



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2119/DOC	
2.	Proposed Development:	DISCHARGE OF THE REQUIREMENTS OF BIODIVERSITY NET GAIN OF PLANNING APPLICATION 4/24/2391/0F1	
3.	Location:	LAND OFF DALZELL STREET, MOOR ROW, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Coal - Development Referral Area - Data Subject to Change	
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 two separate parcels of agricultural land located to the northern edge of Moor Row.		
	The northern parcel of land extends to c.2.4ha and is bounded by the River Keekle to the East and further parcels of agricultural land to the West.		

The southern parcel of land extends to 0.6ha and is surrounded by further parcels of agricultural land to the North, East and West and both agricultural land and the former Moor Row goods yard to the South.

The agricultural land and the former Moor Row goods yard to the South benefits from Outline Planning Permission for the erection of up to 65 dwellings approved under application ref. 4/23/2076/001.

There are no listed buildings on or directly adjacent to the Application Site.

The northern parcel of land is located in Flood Zone 2 and Flood Zone 3, which are the highest categories of flood risk.

The main part of the southern parcel of land is located in Flood Zone 1, which is the lowest category of flood risk with a small element to the north located in Flood Zone 2.

Part of the southern parcel of land is located in an area defined by the Mining Remediation Authority as high risk.

Directly Relevant Planning Application History:

4/16/2275/001 – Outline application for residential development – Approved in Outline.

4/23/2076/001 - Outline application for residential development for up to 65 dwellings with details of proposed access & all other matters reserved – Approved subject to planning conditions and Section 106 Agreement.

4/24/2323/0R1 - Application for reserved matters relating to layout, scale, appearance and landscaping pursuant to outline application reference 4/23/2076/001 – Valid planning application.

4/24/2335/DOC - Discharge of conditions 5, 6, 8, 19 and 20 of planning application 4/23/2076/001 – Approved.

4/24/2336/DOC - Discharge of conditions 9, 10 and 21 of planning application 4/23/2076/001 – Approved.

4/24/2337/DOC - Discharge of conditions 11, 12, 13, 14, 15 16, 17, 18 and 22 of planning application 4/23/2076/001 – Approved.

4/24/2391/0F1 – Proposed surface water dry retention basin and associated infrastructure including BNG enhancements relating to residential development pursuant to outline application reference 4/23/2076/001 – Approved subject to planning conditions and Section 106 Agreement.

4/25/2213/DOC – Discharge of condition 3 of planning application 4/24/2391/0F1 – Approved.

4/26/2079/DOC – Discharge of conditions 4 and 5 of planning application 4/24/2391/0F1 –



Cumberland Council

Approved.

Proposal

In June 2025, planning permission (ref: 4/24/2391/0F1) was granted by Members of the Planning Committee for a proposed surface water dry retention basin and associated infrastructure including BNG enhancements relating to residential development pursuant to outline application reference 4/23/2076/001.

This current application seeks to discharge the BNG requirements of planning approval 4/24/2391/0F1.

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

- Application Form, received by the Local Planning Authority on the 20th April 2026.
- Biodiversity Gain Plan, received by the Local Planning Authority on the 20th April 2026.

Consultation Responses

Cumberland Council – Ecology Team

Informative Wording – Biodiversity Net Gain

The informative states, “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.

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.](https://www.gov.uk/government/publications/biodiversity-gain-plan)”

Council Response

The County Ecologist accepts the Biodiversity Gain Plan and confirms that it aligns with the Statutory Biodiversity Metric.

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 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.

Strategic Policy DS1: Settlement Hierarchy

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 N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy N14: Woodlands, Trees and Hedgerows



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	<p>Key Other Material Planning Considerations</p> <p>National Planning Policy Framework (NPPF)</p> <p>Planning Practice Guidance (PPG)</p> <p>National Design Guide (NDG)</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR)</p> <p>Cumbria Development Design Guide (CDDG)</p> <p>Assessment</p> <p>This application seeks to discharge the BNG requirements of planning approval 4/24/2391/0F1.</p> <p>The Council's Ecologist has confirmed that they accept the submitted Biodiversity Gain Plan and confirms that it aligns with the Statutory Biodiversity Metric.</p> <p>It is therefore confirmed that the BNG requirements of application 4/24/2391/0F1 can be discharged.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of BNG requirements</p>
Case Officer: C. Burns	Date : 08.05.2026
Authorising Officer: N.J. Hayhurst	Date : 08.05.2026
Dedicated responses to:- N/A	