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<b>Ecology Team Consultation Response</b>	
<b>Date:</b>	08.04.2026
<b>Planning Ref:</b>	4/26/2096/DOC
<b>Description:</b>	Discharge of conditions 3, 5, 6, 7, 8 and the requirements of Biodiversity Net Gain of planning approval 4/25/2198/0F1

This response pertains to Condition 5, 6, 7 and 8 and the requirements to discharge BNG.

### **Partial Discharge**

#### **Condition 5 Wording**

Condition 5 states, “prior to the commencement of development, a finalised Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason To protect the ecological interests evident on the site in accordance with Policy N1 and N3 of the Copeland Local Plan 2021 – 2039.”

#### **Condition 6 Wording**

Condition 6 states, “prior to the commencement of development, a finalised Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following: A Vegetation Translocation Method Statement detailing translocation methods including how the receptor area will be prepared, managed and remediation plans will be secured; The development must be carried out in accordance with the approved details at all times thereafter.

Reason To protect the ecological interests evident on the site in accordance with Policy N1 and N3 of the Copeland Local Plan 2021 – 2039.”

#### **Condition 7 Wording**

Condition 7 states, “prior to the commencement of development, a finalised Amphibian Mitigation and Management Plan (AMMP) must be submitted to and approved in writing by the Local Planning Authority. The AMMP must include the following: Enhancement for natterjack toads including fencing around pools, restricted vehicle access, formalisation of paths, signage and increased refugia; Full details, including timescales for development and management details, of the proposed five natterjack toad/greater created newt hibernacula. The development must be completed in accordance with the approved details and must be retained for the lifetime of the development.



Reason To protect the ecological interests evident on the site in accordance with Policy N1 and N3 of the Copeland Local Plan 2021 – 2039.”

### **Condition 8 Wording**

Condition 8 states, “prior to the commencement of development, a Notable Plants Method Statement that covers the protection of rare plants on-site, with detailed maps of the locations of plants and appropriate protection measures, must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason To protect the ecological interests evident on the site in accordance with Policy N1 and N3 of the Copeland Local Plan 2021 – 2039.”

### **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**

Condition 5 – The County Ecologist accepts the LEMP. The development must be carried out in accordance with the LEMP at all times.

Condition 6 – The County Ecologist confirms that the Vegetation Translocation Method Statement is embedded within the CEMP in Section 3.2 along with the Notable Plant Mitigation strategy and confirms that the information required as set out in Condition 6 has been included.



Condition 7 –The County Ecologist accepts the Amphibian Mitigation and Management Plan (AMMP) and confirms that the document covers all the required information as set out in the condition. It is noted that the requirement for restricted vehicle access is addressed within the LEMP.

Condition 8 - The Notable Plants Method Statement is embedded within Section 3.2 the CEMP, and in Table 2.4 for Invasive Species Removal. The County Ecologist accepts this as a sound method for site work.

**Informative** – A revised biodiversity metric must be submitted alongside, and must align with, the submitted Gain Plan prior to the discharge of the Biodiversity Gain Condition. Upon receipt of an aligned metric, this discharge response will be amended.