, and 9 consider that the submitted details are very comprehensive and address the requirements of these conditions. As a result, they raise no objection to these conditions being discharged. A response from UU is awaited with regards to the discharge of condition 8 but given that they haven't responded and the consultation expiry date has passed we can assume that they do not wish to comment.

Condition 4

This is for Biodiversity Net Gain:

4. The development shall not commence until 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. A Phasing Strategy for the delivery of the habitat creation and habitat enhancement works.

III. Planned management activities including details of site-wide aims and objectives.

IV. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.

V. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.

VI. Details of monitoring methods and a monitoring reporting schedule.

VII. Details of adaptive management approaches.

Reason In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

BNG Informative

And the BNG Informative attached to the planning permission is also relevant which states:

“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.

b) 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.” As regards condition 4 BNG, the Councils Ecologist in her consultation response expressed initial concerns that the Biodiversity Gain Plan submitted didn’t align with the metric provided at the application stage and requested a copy of the more recent/ updated metric relating to this application. This was provided based on Rev P26 Landscape Plan, which aligns with the submitted HMMP. On the basis of the additional information submitted the Ecologist was satisfied that the HMMP included all the information required as set out in Condition 4. Additionally, she confirmed that the requirements of BNG informative have also been met as the Biodiversity Gain Plan aligns with the Biodiversity Metric and the HMMP. On this basis Condition 4 and the BNG informative can be discharged. Conclusion Overall, the submitted details are considered to be acceptable and conditions 3,4,8 and 9 of planning permission reference 4/24/2411/0F1 can now be discharged, this also refers to the standard BNG condition.	
8.	Recommendation: Approve	
Case Officer: H. Morrison		Date : 14/08/2026
Authorising Officer: N.J. Hayhurst		Date : 14/08/2026
Dedicated responses to:- N/A		