

SCHEDULE B

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CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

NOTICE OF PLANNING CONSENT

To: United Utilities Water Ltd
Thirlmere House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 16 June 2017.

viz: Construction of new Outfall Structure

Dalston Wastewater Treatment Works, Dalston, Carlisle

Subject to due compliance with the following conditions:

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Full Planning Application Form – dated 16 June 2017;
 - b. Planning Application Supporting Statement – dated June 2017;
 - c. Arboricultural Impact Assessment – dated 28 June 2017 including its Appendices, in particular Drawing No. BTC1366-TPP – Tree Protection Plan;
 - d. Drawing No. PB6496-102-0002-Rev.P2 - Site Plan;
 - e. Drawing No. PB2622-500-001-Rev.A – Proposed Outfall Details;
 - f. Drawing No. PB6496-102-0020-Rev.P1 – Public Right of Way (PROW) Temporary Crossing Plan;
 - g. Drawing No. PB6496-102-0021-Rev.P1 - Dalston - Public Right of Way (PROW) Diversion;
 - h. Assessment of Likely Significant Effect (ALSE) - dated 21 June 2017;
 - i. Email dated 27 July 2017 from the Applicant in respect of Diversion Details, Modified Reinstatement Details and Control of Japanese Knotweed;
 - j. Email dated 31 July 2017 from the Applicant in respect of Wildflower Seed Mix and outfall design details;
 - k. Drawing No. STND/00/006-Rev.B – Typical Outfall Details D, E and F;
 - l. Drawing No. PB2622-500-001-Rev.A – Proposed Outfall Details.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. A copy of this permission, including the documents comprising the approved scheme and any other documents/drawings subsequently approved relating to conditions within this permission, shall be available for inspection on site during construction and reinstatement operations. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure the development is carried out as approved.

NOTIFICATIONS

Notification of Key Stages of the Development

4. Written notification shall be given to the Waste Planning Authority within 7 days of each of the following events:
 - a. The commencement of development;
 - b. Completion of the re-seeding of the river bank and pipeline route.

Reason: To enable the Waste Planning Authority to monitor the development and to ensure compliance with the approved scheme.

ECOLOGICAL CONSTRAINTS AND REQUIREMENTS

Tree Protection Measures

5. The measures for protecting existing trees set out in the *Arboricultural Impact Assessment – dated 28 June 2017 including its Appendices, in particular Drawing No. BTC1366-TTP – Tree Protection Plan*; shall be implemented in full. The measures shall be maintained in place throughout the duration of the construction phase and thereafter removed within 2 weeks of the completion of the construction phase.

Reason: To protect existing trees identified to be retained.

Breeding Birds

6. No removal or pruning of any trees, hedgerow, ruderal scrub or vegetation shall take place between the 1st March and 31st August inclusive in any year unless they have been first checked by a suitably qualified ecologist for breeding birds in accordance with Natural England's Guidance. In the event that breeding birds are found to be present an appropriate exclusion zone shall be set up around the habitat in question. No work shall be undertaken within the exclusion zone until nesting birds have been confirmed absent by a qualified ecologist.

Reason: To ensure appropriate protection for breeding / nesting birds under Section 1 of the Wildlife and Countryside Act 1981.

Protection of Otters

7. Any excavations deeper than 0.5 metres below the surrounding ground level that will be left unattended overnight shall be securely fenced or covered to prevent otters from entering them or shall have a mammal escape ramp installed at an angle of no more than 45 degrees to allow any individuals which could become trapped to escape.

Reason: In order to prevent otters becoming trapped in deep excavations. As otters are a Protected Species and an Annex II species that are a primary reason for selection of the River Eden as a Special Area of Conservation. In accordance with CMWDF Policy DC10 and to ensure compliance with

the Wildlife and Countryside Act 1981 (as amended) and the Local Authority's biodiversity duty under NERC Act 2006.

8. All construction materials shall be stacked safely so as to prevent accidental collapse by or on otters.

Reason: In order to prevent otters becoming trapped in deep excavations. As otters are a Protected Species and an Annex II species that are a primary reason for selection of the River Eden as a Special Area of Conservation. In accordance with CMWDF Policy DC10 and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Local Authority's biodiversity duty under NERC Act 2006.

9. All mechanical plant engaged in construction and any stored materials shall be checked prior to their use or movement to ensure otters are not sheltering underneath or by them.

Reason: In order to prevent otters becoming trapped in deep excavations. As otters are a Protected Species and an Annex II species that are a primary reason for selection of the River Eden as a Special Area of Conservation. In accordance with CMWDF Policy DC10 and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Local Authority's biodiversity duty under NERC Act 2006.

CONSTRUCTION PHASE RESTRICTIONS/REQUIREMENTS

Construction Hours

10. No construction or earthworks; including start-up of generators or other plant and/or machinery and deliveries of equipment and materials; shall take place except between the hours of:

08.00 am and 18.00 pm Monday to Friday (excluding Public Holidays).

09.00 am and 12.00 pm on Saturdays.

No construction or earthworks; including start-up of generators or other plant and/or machinery and deliveries of equipment and materials shall be carried out on Sundays or public and/or bank holidays.

This condition shall not operate so as to prevent the carrying out of essential maintenance to plant and machinery used in the construction works outside these hours.

Reason: In order to protect the amenity of nearby residents.

Lighting during construction

11. No artificial site lighting shall be used outside of daylight hours during the construction phase. Any artificial lighting used during the daytime shall be kept to a minimum and be directed away from nearby properties, ruderal grassland, trees and (as far as possible) the river and riverbank.

Reason: In order to protect the amenity of nearby residents and to minimise disturbance to wildlife including bats and otters.

Vehicular Traffic

12. Measures shall be employed on the site throughout the construction phase of the development to ensure no vehicle shall leave the site in a condition that would give rise to the deposit or mud, slurry or any other material on the public highway.

Reason: To prevent vehicles tracking material on to the public highway in the interests of highway safety. In accordance with Policy DC1 of the CMWDF Generic Development Control Policies.

POST DEVELOPMENT REQUIREMENT

Planting Maintenance

13. Any re-planted willow saplings which die or become seriously damaged or diseased within five years of re-planting shall be replaced with new plants.

Reason: In the interests of biodiversity, river bank stability and visual amenity.

Informatives:

Public Rights of Way: Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order for the temporary diversion or stopping-up of the right of way has been made, confirmed and come into effect.

Northern Gas Networks: Note that there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the promoter of these works ought to contact NGN directly to discuss NGN's requirements in detail.

Electricity North West: Highlight that there is a substation and associated high voltage underground cable on the site of the proposed works and that a safe working distance must be maintained from these at all times and safe digging techniques must be practiced. Note that the applicant may have to apply to have these assets diverted.

Dated the 15 August 2017

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Signed: Angela Jones
Assistant Director of Environment & Regulatory Services
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.

- The policies and reasons for the approval of this planning application are set out within the planning officers' report on the application which can be viewed online via: Onlineplanning.cumbria.gov.uk/ePlanningOPS/searchPageLoad.do
 - Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Any approval to be given by the Corporate Director of Environment & Community Services or any other officer of Cumbria County Council shall be in writing.
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APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (Tel. 03708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
 2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from the Environment Agency would be granted.
 3. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").
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NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: Planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission

for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

NOTICE OF PLANNING PERMISSION

To: Norman Street Primary School
Norman Street
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 3 July 2017.

viz: Installation of a Portacabin Building for use as an additional classroom for a temporary time period

Norman Street Primary School, Norman Street, Carlisle, CA1 2BQ

Subject to due compliance with the following conditions:

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Time Limit

2. The portacabin building hereby permitted shall be used for a temporary period only expiring on 31 July 2021. The portacabin building and all associated foundations shall be removed from the site by 1 September 2021.

Reason: To comply with Section 72 of the Town and Country Planning Act 1990.

Approved Scheme

3. The development shall be carried out in accordance with the following approved documents:
 - a. The submitted Planning Application Form - dated 3 July 2017;
 - b. Site Plan-Rev.B – submitted 27 July 2017;
 - c. Drawing No. OPP-2017-115357-1-Rev.B – Production Layout Plan (Floor Plan & Details) – dated 12 July 2017;
 - d. Drawing No. OPP-2017-115357-3-Rev.A – Production Elevation Plan – dated 9 August 2017;
 - e. Email dated 24 July 2017 from the Applicant re: Revised Positioning and External Colour Finishes.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Protection of Breeding Birds

4. No lopping of any nearby tree branches shall take place between 1 March to 31 August inclusive in any year. If said works cannot be delayed so as to be taken outside this time period, then a qualified ecologist must first carry out checks to confirm if bird nesting is taking place. Should the presence of nesting birds be found on any branches proposed to be removed, then no work shall be undertaken until nesting birds have fledged.

Reason: To ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended) because all wild birds are protected by legislation making it an offence to intentionally kill, injure or take any wild bird, its eggs or nests whilst in use or being built. In accordance with Policy DC 10 of the CMWDF Generic Development Control Policies.

Dated the 23 August 2017



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Signed: Angela Jones
Assistant Director of Environment & Regulatory Services
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- The policies and reasons for the approval of this planning application are set out within the planning officers' report on the application which can be viewed online via: <https://cloud2.atriumsoft.com/ePlanningCMB/searchPageLoad.do>
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix and below notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes."
2. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.