

<b>Ecology Team Consultation Response</b>	
<b>Date:</b>	16.06.2026
<b>Planning Ref:</b>	4/26/2184/0F1
<b>Description:</b>	Proposed change of use from agricultural land to form organic garden, service access track, formation of raised beds, bin store and EV charging point.

The county ecologist notes that the metric is incorrect. Of the two metrics received, the one labelled 'Keekle 4<sup>th</sup> June latest' is to be discarded due to it not reflecting the site. The other metric must be updated to reflect the gravel track (urban>sealed surface or unsealed surface if self-draining) and the orchard trees – both habitats are to be created. The SuDS are not identified on the drawing.

Despite the above, the county ecologist advises that regarding ecology, this application may receive planning permission as it should be possible to achieve the 10% BNG on these plans. However, a 10% gain in biodiversity must be evidenced at the Discharge of Condition stage.

### **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 within habitat/buildings that may be directly or indirectly impacted. 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.

### ***Habitat Management and Monitoring Plan***

No development hereby permitted shall commence until:

- a) A Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to and accepted by the council,
- b) At this stage off-site provision is not likely. However, if used, 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) 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.