

Ecology Team Consultation Response	
Date:	20.08.2026
Planning Ref:	4/26/2259/DOC
Description:	Discharge of conditions 3, 4, 5, 7 and biodiversity gain plan of planning application 4/26/2024/0F1.

This response pertains to Condition 5 and the requirements of Biodiversity Net Gain.

Condition 5

Condition 5 states, “Notwithstanding the submitted details, no development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include details of:

- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding;
- Measures to control the emission of dust and dirt during construction;
- Measures to avoid and minimise the risk of a pollution event;
- A scheme for recycling/disposing of waste resulting from construction works;
- A procedure to mitigate noise and vibration from the construction as well as taking into account noise from vehicles, deliveries.
- Measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
- A written procedure for dealing with complaints regarding the construction.
- Measures to prevent/mitigate the impact upon protected species and habitats.

The development hereby approved shall be carried out in accordance with the approved CEMP.

Reason

To protect amenity and to protect the environment from pollution in accordance with the provisions of Policy DS9 of the Copeland Local Plan 2021-2039.”

BNG 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.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: [https://www.gov.uk/government/publications/biodiversity-gain-plan.](https://www.gov.uk/government/publications/biodiversity-gain-plan)”

Council Response

Regarding the BNG Informative, the County Ecologist confirms that the Biodiversity Gain Plan aligns with the biodiversity metric to provide the minimum of 10% BNG. Additionally, the CEMP meets all of the requirements within Condition 5 and therefore it can be accepted.

Therefore, Condition 5 and the BNG informative can be discharged.