

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2051/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4 AND 5 OF PLANNING APPLICATION 4/24/2296/0F1	
3.	Location:	LAND AT OXENRIGGS FARM, EGREMONT	
4.	Parish:	Haile	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to land at Oxenrigg Farm, located to the east of Egremont. The application site forms two small areas of land to the south east of the existing Farmhouse.		

Relevant Planning History

4/12/2229/0F1 – Stable, storage & garage (re-submission) – Approved.

4/13/2410/0F1 – Extensions and alterations including a change of use to create ground floor bed and breakfast accommodation and first floor living accommodation – Approved.

4/24/2232/0F1 – Change of use from bed and breakfast to ancillary domestic accommodation used in association with Oxenrigg Farmhouse (Retrospective) – Approved.

4/24/2296/0F1 – Creation of new access onto classified road and reinstatement/upgrade of track to serve existing farmhouse with associated onsite BNG – Approved.

Proposal

In January 2025, planning permission (ref: 4/24/2296/0F1) was granted for the creation of a new access onto classified road and reinstatement/upgrade of track to serve existing farmhouse with associated onsite BNG.

This current application seeks to discharge conditions 4 and 5 of planning approval 4/24/2296/0F1. These conditions state the following:

4. Prior to the commencement of the works hereby approved a Biodiversity Net Gain Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved document at all times thereafter.

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.

5. Prior to the commencement of development 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 must 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. Planned management activities including details of site-wide aims and objectives.
 - iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.

- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. 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.

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

- Application Form, received by the Local Planning Authority on the 17th February 2025.
- Habitat Management and Monitoring Plan, Prepared by Sandy Brown February 2025, received by the Local Planning Authority on the 17th February 2025.
- BNG Habitat Monitoring Report, Prepared by Sandy Brown, received by the Local Planning Authority on the 17th February 2025.
- Biodiversity Net Gain (BNG) Small Site Metric Plan (Amended), Prepared by Sandy Brown July 2024, received by the Local Planning Authority on the 12th June 2025.
- Management Plans as part of Biodiversity Net Gain Small Scale Metric Calculation, Prepared by Sandy Brown July 2024, received by the Local Planning Authority on the 17th February 2025.
- Small Site Metric Calculation Tool (Amended), received by the Local Planning Authority on the 26th May 2025
- Email Response Ecologist. received by the Local Planning Authority on the 26th May 2025

Consultation Responses

Consultant Ecologist – Tetra Tech

21st May 2025

Comments on the Small Sites Metric

1. We note that the Area Habitats tab is only partially complete – only the access track has been entered under baseline habitats, and only the enhanced grassland under proposed habitats. To correctly calculate the resulting net gain/loss, all affected

parcels of land must be fully accounted for under the appropriate sections.

Comments on Supporting Documents

1. The proposed grassland has been listed as “Other lowland acid grassland” within the Metric, but supporting documents refer to it as “Species rich grassland”. Though the Management Plan contains a suggested species list, a large proportion of those listed are indicative of neutral to basic conditions. We would like to see a greater proportion of acid grassland indicators within the proposed seed mix.

9th June 2025

The applicant has provided the following additional documents:

- Email Response Ecologist - 26.05.25 (ADDITIONAL)
- Oxenrigg Small_Sites_Metric__Calculation_Tool_02.24 (1) (AMENDED)

Comments on the Small Sites Metric

1. The size of the BNG site (958m²) in the BNG plan provided previously (Oxenriggs Farmhouse Biodiversity Net Gain (BNG) Small Sites Metric Plan – 24/07/2024), does not align with the area proposed for enhancement in the updated small sites metric (988m²). This will therefore need to be updated to ensure the figures align.

Comments on Supporting Documents

1. The target grassland type has been amended from “Other lowland acid grassland” within the Metric to ‘Other neutral grassland’. The suggested species list is appropriate to achieve this habitat type.

Conclusion

Previous comments made by Tetra Tech on behalf of Cumberland Council (784-B072252 LAND AT OXENRIGGS FARM 21st May 2025) have been addressed. Providing that comments in relation to inconsistencies in the size of the area proposed for enhancement between the BNG report and BNG Small Site Metric are addressed, it is recommended that this BNG is approved.

20th June 2025

In our letter dated 9th June 2025 there was one outstanding comment to be addressed, (below):

The size of the BNG site (958m²) in the BNG plan provided previously (Oxenriggs Farmhouse Biodiversity Net Gain (BNG) Small Sites Metric Plan – 24/07/2024), does not align with the area proposed for enhancement in the updated small sites metric (988m²). This will therefore need to be updated to ensure the figures align.

I can confirm that I have checked the Biodiversity Net Gain Plan provided on the 13th June 2025 and the site area on the included drawing aligns with the small sites metric provided.

We have no further comments on this application and recommend that this BNG is approved.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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 the 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 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N2: Local Nature Recovery Networks

	<p>Strategic Policy N3: Biodiversity Net Gain</p> <p>Strategic Policy N6: Landscape Protection</p> <p>Strategic Policy CO4: Sustainable Travel</p> <p>Policy CO5: Transport Hierarchy Strategic</p> <p>Other Material Planning Considerations</p> <p>National Planning Policy Framework (2024)</p> <p>National Planning Practice Guidance (NPPG)</p> <p>Cumbria Development Design Guide</p> <p>Cumbria Landscape Character Guidance and Toolkit (CLCGT)</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR)</p> <p>Assessment</p> <p>This current application seeks to discharge conditions 4 and 5 of planning approval 4/24/2296/0F1.</p> <p><u>Condition 4:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a Biodiversity Net Gain Plan. Based on the submission of amended/additional information the Council's Consultant Ecologist has confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 4 can be discharged.</p> <p><u>Condition 5:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a Habitat Management and Monitoring Plan. Based on the submission of amended/additional information the Council's Consultant Ecologist has confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 5 can be discharged.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of condition 4 and 5.</p>



**Cumberland
Council**

Case Officer: C. Burns	Date : 25.06.2025
Authorising Officer: N.J. Hayhurst	Date : 25.06.2025
Dedicated responses to:- N/A	