

Application Reference Number:	FUL/2023/0088
Application Type:	Full Planning Application
Application Address:	Former Fire Headquarters, Station Road, Cockermouth
Proposal	Change of use from site of former fire station to private housing development
Applicant	Bill Dobie
Valid Date	11 th May 2023
Case Officer	Alison Williams

- I. **Cumberland Area and Allerdale Relevant Development Plan** Allerdale Local Plan (Part 1) 2014 and Allerdale Local Plan (Part 2) 2020
- II. **Reason for Determination by the Planning Committee**
- III. Application FUL/2023/0088 was considered at the September 2023 planning committee with a resolution to approve subject to conditions and the signing of a S106 agreement.
- IV. However, following the planning committee it was brought to the Council's attention that the Ecological Report and Red Squirrel report were not carried out in 2023 as submitted by the applicant and were actually an out of date survey from a 2018 application and for a 2019 planning application that was withdrawn.
- V. As such the council have not issued the permission and have required the applicant to provide a new ecological and red squirrel survey to be undertaken by a qualified Ecologist. A public re-consultation has been undertaken in relation to the ecological survey and information to address pre-commencement conditions.
- VI. The application is therefore being brought back to planning committee for transparency.
- VII. Update to report since last presented at Committee**
- VIII. Consultation responses
- IX. Natural England – Comment
 - a. Queries raised regarding Rhododendron planting, types of planting around the soakaway. They also highlighted potential impacts of the scheme on habitats, run off and contamination however these are considered within the officer report and can be controlled by condition.
 - b. The applicants landscape architect provided a response confirming the species is non-invasive but have removed Rhododendron from the proposed planting. They have confirmed the location of native and none native species and updated the drawing to reflect.

- X. Environmental Health – Confirm remediation strategy and Construction Method Statement still required
- XI. Highways Officer – Confirmed that the Construction Method Statement is acceptable.
- XII. Cockermouth Town Council – Object Ecology survey carried out during hibernation period and is therefore not a fair assessment and contains insufficient data.

XIII. Note to members

- XIV. The previous committee resolution to approve subject to the signing of the S106 is a material planning consideration. There is case law which clarifies that where a decision-maker was minded to depart from a previous decision, it has to engage with the reasons for that decision and explain its departure from them.

XV. Ecology

- XVI. Following the consideration of this proposal at Planning Committee in September 2023 it came to light that the ecological information submitted by the applicant in support of the application was misrepresented. The information provided was actually an out of date survey presented as a 2023 report. As a result the planning decision was not issued and the applicant was required to undertake a new survey by a qualified ecologist.
- XVII. The ecologist that carried out the most recent survey is a north east based ecologist. The ecologist is fully qualified including undertaking Red Squirrel Surveys. They are a full member of the Chartered Institute of Ecology & Environmental Management (CIEEM) and a member of the Northumberland Bat Group.
- XVIII. Concern has been raised that the new Red Squirrel survey has been carried out during the hibernation period. However, this is incorrect as Red squirrels do not hibernate, although it is acknowledged that they may be less active in winter. Squirrel surveys can be undertaken at anytime of the year. With the identification of squirrel dreys being best undertaken in the winter months where trees are not in leaf and are therefore more visible.
- XIX. The new report confirms that a transect survey throughout the Site and northern edge of the adjacent Harris Park was undertaken on the 5th January 2024. The transect survey was undertaken within suitable red squirrel habitat (woodlands) to search for foraging red squirrels, drey (nest) locations, feeding remains and suitable holes in trees. A Guide IR Pro 38 thermal camera was used to assist the surveyor in locating potential red squirrels during the transect survey. The transect was undertaken between 10:00 and 14:00, during peak foraging activity in January.
- XX. The ecologist confirms that the habitats within the Site remained very similar to that of 2018 report previously undertaken at the site.
- XXI. Referring to the Governments document in relation to red squirrels and forestry operations in England¹, Red squirrel habitat depends entirely on the presence of suitable food supplies and trees for drey building. Knowledge of

¹ [Red squirrels and forestry operations in England - operations note 65 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/red_squirrels_and_forestry_operations_in_england_-_operations_note_65.pdf)

coning is a useful way to predict good feeding areas in the woodlands. The tree species referred to are Norway Spruce (preferred for dreys and food source), Scots Pine (provides food supply, Larch (important food source in years of low pine and spruce seed production), Douglas Fir (seed food source), Sitka Spruce (less preferred food source and only provides food in autumn, Corsican Pine (less favourable to red squirrel than Sitka Spruce as produces fewer cones), Lodgepole Pine (dependable food supply in failure years for Sitka Spruce and Norway Spruce).

XXII. In relation to trees within the site that are of the species referred to above. T15 is larch and is to be retained, T19, T21, T22 are Scots Pine to be retained, W4a includes Scots Pine and Larch and no works are proposed.

XXIII. It is acknowledged that there have been sightings of red squirrels in the area of the site however no feeding remains were recorded during the most recent visit and additionally, no dreys were recorded within the Site and Zol. There remains no evidence that the site supports breeding red squirrels although it may still support a small population of foraging red squirrel on an occasional basis.

XXIV. The ecologist concludes that additionally, further red squirrel surveys are unlikely to detect the presence of red squirrels if the local population has declined, as recorded throughout England (RSNE 2024). However, they recommend as part of the mitigation measures (which is inline with the 2018 report) that the trees are checked no more than 48 before works to the trees for the presence of squirrel dreys. If a drey was identified at this point the works would not be possible to be legally carried out and the works would stop. The impact of finding a drey would need to be then discussed with the council and may require amendments to the permitted scheme or make the scheme unimplementable.

XXV. Contamination

XXVI. Information has been submitted in relation to the remediation strategy for the site which was previously added as a pre-commencement condition. This has been reviewed by the council's environmental health officer and is considered acceptable. The conditions have therefore been reflected to ensure that the development would be carried out in accordance with the remediation strategy and no longer requires the need for a pre-commencement contamination condition.

XXVII. Construction Method Statement (CMS)

XXVIII. A construction method statement has been submitted which has been received and considered acceptable. The condition has been updated to ensure that the development is carried out in accordance with the submitted CMS and no longer requires the need for a pre-commencement contamination condition.

XXIX. Recommendation:

- XXX. Approve subject to S106 securing 6 affordable units (2 x first homes and 4 x discounted sale) and off site planting in Harris Park.

PREVIOUS REPORT FOR INFORMATION AND CONDITIONS

1.0 Site and Location

- 1.1 The application site forms a brownfield site within the development boundaries of Cockermouth. The site is identified as a housing commitment within the Allerdale Local Plan (Part 2) Site Allocations DPD for up to 27 dwellings which is in relation to the former office block converted to flats under permitted development rights. The fire station is located to the south of the access road with the Mountain Rescue team closer to Station Road. The former office building outside of the site limits is partially converted to residential use under permitted development. The terrace of residential dwellings to the south of the Mountain Rescue are Grade II Listed.
- 1.2 The Greenway (path and cycleway) bounds the site to the north and is an adopted cycleway. Harris Park bounds the site to the south, which also forms the southern boundary of the Conservation Area. To the north of the Greenway is Lidl supermarket and WCF Animal and Equestrian. There are a further 4 residential properties accessed via New Road to the north of the Greenway.
- 1.3 To the east is the river Cocker and a number of residential properties accessed via Rubbybanks Road, which is a private road and public right of way. The River Cocker is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The site is located within Flood Zone 1.

2.0 Proposal

- 2.1 The proposal seeks planning permission for the construction of a 4 storey apartment block with car parking at the ground floor. At the first floor level would be 3 x 2 bedroom Apartments and 1 x 1 bedroom apartment, the same arrangement would be repeated at the second floor. The third floor would provide 2 x 3 bedroom penthouse apartments served by roof terraces. The apartment block has been designed to be contemporary in appearance with the top floor set back and finished in standing seam zinc providing contrast to the render below. The car parking level would be faced in red brick. Windows would be dark grey uPVC.
- 2.2 A total of 6 affordable apartments are proposed within the existing block of flats within Station House. This would comprise 2 x first time homes and 4 x discounted sale and secured by a S106 agreement.
- 2.3 The proposals also includes the construction of 2 detached 4 bedroom dwellings and 1 pair of semi detached 3 bedroom dwellings and 1 pair of semi-detached 2 bedroom dwellings. The dwellings would be a mix of brick and render with slate roofs.
- 2.4 To facilitate the proposed development, 18 canopy trees and 3 groups (containing a total of 22 mature, and 20 young/semi-mature understory trees) which are generally low quality require removal. These trees would otherwise be recommended to be coppiced as part of a Woodland Management Plan due to poor form and disease which has shortened their safe useful life expectancy. A further 7 trees have been recommended to

undergo arboricultural operations to reduce conflict between their crowns and the proposed development. These operations include crown lifting, crown reductions, and pollarding.

3.0 Relevant Planning History

Application Site

FUL/2019/0007 – Erection of 13 dwellings - withdrawn
2/1985/0604 – Erection of fire service HQ additions and fire station - approved
2/1983/0410 – Proposed new fire services headquarters – approved
2/1982/0187 – Erection of a new fire headquarters - approved
2/1979/0343 – Erection of agricultural supplies depot - approved
2/1978/0953 – Use of land for agricultural supplies depot – approved
2/1976/0339 – Change of use of former station goods yard for erection of offices - approved
2/1976/0338 – Change of use of former station goods yard for light industrial purposes - approved
2/1976/0337 – Change of use former station goods yard for erection of hotel- approved
2/1975/0340 – Change of use of railway station as a site for residential caravans – refused

Mountain Rescue

2/2000/0076 – Erection of Mountain Rescue Team Headquarters – approved

Station House

NMA/2019/0001 – Non-material amendment to application
FUL/2019/0031 for the extension to four first floor apartments and other external amendments - approved
FUL/2019/0031 - Extension to 4no first floor apartments and other external alterations to the building - Approved
2/2018/0341 - Prior approval for conversion of former office building to 23no one and two bedroom apartments – Permitted development
2/1982/0566 - Renewal of consent for a portacabin- approved
2/1981/0694 – Renewal of consent for a portacabin- approved
2/1978/0438 – Siting of temporary portacabin as store, workshop and office also display of agricultural machinery – approved
2/1976/0339 – Change of use of former station goods yard for erection of offices - approved
Greenway
2/1993/0087 – Reclamation of railway line to provide footpath and cycleway - Approved
2/1993/0939 – Revised application for reclamation of disused railway to form cycleway – approved

4.0 Consultations and Representations

Cockermouth Town Council

- Density of building proposed for the site Cockermouth has exceeded targets identified in ALP (parts 1 and 2)
- Appearance: A 4 storey building in one area of the site will dominate the landscape both on the site and beyond

- Only part of the site can be classified as brownfield . Some of the building would be identified woodland directly adjacent to Harris Park.
- Most trees in eastern woodland spaces identified as having TPO's. Effect on woodland conservation – some woodland described as having 'high spatial priority'
- It is a wildlife corridor Protected species identified in area.
- Current trees contribute to visual amenity
- Light pollution concerns in woodland area
- Drainage concerns – these are highlighted and would be exacerbated by tree removal in the south and east of the site. Would a soakaway be sufficient? Cumberland Council have already expressed concerns about this Part of the site is in Flood Zone 2.
- The Greenway has been used by the public for many years who would be responsible for the upkeep e.g. lighting going forward. Clarification and commitment would be needed. Future residents should not be responsible
- Without mitigation, there is potential for the proposed construction activities to impact the SSI/SAC via run off and pollution incidents.
- Areas of woodland habitat on site could be described as being 'of importance for nature conservation
- There is concern expressed regarding parking allocation and the fact that some of the proposed garage spaces do not meet the 7x3m minimum requirement (for a car)
- Potential for deleterious impact upon the qualifying feature of River Derwent and Bassenthwaite Lake SAC
- Recommended to refuse the application on the grounds of overdevelopment and massing preferring the flats to be 3 rather than 4 storey high and woodland concerns as outlined above

Highways and Drainage Officer

19.05.23 – Concerns raised regarding the width of the access road and path arrangements. Site visibility plan required. Comments provided regarding parking requirements, sizes and EV charging points. Detailed drainage strategy required and further drainage requirements.

31.07.23 - Amended plan DWG-5840-178 RevA details a turning head suitable for a refuse wagon to turn and manoeuvre, wider driveways to allow by foot access which are welcomed by the LHA. There has been no proposed changes in the current layout for a shared surface and a continuous carriageway width of 4.8m throughout the development, which would result in it not being adoptable in the future the development is to be considered private. Should you be minded to approve this application. • A 4.8m width carriageway throughout the development and introduce a shared surface or extend the contrasting surface to the highway extent. Or if the 4.8m cannot be secured, request swept path diagrams showing that vehicles can manoeuvre from the dwelling driveways despite the 4.1m carriageway width. • Seek to have "Private" sign installed at the entrance the development. The LHA has no further objections to the proposed development.

7.09.23 - Further to our previous response recommending objection due to lack of information. While that recommendation still stands, should you be minded to approve the application (if you are confident that the details omitted at this stage of the planning process can be satisfactorily obtained at discharge of conditions stage) then we would recommend the following conditions in any notice of consent you may grant.

1. Condition: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the drawing Proposed Surface Water Drainage Strategy, dated 06/07/23 proposing surface water discharging through infiltration and permeable surfaces. The works shall be constructed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

2. Condition: No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

Public Rights of Way – No objections

Environmental Health - No objections subject to conditions regarding contamination and Construction Method Statement

Cockermouth Civic Trust – No objections to the proposed apartment block. Concerns raised regarding the proposed dwellings and gardens. Concerns also raised regarding the crowning and reduction of the tree line.

Affordable housing team – Support provision of affordable housing. Confirmation provided regarding the mix of first homes and affordable purchase.

Other representations

A total of 347 objections have been received raising the following concerns:

- Loss of trees
- Impact on biodiversity and protected sites (namely red squirrels and wider habitats)
- Impact on the character and appearance of the area (scale and design of the apart
- Impact on the highway (access onto a busy road, additional traffic)
- Parking (insufficient off street parking provision)
- Drainage and flooding (potential impact on surface water flooding)
- Impact on Harris Park (visual impact in relation to loss of trees and built development proposed)
- Privacy and amenity (potential for overlooking and overbearing impact on neighbouring properties)

5.0 Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Allerdale Local Plan (Part 1) 2014

S1 Presumption in favour of sustainable development
S2 Sustainable development principles
S3 Spatial Strategy and Growth
S4 Design principles
S5 Development principles
S7 A Mixed and Balanced Housing Market.
S22 Transport Principles
S29 Flood Risk and Surface Water Drainage
S32 Safeguarding amenity
S33 Landscape
S36 Air, Soil and Water quality.
DM14 Standards of Good Design

Allerdale Borough Local Plan (Part 2) 2020

SA2 Settlement Boundaries
SA33 Broadband

Other Material Planning Considerations

National Planning Policy Framework (NPPF) (2023)
Cumberland Plan (2022)

6.0 Assessment

Principle of development

- 6.1 Policy S3 of the Allerdale Local Plan (Part 1) (adopted July 2014) (ALP) sets out the framework for development across the area. In order to achieve sustainable growth it seeks to direct the majority of new growth to Workington, as the principal centre, together with other key and local service centres. Beyond this a limited amount of growth is expected to take place in a number of identified villages.
- 6.2 Policy S5 of the Allerdale Local Plan Part 1 (ALPP1) states that new development will be concentrated within the physical limits of Principal, Key and Local Service Centres (PSC, KSC and LSC). The site lies within the settlement limits of Cockermouth which is a Key Service Centre that is a second tier of the Settlement Hierarchy. The site is also an allocated housing site within the Allerdale Local Plan and is identified as suitable for development of up to 27 dwellings.
- 6.3 Therefore, the principle of development is therefore supported by Policies S2, S3 and S5 of the Allerdale Local Plan (Part 1) and the settlements limit defined within Part 2 of the Allerdale Local Plan.

Highway Safety and Public Rights of Way

- 6.4 Policies S2 and S22 of the ALP (Part 1) seek to ensure that new development is located in areas that help to reduce journey times, have safe and convenient access to public transport, improve travel choice and reduce

the need to travel by private motor vehicles.

- 6.5 These policies accord with the NPPF which seek to ensure sustainable transport modes are maximised and development is safe and accessible. Policy S5 requires that new development includes acceptable arrangements for car parking and access. Paragraph 111 of the NPPF states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.6 The Institution of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' (2000) considers acceptable walking distances for planning and evaluation purposes and indicates that for commuting/school a distance of 500m is desirable, 1000m is acceptable and 2000m is the preferred maximum. For other journeys (such as shops), 400m is desirable, 800m is acceptable and 1200m is the preferred maximum. The application site is located within the centre of Cockermouth within easy access by foot or cycle to the facilities of Cockermouth. As such the site is considered to be in a sustainable location.
- 6.7 The site is served by an existing vehicular access point onto Station Road. The access is shared with the Mountain Rescue and the Fire Station. Confirmation of the existing visibility splays have been provided and sufficient visibility is achieved in both directions.
- 6.8 The applicant has confirmed that the internal access road would be a private road, which would form part of the wider maintenance agreement for the site. Advice has been provided by the Highways Officer in relation to the width of the road. The proposals demonstrate the road being 4.8m in width reducing to 4.1m past Station House. Whilst the Highways Officer advises 4.8m width would be preferred throughout the site it is noted that the Cumbria Highways Design Guide sets out that "A carriageway width of 4100mm will allow light vehicles such as cars and vans to pass each other without the need to give way but only at reduced speeds for the sake of comfort. Larger vehicles such as refuse service vehicles will require additional width to allow for transition. This additional width may be created through the use of passing places or by restricting the length of carriageway which uses this width."
- 6.9 This is the arrangement proposed as part of this application and as such the road width proposed would allow for vehicles to pass safely with turning heads and passing areas for refuse and large vehicles to access and turn within the site.
- 6.10 The proposals include linking the internal residential paths to the Greenway, which is a permissive path/cycleway (not adopted Public Right of Way) that links to the town centre. This would provide a safe and accessible link to the town centre for residents from the site and would be a desirable route negating the need for an internal footpath throughout the site.
- 6.11 A total of 16 car parking spaces are provided within the under croft parking serving the flats. The dwellings would be served by driveways and garages. The garages measure 4m in width by 6m in depth. Whilst this is 1m shorter than the design guide, this is based on the garage providing storage at the rear (3m x 7m) however as the proposed garages are 4m in width the storage element can be accommodated within the extra 1m in width of the

garage and as such it is considered that the garage provides a parking space. A further parking space is provided on the driveway. It would be possible to accommodate another car on the driveway however this would require occupants of the car to enter/exit the vehicle on the grassed areas to the front of their properties. It is material to note that the site is sustainably located and development should seek to encourage sustainable modes of transport. Each dwelling would be served by at least 2 car parking spaces with visitor parking also provided. The flats would have a parking space each and a secure cycle store is also provided. It is considered that the proposed levels of parking are commensurate to the sustainable location and the number of residential units proposed.

- 6.12 It is considered therefore that the development would not result in an unacceptable impact on highway safety in accordance with Policies S2 and S22 of the ALP (Part 1) and paragraph 111 of the NPPF.

Impact on the Character and Appearance of the area and setting of the Conservation Area

- 6.13 Policy S4 'Design Principles' from the Allerdale Local Plan (Part 1) explains that all new development will be required to demonstrate high standards of design and must be visually attractive, of appropriate scale and appearance, respond positively to the character, history and distinctiveness of its location and integrate well with existing development.

- 6.14 Policy DM14 'Standards of Good Design' from the Allerdale Local Plan (Part 1) also states that new development will be required to:

- Reinforce and respect the existing development pattern with regards to plot size, building heights and frontage widths, particularly where they contribute to local character;
- Respect and respond positively to the distinctive qualities of the location and integrate with the characteristics of the site;
- Take advantage of green infrastructure assets, topography, landscape and waterscape features, historic or biodiversity assets;
- Create an attractive environment that provides appropriate levels of open and amenity green space, privacy and amenity for the occupants of the properties;
- Provide appropriate vehicular access, parking and turning arrangements and facilities for cyclists and pedestrians.

Section 72(1) of the Listed Buildings Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy S27 of the ALP Part 1 seek to conserve and enhance heritage assets within the Plan area in accordance with their level of significance, reflecting advice within the revised NPPF.

- 6.15 Paragraph 6 of the National Design Guide refers to the expectations of good design in the NPPF. The NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process.

- 6.16 Paragraph 130 outlines that: "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the

short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

6.17 Paragraph 134 of the NPPF states: “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

6.18 The site is not located within the Conservation Area, however it bounds the site along Harris Park to the south, to the east at the river Cocker and to the north at Lorton Road. The site is a brownfield site having originally formed the railway station up until the 1960’s before its closure. It was later redeveloped as the Fire Station and a detached office block. The office block is now partially converted to residential apartments. The rear of the site, which is where the apartment block is proposed comprises existing hardstanding and overgrown/self seeded vegetation bounded by mature trees in the wider woodland.

6.19 The coppicing of approximately 80 trees would result in the greatest visual change to the existing vegetation. Trees at the top of the woodland embankment closest to the boundary with Harris Park are to be mostly retained as these have good form. The impact therefore is considered to be an initial increase in the transparency of the woodland when viewed from Harris Park, rather than a significant change in canopy outlines. The works to the trees are recommended as part of the arboricultural report to maintain the health and long term viability of the remaining more mature trees. The large conifer and broadleaf mature tree line along the boundary of Harris Park would be retained. The diversity in height structure created by coppicing and planting will result in the long term screening of the development and give privacy to its residents.

6.20 The contemporary design and the scale of the 4 storey apartment building is supported by the Civic Trust and is considered to be sympathetic with its

location. It compliments other modern buildings in the locality (e.g. Fire station, Lidl, WCF), by incorporating local materials into the design to reflect the local vernacular architecture with a contemporary design. The top floor of the building would be finished in standing seam which is a grey finish and is also set back to reduce the visibility of the height of the building. It is considered overall that while the building is taller than the existing converted apartment block it would be viewed in conjunction with the more contemporary development in this location, changing land levels and its design would complement the character and appearance of the area and complies with National and Local Policies.

- 6.21 The proposed dwellings would be a mix of semi-detached and detached two storey dwellings, which are traditional in design. The design of the dwellings reflect the more traditional residential character of Cockermouth and whilst this contrasts with the more contemporary development already on site they would provide variety to the overall site design, whilst utilising materials that draw the development together.
- 6.22 As such overall it is considered that the scale, design, layout and materials of development proposed would not result in harm to the character or appearance of the area and would comply with Policies S4 and S27 of the Allerdale Local Plan. The site is located outside of the Conservation Area and is a brownfield site, while some views could be taken from the Conservation area these would be in the wider context and viewed in conjunction with existing contemporary development in the local area, as such it is considered that the proposals would not result in harm to the character, appearance or setting of the Conservation Area.

Residential amenity

- 6.23 Policy S32 of the ALP (Part 1) seeks to ensure that new development does not have a significant adverse impact on the amenity of existing residents this is inline with Paragraph 130 of the NPPF.
- 6.24 Concerns have been raised by neighbouring residents regarding the potential impact on amenity in relation to privacy, overlooking and overbearing impact.
- 6.25 The nearest residential properties to the proposed apartment block are the existing residential apartments within the site, which are 21m from the site and 34m to the north at New Road and Railway Terrace 50m to the east. The proposed apartment block would be 12.5m overall in height with residential accommodation over 3 floors with the ground floor providing the parking area. The top floor would be set back 5.3m from the northern and southern lower levels. The separation distance between the proposed apartment block and the existing apartment block meets the accepted 21m separation distance and as such overlooking, overbearing impact and loss of privacy would not result.
- 6.27 In relation to properties on New Road and Railway Terrace these are located in excess of 21m from the proposed apartment block. In addition the land level to the north rises outside towards the Greenway before dropping away again towards New Road. As such given the land levels, separation distance and intervening trees the proposals would not result in any harm to amenity. In relation to railway Terrace the properties are set down in land level from the application site with a large number of mature trees between the existing

dwellings and proposed apartment block. As such given the land levels, separation distance and intervening trees the proposals would not result in any harm to amenity.

- 6.28 In relation to the proposed development. The apartment block would be served by a shared amenity area commensurate in size to the proposed residential units. In addition, the site is located within the town centre of Cockermouth with direct access to the Greenway and Harris Park which provided additional amenity and greenspace.
- 6.29 The proposed two storey dwellings would be located to the west of the existing apartment block and to the south of the access road. The positioning of these dwellings would not result in harm to existing amenity. The proposed dwellings would be served by private gardens. Whilst the gardens to the southern properties would be partially constrained by the rising land levels to Harris Park they would provide adequate private external space for the dwellings proposed. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.
- 6.30 As such it is considered that the proposals would achieve sufficient amenity for existing and proposed residents in accordance with Policy S32 of the Allerdale Local Plan and Paragraph 130 of the NPPF.

Trees

- 6.31 Policy DM17 of the ALP Part 1 seeks to protect existing trees where they are considered important to the community or contribute positively to the character of the area or nature conservation.
- 6.32 To facilitate the proposed development, 18 canopy trees and 3 understorey tree groups require felling. The combined total number of trees in G1, G2 and G3 is approximately 22 mature and 20 young/semi-mature trees. However, all these trees except for T47 have been recommended by the Forestry Commission (FC) to be coppiced along with much of W1 irrespective of development. Therefore, the impact of development following woodland coppicing will be the removal of approximately 60 living tree stumps. It is proposed to plant 130 trees in W1 following coppicing. Tree T47 is a healthy twin-stemmed silver birch on the embankment forming W1, due to competition its crown is unbalanced and weighted north. Because of the proximity of a proposed dwelling to this tree and its unbalanced crown form, it is unviable to retain this tree. To benefit the proposed development and long-term woodland structure, it is recommended to coppice approximately 18 trees in Group 4 as these have poor form with slender, etiolated stems and narrow, suppressed crowns. The understorey shrub layer, which includes healthy hazel shrubs will be retained for screening and biodiversity. On the west side of Station House there are four trees which require pruning to facilitate development. Trees T2, T3, T4 and T5 are semi-mature lime located beside the public footpath. These are proposed to be crown reduced from their current size of around 14m high down to approximately 11 m with crown widths reduced to a diameter of around 8m. As part of the same operation, it is recommended to remove minor defects from these trees including low branch tips over footway along with removal and reduction of some weaker stems.
- 6.33 On the north side of the proposed apartment block one tree is recommended

to be pollarded, one tree is recommended to have its crown reduced in lateral extent, and one tree crown lifted to provide clearance for the building plot. Tree T13 (beech), T14 (English oak) and T17 (crab apple) have unbalanced crowns which extend greatest to the south. Tree T13 is recommended to have the south side of its crown reduced by approximately 3 m. Tree T14 is recommended to be crown lifted to 5 m which will also help to balance the crown. Tree T17 is recommended to be pollarded at around 4 m to reduce the spread of an unbalanced crown.

- 6.34 No action to facilitate development is required to the remaining 23 trees, 3 groups and 5 woodland compartments on site. Although development works could proceed in a practical sense without a Woodland Management Plan allowing largescale coppice within W1, a pragmatic approach would initiate intervention (i.e., coppice the trees in W1 as recommended by the Forestry Commission) prior to development of the new dwellings. This way, future conflict issues between houses and tree shading will be removed; access into the woodland for felling and timber removal is unrestricted; and the felling works can proceed more safely.
- 6.35 All retained trees, including those to be coppiced and pruned are to be protected during development with CEZ fencing, such as Heras panels on level ground. The roots of coppiced stumps in woodland W1 can be protected by lightweight forms of barriers or fencing, in recognition of the steep terrain in these areas. Mitigation measures and replacement planting would be secured by condition.
- 6.36 An independent peer review was undertaken in relation to the arboricultural report. This identified in W1 area *“the coppicing and felling of this area is required in order to ensure a long-term retention of tree cover in this area irrespective of whether development takes place or not. Due to the existing overgrown unmanaged condition of these trees the option of thinning is no longer available hence the need for extensive coppicing and felling. The coppice will allow natural regeneration to result in a managed tree covered area. This could take up to five-years to allow the natural regeneration and the planting to establish to start to have a positive impact on wider amenity.”*
“T2 – T5, T27 – T30 The works proposed to these trees would allow the trees to be retained long-term in this prominent location along the edge of the footpath. The works is not excessive and would be required irrespective of whether development is granted in that location.”
- 6.37 T24 and T29 are proposed to be removed to safeguard the existing footpath. Overall the tree removal and works to trees are required to facilitate the long term viability of the wider woodland area and the safety of the footpath users. The trees to be removed to facilitate the development are predominantly self seeded and offer limited value. Subject to the imposition of conditions the proposals would therefore secure a scheme of protection for retained trees, replanting and maintenance, which will result in an overall betterment of the woodland area and trees in accordance with DM17 of the Allerdale Local Plan.

Biodiversity

- 6.38 Policy S35 of the ALP (Part 1) seeks to protect and enhance ecological interest.
- 6.39 The site is located within 80m of the River Derwent and Tributaries SSSI and

the River Derwent and Bassenthwaite Lake SAC. The application has been accompanied by a Preliminary ecological report and Red Squirrel survey.

- 6.40 The squirrel survey identifies that there is no evidence that the site currently supports a breeding population of red squirrel however the site likely forms a supplementary foraging habitat for breeding populations in Harris Park and River Cocker. Mitigation measures are recommended to ensure that removal of vegetation is conducted with caution and any mature trees scheduled for removal or disturbance should be checked by an ecologist for the presence of dreys prior to their removal and undertaken outside of the breeding season (February- September) as a further precaution.
- 6.41 Recommendations are made regarding species mix for replacement planting and linking green corridors with the species also included species favoured by the red squirrel and the installation of red squirrel boxes.
- 6.42 In relation to other protected species such as bats/birds mitigation and risk prevention measures are recommended.
- 6.43 The site is located within proximity to the River Cocker, part of the River Derwent SSSI and the River Derwent and Bassenthwaite Lake SAC, therefore without mitigation there would be a potential for the proposed construction activities to impact on the SSSI/SAC via run-off and/or pollution incidents. Recommendations are therefore made that the development is carried out inline with the best practice guidelines to prevent sediments or pollutants entering the watercourse. These should include:
- The erection of sediment fencing along the eastern site boundaries to prevent any sediment from entering the watercourses as a result of any works undertaken on the site;
 - Secure storage of materials such as topsoil, building materials and chemicals away from the watercourses (these storage facilities should be bunded if appropriate);
 - Appropriate spillage procedures should be put in place and enforced as necessary; and
 - Appropriate surface water drainage facilities utilised.
- 6.44 The site and interface between the site and the SSSI/SAC is classified as highly urban in character and therefore it is considered unlikely that there would be any further direct or indirect impacts on the qualifying habitats or species of the SSSI/SAC as a result of the proposals.
- 6.45 The above would be secured by suitably worded planning conditions and as such the proposals are considered to protect and enhance the ecological interests of the site. In addition a lighting condition would be imposed to ensure any lighting is considered by the LPA to ensure it does not impact on the surrounding woodland.

Flood Risk and Drainage

- 6.46 The site is located within Flood Zone 1, which is at the lowest risk of flooding. Whilst reference is made by the town council of the site being located within the Flood Zone 2 this only relates to the very end of the site which is not to be developed. Foul drainage would connect to the mains sewer and water to the existing drainage system. Details have also been provided demonstrating that the existing amount of impermeable areas

would be reduced thereby improving the overall risk of surface water run-off. A pre-commencement condition is proposed to secure the final details of the drainage scheme and its long term management. Therefore, subject to conditions the proposals would not result in an increased risk of flooding.

Affordable Housing

6.47 Policy S8 of the Allerdale Local Plan Part 1 requires an affordable housing provision for housing developments of 10 dwellings (0.3ha) or more in a Key Service Centre. This triggers the need for 6 affordable units. The applicant is proposing these within the existing apartment block and would be in the form of 2 x first homes and 4 x affordable purchase. This has been agreed with the council's affordable housing team and would be secured by a S106 agreement. As such the proposals would accord with Policy S8 of the Allerdale Local Plan.

7.0 Planning Balance and Conclusion

7.1 The site is located within the settlement limits of Cockermouth which is a Key Service Centre that is a second tier of the Settlement and is also an allocated housing site. Therefore, the principle of development is supported by Policies S2, S3 and S5 of the Allerdale Local Plan (Part 1) and the settlements limit defined within Part 2 of the Allerdale Local Plan. The site is considered to be in a sustainable location, with access to public transport and a range of amenities within reasonable walking distance. The proposals would provide off street parking commensurate to the size of the development and its town centre location. The siting, scale and design of the development would ensure that the amenity of neighbouring residents would be adequately protected. Ecological interest is considered to be limited to the and any direct impacts are considered to be a low risk and can be mitigated by condition. As such the proposals are considered acceptable subject to the signing of a S106 to secure the affordable housing provision.

Recommendation:

Approve subject to a S106 securing affordable housing provision and planting.

Appendix 1

List of Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out solely in accordance with the following plans:

5840-01A Location Plan
5840-03H Proposed Site Plan
5840-04A Proposed GF/FF Plans
5840-05B Proposed SF/TF Plans
5840-06D Proposed Elevations & Section
5840-07B Proposed House Type A
5840-08A Proposed House Type B

5840-09A Proposed House Type C
5840-10B Proposed Site Section
5840-11A Proposed House Type D
5840-15 Original Run-Off Areas
5840-17A Access/Footpath
5840-18 Proposed Elevations Sheet 2
5543/001B Proposed Existing Fire Station GF Plan (proposed affordable units)
5543/002D Proposed Existing Fire Station FF Plan (proposed affordable units)

Other Drawings & Reports:

Lowther BS 5837 Tree Report Update 14-09-23.
Lowther Small Woodland Management Plan
Westwood Landscape drawing WW/L01 Rev D.
Westwood Landscape Woodland Plant Schedules 21/11/ 22
Westwood Landscape Landscape Images Rev B 18/01/23
23297 - Gadsden Consulting - Drainage Strategy P01.
23297-GAD-00-00-DR-C-1000-Drainage Layout.
23297-GAD-00-00-DR-C-1060-Drainage Details.

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Pre-Occupation

3. The surface water drainage system of the development hereby approved including SuDS features, shall be constructed in accordance with the principals set out in Documents; Drainage Layout 23297-GAD-00-00-DR-C-1000 REVP01, Drainage Details 23297-GAD-00-00-DR-C-1060 REVP01 and FRA No23297 dated 15/09/2023 and shall thereafter be maintained and managed in accordance with the details set out in Appendix D of FRA No23297 15/09/2023

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. this condition is imposed in light of policies within the NPPF and NPPG.

4. The development shall be carried out in accordance with the approved Construction Method Statement (January 2024). The approved statement shall be adhered to throughout the duration of the development.

Reason: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitat priority habitats.

5. The development should be carried out in accordance with the GEO Environmental Engineering, Soil Contamination Remediation Strategy and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development being first brought into use.

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of

the Allerdale Local Plan (Part 1), Adopted July 2014.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. No part of the development hereby permitted shall be built above ground floor level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

8. No railings, fences, gates, walls and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

Reason: In the interests of visual amenity and the character and appearance of the area.

9. The dwellings hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

10. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.

11. The development shall be undertaken in accordance with the mitigation measures contained within the Falco Ecology Updated Ecology Report FE-231-001-400-R-01-V1 dated January 2024 and The Sidings Bat and Bird Box locations.

Reason: In the interests of safeguarding ecological interests during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. The works to the trees shall be carried out solely in accordance with the details outlined in the Lowther Arboricultural Survey, Implication Assessment and Tree Protection report dated 2nd February 2023.

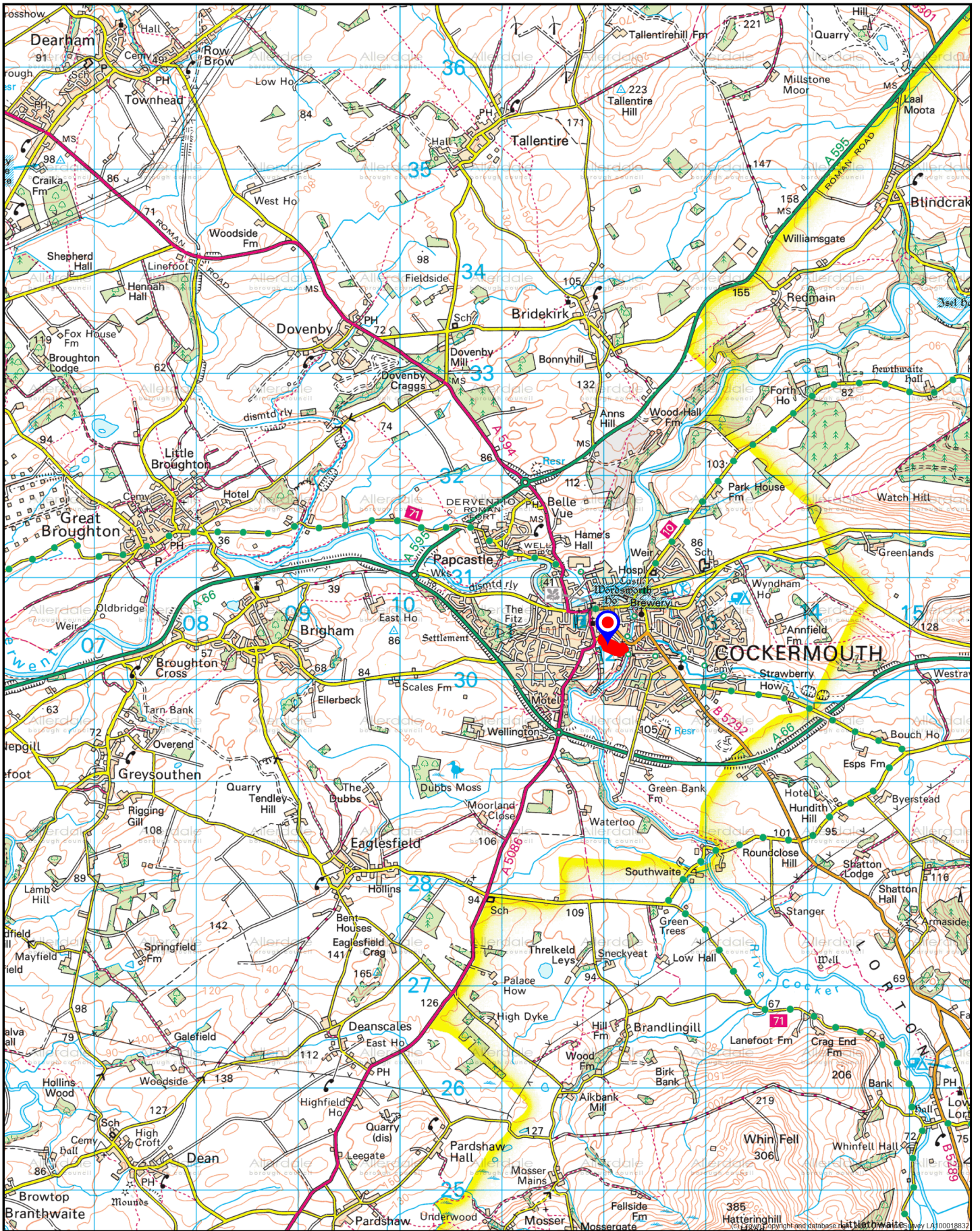
Reason: To ensure that the trees are protected to an appropriate standard during the construction phase of the development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

Reason: To ensure control over boundary details in the interest of public and private amenity and landscape.

14. No part of the development hereby permitted shall be built above ground floor level until there has been details submitted to and approved by the Local Planning Authority of improvements to the existing steps accessing the Greenway to include but not limited to the inclusion of a handrail and details of lighting to serve the Greenway. The approved details shall be implemented prior to the first occupation of the development and maintained and retained thereafter.

Reason: In the interest of public safety of users of the Greenway.



Enter map title



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N Scale: 1:50000

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Key
 The information on existing trees shown should be read in conjunction with the BS 5837 Arboricultural Survey Methodology prepared by Arboriculture Advisory Group Ltd.
 Individual tree groups and with management proposals as described in the AIA. Trees to be removed are as detailed in the AIA.
 New woodland (specified by the Arboricultural Survey) to be planted.
 Proposed new trees and planting to be as specified by the Arboricultural Survey.

Key to House Types

	Apartment Block	4No
	House Type A	1No
	House Type B	2No
	House Type C	2No
	House Type D	1No

Total: 16 No New Dwellings

Code	Description	Area (sqm)	Volume (m3)	Notes
A	100% of the area of the site to be reserved for use by residents to address parking and flow down street.	1500	1500	
B	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
C	Approx 2000mm high section of rear garden boundary of houses.	2000	2000	
D	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
E	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
F	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
G	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
H	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
I	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
J	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
K	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
L	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
M	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
N	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
O	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
P	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
Q	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
R	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
S	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
T	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
U	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
V	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
W	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
X	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
Y	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	
Z	Approx 1200mm high section of rear garden boundary of houses.	1200	1200	

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Dobles Cumbria Properties Ltd

Proposed Residential Development at The Slings, Cockerham, Cumbria.
 Proposed Site Plan

Scale: 1:500 Date: 03.11.23
 Drawn: [Name] Checked: [Name]
 Type: Site Plan
 Project No: 5840
 Drawing No: 03
 Scale: H



Ecological Update Report

**The Sidings
Cockermouth
Cumbria**

Dobies Cumbria Properties Limited

FE-231-001-400-R-01-V1

January 2024



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DOCUMENT CONTROL

Confidentiality: Not confidential

Site Name	The Sidings
Report Name:	Ecological Update Report
Client:	Dobies Cumbria Properties Ltd
Reference No:	FE-231-001-400-R-01-V1

Document Checking

Written by: Adrian George	Date: 08/01/2024
Checked by: Adrian George	Date: 10/01/2024

Issue	Date	Status	Comments
V1	10/01/2024	Final	

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1 Executive Summary

- An updated ecological survey (hereafter referred to as the 'survey') was undertaken by FALCO Ecology at The Sidings in Cockermouth (hereafter referred to as the 'Site') on the 5th January 2024.
- A Preliminary Ecological Appraisal (PEA) & Red Squirrel Report was produced for the Site by SK environmental solutions Ltd. in 2018. A small suite of breeding birds and a small number of red squirrels and feeding remains were recorded during the 2018 survey. This Ecological Update Report should be read in conjunction with the Preliminary Ecological Appraisal & Red Squirrel Report.
- The survey objectives were to establish if priority habitats and protected and notable species were present within and adjacent to the Site.
- The survey was undertaken by a Suitably Qualified Ecologist – Adrian George.
- The Zone of Influence (ZoI) for the proposed development has been set at 50m for direct disturbance; however, given the type and scale of the proposed development, it is considered that the indirect disturbance would be negligible and therefore no scale was set as part of this assessment.
- The Site was not situated within a statutory designated site. No additional statutory designated sites were returned from those described in the PEA (SK environmental solutions Ltd. 2018).
- The UK priority (S41) habitats within the Site and search area included deciduous woodland.
- The Site consisted of deciduous woodland, buildings with associated hardstanding (car parking) and amenity grassland (newly seeded lawn).
- No protected or notable flora were recorded within or adjacent to the Site during the survey.
- No protected or notable species were recorded within the Site during the survey, except for common and widespread lowland bird species.
- No red squirrels, feeding remains or dreys were recorded within the Site or the ZoI during the survey.
- No INNS were recorded within or adjacent to the Site.
- It is considered that the Site has negligible suitability to support the majority of protected or notable species and low suitability to support nesting birds, foraging birds, bats and red squirrel. The small storage building is considered to have negligible/low suitability to support roosting bats.
- The habitats within the indicative site boundary were of negligible value to most ecological receptors and of low value to nesting birds, and foraging birds, bats and red squirrel.
- The impact of the proposed development during the construction and operational phases will be negligible for priority habitats and the majority of protected and notable species. It is predicted that the impact on nesting birds, foraging birds, bats and red squirrel would be minor negative at a site scale. Mitigation measures are required to safeguard protected and notable species, maintain and enhance habitats within the Site.
- Mitigation Measures include:
 - Site/vegetation clearance is recommended to be undertaken outside of the breeding bird season. If undertaken within the breeding bird season (1st March-31st August), a nesting bird check by a Suitably Qualified Ornithologist (SQO) will be undertaken no



- more than 48 hours prior to the tree felling, to establish if active bird nests are present;
- A qualified and licensed bat ecologist will oversee the roof removal of the small storage building to safeguard potential roosting bats;
- A squirrel drey survey to be undertaken no more than 48 hours prior to the tree felling;
- All open trenches will have ramps installed or will be covered overnight to reduce the potential for terrestrial mammals to get trapped; and
- Any security lighting will be low powered, cowled and downfacing.
- Ecological Enhancements include:
 - The proposed development will follow the detailed Landscape Plan;
 - Installation of 4no. integrated bat boxes in the south aspects of the proposed buildings;
 - Installation of 3no. bird boxes for house sparrow in the east aspects of the proposed buildings; and
 - 2no. squirrel nest boxes to be installed in the retained woodland within the indicative site boundary.
- Residual Impacts will result in a minor positive impact at a site scale if the proposed mitigation and enhancement measures are strictly implemented as per Table 5 within this report.



2 Introduction

2.1 Background

- 2.1.1 FALCO Ecology Ltd. was commissioned by Bill Dobie of Dobie Cumbria Properties Ltd. (hereon referred to as the 'Client') to undertake an updated ecological appraisal (hereon referred to as the 'survey') at The Sidings in Cockermouth (hereon referred to as the 'Site').
- 2.1.2 A Preliminary Ecological Appraisal & Red Squirrel Report was produced for the Site by SK environmental solutions Ltd. in 2018. A small suite of breeding birds and a small number of red squirrels and feeding remains were recorded during the 2018 survey. No other protected or notable species were recorded during the 2018 species. Additionally, the 2018 survey recorded no invasive non-native species (INNS). This Ecological Update Report should be read in conjunction with the Preliminary Ecological Appraisal & Red Squirrel Report.
- 2.1.3 The purpose of this report is to provide an updated record of the habitats and potential presence of protected species within the Site and adjacent areas. An evaluation of predicted impacts, recommendations regarding further ecological surveys, enhancement and conservation of existing features of ecological importance are also included, where required. This report will provide sufficient information to assist the County Ecologist to assess the impacts of the proposed development on protected and notable species, priority habitats, statutory designated and non-statutory designated sites.

2.2 Site Location

- 2.2.1 The Site was the land at the Former Fire Station Headquarters, Station Road Cockermouth, Cumbria. The indicative site boundary¹ is shown in Plate 1 (page 4). The central Ordnance Survey grid reference for the Site is NY 12055 30319 and the Site is ~50m above sea level.
- 2.2.2 The surrounding habitats of the Site were predominantly residential dwellings and commercial units (supermarket). Harris Park is adjacent to the south of the Site. Additionally, the River Cocker is adjacent to the eastern fringe of the indicative site boundary. These habitats along with an ~2km buffer are shown in Plate 2 (page 4).
- 2.2.3 The Site lies within the administrative area of Cumberland Council.

2.3 Proposed Development

- 2.3.1 The planning application is for the change of use from site of former fire station to private housing development, which includes an apartment block with 10no. residential units and 6no residential houses.
- 2.3.2 The existing former headquarters building within the Site has prior approval and is currently being converted into private housing.
- 2.3.3 The existing and proposed site plans are shown in Appendix 1.

¹ Approximately re-drawn in Google Earth Pro from drawing 5840-03H Proposed Site Plan. Not to scale and not to be used as an accurate site boundary.



Plate 1: Indicative site boundary.

© Google Earth. Image date 30/06/2018.

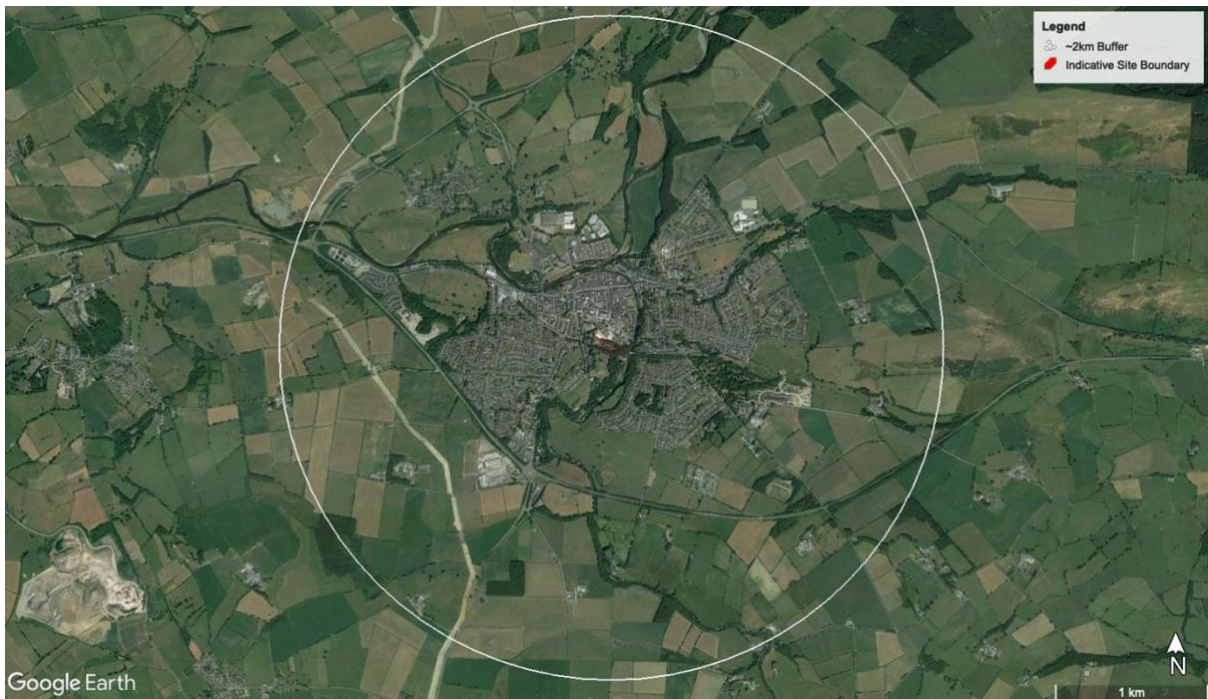


Plate 2: Surrounding habitats of the Site.

© Google Earth. Image date 30/06/2018.



2.4 Ecological Appraisal and Reporting Objectives

2.4.1 The ecological investigations undertaken by FALCO Ecology included the following objectives:

- Update Desktop Study to obtain existing information on statutory and non-statutory Sites of nature conservation interest;
- Update Extended Phase 1 involving a walkover of the Site to record habitat types and dominant vegetation, including any invasive species, and a walkover survey for evidence of protected fauna or habitats capable of supporting such species;
- Red squirrel transect;
- Recommendations for further ecological surveys;
- Impacts of the development on ecological receptors; and
- An assessment of the potential ecological constraints to the works at the Site.

2.5 Legislation

2.5.1 UK Legislation (specifically related to England) relating to habitats, plants, herptiles, birds and mammals are fully documented in Appendix 5.



3 Methodology

3.1 Desktop Study

Desk Search

3.1.1 A desktop study from following web resources was used:

- The Government's Multi-Agency Geographic Information for the Countryside or 'MAGIC' website, which provides details of nature conservation sites designated for their ecological interest including Natura 2000 sites, priority habitats, and registered European Protected Species Mitigation (EPSM) Licenses;
- Google Earth Pro was utilised to assess the habitats surrounding the surveyed building for their suitability to support species of ecological importance and protected species and the wider habitat features such as woodlands, urban environments and types of agricultural habitats; and
- Ordnance Survey Maps which provided watercourse and waterbody locations.

Consultation Data

3.1.2 Consultation data from the Cumbria Biodiversity Data Centre was obtained for the Site by the Client in December 2022 and included historical records of protected and notable species within 2km of the Site (hereafter referred to as the study area).

3.2 Ecological Update Survey

3.2.1 The survey was undertaken by Adrian George BSc (Hons), a suitably qualified and experienced ecologist from FALCO Ecology on the 5th January 2024 during good weather conditions.

3.2.2 The survey consisted of a walkover of the Site and adjacent area where access was available to record the presence or potential presence of priority habitats and protected and notable species. A red squirrel transect survey was also undertaken. These are discussed further below.

3.2.3 For all fauna species recorded during the survey, common and scientific (*italics*) names are used in the first instance and common names thereafter.

S41 Habitats

3.2.4 The vegetation and habitat types within the site boundary were recorded during the survey and followed the Phase 1 habitat survey methodology outlined in the 2016 revised edition of the 'Handbook for Phase 1 Habitat Survey' by the Joint Nature Conservation Committee (JNCC 2016a).

3.2.5 A Phase 1 habitat survey is not designed to provide a full and comprehensive list of the flora within the Site. However, species were recorded where identified.

Protected and Notable Species

3.2.6 The Site was inspected for evidence of and its potential to support protected or notable species, especially those listed under the Conservation of Habitats and Species Regulations 2017 and the Wildlife & Countryside Act 1981 (as amended), including those given extra protection under the Natural Environment and Rural Communities (NERC) Act 2006, Section 41 (S41) and Countryside & Rights of Way (CRoW) Act 2000, listed on the UK and Local BAPs and birds included on Red or Amber on the Birds of Conservation Concern list.



Terrestrial Invertebrates

- 3.2.7 The survey was undertaken outwith the flying season for most terrestrial invertebrates. The assessment of the habitats within the Site was undertaken which may support terrestrial invertebrates.

Aquatic Invertebrates

- 3.2.8 The Site consisted of terrestrial habitats with a watercourse (River Cocker) running adjacent to the eastern site boundary. No waterbodies were present within the Site. An assessment of the habitats that could support aquatic invertebrates was undertaken.

Herptiles

Amphibians

- 3.2.9 An assessment of ponds, watercourses and terrestrial habitats was undertaken which may support great crested newts *Triturus cristatus*. Habitat Suitability Index (HSI) following ARG (2010) was not considered to be required as no ponds within 250m of the Site were recorded on the 1:25:000 Ordnance Survey map (Streetmap 2024).

Reptiles

- 3.2.10 Presence of suitable resting, foraging and hibernacula habitats, including mosaic habitats and brash/log piles were recorded where present.

Birds

- 3.2.11 All birds observed and heard during the survey were recorded along with their activity i.e. singing/carrying food etc. All bird species detailed within this report follow the sequence and taxonomy recommended by the British Ornithologists' Union (BOU) (2022). Bird names used differ from those recommended by the BOU in that they follow the British (English) vernacular names in common usage by birders and ornithologists in the UK.

Terrestrial Mammals

Badger

- 3.2.12 The Site and a 30 m buffer (where access was available), as recommended by English Nature's Badgers and Development (2002), was investigated for evidence of badger activity, which included setts, latrines, snuffle holes and runs.

Bats

- 3.2.13 An assessment was undertaken during the survey on the suitability of the Site and adjacent area (woodland/wildlife corridor) to support roosting and foraging bats. The survey followed the guidance for assessing PRFs as set out within the Bat Conservation Trust Guidelines (Collins 2023) shown in Table 1, below.

Table 1: Guidelines for assessing potential roost features.

Suitability	Description
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individuals bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitats to be used on a regular basis or by large numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).



Suitability	Description
	A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously used by large numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed	A bat or bats observed within the building/tree.

3.2.14 All UK bats have been found to be roosting in buildings; however, some bats prefer buildings more than others. Furthermore, many species prefer unique aspects of a roost feature within a building. Bats that utilise buildings for roosting can be separated into four categories and are described in Table 2 (BCT2015).

Table 2: Roost features in buildings that various bats prefer.

Roost Type	Species
Crevice dwelling bats (These are often hidden from view)	Common pipistrelle <i>Pipistrellus pipistrellus</i> , soprano pipistrelle <i>Pipistrellus pygmaeus</i> , Nathusius' pipistrelle <i>Pipistrellus nathusii</i> , Brandt's bat <i>Myotis brandtii</i> , whiskered bat <i>Myotis mystacinus</i> and noctule <i>Nyctalus noctule</i> .
Roof-void dwelling bats (maybe seen on roof timbers)	Serotine <i>Eptesicus serotinus</i> , Leisler's bat <i>Nyctalus leisleri</i> , Daubenton's bat <i>Myotis Daubentonii</i>
Bats that need flight space in certain types of roost	Natterer's bat <i>Myotis nattereri</i> and brown long-eared bat <i>Plecotus auritus</i>
Bats that need flight space and flying access into the roost	Greater Horseshoe <i>Rhinolophus ferrumequinum</i> and Lesser Horseshoe <i>Rhinolophus hipposideros</i>

3.2.15 All UK bats have been found to be roosting in buildings; however, some bats prefer buildings more than others. Furthermore, many species prefer unique aspects of a roost feature within a building. Bats that utilise buildings for roosting can be separated into four categories and are described in Table 3 (BCT 2015).

Table 3: Roost features in buildings that various bats prefer.

Roost Type	Species
Crevice dwelling bats (These are often hidden from view)	Common pipistrelle <i>Pipistrellus pipistrellus</i> , soprano pipistrelle <i>Pipistrellus pygmaeus</i> , Nathusius' pipistrelle <i>Pipistrellus nathusii</i> , Brandt's bat <i>Myotis brandtii</i> and whiskered bat <i>Myotis mystacinus</i>
Roof-void dwelling bats (maybe seen on roof timbers)	Serotine <i>Eptesicus serotinus</i> , Leisler's bat <i>Nyctalus leisleri</i> , Daubenton's bat <i>Myotis daubentonii</i>



Roost Type	Species
Bats that need flight space in certain types of roost	Natterer's bat <i>Myotis nattereri</i> and brown long-eared bat <i>Plecotus auritus</i>
Bats that need flight space and flying access into the roost	Greater Horseshoe <i>Rhinolophus ferrumequinum</i> and Lesser Horseshoe <i>Rhinolophus hipposideros</i>

Otter and water vole

3.2.16 Watercourses and terrestrial habitats within or adjacent to the Site were assessed for suitability to support foraging, resting, and breeding otter *Lutra lutra* and water vole *Arvicola amphibius*.

Other Notable Species

3.2.17 Signs of the presence of other notable species was recorded during the survey and included brown hare *Lepus europaeus*, red squirrel *Sciurus vulgaris* and European hedgehog *Erinaceus europaeus*.

Red Squirrel

3.2.18 A transect survey throughout the Site and northern edge of the adjacent Harris Park was undertaken on the 5th January 2024. The transect survey was undertaken within suitable red squirrel habitat (woodlands) to search for foraging red squirrels, drey (nest) locations, feeding remains and suitable holes in trees. A Guide IR Pro 38 thermal camera was used to assist the surveyor in locating potential red squirrels during the transect survey.

3.2.19 The transect was undertaken between 10:00 and 14:00, during peak foraging activity in January (Rae 2014). Additionally, red squirrels do not hibernate and are active every day throughout the winter. The weather conditions during the transect survey was light winds, overcast, 6degC and dry.

3.2.20 Red squirrel field signs, ecology and legislation are detailed in the PEA (SK environmental 2018).

Fish

3.2.21 No waterways were present within the Site and therefore no fish specific surveys were undertaken as part of this assessment.

Invasive Non-native Species

3.2.22 The Site and the adjacent area were searched for evidence of invasive non-native species (INNS), such as Japanese Knotweed *Fallopia japonica*, Indian (Himalayan) Balsam *Impatiens glandulifera*, Giant Hogweed *Heracleum mantegazzianum*, Horizontal Cotoneaster *Cotoneaster horizontalis* and Rhododendron *Rhododendron ponticum*.

3.3 Zone of Influence

3.3.1 The Zone of Influence (ZOI) is defined as 'the area(s) over which ecological features may be affected by the biophysical changes caused by the proposed project and associated activities' (CIEEM 2018). The ZoI will depend on a variety of factors including composition of waders and waterfowl, bird activity (foraging, resting, nesting) and existing habituation levels. Times of year, weather conditions and morphology of the area (Cutts et al 2009).



3.3.2 The ZOI for the proposed development has been set at 50m for direct disturbance²; however, given the type and scale of the proposed development, it is considered that the indirect disturbance³ would be negligible and therefore no scale was set as part of this assessment.

3.4 Limitations

3.4.1 This report provides an assessment of the ecological interest present on the day of the survey and highlights areas where further ecological surveys may be required.

3.4.2 To determine likely presence or absence of protected species usually requires multiple visits at suitable times of the year. As a result, the survey undertaken focussed on assessing the potential of the Site to support species of note, which are considered to be of principal importance for the conservation of biodiversity with reference to the National Planning Policy Framework (NPPF, 2018), especially those given protection under UK or European wildlife legislation.

3.4.3 The consultation data was requested by the Client rather than an Ecologist and therefore data (species) on sensitive species (Schedule 1 birds) were redacted. No sensitive species were return within or adjacent to the Site and therefore this limitation is not considered to have impacted the assessment within this report.

3.4.4 The details within this report will remain valid for a period of 12 months. Beyond this period, it is recommended that a new review of the ecological conditions of the Site are undertaken.

3.4.5 The assessment within this report is based on the full application proposal, any future full planning application will require an updated assessment to establish the impact of the proposed development on protected and notable habitats and species.

3.5 Assessment

3.5.1 In order to determine the value of the habitats and species found through the surveys detailed above, the data search and survey results were assessed against the criteria set out in Table 4, below.

Table 4: Assessment criteria.

Suitability	Description
Negligible	Habitats within the Site and surrounding area are poor quality for a species or suite of species. Data searches provided no historical records within the search area. A species or suite of species cannot be ruled out within the search area.
Low	Habitats within the Site and surrounding area are of poor to low suitability for a species or suite of species. Suitable habitats are limited in size with no connectivity to other suitable habitats. Data searches provided few and/or old historical records within the search area. Species have a low potential to be present on the Site.

² Direct effects are considered to comprise impacts such as pollution incidents (noise and vibration, water, air and dust) and human presence.

³ Indirect effects in general comprise an increase in recreational activity at the Natura 2000 site. This is particularly prevalent with coastal sites, which are seen as a particular "attraction".



Suitability	Description
Moderate	Habitats within the Site and surrounding area are of moderate suitability to a species or suite of species, with sub-optimal habitats, being medium in size and limited connectivity between other suitable habitats.
High	Habitats within the Site and surrounding area are of optimal suitability for a species or a suite of species, with suitable resting, foraging and hibernacula sites, wildlife corridors linking further suitable habitats. Data searches provided recent records within the search area.

3.6 Significant Effect

- 3.6.1 A 'significant effect' is an effect that either supports or undermines biodiversity conservation objectives for 'important ecological features' or for biodiversity in general (CIEEM 2016).
- 3.6.2 The CIEEM EcIA guidelines (2016) state that effects should be referenced against a geographical frame. Effects can be considered significant at a wide range of scales and these include International, European, national, regional, county or local authority area, local or site.

3.7 Surveyor's Experience

Adrian George

- 3.7.1 Adrian is an experienced ecologist who has undertaken commercial ecology surveys for 15 years on a range of developments including residential properties, small and large scale wind farms, solar farms, power lines, water pipelines and highways. Adrian has completed an array of ecological surveys throughout England, Wales and Scotland. Adrian meets the competency for surveying a range of protected and notable species. Environmental licenses held by Adrian include: Class 2 Natural England (CL18 2017-32910-CLS-CLS), a Scottish Natural Heritage bat licence, a Class 1 Natural England great crested newt license (2018-34025-CLS-CLS) and a Natural England Barn Owl licence (CL29-00427). Ecological training has been a combination of in-houses and workshops and courses.
- 3.7.2 Adrian is a full member of the Chartered Institute of Ecology & Environmental Management (CIEEM) and a member of the Northumberland Bat Group.



4 Results

4.1 Desktop Study

Designated Sites

- 4.1.1 No additional designated sites have been formed since the Preliminary Ecological Appraisal (SK environmental 2018) (DEFRA 2024).

4.2 Extended Phase 1 Habitat Survey

- 4.2.1 The habitats within the Site remained very similar to that recorded within the Preliminary Ecological Appraisal (SK environmental 2018). The semi-natural broadleaved woodland along the southern and eastern edge of the Site remained. The former fire station headquarters building was being converted into residential units with associated car parking and surrounding seeded amenity grassland. An updated Phase 1 habitat plan has not been produced for this report as the 2018 map remains relevant to the current habitats on Site.

- 4.2.2 Photos of the habitats within and adjacent to the Site taken during survey are shown in Appendix 2.

S41 Habitats

- 4.2.3 The UK priority habitats within the search area included swathes of deciduous woodlands; with the closest being within the eastern area of the Site. The deciduous woodland within the search area formed a woodland corridor from Cockermouth Cemetery to and then along the River Cocker. The nearest ancient and semi-natural woodland was located ~930m northeast, adjacent to St Helens Street allotment gardens.

- 4.2.4 It is considered that the proposed development will negatively impact the deciduous woodland within the Site due to the small scale of felling required to construct the proposed development.

Protected & Notable Plants (incl. Fungi)

- 4.2.5 Common Spotted-orchid *Dactylorhiza fuchsia* was the only protected and notable plant species was returned as part of the desktop. This record was from Fitz Wood in Cockermouth. No records were returned within or adjacent to the Site.

- 4.2.6 No protected or notable plant species were recorded within the indicative site boundary during the survey.

- 4.2.7 It is considered that the suitability of the Site to support protected and notable plants is negligible and therefore are not considered further within this report.

Other Plants

- 4.2.8 The flora species within the indicative site boundary remained very similar to that recorded within the Preliminary Ecological Appraisal (SK environmental 2018) with no additional flora species recorded.

Terrestrial Invertebrates

- 4.2.9 A small array of protected and notable terrestrial invertebrate species (butterfly, moth and dragonfly) was returned as part of the desktop study. None of these were recorded within or adjacent to the Site.



- 4.2.10 No butterflies or other terrestrial invertebrates were recorded during the survey; however, the survey was undertaken outside of the flying season for most invertebrates. Furthermore, there was very limited flowering vegetation within the Site to support terrestrial invertebrates.
- 4.2.11 The habitats present within the indicative site boundary would likely only support a very limited array of terrestrial invertebrates such as soil invertebrates and low numbers. The Bramble within the woodland understorey is likely to support a small array of butterfly and bees species. Therefore, it is considered that the suitability of the Site to support terrestrial invertebrates is negligible and not considered further within this report.

Aquatic Invertebrates

- 4.2.12 No watercourses or waterbodies were present within the Site, thus the presence of aquatic invertebrates within the Site is negligible. The River Cocker was within the ZoI; however, given the distance between the proposed development and the River Cocker, it is considered that the suitability of the Site to support aquatic invertebrates is negligible and not considered further within this report.

Herptiles

Amphibians

- 4.2.13 No great crested newts were returned as part of the desktop study. Palmate newt *Lissotriton helveticus* were also returned as part of the desktop study, however, no ponds were located within the 100m grid reference (Streetmap & Google Earth Pro 2024) provided and therefore this record is not considered correct.
- 4.2.14 No amphibians were recorded during the survey and no waterbodies were present within the Site. The Site was unfavourable for amphibians and therefore, it is considered that the suitability of the Site to support amphibians is negligible and are not considered further within this report.

Reptiles

- 4.2.15 No reptile records were returned as part of the desktop study.
- 4.2.16 The habitats within the indicative site boundary were considered unsuitable foraging or resting habitat for reptiles. The surrounding habitats, which included Harris Park and residential gardens were also unsuitable for reptiles. Therefore, it is considered that the suitability of the Site to support reptiles is negligible and are not considered further within this report.

Birds

- 4.2.17 A large array of protected and notable bird species was returned as part of the desktop study; however, all sensitive species had been redacted by CBDC from the report.
- 4.2.18 The habitats (semi-natural deciduous woodland, amenity grassland and built environment) within the indicative site boundary offered nesting and foraging opportunities for an array of lowland urban birds. Several common and widespread garden species were recorded within the Site during the survey which included dunnock *Prunella modularis*, house sparrow *Passer domesticus*, blackbird *Turdus merula*, woodpigeon *Columba palumbus*, robin *Erithacus rubecula*, nuthatch *Sitta europaea*, jackdaw *Corvus monedula* and blue tit *Cyanistes caeruleus*.



4.2.19 The suitability of the Site to support breeding, resting and foraging birds is low, particularly due to the small size of the Site. The Site had negligible suitability to support foraging, roosting or breeding Schedule 1 species, such as barn owl *Tyto alba*.

Terrestrial Mammals

4.2.20 Mammal tracks were recorded running into the Site within the woodland area at the eastern end. A rabbit warren was recorded within the banking on the southern adjacent land. It is predicted that these mammal tracks pertain in part to rabbits and domestic dogs.

Badger

4.2.21 Five badger records were returned as part of the desktop study and none of these were within or adjacent to the Site. Additionally, all records were prior to 2000, thus no recent records of badger within the search area.

4.2.22 As per the 2018 survey, no signs of badger presence (setts, latrines, snuffle holes) were observed within or adjacent to the indicative site boundary. The steep banks within the Site were suitable for sett creation although no setts were recorded. The surrounding habitats, and the Site, were suitable for foraging badger. It is plausible that if badger were present within the surrounding area that foraging may occur within the Site; however, there was no evidence that this occurs. Therefore, it is considered that the suitability of the Site to support breeding or foraging badger is negligible and therefore are not considered further within this report.

Bats

4.2.23 A total of seven bat species were returned as part of the desktop study, which included common and soprano pipistrelle, brown long-eared bat, noctule, Brants/whiskered bat, whiskered bat and Daubenton's bat. No bat roosts were returned within the adjacent area of the Site. Maternity roosts of common pipistrelle, soprano pipistrelle and brown long-eared bat were recorded within the search area. No closer records were returned than those described within the Preliminary Ecological Appraisal (SK environmental 2018).

4.2.24 A data search on DEFRA (2024) showed a total of two granted EPSM Licenses within the search area. The EPSM licenses were for the:

- Destruction and damage of a breeding site and resting place for common pipistrelle, soprano pipistrelle, Natterer's bat and whiskered bat (2018-37167-EPS-MIT) ~700m north northeast of the Site; and
- Destruction of a resting place for soprano pipistrelle (2014-1556-EPS-MIT) ~1.1km northeast of the Site.

4.2.25 The habitats within and adjacent to the Site were suitable to support foraging bats as well as providing navigational features (linear woodlands). It is considered that the Site would be used mostly by pipistrelle bats; however, given the urban location and adjacent commercial units, the use of the Site by myotis bats and brown long-eared bats would likely be low and infrequent. The River Cocker and woodland corridor will provide foraging and commuting habitat for a wide range of bats including myotis bats and brown long-eared bat.

4.2.26 The trees within the Site were considered to be of a similar age structure and no potential roost features were recorded within the trees during the survey which included a ground level roost assessment. It is unlikely although plausible that small features, such as tear outs or limb cavities were present that could support individual



roosting bats. Ivy was recorded on numerous trees within the Site; however, the density and structure of the ivy was not considered to provide potential roost features for bats.

- 4.2.27 The small storage building had fallen into disrepair between the 2018 and the 2024 surveys. The small storage building has a cavity wall which is now exposed on the western aspect; however, there remains the potential to support individual roosting bats. Although, roosting bats maybe exposed to predators such as birds now that the cavity wall has been exposed. Furthermore, the environmental conditions, temperature, humidity and air flow may be unsuitable for roosting bats and therefore it is considered that the small storage building has negligible/low suitability to support roosting bats. The small storage building would at most only support very low numbers on an occasional basis, thus a single bat activity survey is unlikely to detect a roosting bat within the building.
- 4.2.28 The suitability of the Site to support roosting bats is negligible/low, and to support foraging bats is low which is particularly due to the small size of the Site.
- 4.2.29 It is plausible that surrounding residential dwellings and mature deciduous woodlands support roosting bats.

Otter

- 4.2.30 A total of 10 otter records were returned five being within the River Cocker; however, no recent records (<10 years) were returned. No records of otter were present in the immediate vicinity of the indicative site boundary although otter will commute and forage along the River Cocker adjacent to the Site.
- 4.2.31 No evidence of otter holts was present within or adjacent to the indicative site boundary. Given the surrounding habitat features, roads, wall and significant drops) of the indicative site boundary, it is extremely unlikely that otters would be present within the Site.
- 4.2.32 It is considered that the suitability of the Site support foraging, commuting, or resting/breeding otter was negligible. Otter is therefore not considered further within this report.

Water vole

- 4.2.33 No water vole records were returned as part of the desktop study.
- 4.2.34 No signs or evidence of presence of water vole were recorded within the Site.
- 4.2.35 As per otter, no suitable habitat for water vole is present within the Site or the ZoI and therefore water vole is not considered further within this report.

Other Notable Species

Brown hare

- 4.2.36 A total of three records of brown hare were returned as part of the desktop study. These records were all prior to 2008.
- 4.2.37 The habitats within and surrounding the indicative site boundary were not suitable to support resting, foraging, or breeding brown hare. It is considered that the suitability of the Site support foraging or resting/breeding brown hare was negligible. Brown hare is therefore not considered further within this report.



Red squirrel

- 4.2.38 Two additional records were returned for 2018 and 2019 with both being in Cockermouth Cemetery.
- 4.2.39 The habitats within the Site remained very similar to that of 2018. No red squirrels were recorded during the survey. A low number of spruce and pine trees were present within and adjacent to the Site; however, unlike the 2018 survey, no feeding remains were recorded. Additionally, no dreys were recorded within the Site and ZoI.
- 4.2.40 There remains no evidence that the Site supports breeding red squirrels, and it is plausible that given the lack of feeding remains, that the red squirrel population in Cockermouth may have declined between 2018 and 2024. However, the survey was only a snapshot and the Site may still support a small population of foraging red squirrel on an occasional basis. Additionally, further red squirrel surveys are unlikely to detect the presence of red squirrels if the local population has declined, as recorded throughout England (RSNE 2024).

Invasive Non-native Species

- 4.2.41 No INNS were recorded within or adjacent to the Site during the survey and therefore INNS are not considered further within this report.



5 Assessment

5.1 Assessment of Value

- 5.1.1 The Site consisted semi-natural deciduous woodland, amenity grassland and built environment (Buildings and hardstanding). The habitats within the indicative site boundary were of negligible value to most ecological receptors and of low value to nesting birds, and foraging birds, bats and red squirrel.
- 5.1.2 The surrounding residential properties and associated gardens and urban green park with mature trees and hedgerows in combination are of moderate value to the above species, including roosting bats and breeding red squirrel.

5.2 Assessment of Impact

- 5.2.1 The potential impacts, both during the construction phase and the operational phase, of the proposed development on nesting birds and foraging birds, bats, and red squirrel are discussed within this section.
- 5.2.2 The proposed development will result in the permanent loss of a small area of deciduous woodland along the southern fringe of the Site which includes the loss of 22 mature trees and 20 young/semi-mature trees (Lowther 2023).

Construction Phase

- 5.2.3 The construction phase is likely to be relatively short to medium as the proposed development consists of a small number of residential houses and an apartment block. A total of 42 trees are proposed to be removed which has the potential to destroy active bird nests and potential future red squirrel dreys. A single old woodpigeon nest and no red squirrel dreys were recorded during the survey. Based on the combination of the 2018 survey and the updated 2024 survey, the loss of 42 trees to breeding birds and foraging birds and red squirrel will be negligible.
- 5.2.4 The Tree Protection Plan, with Root Protection Areas, will safeguard the remaining existing trees within and adjacent to the Site. No impact on the surrounding habitats is predicted.
- 5.2.5 The demolition of the small storage building has the potential to disturb or harm roosting bats, although the roost suitability of the building was negligible/low.
- 5.2.6 Working at night under powerful flood lights have the potential to displace foraging bats which are light sensitive, such as brown long-eared bat and some *Myotis* sp.
- 5.2.7 Mitigation measures are required to safeguard ecological receptors including; active bird nests, potential future red squirrel dreys, roosting and foraging bats.

Operational Phase

- 5.2.8 The habitat connectivity through and along the southern fringe of the Site will remain functionally available to red squirrels allowing future movement across Cockermouth.
- 5.2.9 The operational phase of the proposed development will marginally increase artificial lighting within the Site. It is considered that ecological receptors will have habituated to the artificial lighting from the surrounding dwellings and commercial units. However, the installation of high-powered flood lighting could impact ecological receptors, i.e. foraging bats.
- 5.2.10 It is considered that the level of noise on the Site during the operation phase is extremely unlikely to be significantly greater than the existing baseline.



5.2.11 The presence of the proposed development including artificial lighting, excluding floodlighting will have a negligible impact on ecological receptors. To minimise any impact of floodlighting on ecological impacts, i.e. foraging bats, mitigation measures will be required.

Overall

5.2.12 The unmitigated construction and operation of the proposed development will have a minor negative impact on nesting birds, foraging birds and bats, and red squirrels. This impact is not considered to be significant and will not impact their populations or an individual's ability to survive.

5.3 Mitigation, Compensation and Enhancement

5.3.1 The impacts of the proposed development during the construction and operational phase, as identified in Section 5.2, on ecological receptors would be negligible. However, mitigation measures are required to minimise the potential of destroying active bird nests, potential future red squirrel dreys and displacement of foraging bats. Enhancement measures are required for the continued functionality of the Site to be used by foraging and resting protected and notable species and retain connective habitats along the southern edge of the Site.

5.3.2 The ecological mitigation, compensation and enhancement measures are outlined in Table 5, below and broadly follow that described within the Preliminary Ecological Appraisal (SK environmental 2018). Further details on specifications and locations of the enhancement measures are shown in Appendix 4.

Table 5: Recommended mitigation, compensation, and enhancement.

Feature	Environmental measures proposed	Means of securing delivery
Habitats	The proposed development will follow the detailed Landscape Plan - WW/L01 (Westwood Landscape 2022), which will provide species rich native hedgerows, improve woodland understorey habitats and creation of wildflower meadow/grassland.	Condition as part of the decision notice
Birds	Site/vegetation clearance undertaken within the breeding bird season (1 st March-31 st August) will require a nesting bird check by a Suitably Qualified Ornithologist (SQO) – FALCO Ecology. The nesting bird check will be undertaken by the SQO no more than 48 hours prior to the site clearance works. Additionally, the nesting bird check is valid for 48 hours, thereafter, further nesting bird checks will be required. Provision of 3no. integrated hole nest boxes similar to a Vivara Pro WoodStone House Sparrow, or similar design, as shown in Plate 4. The placement of the integrated bird box will be on the east or west aspect of the proposed residential houses and apartment block. The hole dimensions will be 32mm, to allow use by house sparrow.	Condition as part of the decision notice



Feature	Environmental measures proposed	Means of securing delivery
	<p>The integrated bird boxes will remain as part of the property for the duration of the life of the proposed development. If the bird box was to need replacing, then this will be done immediately to maintain the ecological enhancement.</p>	
<p>Bats</p>	<p>The roof removal of the small storage building will be undertaken under the supervision of a suitably qualified and licensed bat ecologist. This will safeguard potential roosting bats. Once the roof is removed, the bat ecologist will be able to fully inspect the wall cavity. The bat ecologist will have the right to stop works on the small storage building if a roosting bat or evidence of a roosting bat is observed. A bat licence from Natural England will be required if a roosting bat or evidence of a bat roost is recorded.</p> <p>Provision of 4no. an integrated bat boxes similar to the Vivara Pro Build-in WoodStone bat box (Plate 3), or similar, will be incorporated into the proposed development. The integrated bat boxes will be on the southern aspect of the proposed residential houses and apartment block. Additionally, the integrated bat boxes will be a minimum of 4m above ground level.</p> <p>The integrated bat boxes will remain as part of the property for the duration of the life of the proposed development. If the bat boxes were to need replacing, then this will be done immediately to maintain the ecological enhancement.</p> <p>No up lighting will be installed under or at the integrated bat boxes.</p> <p>All lighting on the proposed development should be low powered as to not provide excessive light spread over the woodland habitats and adjacent habitats. All exterior lighting will be cowled downwards to minimise light spill.</p>	<p>Condition as part of the decision notice</p>
<p>Terrestrial mammals</p>	<p>A squirrel drey survey to be undertaken no more than 48 hours prior to the tree felling. This survey is to be undertaken by a suitably qualified ecologist.</p> <p>A total of 2no. squirrel nest boxes to be installed in the retained woodland to create opportunities that the existing trees do not provide as yet due to their age.</p> <p>All trenches and foundations will be covered over or have wooded ramps situated at the</p>	<p>Condition as part of the decision notice</p> <p>Add as part of any potential Construction and Environmental Management Plan.</p>



Feature	Environmental measures proposed	Means of securing delivery
	ends of the trench to allow terrestrial mammals to escape if they fall in during the night.	

5.4 Residual Impact

5.4.1 The implementation of the mitigation, compensation and enhancement measures will result in a minor positive impact on ecological receptors at a site scale.



6 Required Actions

6.1 Survey Requirements

6.1.1 No further ecological surveys are considered necessary with regards to the full planning application.

6.2 Mitigation Measures

6.2.1 All mitigations detailed within Table 5 (page 18) will be implemented to safeguard and enhance protected and notable species and to achieve no net loss of habitats.



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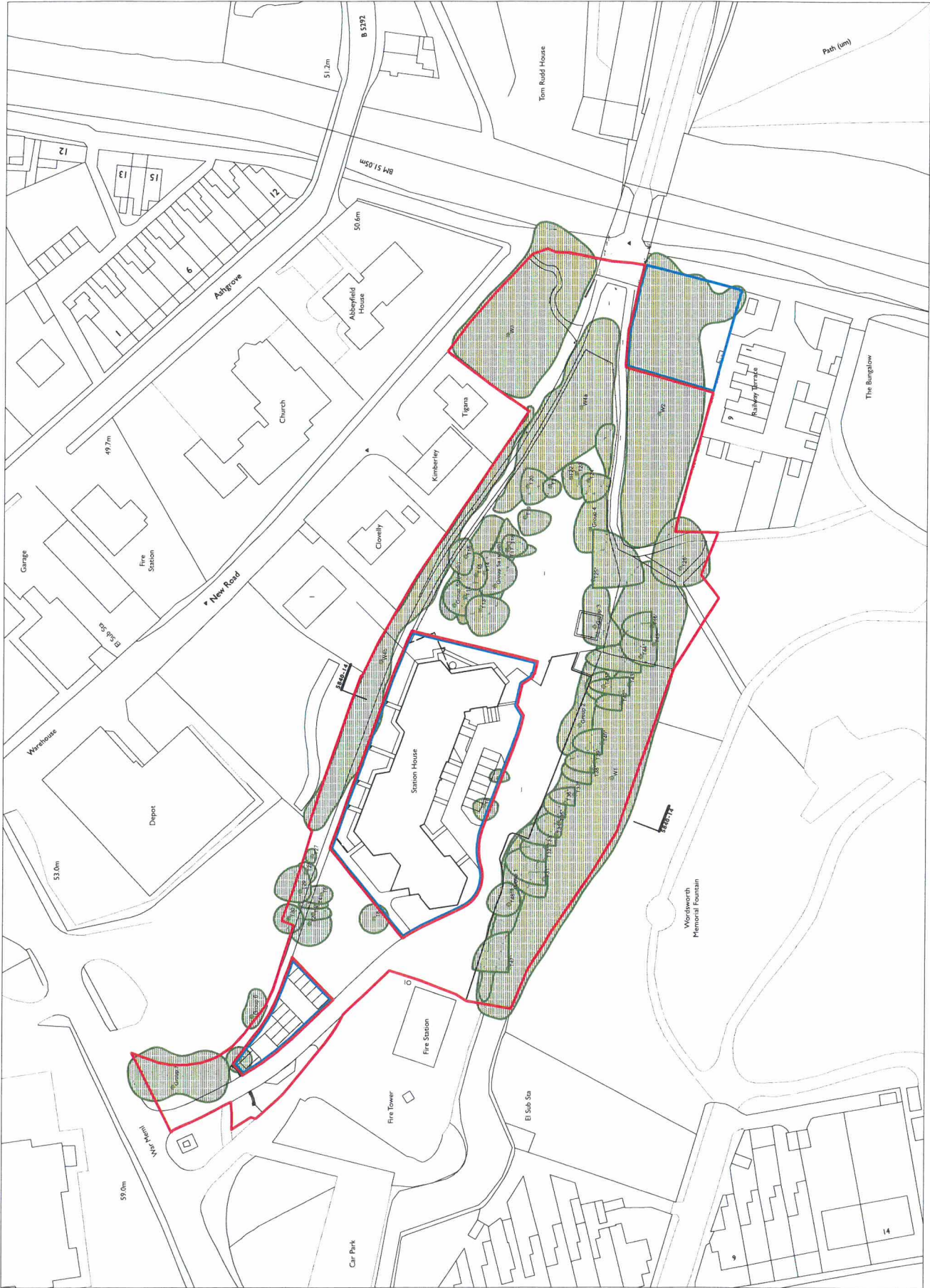


Appendix 1 – Existing and Proposed Site Plans

Tree Types

The information on existing trees shown on this drawing, the numbers and references, should be read in conjunction with the Arboricultural Method Statement and Arboricultural Impacts Assessment Report (AIA) for this site prepared by Lowthorpe Forestry Group Ltd.

- Site boundary
- Other land owned by client



No.	Description	Author	Date	Comments
1	Drawn	DAY CUMMINS	10/11/21	Drawn updated to reflect design changes to site
2	Checked	DAY CUMMINS	10/11/21	Checked
3	Approved	DAY CUMMINS	10/11/21	Approved
4	Revised	DAY CUMMINS	10/11/21	Revised to include comments
5	Final	DAY CUMMINS	10/11/21	Final

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Project: Proposed Residential Development at The Sidings, Cockermouth, Cumbria

Drawn	Checked	Approved
HP		
Scale	1:500	Date
		09/11/21
		Sheet No.
		AI
Project No.	5840	Rev.
		02
		C






Appendix 2 – Site Photos





Ref.	Description	Photo
1	Southern semi-natural broadleaved woodland (from Harris Park).	
2	Southern banking within the Site.	
3	Eastern area of the Site comprising of semi-natural broadleaved woodland.	



Ref.	Description	Photo
4	Typical ground cover vegetation within the Site consisting of scattered Bramble.	
5	Small building with collapsed/removed outer skin on western aspect.	
6	Small mammal access points at the eastern end of the Site. Considered to be formed by rabbits.	

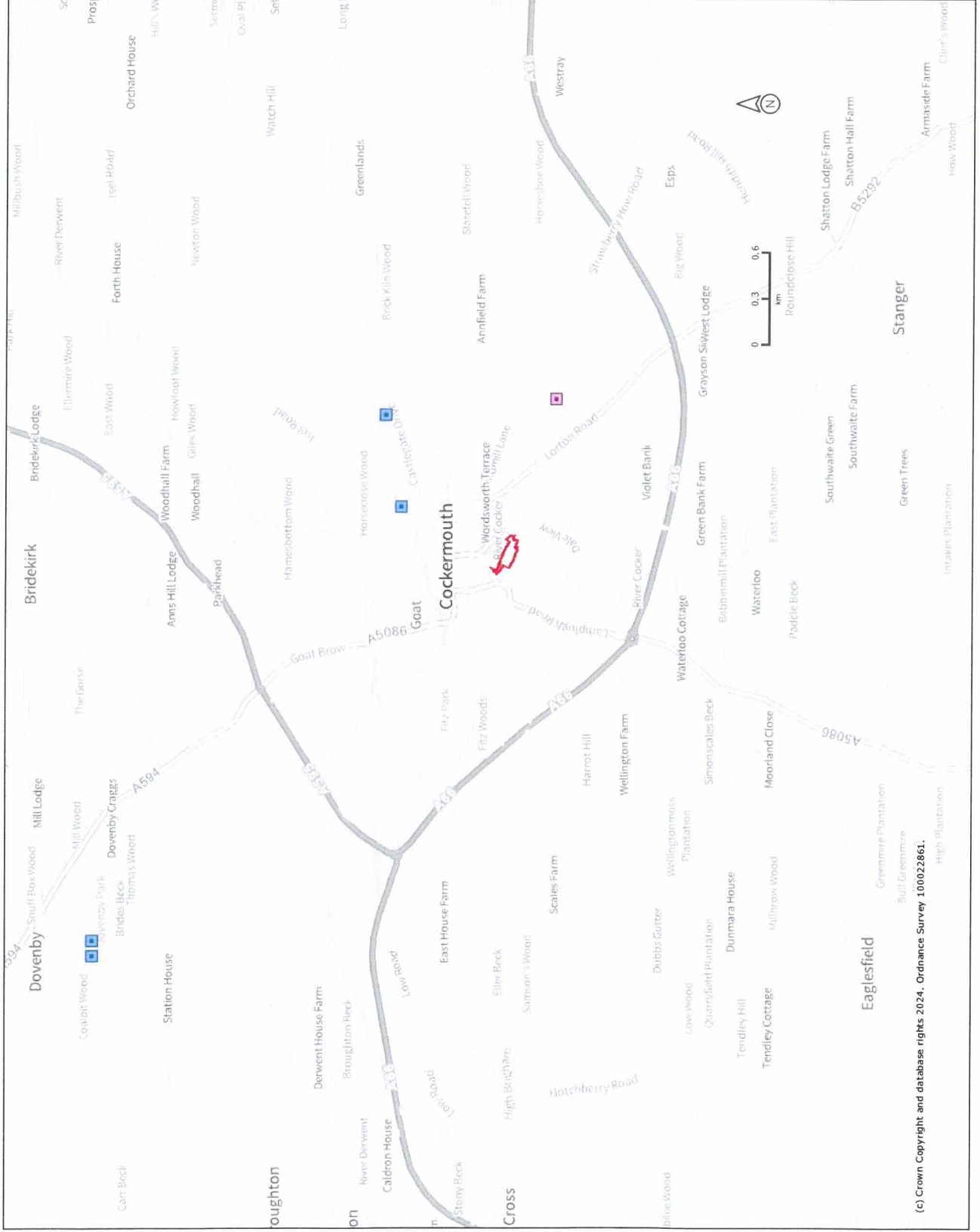


Ref.	Description	Photo
7	Adjacent footpath along the northern site boundary.	
8	Woodpigeon nest located within one of the trees on Site.	



Appendix 3 – Figures

Figure 2: Protected Species Licenses within 2km of the Site.



Legend Granted European Protected Species Applications (England)

- Amphibian
- Bat
- Cetacean
- Invertebrate
- Other Mammal
- Plant
- Reptile

Projection = OSG836
 xmin = 305400
 ymin = 527100
 xmax = 318100
 ymax = 533700

Map produced by MAGiC on 9 January, 2024.
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 must not be reproduced without their permission. Some
 information in this map is a snapshot of the information
 that is being maintained. Please refer to the
 originating organisation for the most up-to-date
 details as information may be illustrative or representative
 rather than definitive at this stage.



Appendix 4 – Ecological Enhancement Measures



Integrated Bat Boxes

To fulfil the latest National Planning Policy Framework which includes biodiversity net gain into proposed developments, it is recommended that integrated bat boxes are installed southern aspect walls of the proposed residential houses and apartment block. An example of a suitable integrated bat box (Vivara Pro Build-in WoodStone Bat Box⁴) is shown in Plate 3, below. This type of bat box allows the entrance hole to be situated within the mortar line and stone cladding over the top. This bat box must be installed vertically, with the access hole in the horizontal position and at the base, as shown in Plate 3.

No artificial lighting will be situated near or directed toward the integrated bat boxes.



Plate 3: Example of an integrated bat box.

⁴ Picture sourced from www.nhbs.com



Integrated Bird Boxes

Integrated bird boxes will be incorporated into eastern and western aspect walls of the proposed residential houses and apartment block. An example of an integrated bird box is the Vivara Pro WoodStone House Sparrow Nest Box⁵, as shown in Plate 4, below.



Plate 4: Vivara Pro WoodStone House Sparrow Nest Box.

⁵ Pictures sourced from <https://www.nhbs.com/search?q=sparrow+box&qtview=195281>



Red Squirrel Nest Box

A total of 2no. red squirrel nests will be positioned within mature trees which are located away from public rights of way. An example of a red squirrel nest box⁶ is the is shown in Plate 5, below. The red squirrel nest box should be constructed from a long-lasting material such as a recycled plastic. Proposed locations of the two red squirrel nest boxes (red star) are shown in Plate 6 (page 38).



Plate 5: Example of a red squirrel nest box.

⁶ Photo sourced from <https://www.wildlifeboxes.co.uk/product-page/red-squirrel-box>



Plate 6: Proposed red squirrel nest box locations (red star).



Appendix 5 – Environmental Legislation & Conventions



Introduction

The UK has ratified a number of Conventions and implemented legislation pertaining to the protection of habitats, plants, herptiles, birds and mammals, either independently or as member state of the European Union. These are defined and summarised below.

Bern Convention (1982)

The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and was ratified in 1982. Its aims are to protect wild plants and animals and their habitats listed in Appendices I and II of the Convention, and regulate the exploitation of species listed in Appendix III. The regulation imposes legal obligations on participating countries to protect more than 1000 animals.

To meet its obligations imposed by the Convention, the European Community adopted the EC Birds Directive (1979) and the EC Habitats Directive (1992 – see below). Since the Lisbon Treaty, in force since 1st December 2009, European legislation has been adopted by the European Union.

The UK Post-2010 Biodiversity Framework

The UK Post-2010 Biodiversity Framework was published in July 2012 and supersedes the Biodiversity Action Plan which lists and prioritises habitats and species and sets national targets to be achieved. The UK Post-2010 Biodiversity Framework includes all the species formally listed under the old UKBAP. The Environmental Departments of all four governments in the UK work together through the Four Countries Biodiversity Group.

The former UKBAP identified 391 'Priority' Species Action Plans (SAPs), 45 'Priority' Habitat Action Plans and 162 Local Biodiversity Action Plans. Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Bonn Convention

The Convention on the Conservation of Migratory Species of Wild Animals or 'Bonn Convention' was adopted in Bonn, Germany in 1979 and came into force in 1985. Participating states agree to work together to preserve migratory species and their habitats by providing strict protection to species listed in Appendix I of the Convention. It also establishes agreements for the conservation and management of migratory species listed in Appendix II.

In the UK, the requirements of the convention are implemented via the Wildlife & Countryside Act 1981 (as amended), Wildlife (Northern Ireland) Order 1985, Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and the Countryside and Rights of Way Act 2000 (CRoW).

The UK has currently ratified four legally binding Agreements under the Convention, one of which is the Agreement on the Conservation of Populations of European Bats (EUROBATS).

National Planning Policy Framework (2021)

Following the publication of the first revision of the National Planning Policy Framework (NPPF) in March 2012, Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (2005) has been withdrawn. However, ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (the guidance document that accompanied PPS9) has not been withdrawn and, where more detailed guidance is required than is given within the NPPF, local planning authorities will



continue to rely on ODPM 06/2005. The NPPF has been revised and was published in July 2021.

The natural environment is covered within the NPPF 2021 in Chapter 15, paragraphs 174-188.

The purpose of the NPPF is to conserve and enhance the natural environment including:

- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

To protect and enhance biodiversity and geodiversity, plans should:

- *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

This guidance requires local planning authorities (planning policies and planning decisions) to take account of the conservation of protected species when determining planning applications and makes the presence of a protected species a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Furthermore, the NPPF 2021 still includes the requirement for developments to *improve biodiversity* including ecological *net gain*. In the case of European Protected Species such as bats, planning policy emphasises that strict statutory provisions apply (including the Conservation of Habitats and Species (Amendment) Regulations 2012), to which a planning authority must have due regard.

Where developments requiring planning permission are likely to impact upon protected species it is necessary that protected species surveys are undertaken and submitted to meet the requirements of paragraph 98 of ODPM Circular 06/2005 which states that:

'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'

Potential Special Protected Areas, possible Special Areas of Conservation, listed or proposed Ramsar site should be given the same protection as habitats sites.

Species of Principal Importance in England

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions. The S41 list includes 65 habitats of principal importance and 1,150 species of principal importance.



The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 came into force on 30th November 2017. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by the European Commission, are then designated as Special Protection Areas (SPAs) within six years. The 2012 amendments include that public bodies help preserve, maintain and re-establish habitats for wild birds.

Wildlife and Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. This legislation is the chief means by which the 'Bern Convention' and the Birds Directive are implemented in the UK. Since it was first introduced, the Act has been amended several times.

The Act makes it an offence to (with exception to species listed in Schedule 2) intentionally: kill, injure, or take any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use, or take or destroy an egg of any wild bird.

In addition, the Act makes it an offence (subject to exceptions) to: intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5, interfere with places used for shelter or protection, or intentionally disturbing animals occupying such places.

The Act also prohibits certain methods of killing, injuring, or taking wild animals. Finally, the Act also makes it an offence (subject to exceptions) to: intentionally pick, uproot or destroy any wild plant listed in Schedule 8, or any seed or spore attached to any such wild plant, unless an authorised person, intentionally uproot any wild plant not included in Schedule 8, sell, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Following all amendments to the Act, Schedule 5 'Animals which are Protected' contains a total of 154 species of animal, including several mammals, reptiles, amphibians, fish and invertebrates. Schedule 8 'Plants which are Protected' of the Act, contains 185 species, including higher plants, bryophytes and fungi and lichens. A comprehensive and up-to-date list of these species can be obtained from the JNCC website.

Part 14 of the Act makes unlawful to plant or otherwise cause to grow in the wild any plant which is listed in Part II of Schedule 9.