

BIODIVERSITY NET GAIN ASSESSMENT REPORT FOR PLANNING

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1. Introduction

1.1 Background

Jacobs UK Ltd (Jacobs) was commissioned to undertake a range of ecological services on behalf of Cumberland Council in relation to the Cleator Moor Connected Towns project (hereafter, 'the Project').

This report details the results of a Biodiversity Net Gain (BNG) assessment undertaken in relation to the Project to inform the planning application (see Section 1.2 below for current planning policies relating to BNG).

A Preliminary Ecological Appraisal¹ relevant to this report has been prepared for the site.

The Project seeks to deliver a programme of transport and related public realm interventions which will result in Cleator Moor having a high-quality integrated transport network, transforming the accessibility and attractiveness of the town. The Project encompasses investment in gateways and corridors to improve connectivity between residential and employment areas; corridor enhancements to improve access on foot; and improved local infrastructure for active travel.

The Project objectives are:

- To promote clean growth and decarbonisation. There is opportunity to promote low carbon journeys, with short trips on foot or by bike, creating environmentally low impact clean growth journeys.
- To promote active travel. Ability to capitalise on the town's walkable catchment and flat landscape which lends itself to walking and cycling. This would see Cleator Moor's town centre once again become a viable hub for both the local community and visitors.
- Tackling poor health outcomes. Encouraging participation in active journeys, promoting a healthier lifestyle with increased physical activity.
- Capitalise on existing assets. The Lake District National Park World Heritage Site, employment and services at Whitehaven and Sea to Sea cycling route are significant assets which could be better linked to Cleator Moor.
- Strengthen the attractiveness of Cleator Moor. There is clear opportunity to strengthen perceptions of Cleator Moor by giving the town a better sense of place.

The Project, through the delivery of an integrated walking and cycling network in Cleator Moor, improvements to key roads and junctions, as well as environmental and public realm improvements at key 'gateways' will result in:

- Increase in the number of new and upgraded cycle and walking routes;
- Increase in upgraded road infrastructure; and
- Improved public realm.

The project will be consented with both permitted development rights and some sections requiring planning permission under the Town and Country Planning Act. The areas of the project requiring planning are Area 2 and Area 3 on Figure 1.2 of the Preliminary Ecological Appraisal (Jacobs 2024).

1.2 Biodiversity Net Gain

The Environment Act 2021 makes it mandatory for developments applying for planning consent under the Town and Country Planning Act 1990 to achieve at least a 10% net gain in value for biodiversity from 1st April 2024. The target for planning applications at Cumberland Council is also 10% (some Local Planning Authorities have been requesting BNG above the 10% minimum). There are no plans to mandate BNG for development constructed under permitted development rights, however all new developments should seek to incorporate biodiversity enhancements.

¹ Jacobs (2024) Preliminary Ecological Appraisal

The NPPG was updated in February 2024 to include BNG within its own chapter, and to include reference to BNG within the Natural Environment chapter. The NPPG Natural Environment chapter states (paragraph 020) that: *"Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand."*

A key element of the net gain policy is that changes should be measurable. As a result, Biodiversity Net Gain Metrics have been developed that allow losses and gains in biodiversity to be measured in an objective and repeatable manner. This report uses the Department for Environment, Food and Rural Affairs (DEFRA) Statutory Biodiversity Metric Calculation Tool (published February 2024) to determine if future works within the site would result in a net gain in biodiversity. The metric uses habitat as a proxy for wider biodiversity with different habitat types scored according to their relative biodiversity value. This value is then adjusted depending on the condition and location of the habitat, to calculate 'biodiversity units'. The Statutory Biodiversity Metric incorporates similar but separate calculations for habitats that require a different method of measurement such as hedgerows, lines of trees, rivers and streams, and individual trees. Net gains in biodiversity units can be achieved by reinstating habitats, creating new habitats and enhancing existing habitats.

The Metric is split into three separate habitat types:

- 1) terrestrial area habitats, including ponds and individual trees ("Habitat Metrics" with "Habitat Units");
- 2) terrestrial linear features such as hedgerows and lines of trees ("Hedgerow Metrics" with "Hedgerow Units"); and
- 3) ditches, rivers and streams ("Watercourse Metrics" with "Watercourse Units").

1.3 The Site

The project is set within a predominantly rural landscape, the site is within the town of Cleator Moor, West Cumbria, and is immediately surrounded by semi-natural habitats such as woodlands, pastures and also residential dwellings, gardens and allotments. The project is designed to tie into the Coast to Coast cycle route to the west of Area 2 which provides a woodland corridor running through the centre of Cleator Moor.

The planning application boundary itself comprises part of an existing path that runs through areas of scrub, neutral grassland and woodland.

1.4 Aims and Objectives

There are no watercourses, ditches, or riparian habitat within, or within 10m of, the planning application boundary for the Project; therefore, Watercourse Metrics have been scoped out of this assessment. There are also no hedgerows or lines of trees within the planning application boundary for the Project; therefore, Hedgerow Metrics have been scoped out of this assessment.

This report shall, therefore, only assess the terrestrial Habitat Units. For this, all relevant information required to undertake the BNG assessment for the site will be collated and presented.

This report will detail the assumptions that have been made to inform the baseline calculations, with the calculations based on the UK Habitat Classification survey for the project and the design submitted for Planning Application. This report will be in accordance with both legislative and the best practice guidelines for BNG. This report describes the survey methods employed, presents the results of the surveys and will set out a principal agreement in terms of how a 10% gain will be achieved.

1.5 Assumptions and Limitations

The metric uses habitat categories as a proxy for biodiversity. The generated biodiversity unit scores are proxies for the relative biodiversity worth of the specified habitat. Therefore, ecological expertise and professional judgement should be used to interpret the metric and its outputs with the view that it is a single element of the evidence that informs plans and decisions.

The calculations are based on the baseline at the time of data collection. Should a significant time elapse between the results of these surveys and project implementation, consideration should be given as to whether the survey needs to be updated.

2. Methodology

2.1 Guidance

This report has been produced in accordance with the methodology set out in the following guidance documents which were current at the time of preparing this report:

- The Statutory Biodiversity Metric – User Guide²
- The Statutory Biodiversity Metric – Condition Assessments³

2.2 Study Area

The study area includes all habitats within the planning application boundary.

An ecological walkover survey was undertaken by Jacobs in April 2024⁴, on behalf of Cumberland Council comprising a UK Habitat Classification Survey including scoping for protected species within 50m of the Project boundary. These surveys included the identification and mapping of non-native invasive plant species as listed within Schedule 9 of the Wildlife and Countryside Act (1981) and on The Invasive Alien Species (Enforcement and Permitting) Order 2019. The assessment followed UK Habitat Classification (UKHab) Methodology⁵, whereby the habitats were classified and mapped, and dominant plant species were recorded. Nomenclature for plant species follows that of Stace (2010).

The condition of habitats was also recorded following The Statutory Biodiversity Metric – Technical Annex 1: condition assessment sheets⁶. Habitat condition is an appraisal of the quality of the habitats which is used for the calculation of each habitat's biodiversity metric. The 'condition' component of quality measures the biological 'working-order' of a habitat type judged against the perceived ecological optimum state for that habitat. Floral species abundance within habitats is denoted by the DAFOR scale (Dominant, Abundant, Frequent, Occasional, Rare) where pertinent.

Habitats were separated into discrete parcels either when they were geographically discrete or where there was a change in habitat condition across a single location. Each parcel was recorded on the map and calculated separately using the Statutory Biodiversity Metric calculator.

2.2.1 Strategic Significance

Within the Defra Statutory Biodiversity Metric, the strategic significance of a habitat is defined by the local area being covered by a local plan or if the habitat is within an ecological desirable location such as possessing good connectivity habitats in the wider landscape. Local Nature Recovery Strategies (LNRS) are new mandatory spatial strategies for nature as established by the Environment Act 2021. The Project is covered under the Cumbria (GM) LNRS Pilot⁷. The pilot is due to be updated; however, until then, the pilot shall be used to inform this assessment.

No baseline habitats were categorised as being of strategic significance within the Cumbria LNRS Pilot.

² Defra (2024). Statutory Biodiversity Metric: User Guide, July 2024

³ Defra (2024). Statutory Biodiversity Metric: Condition Assessments, February 2024.

⁴ Jacobs (2024). Preliminary Ecological Appraisal Report

⁵ UKHAB Ltd (2023). The UK Habitat Classification User Manual Version 2.0

⁶ Defra (2024). Statutory Biodiversity Metric: Condition Assessments, February 2024.

⁷ Cumbria Biodiversity Data Centre (2021). Cumbria Local Nature Recovery Strategy Pilot.

3. Results

3.1 Baseline Biodiversity Units

The onsite baseline habitats within the planning application boundary comprised 0.14ha, with a total baseline of **0.41 Habitat Units**. The largest component of the planning application boundary was 0.0453ha of other neutral grassland in Poor condition. The remaining baseline was other woodland, broadleaved (0.0373ha) in Poor condition, mixed scrub (0.0196ha) in Poor condition and 0.0403ha of urban habitats which provide no biodiversity units.

3.2 Retained Biodiversity Units

Within the planning application boundary, all habitat shall be lost during construction of the cycleway– there will be no habitat retained in its current condition.

3.3 Lost Biodiversity Units

Within the planning application boundary, there will be a loss of 0.14ha of habitat to be replaced with the new footpath surface which will provide no habitat units.

There will be a loss of **0.41 Habitat Units**.

3.4 Gained Biodiversity Units

There are no new habitats being created or enhanced within the planning application boundary. There will be reinstatement next to the cycle path of grassland seed mix, but this has not been included as habitat creation for the purposes of BNG as the grassland is likely to fall under the minimum mapping unit size, and will not be managed for biodiversity. As such, there are **0 Habitat Unit** gains.

3.5 Results Summary

Taking into account permanent losses of habitat within the planning application boundary, there is an anticipated overall loss in Habitat Units, with a net change of **-0.41 Habitat Units** (-100%).

There is a deficit of **0.45 Habitat Units** to meet the required target of 10% net gain, which would also need to meet the habitats trading summary.

A summary of the results from the Defra Statutory Biodiversity Metric calculation for the site is provided in the table below. Please note rounding as shown within the Defra Statutory Biodiversity Metric.

Table 3.1: Summary results from the Defra Statutory Biodiversity Metric calculation for the site

	Biodiversity Units
Baseline	0.41
Post-intervention (including habitat enhancement)	0
Net Change	- 0.41 (-100%)
Trading Rules Satisfied?	No

4. Conclusions and Net Gain Requirements

There is an overall biodiversity net loss of -0.41 (-100%) Habitat Units for the Project. Under the Environment Act 2021, which came into effect on the 1st April 2024, there is a mandatory requirement for 10% net gain for planning applications in all aspects of the biodiversity metric. This target is also the minimum required for the Local Planning Authority; Cumberland Council. The Project, therefore, has not met this target.

The mitigation hierarchy has been followed and initial plans to create biodiversity units on site was explored. The first iteration of the Project allowed for an area of adjacent habitat to be enhanced to provide enough additional Habitat units to surpass the mandatory 10% gain. This option was not going to be possible due to the area suggested for enhancement falling under a Local Plan, which needs to be ring-fenced for future growth. A subsequent review of land under the ownership of the client did not result in any other options for off-site habitat units and it was decided that the only option to gain biodiversity units would be to purchase in the open market.

It is proposed that the biodiversity units required to meet the 10% mandatory net gain will be provided by a third-party supplier, and the client has already engaged with suppliers for purchasing units in the open market. This will be completed during the planning application determination period and concluded prior to commencement of the Project.

Appendix A. Statutory Biodiversity Metric Calculator

Cleator Moor Connected Towns Statutory Metric Rev 1.0 for planning (issued separately)