

Former John Paul Jones Inn, Whitehaven

784-B064930

Biodiversity Net Gain Assessment

BEC

December 2024

**Document prepared on behalf of Tetra Tech Limited. Registered in England number:
01959704**



TETRA TECH

Tetra Tech Manchester, 2nd Floor, 11 York Street, Manchester, United Kingdom, M2 2AW

Tetra Tech Limited. Registered in England number: 01959704
Registered Office: 3 Sovereign Square, Sovereign Street, Leeds, United Kingdom, LS1 4ER

DOCUMENT CONTROL

Document:	Biodiversity Net Gain Assessment
Project:	Former John Paul Jones Inn, Whitehaven
Client:	BEC
Project Number:	784-B064930
File Origin:	"M:\Projects\784-B064930_John_Paul_Jone_s__Whitehaven\60 Project Output\61 Work in Progress\BNG\ 784-B064930 John Paul Jones Whitehaven BNG report_V2_Issue.docx"

Revision:	N/A	Prepared by:	Rorie Hather BSc (Hons) Consultant Ecologist
Date:	02/12/24	Checked by:	Rob Gavan MSc BSc ACIEEM Senior Ecologist
Status:	Issue	Approved By:	Tamsin Clark MSc MCIEEM Associate Director

Revision:	1	Prepared by:	Rorie Hather BSc (Hons) Consultant Ecologist
Date:	03/12/24	Checked by:	Rob Gavan MSc BSc ACIEEM Senior Ecologist
Status:	Issue	Approved By:	Tamsin Clark MSc MCIEEM Associate Director

Description of Revision:	Amended application boundary.
--------------------------	-------------------------------

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1.0 INTRODUCTION	2
1.1 Background.....	2
1.2 Site Description	2
1.3 Development Proposals	2
1.4 Purpose of Report	2
2.0 METHODOLOGY	3
2.1 Biodiversity Offsetting Guidance.....	3
2.2 Habitat Assessment	3
2.2.1 Habitats.....	3
2.2.2 Habitat Distinctiveness.....	3
2.2.3 Habitat Condition.....	3
2.2.4 Strategic Significance	3
2.3 Exemption Review.....	4
2.4 Limitations	5
3.0 RESULTS.....	6
3.1 Pre-development Baseline Units.....	6
3.2 Irreplaceable Habitats	6
3.3 Post Development Units.....	8
4.0 DISCUSSION AND RECOMMENDATIONS	9
REFERENCES.....	10
FIGURES	11
APPENDICES	12

APPENDICES

APPENDIX A: REPORT CONDITIONS

APPENDIX B: BNG LEGISLATION AND POLICY

APPENDIX C: BASELINE CONDITION ASSESSMENT DATA

EXECUTIVE SUMMARY

Contents	Summary
Site Location	The site is located off Strand Street, Whitehaven, Cumbria, CA28 7UW and is centred at Ordnance Survey National Grid Reference NX 97300 18296.
Proposals	We understand the current proposal involves the demolition of the building known as John Paul Jones (B1) and retention of the former Baths (B2) and use of the area as an interim contractor lay down area for works associated with the refurbishment of the nearby Whittles building.
Scope of this Survey(s)	<p>The aim of this BNG assessment is to:</p> <ul style="list-style-type: none">• Quantify the pre-development baseline habitat units;• Quantify the post-development habitat units on site;• Determine if the site qualifies under one of the statutory exemptions; and/or• Calculate the likely change in biodiversity units for habitat units from pre- to post-development to provide an indication of the biodiversity losses / gains that may occur should the proposed development proceed. <p>The assessment has been made using DEFRA's Statutory Biodiversity Metric (Department for Environment Food & Rural Affairs (DEFRA), 2024c) in conjunction with the User guide (Department for Environment Food & Rural Affairs (DEFRA), 2024a).</p> <p>Where it is deemed that the proposal will have no impact on biodiversity and therefore does not require a BNG condition, in line with the listed statutory exemptions, a statement detailing said reason for exemption should be provided.</p>
Results and Evaluation	<p>There are no pre-development biodiversity units and there will be no impacts to habitats or linear features that contribute to biodiversity units.</p> <p>The site is eligible for the De Minimis criteria as set out in the BNG Exemption Regulations (2024). This is due to an absence of habitats within the baseline that could contribute to biodiversity units.</p>
Recommendations	This site is considered eligible for the De Minimis criteria and is therefore considered exempt from biodiversity planning conditions.

1.0 INTRODUCTION

1.1 BACKGROUND

Tetra Tech was commissioned by BEC on 31st October 2024 to undertake a Biodiversity Net Gain (BNG) Assessment of the former John Paul Jones public house in Whitehaven, hereafter referred to as “the site”. This report has been prepared by Tetra Tech Consultant Ecologist Alex Cropper MSc ACIEEM and Tetra Tech Consultant Ecologist Rorie Hather BSc (Hons) and the conditions pertinent to it are included within Appendix A.

1.2 SITE DESCRIPTION

The site is located off Strand Street, Whitehaven, Cumbria, CA28 7UW and is centred at Ordnance Survey National Grid Reference NX 97300 18296 (Figure 1). It comprises two derelict buildings and developed land.

1.3 DEVELOPMENT PROPOSALS

It is understood that the current proposal involves the demolition of the former public house; the John Paul Jones (B1 in Figure 1), and retention of the former Baths (B2 in Figure 1). The area will be used in the interim as a lay-down area for works associated with the refurbishment of the nearby Whittles building, located immediately adjacent to the east.

1.4 PURPOSE OF REPORT

The purpose of this report is to:

- Quantify the pre-development baseline habitat biodiversity units present on site;
- Quantify the post-development habitat biodiversity units on site which will be retained, reinstated;
- Determine if the site qualifies under one of the statutory exemptions; or
- Calculate the likely change in biodiversity units from pre- to post-development to determine whether the proposed development will result in a net loss, no net loss or a net gain for biodiversity, with a focus on Habitats of Principal Importance (HPI).

The details of this report will remain valid for a period of eighteen months from the date of the survey (13/05/2026), after which the validity of this assessment should be reviewed to determine whether further updates are necessary. The recommendations within this report should be reviewed (and reassessed if necessary) should there be any changes to the red line boundary or development proposals which this report was based on.

Scientific names are provided at the first mention of each species and common names (where appropriate) are then used throughout the rest of the report for ease of reading (Stace, 2019).

2.0 METHODOLOGY

2.1 BIODIVERSITY OFFSETTING GUIDANCE

The assessment has been made using DEFRA's Statutory Biodiversity Metric (Department for Environment Food & Rural Affairs (DEFRA), 2024c) in conjunction with the User Guide (Department for Environment Food & Rural Affairs (DEFRA), 2024a) and Biodiversity Net Gain: Good Practice Principles for Development (Baker, Hoskin, & Butterworth, 2019). This comprises the following steps, described in Section 2.2.

2.2 HABITAT ASSESSMENT

2.2.1 Habitats

Pre-development

An extended UKHab habitat survey and condition assessment was undertaken on the site on 13th November 2024 by Project Ecologist Elizebeth Ferrier, MSc BSc (Hons). The weather conditions were calm, with 20% cloud cover, a temperature of 8°C, and no precipitation.

The pre-development habitats present on site were mapped in accordance with the UK Habitat Classification Professional Edition V2 (UKHab Ltd., 2023). The pre-development habitats are shown in Figure 2.

The habitats were converted into the Statutory Biodiversity Metric (Department for Environment Food & Rural Affairs (DEFRA), 2024c) from the UKHab classification (UKHab Ltd, 2023). Further detail of habitat descriptions with target notes can be found in the Preliminary Ecological Appraisal undertaken for this project (Tetra Tech, 2024).

Post-development

Each of the post-development habitats, as set out on the Post Development Plan (Figure 3) were assigned a UKHab category which was considered to best represent the habitat present post-development, this was then converted to a BNG Metric category. See Figure 3 for the post-development habitats.

2.2.2 Habitat Distinctiveness

Each habitat is assigned a score for distinctiveness. Distinctiveness includes parameters such as species richness, diversity, rarity (at local, regional, national and international scales) and the degree to which a habitat supports species rarely found in other habitats (Department for Environment Food & Rural Affairs (DEFRA), 2024a).

2.2.3 Habitat Condition

The condition of each habitat is assessed using the methods set out in the Statutory Biodiversity Metric - The Statutory Biodiversity Metric - Technical Annex 1: Condition Assessment Sheets and Methodology November 2023 (Department for Environment Food & Rural Affairs (DEFRA), 2024b).

The baseline condition assessment data can be found in Appendix C.

2.2.4 Strategic Significance

The strategic significance of a site within the Statutory Biodiversity Metric is based upon several factors such as but not limited to:

- If the site is identified within a Local Nature Recovery Strategy (LNRS) area.
- If an LNRS has not yet been published, if the site is identified within a local planning policy as a biodiversity and nature or green infrastructure improvement areas.

The LPA, Copeland Borough Council, have not yet published a LNRS (Copeland Borough Council., 2024). However, the site is not identified in the local plan for biodiversity and no habitats present are mentioned in the currently active local biodiversity action plan (Cumbria Biodiversity Partnership, 2001).

As part of any proposed habitat creation and enhancement, risk factors must be considered to correct for disparity, delay or risk; these are:

- Time to target condition;
- Difficulty of restoration / creation; and
- If habitat created is undertaken in advance or delayed prior to the development.

2.3 EXEMPTION REVIEW

The Biodiversity Gain Requirements (Exemptions) Regulations (Biodiversity Gain Requirements (Exemptions) Regulations, 2024) provide exemptions from the biodiversity gain planning condition for certain developments in England. These exemptions aim to balance biodiversity conservation with development needs, particularly for small-scale projects and specific types of developments. Of relevance to this project, is the 'De-minimis Exemption'. The De-minimis Exemption is designed to ensure that very small-scale developments, which have negligible or no impact on habitat value, are not subject to the biodiversity net gain planning condition. It applies to the following situations:

- The development must not impact any onsite priority habitats as listed under Section 41 of the Natural Environmental and Rural Communities Act 2007.
- The de minimis threshold applies to the area or length of habitat impacted within a development, and is considered:
 - 25 square metres (5 m by 5 m) of on-site habitat
 - 5 metres of on-site linear habitats such as hedgerows

Additionally, the metric User guide (DEFRA, 2024a) outlines specific details for recording temporary impacts, whereby:

'You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:

- *baseline habitat type within two years of the initial impact; and*
- *baseline condition within two years of the initial impact'*

Given the small scale of loss, and the nature of habitats identified onsite, the proposal was assessed against the Exemption Regulations to determine the necessity for biodiversity gain planning conditions.

2.4 LIMITATIONS

The conclusions and recommendations detailed in this report are based upon the site redline boundary and the development proposals as outlined by the client at the time of writing. Currently there are areas within the red-line boundary that are outside the control of the client. Should there be any changes to the site redline boundary, landscape plans or development proposals at a later stage, this assessment should be reviewed to determine whether any amendments or additional survey work is required.

The best possible effort was made during the mapping process to ensure that all habitats identified on site were mapped accurately and represent the area of habitats present on site. Some margin of error is possible due to the difficulty defining the continuous nature of habitat boundaries. However, this margin of error has been minimised as far as practically possible using the professional judgement, desk-based information and up to date aerial imagery.

The Metric does not override or undermine any existing planning policy or legislation, including the mitigation hierarchy, which should always be considered as the Metric is applied. Furthermore, the Metric does not change the protection afforded to biodiversity. Existing levels of protection afforded to protected species (such as for bats) and to habitats, are not changed by use of this or any other Metric.

The optimal period to undertake habitat condition assessment for botanical interest is April-September. The survey was completed in November which is outside the optimal survey window. As the habitats on site are urban, it was possible to undertake the survey outside the peak season. As such this is not considered a significant limitation.

3.0 RESULTS

3.1 PRE-DEVELOPMENT BASELINE UNITS

No hedgerow and/or watercourse units were present on site (or within 10m of the red line boundary for watercourses). As such, hedgerow and/or watercourse units are not subject to any further consideration within this report.

The site consists of buildings, including the former John Paul Jones public house, and an area of hardstanding currently being used as a car park. Indicative photographs of these features are presented in Appendix C.

The habitats present on site are shown in Table 1, alongside their distinctiveness and condition categories (if relevant), with the total area of the habitats onsite and the associated baseline biodiversity units.

The pre-development biodiversity value of the site is zero.

3.2 IRREPLACEABLE HABITATS

No irreplaceable habitats have been recorded on site, therefore no bespoke mitigation for irreplaceable habitats is proposed.

Table 1: Pre-development Habitat Baseline Units

Habitat Type	Ref.	Area (ha)	Area Retained (ha)	Area Enhanced (ha)	Area Lost (ha)	Distinctiveness	Condition	Strategic significance	Total habitat units
Urban – Developed land, sealed surface (building)	N/A	0.22	0	0	0.26	Very Low	N/A	Low	0.00
Urban – Developed land, sealed surface	N/A	0.04	0	0	0.04	Very Low	N/A	Low	0.00
Total units:									0.00

3.3 POST DEVELOPMENT UNITS

No post development details are available. Personal communication with the client has established that Building 2 (see Figure 2) will be retained. All other hardstanding areas will be demolished and crushed to rubble on site (Bill Graham, via email on 14th November 2024) prior to new clients taking over who will submit their own plans. As such, there is no landscaping plan in place for this site. The post-development drawing and figures are therefore based on this communication.

Post development habitats as shown in landscape plan have been split depending on whether they are to be retained, enhanced or created. On this basis, the post-development biodiversity value of the site is zero.

Table 2: Post-development Habitat units – Created

Habitat Type	Ref.	Area (ha)	Distinctiveness	Condition	Strategic significance	Total habitat units
Urban – Artificial unvegetated, unsealed surface	N/A	0.24	Very Low	N/A Other	Low	0.00
Urban – Developed land, sealed surface (building)	N/A	0.02	Very Low	N/A Other	Low	0.00
Total units:						0.00

4.0 DISCUSSION AND RECOMMENDATIONS

All habitats identified at site were considered of an urban nature. This included buildings and hard standing. Consequently, the biodiversity net gain assessment demonstrates zero biodiversity units in the baseline, and the site meets de-minimis criteria detailed in the BNG Exemption Regulations (2024). The development proposals are therefore exempt from biodiversity planning conditions.

REFERENCES

- Baker, J., Hoskin, R., & Butterworth, T. (2019). *Biodiversity Net Gain. Good practice principles for development: A practical guide*.
- (2024). *Biodiversity Gain Requirements (Exemptions) Regulations*.
- Copeland Borough Council. (2024). *Copeland Local Plan 2021-2039*.
- Cumbria Biodiversity Partnership. (2001). *The Cumbria Biodiversity Action Plan*.
- Department for Environment Food & Rural Affairs (DEFRA). (2024c). *The Statutory Biodiversity Metric Calculation Tool*.
- Department for Environment Food & Rural Affairs (DEFRA). (2024a). *The Statutory Biodiversity Metric: User Guide*.
- Department for Environment Food & Rural Affairs (DEFRA). (2024b). *The Statutory Biodiversity Metric - Technical Annex 1: Condition Assessment Sheets and Methodology*.
- Stace. (2019). *New Flora of the British Isles* (4th ed.). Suffolk: C&M Floristics Middlewood Green.
- Tetra Tech. (2024). *Updated Ecological Appraisal and Bat Roost Assessment Report*.
- UKHab Ltd. (2023). *UK Habitat Classification Version 2.0*.

FIGURES

Figure 1 – Site Location Plan

Figure 2 – Pre-development Habitat Plan

Figure 3 – Post-development Habitat Plan



Site Location Plan

John Paul Jones, Whitehaven



BEC

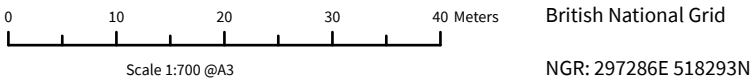
Legend

- Site Boundary
- Buildings

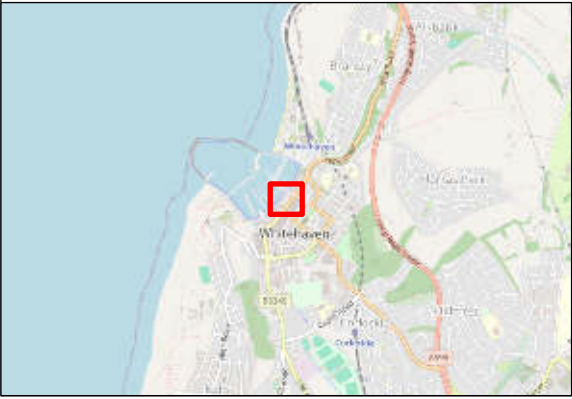
Notes:

Drawn by: lily.dunwell
Checked by: Rorie Hather

Figure No. 1
Revision No. A
03 December 2024



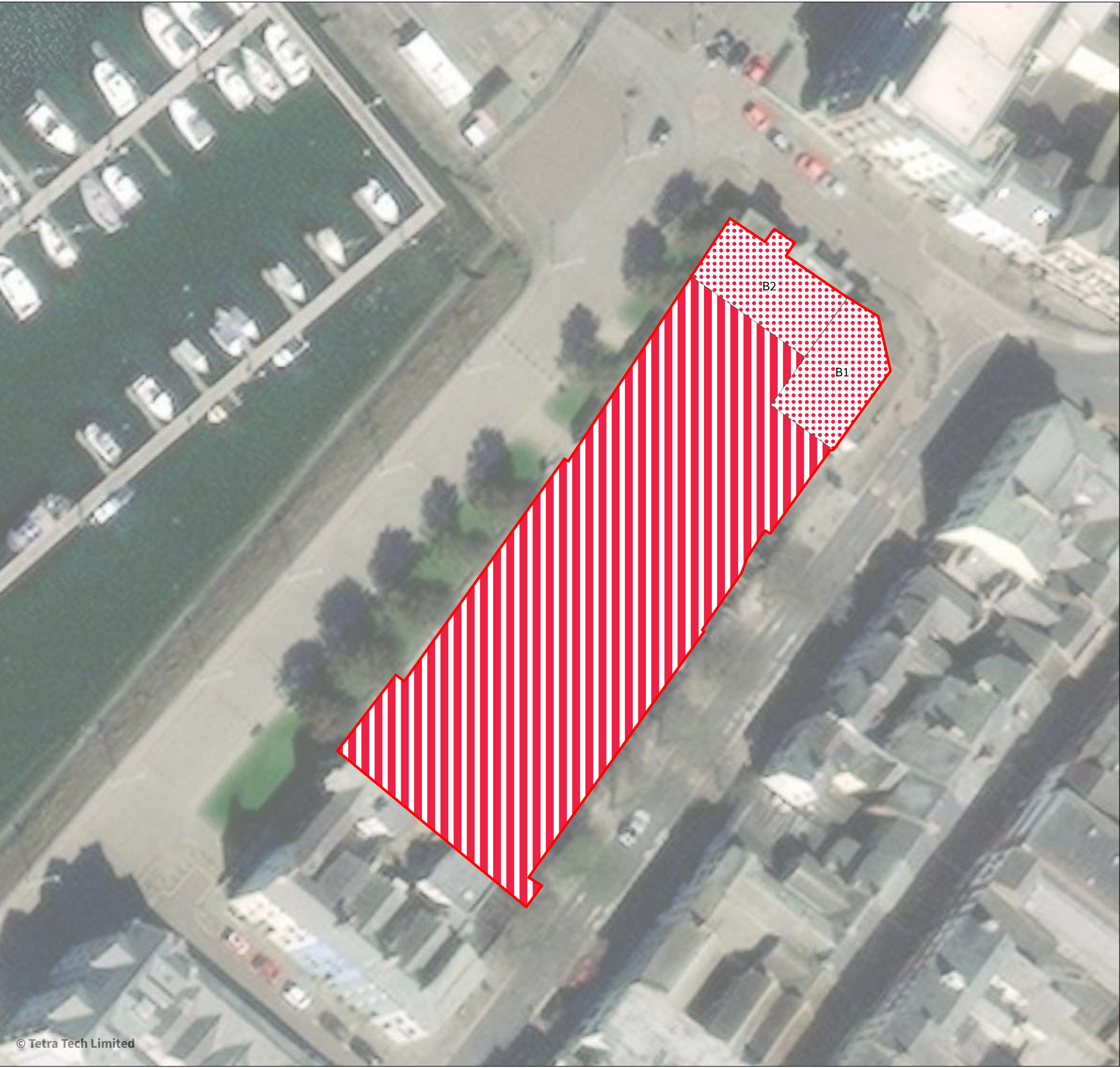
© Crown Copyright All rights reserved. License number: 100019980



Tt
TETRA TECH

3 Sovereign Square
Sovereign Street
Leeds
United Kingdom
LS1 4ER

Tetra Tech Limited.
Registered in England
number: 01959704



Pre-development Habitat Plan

John Paul Jones, Whitehaven



BEC

Legend

Site Boundary

Symbology defined by UK Habs. <https://ukhab.org/ukhab-documentation/>

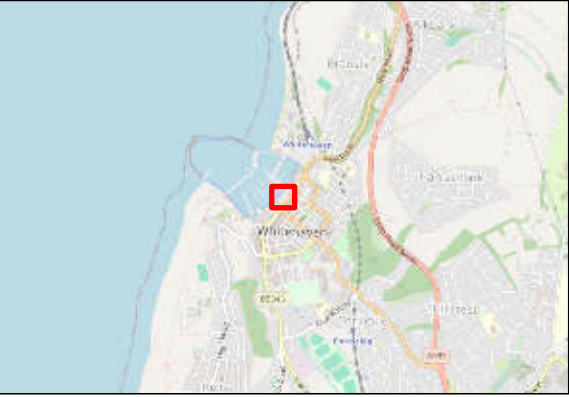
Drawn by: lily.dunwell
Checked by: Rorie Hather

Figure No. 2
Revision No. A
03 December 2024

0 5 10 15 20 Meters
Scale 1:500 @A3

British National Grid
NGR: 297280E 518294N

© Crown Copyright All rights reserved. License number: 100019980



Tt
TETRA TECH
3 Sovereign Square
Sovereign Street
Leeds
United Kingdom
LS1 4ER

Tetra Tech Limited.
Registered in England
number: 01959704



Post-Development Plan

John Paul Jones Whitehaven



BEC

Legend

- Site Boundary
- B2 - retained
- u1b5 - Buildings
- u1c - Artificial unvegetated unsealed surface

Symbology defined by UK Habs. <https://ukhab.org/ukhab-documentation/>

Notes:

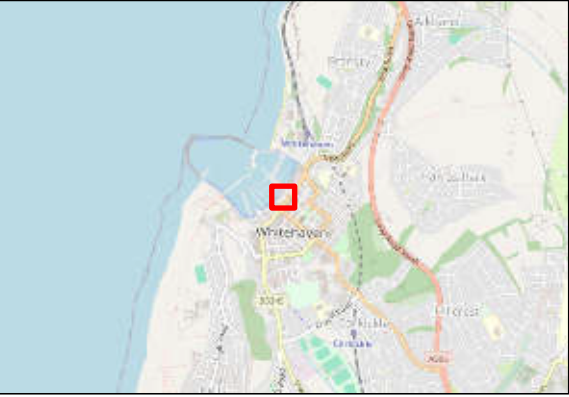
Drawn by: lily.dunwell
Checked by: Rorie Hather

Figure No. 3
Revision No. A
03 December 2024

0 5.5 11 16.5 22 Meters
Scale 1:500 @A3

British National Grid
NGR: 297285E 518295N

© OpenStreetMap (and) contributors, CC-BY-SA, Maxar, Microsoft





TETRA TECH

3 Sovereign Square
Sovereign Street
Leeds
United Kingdom
LS1 4ER

Tetra Tech Limited.
Registered in England
number: 01959704

APPENDICES

PAGE INTENTIONALLY LEFT BLANK

APPENDIX A: REPORT CONDITIONS

This Report has been prepared using reasonable skill and care for the sole benefit of BEC (“the Client”) for the proposed uses stated in the report by [Tetra Tech Limited] (“Tetra Tech”). Tetra Tech exclude all liability for any other uses and to any other party. The report must not be relied on or reproduced in whole or in part by any other party without the copyright holder’s permission.

No liability is accepted or warranty given for; unconfirmed data, third party documents and information supplied to Tetra Tech or for the performance, reliability, standing etc of any products, services, organisations or companies referred to in this report. Tetra Tech does not purport to provide specialist legal, tax or accounting advice.

The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The “shelf life” of the Report will be determined by a number of factors including; its original purpose, the Client’s instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

Tetra Tech reserves the right to share this Report and any related materials, surveys, drawings and/or documents at any time with the relevant Local Ecological Records Centre (LREC), any relevant statutory body or organisation as Tetra Tech may reasonably require from time-to-time.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

APPENDIX B: BNG LEGISLATION AND POLICY

Environment Act 2021 - Schedule 7A – Part 1

“(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of—

(a) the post-development biodiversity value of the onsite habitat,

(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and

(c) the biodiversity value of any biodiversity credits purchased for the development.

(3) The relevant percentage is 10%.”

National Planning Policy Framework 2023

Para 180(d) “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”;

Para 185 (b) “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”; and,

Para 186 (d) “development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

Copeland borough Council Local Plan 2021-2039

Strategic Policy N1: **Conserving and Enhancing Biodiversity and Geodiversity**

The Council is committed to conserving Copeland’s biodiversity and geodiversity including protected species and habitats.

Potential harmful impacts of any development upon biodiversity and geodiversity must be identified and considered at the earliest stage.

Proposals must demonstrate, to the satisfaction of the Council, that the following mitigation hierarchy must have been undertaken:

Avoidance – *Biodiversity and geodiversity must be considered when drafting up proposals and any potential harmful effects on biodiversity and geodiversity must be identified along with appropriate measures that will be taken to avoid these effects.*

Mitigation – *Where harmful effects cannot be avoided, they must be appropriately mitigated in order to overcome or reduce negative impacts.*

Compensation – *Where mitigation is not possible or viable or in cases where residual harm would remain following mitigation, harmful effects should be compensated for. Where this is in the form of compensatory habitat an area of equivalent or greater biodiversity value should be provided. Compensation is a last resort and will only be accepted in exceptional circumstances.*

Where harm remains to a National Site Network, Ramsar site, or functionally linked land, or Site of Special Scientific Interest, development will only be approved where it can be demonstrated that there are imperative reasons of overriding public interest. In such cases, compensatory measures must ensure the overall coherence of the network of European or National Sites as a whole is protected.



Planning permission will be refused for any development if significant harm cannot be avoided, mitigated or compensated for.


A Construction Environmental Management Plan should be submitted where appropriate and sustainable construction methods must be used where possible.

Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle.

APPENDIX C: INDICATIVE SITE PHOTOGRAPHS

Project Number	Site Name	Date of Survey	Surveyor
784-B064930	John Paul Jones	13 November 2024	Elizebeth Ferrier
Temperature	Cloud Cover	Wind	Precipitation
8°C	20%	0 - Calm	No precipitation

Habitat Reference: U1	
:	
Location	Photograph
	
Habitat Description: Hardstanding carpark u1b	

Habitat Reference: U2	
:	
Location	Photograph
	

	
Habitat Description: u1e 3.5m wall	
Habitat Reference: U3 :	
Location	Photograph
	
Habitat Description: u1b5 building John Paul Jones pub	