



Ecology Team Consultation Response	
Date:	09.04.2026
Planning Ref:	4/26/2102/DOC
Description:	Discharge of Conditions 3, 4 and the requirements of Biodiversity Net Gain of planning application 4/25/2344/0F1.

This response pertains to discharge of requirements of BNG.

Informative – 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.”

Council Response

Rejection. The County Ecologist notes that the statutory +10% in BNG has not been achieved, as shown by the Biodiversity Gain Plan and the associated metric.