

Cumberland Council
Development Control
The Copeland Centre Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Our ref: NO/2023/115771/01-L01
Your ref: 4/23/2385/0F1
Date: 28 December 2023

Dear Sir/Madam

**USE OF FORMER NURSERY AS CHARITY GROWING SITE WITH THE
DEMOLITION OF A BUILDING AND THE ERECTION OF A NEW MODULAR
CLASSROOM
BECK GREEN NURSERY, CROSS SIDE, EGREMONT**

Thank you for consulting us on the above planning application.

Environment Agency position

We have no objection to the proposed development but we wish to make the following comments:-

Flood risk

The planning application is accompanied by a Design and Access Statement including a basic Flood Risk Assessment (FRA). We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Environmental permit - advice to applicant

The River Ehen is a designated statutory main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

Environment Agency
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Biodiversity Net Gain (BNG) – advice to applicant

Applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 174 and 179 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. From November 2023, providing a minimum 10% biodiversity net gain in new development has become a legal requirement due to provisions within the Environment Act 2021. Applicants should have regard to the [latest planning practice guidance](#) on BNG in new development proposals.

Applicants can establish the pre-development and post-development biodiversity value of their proposals using the [DEFRA Biodiversity Metric](#). Where development proposals do not demonstrate a minimum 10% BNG, applicants should be encouraged to identify appropriate opportunities and enhancements to achieve it. Where an application site adjacent to a watercourse, we would recommend applicants retain these features wherever possible and consider whether they represent opportunities to provide biodiversity net gain through restoration and / or enhancement.

Yours faithfully

Hui Zhang
Planning Advisor - Sustainable Places
 e-mail clplanning@environment-agency.gov.uk