
Ecology Team Consultation Response Version 2	
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Date:	13.06.2024
Planning Ref:	4/24/2200/0F1
Description:	Erection of slurry tank, Greensyke Farm

HOLD until further documentation provided – bat survey if tree present or proof of felling date if pre January 2020, or resubmission of metric to account for tree.

Biodiversity Net Gain

Aerial imagery shows that a tree is located where the redline boundary is and that therefore this would need to be offset according to the rules of the metric and is likely to **require a Preliminary Bat Roost Appraisal to support the planning application**. If the tree has been felled in anticipation of the development, or since January 2020, then the degradation rule applies and the condition and size of tree will need to be cautiously assumed in the metric and therefore the metric will need to be resubmitted if felled after January 2020.

The proposed off-site approach will require solicitors to draw up a section 106 agreement and have a 30-year habitat management and monitoring plan. The units will also have to be registered on the national register for offsite units.

Condition

The county ecologist confirms that Biodiversity Net Gain (BNG) is in scope for this development and approves the BNG documents submitted with the application.

Please note that if planning permission is granted this is a planning permission only, and the development will be subject to the biodiversity gain condition as set out below.

Subject to exemptions and transitional arrangements, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that every 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 planning authority,
- b) the planning authority has approved the plan,
- c) the application provides evidence that this offsite area is not within the Environmental Stewardship scheme.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan would be Cumberland Council.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in your development becoming subject to enforcement action.

This off-site area must be registered in the national sites register for offsite BNG units.

As the Small Sites Metric does not have an offsite tab, the main Statutory Biodiversity Metric will need to be submitted alongside the Gain Plan to show the biodiversity units provided in the offsite area.