



CUMBERLAND COUNCIL

DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2423/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 3 AND THE REQUIREMENTS OF BIODIVERSITY NET GAIN OF PLANNING APPROVAL 4/25/2163/0F1	
3.	Location:	FLEMING HALL, GOSFORTH	
4.	Parish:	Gosforth	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way	
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	The application site comprises a farmstead, situated in the open countryside to the west of Gosforth. Access to the site is available via a lane from the A595. The farm complex houses	

a number of modern agricultural structures.

Relevant Planning History

4/25/2163/0F1 – Erection of a farm building – Approved.

Proposal

In August 2025, planning permission (ref: 4/25/2163/0F1) was granted for the erection of a farm building at this site.

This current application seeks to discharge condition 3 and the requirements of biodiversity net gain of planning approval reference 4/25/2163/0F1. These conditions state the following:

3. No development shall commence until a Biodiversity Management and 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 and Monitoring Plan shall 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 and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Informative Notes

Biodiversity Net Gain – Biodiversity Plan Required

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 local planning authority has approved the plan.
- (b) 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 information submitted in support of the application comprises the following:

- Application Form (Amended), received by the Local Planning Authority on the 17th December 2025.
- BNG Habitat Monitoring Report, Prepared by Mitchells Farm & Environmental Advisory, received by the Local Planning Authority on the 17th December 2025.
- Habitat Management and Monitoring Plan, Prepared by Mitchells Farm & Environmental Advisory, received by the Local Planning Authority on the 17th December 2025.
- Biodiversity Gain Plan, received by the Local Planning Authority on the 17th December 2025.
- Small Sites Metric Statutory Biodiversity Metric Calculation Tool (Amended), received by the Local Planning Authority on the 7th January 2026.

Consultation Responses

Cumberland Council – Ecology Team

7th January 2026

Their Gain Plan doesn't match their metric. Please can you ask them to resubmit the gain plan?

8th January 2026

The Councils ecologist accepts the Biodiversity Gain Plan and the Habitat Management and Monitoring Plan. 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 2 after the commencement of development.

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:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy RE1: Agricultural Buildings Strategic

Policy N3: Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Cumbria Development Design Guide



Assessment

This application seeks to discharge condition 3 and the requirements of biodiversity net gain of planning approval reference 4/25/2163/0F1.

Condition 3 seeks to discharge the requirements for the development to provide details of a Biodiversity Management and 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. There is also the requirement for a Biodiversity Net Gain Plan to be submitted and approved prior to the commencement of development at the site.

The Council's Ecologist has reviewed the application and has confirmed that the information submitted to support this application is acceptable.

It is therefore confirmed that condition 3 and the BNG requirements for this application can be discharged.

Conclusion

Discharge of condition 3 and BNG requirements.

8. Recommendation:

Approve discharge of condition 3 and BNG requirements.

Case Officer: C. Burns

Date : 08.01.2026

Authorising Officer: N.J. Hayhurst

Date : 09.01.2026

Dedicated responses to:- N/A