Cleator Moor Innovation Quarter

784-B029668

Biodiversity Net Gain: Statement of Exemption

December 2024

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EXECUTIVE SUMMARY

Contents	Summary
Site Location	The Cleator Moor Innovation Quarter (CMIQ) is located in Cleator Moor and is centred at Ordnance Survey (OS) National Grid Reference NY 01570 15529. The area is within Leconfield Industrial Estate and lies on the north side of Leconfield Street. The main site predominantly comprised several industrial / commercial buildings with associated hard standing, roads and amenity grassland. The site comprises a ca. 0.1 ha area of grassland to the north of the CMIQ. It runs southeast to northwest as a continuous column, before making a right-angle to link with the CMIQ boundary between two buildings. This is displayed on Figure 1.
Proposals	The proposals are to insert a stretch of drainage which is outside of the red line boundary for the CMIQ Hub building at Leconfield. The impacted area comprises the drainage footprint and area either side for construction and access. The works will cause the temporary loss of grassland, which will be reinstated to the same or better condition following completion.
Scope of this Report	Current industry guidance states that outline planning applications, should be supported by a biodiversity strategy. This strategy should be used to inform the Local Planning Authority and detail the baseline biodiversity of a site in relation to habitats, and if applicable, hedgerows and watercourses. 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. As such the purpose of this report is to: • Quantify the baseline habitat biodiversity units present on site; • Assess the type and degree of impacts to identified habitats; • Determine if the site qualifies under one of the statutory exemptions; and • Provide a statement detailing whether the proposal is suitable for exemption.
Results and Evaluation	The proposed development will result in the temporary loss of other neutral grassland. This was assessed as being of Poor condition, in line with the Statutory Condition Assessment Sheets. On this basis, it is of a composition that can be readily restored to baseline distinctiveness and condition, and the proposed works are not considered to cause loss or degradation to the habitat. This therefore qualifies the proposed works for exemption from biodiversity planning conditions, in line with the Exemptions Regulation 2024.

1.0 INTRODUCTION

1.1 BACKGROUND

Tetra Tech was commissioned by Copeland Council in November 2024 to undertake a Biodiversity Net Gain (BNG) Assessment of the Cleator Moor Innovation Quarter (CMIQ). The assessment aims to determine whether additional drainage works, beyond the existing Red Line Bounday satisfied criteria for exemption in line the with Biodiversity Net Gain Exemption Regulations (2024). This additional area will hereafter be referred to as “the site”.

This report has been prepared by Senior Ecologist Rob Gavan MSc BSc (Hons) ACIEEM and the conditions pertinent to it are included within Appendix A.

1.2 SITE DESCRIPTION

The CMIQ is located in Cleator Moor and is centred at Ordnance Survey (OS) National Grid Reference NY 01570 15529. The area is within Leconfield Industrial Estate and lies on the north side of Leconfield Street. The main site predominantly comprised several industrial / commercial buildings with associated hard standing, roads and amenity grassland.

The site comprises a ca. 0.1 ha area of grassland to the north of the CMIQ. It runs southeast to northwest as a continuous column, before making a right-angle to link with the CMIQ boundary between two buildings. This is displayed on Figure 1.

1.3 DEVELOPMENT PROPOSALS

The proposals are to insert a stretch of drainage which is outside of the red line boundary for the CMIQ Hub building at Leconfield. The impacted area comprises the drainage footprint and area either side for construction and access. The works will cause the temporary loss of grassland, which will be reinstated to the same or better condition following completion.

1.4 PURPOSE OF REPORT

Current industry guidance states that outline planning applications, should be supported by a biodiversity strategy. This strategy should be used to inform the Local Planning Authority and detail the baseline biodiversity of a site in relation to habitats, and if applicable, hedgerows and watercourses. 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. As such the purpose of this report is to:

- Quantify the baseline habitat biodiversity units present on site;
- Assess the type and degree of impacts to identified habitats;
- Determine if the site qualifies under one of the statutory exemptions; and
- Provide a statement detailing whether the proposal is suitable for exemption.

The details of this report will remain valid for a period of eighteen months from the date of the survey (i.e. until May 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 using standard nomenclature (Stace, 2019) and common names (where appropriate) are then used throughout the rest of the report for ease of reading.

2.0 METHODOLOGY

2.1 BIODIVERSITY GUIDANCE

The assessment has been completed using DEFRA's Statutory Biodiversity Metric (Department for Environment Food & Rural Affairs (DEFRA), 2024), hereafter referred to as 'the metric'. The associated methods were informed by the User guide (DEFRA, 2024a) and and Biodiversity Net Gain: Good Practice Principles for Development (Baker, Hoskin, & Butterworth, 2019).

The methodology set out below defines a simplified version of the method used to carry out the BNG assessment. For full details including rules and methodology refer to the guidance documents referenced above.

2.2 HABITAT ASSESSMENT

The site habitats were determine using professional judgement, site photographs, and historic Phase 1 survey data (JNCC, 2010). This was then converted to UK Habitat Classifications (UKHab) using UKHab Professional Edition V2 (UKhab Ltd., 2023). Likewise, habitat condition was documented in line with the Statutory Biodiversity Metric Condition Assessment Sheets (Defra, 2023) using available data and professional judgement. It is usually considered best practice to allocate a condition of 'Good' to habitats which are lacking a formal condition assessment, but as a species list and photographs have been provided in a previous ecological appraisal (EA) (Tetra Tech, 2021 ref. B029668_Leconfield_EA), this is considered sufficient to apply a more accurate condition.

2.3 METRIC

The metric generates a value measured in 'biodiversity units' for a site before development commences (referred to as the 'Baseline') and after development is completed (referred to as 'post-intervention'). The difference (positive or negative) between the two generated values is the output, provided as a percentage change.

Table 1 below sets out the methodology for calculating the baseline and post-intervention biodiversity values.

Table 1: Methodology for assessing factors within the metric

Factor	Baseline
Habitat type	Habitat types were recorded and mapped using UK Habitat Classification[1] (Figure 1)
Area	Habitats were separated into parcels: geographically discrete or a change in habitat condition across a single location. Each parcel was recorded and calculated separately within the Metric. Areas were calculated in hectares to three decimal places using digital mapping in ArcGIS[2].
Distinctiveness	Distinctiveness value is automatically generated by the metric based on habitat type. The overall distinctiveness categories used for habitat areas is shown within the User Guide, habitats will be defined as Very Low, Low, Medium, High or Very High.
Condition	Habitat condition is a score based on the quality of the habitat, judged against the perceived ecological optimum state for that particular habitat. It is, therefore, a means of measuring

[1] UKHAB Ltd (2023). Version 2.0 (at UKhab – UK Habitat Classification).
[2] ESRI. ArcGIS online https://www.arcgis.com/index.html

Factor	Baseline
	variation in the quality of patches of the same habitat type rather than a measure of quality between habitat types. The 'condition assessment'[3] involves assessing each habitat type / parcel against criteria in the associated condition sheet, resulting in a condition score (Good, Moderate or Poor) which is then input into the metric. Some intensively managed habitats have a pre-defined condition score; and for other very low distinctiveness habitats no assessment is required.
	A condition assessment was carried out during the field survey.
Strategic Significance	Strategic significance utilises published local plans and objectives to identify local priorities for targeting biodiversity and nature improvement. It works at a landscape scale and gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives.

There were no 'irreplaceable habitats' present on site. For reference however, these habitats cannot be accounted for in the Metric and require separate consideration[4].

2.4 EXEMPTION REVIEW

The 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'*

2.5 LIMITATIONS

Assumptions have been made when converting the provided Phase 1 data to UKHab classifications and in inferring the habitat condition. All effort has been made to allocate the most accurate habitat and condition category, with a higher value applied, where there is doubt or uncertainty.

[3] Defra. Statutory Biodiversity Metric. Habitat Condition Assessment Sheets and Instructions
[4] National Planning Policy Framework (2019) Glossary provides a definition and examples of irreplaceable habitats

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.

Finally, it is important to note that this report does not define the full detailed methodology for BNG assessment, and the guidance documents should be referred to where relevant and if necessary.

3.0 RESULTS

3.1 HABITAT ASSESSMENT

Based on the description provided in the previous EA (Tetra Tech, 2022) the site comprises an area of 'semi-improved neutral grassland' which includes patches of gravel and with abundant ephemeral vegetation.

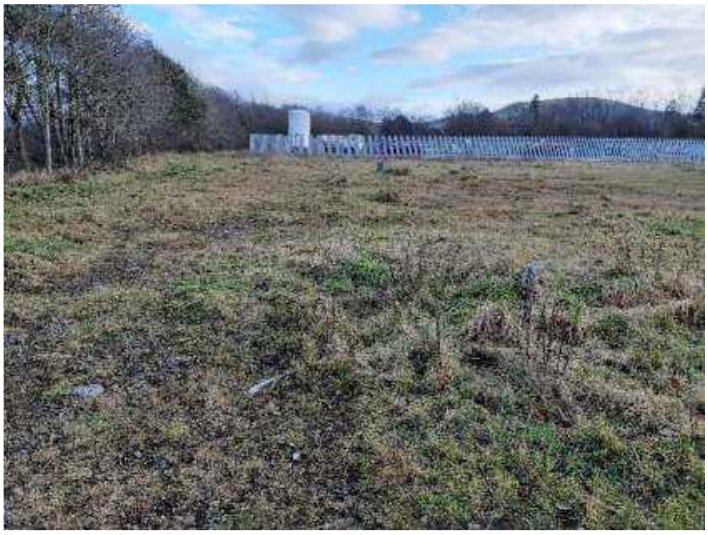

Plate 1. Image of the site taken April 2022 facing east from the northwest corner.

Table 2. Grassland species composition

Scientific Name	Common Name	DAFOR[5]
Achillea millefolium	Yarrow	O
Agrostis capillaris	Common bent	F
Dactylis glomerata	Cock'sfoot	F
Centaurea nigra	Black knapweed	F
Cynosurus cristatus	Crested dog's-tail	O
Bellis perennis	Daisy	R
Festuca rubra	Red fescue	F
Holcus lanatus	Yorkshire fog	O
Vicia sepium	Bush vetch	R

This habitat is most accurately converted to 'other neutral grassland' as a UKHab classification. It contained neutral indicators such as crested dog's tail, black knapweed, yarrow and bush vetch, and lacked species indicative of improvement such as white clover *Trifolium repens* and perennial rye-grass *Lolium perenne*. Of note was the abundance of gravel which was scattered across the area, whilst taller ruderal herbs accounted for 40% of ground cover.

To assess the grassland condition, a retrospective condition assessment has been completed as detailed in Table 3 below. Where insufficient information is available to determine whether a criterion has been satisfied, it shall automatically be passed.

Table 3. Retrospective condition assessment

Criterion	Criterion Passed	Justification
The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type **Note -** this criterion is essential for achieving Moderate or Good condition for non-acid grassland types only.	N	Indicators of neutral conditions, and therefore 'other neutral grassland' characteristic species, are recorded as Occasional only.
Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.	Y	The sward is not in full growth as seen in the photograph. As such it must be assumed that it could show variation.

[5] DAFOR is a measure of abundance, with the a species being Dominant / Abundant / Frequent / Occasional / Rare within the sward.

Criterion	Criterion Passed	Justification
Cover of bare ground is between 1% and 5%, including localised areas, for example, rabbit warrens[2].	N	Gravel is documented as abundant across the grassland.
Cover of bracken *Pteridium aquilinum* is less than 20% and cover of scrub (including bramble *Rubus fruticosus* agg.) is less than 5%.	Y	No bracken is present.
Combined cover of species indicative of suboptimal condition and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area. If any invasive non-native plant species are present, this criterion is automatically failed.	Y	No records of invasive non-native species were identified, and it is not obvious whether the site is used for storage. As such this criterion must be passed.
There are 10 or more vascular plant species per m^2 present, including forbs that are characteristic of the habitat type **Note -** this criterion is essential for achieving Good condition for non-acid grassland types only.	Y	Quadrat data is not available and it must be assumed that this criterion is satisfied.

The habitat satisfied 4 of 6 criteria, however one of the failed criteria (Criterion 1) is mandatory for achieving at least Moderate condition. As such the habitat is considered in **Poor** condition.

3.2 EXEMPTION ASSESSMENT

It is assumed that all grassland within the footprint of the drainage line will be lost. This accounts for the loss of 0.1 ha of other neutral grassland in Poor condition. This area is greater than the de-minimis threshold of 25 square metres (5 m by 5 m). However, as the habitat will be re-instated following completion of the ground works, the impacts are not considered loss (DEFRA, 2024a). Other neutral grassland in Poor condition has a creation factor of 2-years in the Statutory Metric. As such, it is feasible to restore the habitat back to the same distinctiveness and condition, or better, within a 2-year time frame. This makes impacts temporary, and they are excluded from the metric calculation.

The de-minimis threshold not only accounts for impacted habitats which are below $25m^2$, but also where a habitat is not lost or degraded (Department for Levelling Up, 2024)[6]. As these impacts are temporary and the habitat can be restored within the 2-year timeframe, there is no habitat loss or degradation. Consequently, the proposed drainage works are exempt from biodiversity net gain planning conditions under the Exemption Regulations 2024.

[6] www.gov.uk/guidance/biodiversity-net-gain.

4.0 CONCLUSION

The proposed development will result in the temporary loss of other neutral grassland. This was assessed as being of Poor condition, in line with the Statutory Condition Assessment Sheets. On this basis, it is of a composition that can be readily restored to baseline distinctiveness and condition, and the proposed works are not considered to cause loss or degradation to the habitat. This therefore qualifies the proposed works for exemption from biodiversity planning conditions, in line with the Exemptions Regulation 2024.

REFERENCES

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FIGURES

Figure 1 – Site Location Plan

BNG Exemption Plan

Leconfield Industrial Estate – Main Works

Morgan Sindall Construction

Legend

- Existing planning boundary
- Additional drainage area
- g3c - Other neutral grassland (0.109 ha)

Notes:

Drawn by: AARON.HOWARD

Checked by: Rob Gavan

Figure No. 1

Revision No. A

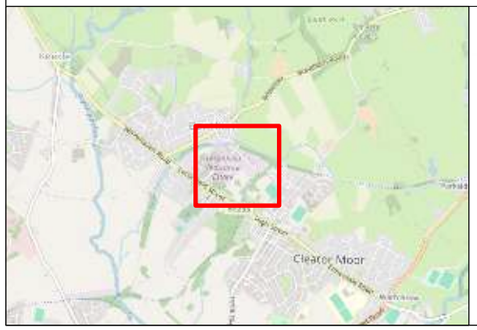
03 December 2024

0 25 50 75 100 Meters

Scale 1:2,000 @A3

British National Grid

NGR: 301687E 515527N



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APPENDICES

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APPENDIX A: REPORT CONDITIONS

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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.

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APPENDIX B: BNG LEGALISATION

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".