

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2292/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 9 AND 10 OF PLANNING APPLICATION 4/23/2313/0F1	
3.	Location:	LAND TO THE SOUTH OF DALEVIEW GARDENS, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, 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		
	<p>The Application Site comprises of a parcel of agricultural land located on the southern periphery of Egremont. The site is located to the east of Uldale View, is irregular in shape and covers an area of approximately 7.78 hectares. The site comprises of two fields defined by hedgerows at their margins, and slopes downwards towards the northern and eastern boundaries. The site is bounded to the north by residential properties at Daleview Gardens and Daleview Close, to the west by residential properties at Uldale View, and to the south</p>		

and east by agricultural land.

There are no Conservation Areas or Listed Building on or directly adjacent to the Application Site. The nearest designated assets comprise the Grade I Listed and Scheduled Ancient Monument Egremont Castle and the Grade II Listed structures within the Castle grounds (the Drinking Fountain and Western Sundial) located approximately 400m to the north.

The Application Site is located within Flood Zone 1. The site also has a low risk of surface water flooding.

The Application Site is not located within a river catchment affected by nutrient neutrality and comprises Grade 3 agricultural land.

There are no Public Rights of Way on the Application Site. A pedestrian footpath runs along the western side of Uldale View providing to access Egremont by foot.

Directly Relevant Planning History

4/23/2313/0F1 – Full planning permission for the residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works – Approved by Planning Committee subject to S106 Agreement.

4/25/2149/DOC – Discharge of conditions 3, 4, 5, 7, 8, 11 and 12 of planning application 4/23/2313/0F1 – Approved.

Proposal

In February 2025, planning permission was granted (ref: 4/23/2313/0F1) by Members of the Planning Committee for a residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works.

This current application seeks to discharge conditions 9 and 10 of planning permission 4/23/2313/0F1. These conditions state the following:

9. No development must commence until a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan must include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and the Environmental Act 2021.

10. Prior to the commencement of any works hereby approved the required additional species surveys and details of the proposed enhancement measures must be submitted to and approved in writing by the Local Planning Authority as set out in the following approved documents:

- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.

Reason

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

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

- Application Form, received by the Local Planning Authority on the 22nd August 2026.
- Baseline Habitat Survey, Scale: NTS, Drawing No: P.1723.22.E02, received by the Local Planning Authority on the 22nd August 2026.
- Plant Schedule, Prepared by Westwood Landscape July 2025, Revision: E, received by the Local Planning Authority on the 22nd August 2026.
- Biodiversity Gain Plan (Amended), received by the Local Planning Authority on the 13th May 2026.
- Biodiversity Impact Assessment (Amended), Prepared by Ascerta March 2025, Ref: P.1723.22, received by the Local Planning Authority on the 16th March 2026.
- Habitat Management and Monitoring Plan (Amended), Prepared by Ascerta March

2026, Ref: P.1723.22, received by the Local Planning Authority on the 16th March 2026.

- Site Visit Letter, Prepared by Ascerta December 2025, Ref: P.1723.25, received by the Local Planning Authority on the 22nd December 2025.
- Reasonable Avoidance Measures for Terrestrial Mammals and Amphibians, Prepared by Ascerta January 2026, Ref: P.1723.22, received by the Local Planning Authority on the 8th February 2026.
- Construction Environment Management Plan, Prepared by Ascerta March 2025, Ref: 1723.22, received by the Local Planning Authority on the 13th May 2026.
- Material Dispersion Plan, Scale 1:500, Drawing No: 2119-MDP-01, Revision: -, received by the Local Planning Authority on the 13th May 2026.
- The Statutory Metric, received by the Local Planning Authority on the 16th March 2026.
- Statutory Biodiversity Metric Condition Assessment, received by the Local Planning Authority on the 16th March 2026.

Consultation Responses

Cumberland Council – Ecology Team

2nd September 2025

Quite a few documents are missing here for this DOC application.

I need:

- Biodiversity Gain Plan and updated metric
- HMMP

Plus, as stated in PEA:

- an updated site visit will be required to assess the habitats within the site;
- Preliminary bat roost assessment of trees that will be lost to the proposals to determine the suitability of any features that may be present to support a bat roost and to inform further recommendations if required;
- Production and Implementation of a Construction Environmental Management Plan (CEMP) to ensure the River Ehen, ditch D1 and Florence Mine Site (SSSI) are protected during the construction phase;
- Implementation of a hedgehog, badger and mammal RAMS to avoid any harm to this species during the proposed works;
- Implementation of an amphibian RAMS to avoid any harm to this species during the



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proposed works;

- Precautionary check for invasive prior to works commencing;
- Enhancing the site for species through appropriate landscape planting that includes native, species rich hedgerows, trees and areas of wildflowers plus provision of integrated bat and bird features within newly constructed buildings;
- Provision of species within the landscaping plans to provide forage and refuge for red squirrel;
- SUDS features to include native planting to enhance the ecology and biodiversity of the proposed site
- Vegetation clearance or pruning should be undertaken outside of the nesting bird season (1st March to 31st August Inclusive) to avoid any impact on breeding birds. Or a nesting bird check undertaken by a suitably experienced ecologist should be undertaken immediately prior to works commencing.

10th September 2025

Condition 9

Condition 9 states, “No development must commence until a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan must include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and the Environmental Act 2021.”

Council Response:

The county ecologist notes that the watercourse habitat does not reach the required 10% net gain as it stands at 2.56%. This score must be uplifted and then reflected in the Biodiversity Gain Plan and the HMMP before Condition 9 can be discharged.

Condition 10

Condition 10 states, "Prior to the commencement of any works hereby approved the required additional species surveys and details of the proposed enhancement measures must be submitted to and approved in writing by the Local Planning Authority as set out in the following approved documents:

- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.

Reason To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028."

Council Response:

The county ecologist accepts Updated Survey Letter (December 2025) written for the further survey undertaken in June 2025, however notes that documentation is missing regarding the Construction Environmental Management Plan relating to the River Ehen, Ditch D1 and Florence Mine Site SSSI. Construction and Operational mitigation, which aligns with the Habitats Regulations Assessment must be written into a CEMP and submitted to the council for Condition 10 to be discharged.

Details of enhancement measures relating to the following are to be submitted to the council:

- Enhancing the site for species through appropriate landscape planting that includes native, species rich hedgerows, trees and areas of wildflowers plus provision of integrated bat and bird features within newly constructed buildings;
- Provision of species within the landscaping plans to provide forage and refuge for red



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squirrel; and

- SUDS features to include native planting to enhance the ecology and biodiversity of the proposed site.

The Reasonable Avoidance Measures document is to include mitigation for invasive non-native species, should they be encountered, and breeding birds.

17th March 2026

Partial Discharge

Condition 9

Condition 9 states, "No development must commence until a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan must include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and the Environmental Act 2021."

Council Response:

The county ecologist accepts the Biodiversity Gain Plan and the HMMP and accepts the amended monitoring reporting periods of 1, 2, 5, 10, 20 and 30.

It must be understood that it is the responsibility of the applicant to achieve a net gain in biodiversity of 10% by Year 30, which must be evidenced at Year 30 to the council and accepted in writing.

The first round of monitoring results is required to be submitted to the council within Year 1

after the commencement of development.

Condition 10

Condition 10 states, “prior to the commencement of any works hereby approved the required additional species surveys and details of the proposed enhancement measures must be submitted to and approved in writing by the Local Planning Authority as set out in the following approved documents:

- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.

Reason To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.”

Council Response:

The County Ecologist accepts the CEMP however requires the Reasonable Avoidance Measures document to include mitigation for invasive non-native species, should they be encountered, and breeding birds.

Additionally, details of enhancement measures relating to the following are to be submitted to the council:

- Enhancing the site for species through appropriate landscape planting that includes native, species rich hedgerows, trees and areas of wildflowers plus provision of integrated bat and bird features within newly constructed buildings;
- Provision of species within the landscaping plans to provide forage and refuge for red squirrel; and



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- SUDS features to include native planting to enhance the ecology and biodiversity of the proposed site.

19th May 2026

Condition 9

Condition 9 states, "No development must commence until a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan must include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and the Environmental Act 2021."

Council Response:

The county ecologist accepts the updated Biodiversity Gain Plan and the HMMP and therefore Condition 9 can be discharged.

Condition 10

Condition 10 states, "Prior to the commencement of any works hereby approved the required additional species surveys and details of the proposed enhancement measures must be submitted to and approved in writing by the Local Planning Authority as set out in the following approved documents:

- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape,

Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.

Reason To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.”

Council Response:

The county ecologist accepts updated CEMP (March, 2026) and confirms that respective sections for mitigation for invasive non-native species, should they be encountered, and breeding birds have now been added to the CEMP.

Details of biodiversity enhancement measures have also been added to the CEMP and have been visualised on the Material Dispersion Plan.

Therefore, Condition 10 can now be discharged.

Natural England

19th February 2026

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England’s generic advice on other natural environment issues is set out at Annex A.

23rd March 2026

Natural England has previously commented on this proposal and made comments to the authority in our response dated 19 February 2026 with reference number 540983, attached.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect



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any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

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 2001-2016.

Planning approval 4/23/2313/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

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

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

This current application seeks to discharge conditions 9 and 10 of planning permission 4/23/2313/0F1.

Condition 9:

This condition seeks to discharge the requirements for the development to provide Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development.

Following amendments to the application, the Council's Ecologist has confirmed that this condition can be formally discharged. Natural England have offered no objections to the



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	<p>application.</p> <p>This condition however can only be discharged in part as monitoring reports are required to be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from completion of the development unless otherwise stated in the Biodiversity Management Plan. The submitted HMMP has stated that monitoring will be undertaken annually but formal audits will be taken in years 1, 2, 5, 10, 20 and 30. The Council's Ecologist has confirmed that this is acceptable. It is therefore confirmed that condition 9 can be discharged in part.</p> <p><u>Condition 10:</u></p> <p>This condition seeks to discharge the requirements for the development to provide the required additional species surveys and details of the proposed enhancement measures outlined within the previously submitted Ecology Surveys for this application.</p> <p>Following amendments to the application, the Council's Ecologist has confirmed that this condition can be formally discharged. Natural England have offered no objections to the application.</p> <p>It is therefore confirmed that condition 10 can be discharged.</p> <p><u>Conclusion</u></p> <p>It is therefore confirmed that condition 9 can be discharged in part and condition 10 can be fully discharged.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of condition 9 in part and full discharge of condition 10.</p>
Case Officer: C. Burns	Date : 22.05.2026
Authorising Officer: N.J. Hayhurst	Date : 22.05.2026
Dedicated responses to:- N/A	