CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION

1.	**Reference No:**	4/26/2259/DOC
2.	**Proposed Development:**	DISCHARGE OF CONDITIONS 3, 4, 5, 7 AND BIODIVERSITY GAIN PLAN OF PLANNING APPLICATION 4/26/2024/0F1
3.	**Location:**	NOOK FARM, CLEATOR
4.	**Parish:**	Cleator Moor
5.	**Constraints:**	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential Area for Great Crested Newts, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way
6.	**Publicity Representations &Policy**	N/A.
7.	**Report:** **Site and Location:** The Application Site comprises the property known as Nook Farm, Cleator. The property extends to 0.98ha which includes the former farm grouping, farmhouse curtilage and grazing land. The principal buildings on the Site include: - existing vacant farmhouse. - a range of non-traditional, dilapidated agricultural buildings with a floor area of 2,978m.	

- a redundant stone barn which is connected to the modern agricultural buildings.

The agricultural buildings are in varying degrees of disrepair.

Elements of the agricultural buildings have recently been demolished.

Some agricultural buildings are currently in use for the storage of agricultural machinery.

The Site is located in Flood Zone 1. Areas to the East and West outside of the Site are located in Flood Zone 2/3. The Environment Agency's 2070s Upper End climate change scenario (2061–2125) does not identify an area of the Site as being within Flood Zone 2/3.

Small area within the centre of the Site is identified as being at risk from surface water flooding. The Environment Agency's 2070s Upper End climate change scenario (2061–2125) identifies a larger area of the Site around the existing agricultural buildings as being at risk from surface water flooding.

The Site is located c.550m from the River Ehen SAC/SSSI, c. 800 from the Clints Quarry SSSI, c.1700m from the Florence Mine SSSI, c.1800m from the Black Moss SSSI, c.2300m from the Haile Great Wood SSSI and c.5000m from the Lake District High Fells SAC, River Calder Section SSSI and Yeathouse Quarry SSSI.

A Public Right of Way runs through the Site.

Proposal:

This Application seeks approval of details reserved by Planning Conditions 3, 4, 5 and 7 and Biodiversity Net Gain Plan Planning Condition of Full Planning Application ref. 4/26/2259/DOC.

The relevant conditions were worded as follows:-

3. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
These details shall include:-
• proposed finished levels or contours;
• means of enclosure;
• other vehicle and pedestrian access and circulation areas;
• hard surfacing materials;
• minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
• retained landscape features such as trees.
• soft landscaping works including habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development

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Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable.

Any trees / shrubs which are removed, die, become severely damaged or diseased within ten years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

4. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must be based on the hierarchy of drainage options in the Planning Practice Guidance.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

5. Notwithstanding the submitted details, no development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.
The CEMP shall include details of:
• Storage of plant and materials used in constructing the development;
• The erection and maintenance of security hoarding;
• Measures to control the emission of dust and dirt during construction;
• Measures to avoid and minimise the risk of a pollution event;
• A scheme for recycling/disposing of waste resulting from construction works;
• A procedure to mitigate noise and vibration from the construction as well as taking into account noise from vehicles, deliveries.
• Measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
• A written procedure for dealing with complaints regarding the construction.
• Measures to prevent/mitigate the impact upon protected species and habitats.

The development hereby approved shall be carried out in accordance with the approved

CEMP.

7. No development hereby approved shall be occupied until a Sustainable Drainage Management and Maintenance Plan (SDMMP) for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority.

The SDMMP shall include as a minimum:
(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system and compensatory storage areas to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be completed, maintained and managed in accordance with the approved SDMMP.

The information submitted in support of the application comprises the following:

- Proposed Site Plan – Drawing No. 25/04/1073-04 f)
- Nook Farm Biodiversity Net Gain Statement & Assessment For: Mr and Mrs N Webb Ref: BIOC25-871 | V1.0
- Biodiversity Gain Plan – Date 13/08/2026
- Construction Environmental Management Plan Doc. Ref: 25/04/1073 – CEMP - Revised 13/08/2026
- Drainage Calculation Information – HR Wallinford Calculations – Nook Farm, Cleator
- Drainage Calculation Information – Mirco Drainage Calculations - File 2608-20 Farm Re-
- Drainage Information - Marsh Nutra-Lite SBR
- Drainage Information - Code of Practice Flows and Loads – 4 Sizing Criteria, Treatment Capacity for Sewage Treatment Systems
- Surface Water – Sustainable Drainage Management And Maintenance Plan - Doc. Ref: 25/02/1072 – SDMMP - Date: 12/08/2026

Consultee:	Nature of Response:
LHA and LLFA	The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) have reviewed the submitted details and can confirm as follows: Condition 3 – The Above condition is not for the LHA nor the LLFA to discharge. Condition 4 – The LHA and LLFA are content with the information submitted in support of the above condition, therefore Condition 4 can be discharged. Condition 5 – The LHA and LLFA are content with the information submitted in support of the above condition, therefore Condition 5 can be discharged. Condition 7 – The LHA and LLFA are content with the information submitted in support of the above condition, therefore Condition 7 can be discharged. Response To Revised Attenuation Location: I am happy with this approach, provided that no additional drainage from the development site is connected to the pipe running from the attenuation storage to the outfall. One point I would suggest raising with the applicant is that a manhole will be required at the connection to the existing culvert. This may present issues for arena users, given that it would be located within the arena area.
Council Ecologist	Confirms that the Biodiversity Gain Plan aligns with the biodiversity metric to provide the minimum of 10% BNG. Additionally, the CEMP meets all of the requirements within Condition 5 and therefore it can be accepted. Condition 5 and the BNG informative can be discharged.
Environmental Health	Environmental Health are satisfied with the submitted Construction Environmental Management Plan and the details relating to foul drainage. As such, conditions 4 (part – Foul Drainage) and 5 (CEMP) may be discharged.
United Utilities	Further to our review of the submitted documents, Ref 25/02/1072 –

	SDMMP, Dated 12/08/2026, United Utilities recommends that condition 4 is not discharged. This is because we have not seen a drainage plan confirming foul or surface water disposal. UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE When considering their drainage proposal, or any other development features, it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely review proximity or positioning of drainage proposals in relation to existing pipelines when assessing the suitability of a specific drainage design. Where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available in the Appendix Section 3.0 'UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE' or on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date. It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Cumberland Council - Copeland Your ref 4/26/2259/DOC By email Our ref DC/26/2340 Date 29-OCT-26 Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.
Neighbour Responses:	
N/A.	

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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

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
Policy N5: Protection of Water Resources
Policy N14: Woodlands, Trees and Hedgerows

Other Material Planning Considerations:

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).

Assessment:

Planning Conditions 3

A detailed Landscaping Plan is required by Planning Condition 3.

The submitted Landscaping Plan secures the delivery of the tree planting required to be delivered to achieve the 10% biodiversity net gain and includes additional hard and soft landscaping details.

The landscaping works are appropriate to the Application Site and proposed development.

The Landscaping Plan includes a schedule of delivery to ensure that the works are delivered and thus the biodiversity net gain objectives are met.

Planning Conditions 4

	A detailed scheme of foul and surface water drainage has been submitted. It is proposed to dispose of foul water to a package treatment plant, which is to replace an existing septic tank system and represents betterment. It is proposed to dispose of surface water to watercourse as per the existing arrangement. The addition of the attenuation delivers betterment of the existing situation. The drainage infrastructure is located outside of the RPAs of the existing/retained trees. The LLFA have raised no objections. United Utilities recommends that condition 4 is not discharged as they have not seen a drainage plan confirming foul or surface water disposal. A detailed scheme of foul and surface water drainage has been submitted. Non mains drainage is proposed. Mains drainage does not exist within a reasonable distance of the Application Site. *Planning Conditions 5* A CEMP has been submitted. This includes mitigation and working practices that are appropriate to the scale of the proposed development, the location of the Application Site and the proximity to sensitive receptors. The LLFA, EHO and Council Ecologist have raised no objections. *Planning Conditions 7* A detailed *SDMM*P has been submitted. The *SDMM*P includes a range of management and maintenance works that are relevant and appropriate, the long-term maintenance/management of the detailed scheme of foul and surface water drainage that has been submitted. The LLFA have raised no objections. *Biodiversity Net Gain Plan Planning Condition* A Biodiversity Net Gain Statement & Assessment was submitted with the Full Planning Application. This demonstrates that the development results in a 28.60% (>10%) net increase in habitat units and satisfies trading rules onsite based on Landscaping Plan Drawing Number: 25/04/1073 – 04 C. A detailed landscaping scheme was not submitted with the Full Planning Application; however, it has now been submitted in approval of the requirements of Planning Condition 3. The proposed-on site habitat enhancement was non-significant, comprising a total net habitat

	unit change of +0.03. As such, it was not necessary to legally secure for a minimum period of 30 years. Notwithstanding the above, a landscaping condition was imposed to secure delivery and retention of landscaping, including the planting to deliver the habitat enhancement for a minimum period of 10 years. A detailed Landscaping Plan was secured by Planning Condition 3. The submitted Landscaping Plan secures the delivery of the tree planting required to be delivered to achieve the 10% biodiversity net gain. As outlined above, the submitted Landscaping Plan secures the delivery of the tree planting required to be delivered to achieve the 10% biodiversity net gain and a schedule of delivery to ensure that the works are delivered and thus the biodiversity net gain objectives are met. The required biodiversity net gain of ten percent is achieved. The Council Ecologist has raised no objections. **Conclusion:** Planning Conditions 3 – Approve requirements of planning condition. Planning Conditions 4 – Approve requirements of planning condition. Planning Conditions 5 – Approve requirements of planning condition. Planning Conditions 7 – Approve requirements of planning condition. Biodiversity Net Gain Plan Planning Condition – Approve requirements of planning condition.
8.	**Recommendation:** Approve
9.	**Condition(s):** N/A.

Case Officer: C. Harrison	**Date :** 05.11.2026
Authorising Officer: N.J. Hayhurst	**Date :** 09/11/2026
Dedicated responses to:- N/A	