Cumberland Council

Ecology Team Consultation Response	
Date:	10.11.2026
Planning Ref:	4/26/2242/0O1
Description:	Outline application for residential development for up to 45 dwellings with access considered.

Suggested Planning Conditions

Construction Environmental Management Plan (CEMP)

A CEMP should be produced to detail the procedures for protecting the environment during construction to address the following points (but not limited to):

- Pollution prevention control
- Dust mitigation
- Impaction of habitats
- Species protection during construction (see below)
- A sensitive lighting scheme for bats and other wildlife

Ecological Supervision

In order avoid committing a wildlife offence under the Wildlife and Countryside Act 1981 (as amended), the applicant must employ an Ecological Clerk of Works (ECoW) for the initial clearance works. The ECoW will ensure the avoidance and protection of breeding birds, small mammals, herptiles (if any) and ensure the works adhere to the procedures set out in the CEMP.

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.

Badgers and Small Mammals

All development work should be carried out with care to avoid badgers and 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.

The above will also benefit otters and brown hare. Should any mammals be seen during the works, then works are to cease until the animal has reached a place of safety.

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).

Amphibians and Reptiles

A precautionary working method will be implemented for widespread reptiles and amphibians (herptiles) during construction, including the following measures:

- Vegetation will be maintained at a short sward (5cm) to discourage herptiles.
- A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any herptiles to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter amphibians from the working area.
- Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.
- Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent herptiles from utilising these areas.
- Best practice pollution prevention measures will be implemented to minimise impacts to nearby habitats.
- Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.

- If any herptiles are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.

- In the unlikely event that a herptile is identified, works must cease and advise must be sought from a suitably qualified ecologist.

Enhancement Features:

Six bird boxes are to be integrated within the development to provide opportunities for breeding birds such as:

- Schwegler No. 17 swift nest box

- Schwegler 1SP sparrow terrace

- Woodstone nest box

Three swallow cups are to be placed on the buildings to provide opportunities for breeding swallows. Examples of these are:

- Vivara Pro WoodStone Swallow Bowl; and

- Ceramic Swallow Bowl.

Four bat boxes to be installed within the buildings, such as:

- Vivara Pro WoodStone Bat Box

- Low Profile WoodStone Bat Box

- The Habibat Bat Box;

- Green&Blue Bat Box.

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) 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) 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.