



Ecology Team Consultation Response	
Date:	05.03.2026
Planning Ref:	4/26/2070/DOC
Description:	Approval of the requirements of planning condition 3 (BNG – HMMP), 10 (construction management), 11 (construction traffic), 12 (construction surface water) and biodiversity gain plan condition imposed on planning application reference 4/25/2241/0F1.

This response pertains to Condition 3 and the Biodiversity Gain Plan condition.

Condition 3 Wording

Condition 3 states, “no development shall commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority.

The Habitat Management and Monitoring Plan shall include the following:

- I A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- II Planned management activities including details of site-wide aims and objectives.
 - I Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
 - II The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- III Details of monitoring methods and a monitoring reporting schedule.
- IV Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.”

Council Response

The county ecologist accepts 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.

Informative

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

The County Ecologist accepts the Biodiversity Gain Plan.