

<b>Ecology Team Consultation Response</b>	
<b>Date:</b>	05.02.2026
<b>Planning Ref:</b>	4/26/2022/0F1
<b>Description:</b>	Proposed extension to existing battery storage facility.

## **Suggested Planning Conditions**

### ***Breeding Birds***

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

### ***Small Mammals***

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

### ***Bats***

A bats-specific lighting scheme will be designed during construction to minimise light impact. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

### ***Herptiles***

As a precautionary approach, the following measures must be followed:

- All work must take place during daylight hours as amphibians are more likely to be commuting overnight and this will ensure the risk to any amphibians commuting through the site will be minimised.
- During the development, measures should be put in place to discourage herptiles from using the development area, the creation of any piles of earth, materials and rubble which could form potential artificial hibernacula and refuge should be avoided at all times. Any spoil or rubble will be removed immediately to skips, or on hard standing or short grass. This will ensure that no potential amphibian hibernation or resting sites are created.
- The storage of all loose materials must be palletised or similar so they are off the ground whenever possible.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. This will ensure amphibians are not trapped during work.
- All excavations left open overnight or longer are to be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.

### ***Biodiversity Net Gain***

No development hereby permitted shall commence until:

- a) a) a Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to and accepted by the council. The 30-year HMMP will be required for onsite gains totalling 0.5units or more, and all offsite gains.
- b) b) the off-site provision, if not using a registered habitat bank, is to be secured through a Section 106 for a period of 30 years and is approved by the council in writing. If a registered habitat bank is to be used then proof of unit purchase/purchase certificate is to be submitted to the council in lieu of a Section 106,
- c) c) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.

***BNG Informative***

The effect of paragraph 13 of 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 on 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 break of planning control.