

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2212/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 4 OF PLANNING APPLICATION 4/25/2090/0F1 AND APPROVAL OF THE BIODIVERSITY GAIN PLAN
3.	<b>Location:</b>	HALL SENNA, HALLSENNNA
4.	<b>Parish:</b>	Gosforth
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Drigg 3KM,</p> <p>Outer Consultation Zone - Sellafield 10KM,</p> <p>PROWs - Public Right of Way</p>
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<p><b>Report:</b></p> <p><b>Site and Location</b></p> <p>The application site comprises land forming part of an existing landscaping business, situated in the open countryside, to the east of Seascale. The site is accessible via a lane connecting to the A595. The lane serves a cluster of properties and a farm, as well as the business itself.</p> <p>The land currently houses a large agricultural style building with attached lean to, both of which front onto an existing hard standing. An additional lean to is located on the south side of the site and the existing buildings. The application land rises in a south easterly direction, with the buildings being situated to the western side of the land, alongside the access lane.</p> <p>Isolated agricultural buildings are in place to the north and west of the site. A small number of dwellings are situated to the south. Agricultural land extends beyond these structures. The Grade II Listed Hallsenna with adjoining Barn Stables and Dovecote are situated approx.</p>	

60m beyond the southern boundary.

### **Proposal**

The application seeks approval of details reserved by condition 4 of planning approval 4/25/2090/0F1 and the approval of the biodiversity gain condition.

Planning condition 4 of planning approval 4/25/2090/0F1 states that:

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 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. 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 Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

The Biodiversity Gain Condition deemed to apply to planning permissions for development of land under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 indicates 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.

The applicant has submitted a Biodiversity Gain Plan, Biodiversity Net Gain Report and a Habitat Management and Monitoring Plan in support of the application.

## **Consultation Responses**

### Cumberland Council's Ecology Consultant

The information presented in the Habitat Management and Monitoring Plan is considered appropriate to discharge condition 4. Providing that the monitoring schedule is amended to align with the monitoring schedule presented in Condition 8, the pre-commencement Condition 4 for this development which relates to BNG has been met and can therefore be discharged.

It was identified that the BNG survey was completed in Dec, and there is no Limitations section in the BNG report and 'no limitations' was stated in Section 6.2 of the Defra BNG form. This is incorrect as the survey was conducted outside of the survey season. In this case, as the habitats are low value it is unlikely that anything important has been missed. Otherwise, the BNG gain plan is considered suitable.

## **Planning Policies**

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 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 Local Plan as commenced by Copeland Borough Council.

The Local Plan 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.

The policies relevant to this application are as follows:-

	<p>Strategic Policy DS1: Settlement Hierarchy</p> <p>Strategic Policy DS2: Settlement Boundaries</p> <p>Policy DS4: Design and Development Standards</p> <p>Strategic Policy E1: Economic Growth</p> <p>Policy RE1: Agricultural Buildings</p> <p>Strategic Policy N3: Biodiversity Net Gain</p> <p>Strategic Policy BE1: Heritage Assets</p> <p>Policy BE2: Designated Heritage Assets</p> <p><b>Other Material Planning Considerations</b></p> <p>National Planning Policy Framework (NPPF)</p> <p>National Planning Practice Guidance</p> <p>Cumbria Development Design Guide</p> <p><b>Assessment</b></p> <p>The applicant has submitted a Biodiversity Gain Plan, Biodiversity Net Gain Report and a Habitat Management and Monitoring Plan in support of the application.</p> <p>Cumberland Council's Consultant Ecologist has confirmed that the details submitted are suitable, although reference is made to the absence of notification of limitations to the Biodiversity Net Gain Survey. In this case, the survey was conducted outside the survey season, which should have been noted within the Survey findings. However, given the limited value of the habitats, it was considered unlikely that anything of importance would have been missed.</p> <p>On the basis of the advice provided by Cumberland Council's Consultant Ecologist, it is recommended that the details submitted in relation to condition 4 of 4/25/2090/0F1 and the Biodiversity Gain Condition be approved.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve</p>	
<b>Case Officer:</b> L. White		<b>Date :</b> 06/08/2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 07/08/2025