

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2373/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 6 AND THE REQUIREMENTS OF BIODIVERSITY NET GAIN OF PLANNING APPROVAL 4/24/2252/0F1
3.	Location:	LAND BETWEEN GRIFFIN CLOSE & GREENVALE COURT, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	
	Site and Location	This application relates to a parcel of land measuring 0.5 hectares. The land is sited between Griffin Close and Greenvale Court in Frizington. The land was previously in used as sheltered housing which was demolished in 2011. The site has been left as hardstanding and used as informal open space since demolition. The site is accessed directly from Griffin Close and is flanked by residential properties to the south and east. There is a surgery and a care home to the south and open fields to the north and west.

Planning permission was approved in April 2025 for the erection of 17 no. 2 bedroomed dwellings (application reference 4/24/2252/0F1 relates).

Conditions 3, 4 and 5 were discharged in September 2025 (application reference 4/25/2323/DOC relates).

Directly Relevant Planning History

Demolition of existing buildings (sheltered housing), approved in February 2011 (application reference 4/10/2593/0F1 refers).

Proposal

This current application seeks to discharge conditions 6 of planning permission and the requirements for approval of the Biodiversity Net Gain Plan condition.

The wording of the relevant conditions are as follows:-

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Biodiversity Net Gain – Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and (b) the



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local planning authority has approved the plan. The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control. The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>.

The following information has been submitted with the application:-

- Operation and Maintenance Plan for Sustainable Drainage Systems
- Habitat Management and Supporting Information provided by the Environment Bank,
- Biodiversity Net Gain Report
- Supporting Statement
- Biodiversity Gain Plan.

Consultation Responses

Highways and Local Lead Flood Authority

Condition 6 - The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 6 can be discharged.

County Ecologist

The County Ecologist accepts the Biodiversity Gain Plan.

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 policies that are relevant to this application are:

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



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	<p>Other Material Planning Considerations</p> <p>National Planning Policy Framework</p> <p>Assessment</p> <p><u>Condition 6:</u></p> <p>This condition seeks to discharge the requirement for the development to provide details of a drainage management and maintenance plan.</p> <p>Based on the information submitted, the Local Lead Flood Authority have confirmed that the submitted information is acceptable.</p> <p>It is therefore confirmed that condition 6 can be discharged.</p> <p><u>Biodiversity Net Gain Details</u></p> <p>Comprehensive information was submitted to the Council's Ecologist with further information requested throughout the application process. The BNG credits will be fulfilled offsite and full details and clarification of the purchase of these credits through the Environment Bank have been provided. The Ecologist is satisfied with the information provided.</p> <p><u>Conclusion:</u></p> <p>Discharge condition 6 and the requirements of the Biodiversity Net Gain details of planning approval 4/24/2252/0F1.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of condition 6 and BNG Plan</p>
Case Officer: Sarah Papaleo	Date : 10/03/2026
Authorising Officer: N.J. Hayhurst	Date : 11/03/2026
Dedicated responses to:- N/A	