

# Biodiversity Supplementary Planning Document



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# 1. Purpose of this Supplementary Planning Document

- 1.1. The purpose of this Supplementary Planning Document (SPD) is to provide advice and guidance about how biodiversity can be protected and enhanced and to guide developers, planners, and consultants about how biodiversity net gain will be integrated into the development process to ensure that legislation, policy, and best practice standards are met.
- 1.2. Biodiversity is defined as the variety of plants and animals living within an area or habitat, with different habitats contributing different functions or services for our environment.
- 1.3. There is known decline in biodiversity across the country. This trend is reflected locally, 77 percent of the area of Lake District sites that are protected for their biodiversity are categorised as being in an 'unfavourable condition'. The risk to biodiversity is not confined to protected sites, and any decline poses risks not just to species and habitats but also to a variety of benefits that Lake District ecosystems provide.
- 1.4. The objectives of this SPD are to provide guidance to support the understanding of:
  - Local Plan Policy 04: Biodiversity and Geodiversity
  - The biodiversity information required when submitting a planning application.
  - How to apply the mitigation hierarchy to all development proposals; and
  - How offsite compensation can be secured.
- 1.5. Further information about biodiversity net gain for land managers can be found on the [step by step guidance for land managers](#) webpage.
- 1.6. The [Lake District Design Code SPD](#) provides further guidance about how nature can be incorporated into developments.

## 2. Mitigation hierarchy

2.1. The mitigation hierarchy is a term given to a sequential process which first seeks to prevent harm to biodiversity through the avoidance and reduction of expected negative impacts.

Avoid	Mitigate	Compensate	Enhance
<ul style="list-style-type: none"><li>•Harm should be avoided and reduced by using alternative sites and designs.</li><li>•Habitats of value are retained for enhancement and management. Species are retained in-situ.</li></ul>	<ul style="list-style-type: none"><li>•Impacts assessed and justified as unavoidable are minimised and mitigated where the impact occurs.</li><li>•Lost, protected and priority habitats are replaced.</li><li>•Displaced species are accommodated within the site boundary.</li></ul>	<ul style="list-style-type: none"><li>•Where on site measures are assessed to be insufficient, as a last resort, on or off-site compensatory measures are implemented in proportion to the impact, by creating suitable habitat and relocating species.</li></ul>	<ul style="list-style-type: none"><li>•To provide Biodiversity Net Gain - connect, enhance, restore and create new habitat.</li></ul>

### How to deliver biodiversity within the mitigation hierarchy:

#### 2.2. Avoid:

- Locate the proposed development on another site with less harmful impact.
- Reduce the scale of the development proposal to 'make space' for biodiversity.
- Design the development to avoid areas of biodiversity value.
- Provide a robust buffer to any sensitive habitats and species present.
- Ensure that development is designed so that important biodiversity features and ecological connectivity both on and off-site are maintained.

2.3. After avoiding harm to biodiversity, the design process should be used to **mitigate** (minimise) any impacts. This might include:

- Timing the development of a site to avoid breeding seasons or hibernation.
- Considering how noise and vibrations will affect wildlife during and after construction.
- Minimising the extent of habitats which will be lost, either temporarily during construction (e.g., haulage routes, compounds, spoil heaps etc.) or permanently (e.g., design configuration of buildings and infrastructure).

- 2.4. Any residual impacts on biodiversity not mitigated by avoidance or mitigation measures should then be **compensated** for.
- 2.5. Applicants will need to demonstrate why they could not avoid or mitigate harm, and why on-site or off-site compensation habitats and features of the same comparable ecological function have instead been utilised within the scheme. In line with legislation, harm to protected species or habitats is not usually accepted.
- 2.6. **Enhancements**, such as connecting, enhancing, restoring and creating new habitats should be delivered across the mitigation hierarchy. For example, by providing additional improvements to habitats or for species (e.g. swift bricks (swift bricks are a universal nest brick for small bird species) and bat boxes and by removing invasive species such as Himalayan Balsam and re-planting using native species appropriate for pollinators) over and above those measures which are required to make the scheme acceptable.
- 2.7. Where significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort, compensated, then planning permission will be refused.
- 2.8. The [Chartered Institute of Ecology and Environmental Management Good Practice Principles for Development](#) provides further guidance about how to achieve BNG.

### 3. Protected Sites and Species in the Lake District National Park

- 3.1. The Lake District National Park has an impressive extent of international, national, and locally designated areas – from Ramsar's, Special Sites of Scientific Interest, Special Protection Areas and Special Areas of Conservation to County Wildlife sites and Local Geological Sites.
- 3.2. When considering potential impacts on designated sites, it is important to consider the integrity of the site by reflecting on the conservation objectives and the reason the site was designated.
- 3.3. Designated sites can be found on the Defra MAGIC mapping tool: <https://magic.defra.gov.uk/MagicMap.aspx> under the Designations tab in the table of contents.
- 3.4. Designated sites, ancient woodland and priority habitats include:
  - Limestone Pavement Orders (Limestone pavement is an irreplaceable habitat)
  - Local Nature Reserves
  - National Nature Reserves
  - Ramsar Sites
  - Proposed Ramsar Sites
  - Sites of Special Scientific Interest
  - Special Areas of Conservation
  - Candidate Special Areas of Conservation
  - Sites of Community Importance
  - Sites of Special Scientific Interest Impact Risk Zones
  - Special Protection Areas
  - Marine Conservation Zones
  - Ancient woodland (see the Habitats and Species / Habitats / Woodland tab of the [MAGIC website](#)).
- 3.5. Conservation descriptions and objectives for designated sites can be accessed below:
  - [Description of Special Areas of Conservation \(SACs\) sites.](#)
  - [Guidance on Special Areas of Conservation Objectives.](#)
  - [Special Areas of Conservation site specific conservation objectives.](#)
  - [Descriptions of Sites of Special Scientific Interest.](#)
- 3.6. Development which is likely to have an adverse effect (directly or indirectly) on a Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsars or National Nature Reserve (NNR) (either individually or in combination with other developments), should not be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site and any broader impacts on the national network of protected sites.

## Hierarchy of Sites

<b>Internationally Designated Sites: Habitats (European and European Marine) Sites</b>	<ul style="list-style-type: none"> <li>• Special areas of conservation</li> <li>• Special Protection Areas</li> <li>• Ramsar Sites</li> </ul> <p>A Habitat Regulations Assessment (HRA) will be required for development proposals which may impact upon a Habitats site.</p>
<b>Nationally Designated Sites</b>	<ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest</li> <li>• Marine Conservation Zones</li> <li>• National Nature Reserves</li> <li>• Important hedgerows</li> <li>• Irreplaceable habitats</li> </ul> <p>Development which is likely to have an adverse effect on nationally designated sites should not be permitted.</p>
<b>Irreplaceable Habitats</b>	<p>Development resulting in the loss or deterioration of Irreplaceable Habitats should be refused, unless there are wholly exceptional reasons.</p> <p>The irreplaceable habitats guidance provides further information about how BNG applies to development on irreplaceable habitats.</p>
<b>Important Hedgerows</b>	<p>Development resulting in the loss or deterioration of important hedgerows should be refused unless the need for the development clearly outweighs the loss of the hedgerow and its function as a wildlife corridor.</p> <p>If a development proposal is agreed to the compensation scheme must include hedgerow replacement details.</p>
<b>Locally Designated Sites</b>	<ul style="list-style-type: none"> <li>• County Wildlife Sites</li> <li>• Local Nature Reserves</li> <li>• Sites of Invertebrate Significance</li> <li>• Important Roadside Verges</li> <li>• Habitats of Principal Importance (Priority Habitats)</li> </ul> <p>An area or part of an area which has no existing site designation but meets the selection criteria found in the <u>Guidelines for County Wildlife Site selection for Cumbria</u> will be treated as a locally designated site.</p>
<b>Landscape Features of major Importance for Biodiversity and the Nature Recovery Network</b>	<p>Development resulting in an adverse effect on landscape features of major importance for biodiversity, non-designated areas of priority habitat or features fundamental to the delivery of the nature recovery network may be refused unless the benefits of the development in the location proposed outweigh both the likely impact on the habitat and the coherence and resilience of the wider ecological network.</p>

## UK Priority Habitats in the Lake District National Park

Broad Habitat	UK BAP Priority Habitat	HabitatTab on Defra MAGIC site
Acid Grassland	Lowland Dry Acid Grassland	Grassland
Bogs	Blanket bog	Wetland
Bogs	Lowland Raised Bog	Wetland
Boundary and Linear Features	Hedgerows	
Broadleaved, Mixed and Yew Woodland	Traditional Orchards	Woodland
Broadleaved, Mixed and Yew Woodland	Lowland Beech and Yew Woodland	Woodland
Broadleaved, Mixed and Yew Woodland	Lowland Mixed Deciduous Woodland	Woodland
Broadleaved, Mixed and Yew Woodland	Upland Mixed Ashwoods	Woodland
Broadleaved, Mixed and Yew Woodland	Upland Oakwood	Woodland
Broadleaved, Mixed and Yew Woodland	Wet Woodland	Woodland
Broadleaved, Mixed and Yew Woodland	Wood-pasture and Parkland	Woodland
Calcareous Grassland	Lowland Calcareous Grassland	Grassland
Calcareous Grassland	Upland Calcareous Grassland	Grassland
Dwarf Shrub Heath	Lowland Heathland	Heathland
Dwarf Shrub Heath	Upland Heathland	Heathland
Fen, Marsh and Swamp	Purple moor-grass and rush pastures	Grassland
Fen, Marsh and Swamp	Lowland fens	Wetland
Fen, Marsh and Swamp	Reedbeds	Wetland
Fen, Marsh and Swamp	Upland flushes, fens and swamps	Wetland
Improved Grassland	Coastal and Floodplain Grazing Marsh	Grassland
Inland Rock	Inland Rock Outcrop and Scree Habitats	
Inland Rock	Limestone pavements	Inland Rock
Littoral Rock	Sabellaria alveolata reefs	
Littoral Sediment	Coastal saltmarsh	Coastal
Littoral Sediment	Intertidal mudflats	Coastal
Montane Habitats	Mountain Heaths and Willow Scrub	Heathland
Neutral Grassland	Lowland Meadows	Grassland
Neutral Grassland	Upland Hay Meadows	Grassland
Rivers and Streams	Rivers	
Standing Open Waters and Canals	Mesotrophic lakes	
Standing Open Waters and Canals	Oligotrophic and dystrophic lakes	
Standing Open Waters and Canals	Ponds	
Supralittoral Rock	Maritime cliff and slopes	Coastal
Supralittoral Sediment	Coastal sand dunes	Coastal
Supralittoral Sediment	Coastal vegetated shingle	Coastal

\* UK Priority Habitats in the Lake District National Park are subject to change following the publication of the Cumbria Local Nature Recovery Strategy.

## Species

3.7. Cumbria Biodiversity Data Centre holds a [key species list](#) for the National Park.

3.8. Species may be included in one or several of the categories listed below:

- European Protected Species
- Protected Species (UK/England)
- Species of Principal Importance (Priority Species)
- 'Red' Listed species of Conservation Concern

3.9. The 'key species list' includes all species recorded in the National Park which fall into any of the following categories:

- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- Wildlife and Countryside Act 1981 (as amended)
- Protection of Badgers Act 1992
- Natural Environment and Rural Communities Act 2006 – Section 41 Lists Species of Principal Importance (often referred to as Priority Species)
- IUCN 'Red' lists
- UK Rare and Scarce Plants
- UK Birds of Conservation Concern.
- With reference to listing in UK and Cumbria Biodiversity Action Plans

3.10. We will use Natural England's guidance (known as standing advice) and the Cumbria Biodiversity Evidence Base to help with our planning decision to ensure that applicable levels of statutory protection together with national and local conservation status information are considered.

- Where a development proposal is likely to have a negative effect on a European protected species, we will only support a development proposal where the development is in the public interest, there is no satisfactory alternative that would cause less harm to the species, the long term conservation status of the species will not be harmed and it is likely that Natural England will grant a wildlife license if one is needed.

3.11. For other Key Species we will only support a development proposal: where the need for the development outweighs the harm caused; where a wildlife licence is likely to be granted by Natural England if one is needed; and where there is no satisfactory alternative that would cause less harm to the species and its long-term conservation status.

## 4. Biodiversity Net Gain

- 4.1. Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. This may include an increase in natural habitats and ecological features over time, which goes over and above the value of habitats originally on site.
- 4.2. Biodiversity net gain does not change the existing range of protections in planning policy and legislation, for irreplaceable habitats, protected sites and protected species. It maintains and reinforces the mitigation hierarchy detailed in the [National Planning Policy Framework \(NPPF\)](#).
- 4.3. The government has introduced a mandatory requirement for development in England to deliver Biodiversity Net Gain of 10 per cent. Provisions of the Environment Act aim to ensure, wherever possible, that developers leave wildlife habitats in a measurably better condition than they were before development started and, if that is not possible, to make improvements to habitat elsewhere. Overall, it is required to provide a net biodiversity gain of not less than 10%.
- 4.4. In England, BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#).
- 4.5. BNG relies on the application of the mitigation hierarchy to first avoid, then mitigate or compensate for biodiversity losses, before measures that will provide a biodiversity net gain can be identified.

### What does this mean in practice?

- 4.6. Developers in England are required to provide 10% BNG on all habitats within the redline boundary of their development. [Some developments are exempt from BNG](#). Separate arrangements apply to on-site [irreplaceable habitats](#).
- 4.7. The Lake District National Park Authority is required to take the policies of the adopted Local Plan as the starting point in any planning decision. [Local Plan Policy 04: Biodiversity and geodiversity](#) is a bespoke planning policy for the Lake District National Park setting out how we will protect biodiversity and deliver biodiversity net gain.
- 4.8. [Policy 04: Biodiversity and geodiversity](#) establishes the principle that planning permission will only be given if a new development increases rather than reduces levels of biodiversity present on a site. Evidence of an increase in biodiversity will require a baseline assessment of what is currently present on a site and then an estimation on how the proposal will add to that level. It is likely this will require the services of a competent ecologist. The Chartered Institute of Ecology and Environmental Management publishes [guidance on how to find a suitable consultant](#).

## How will Biodiversity Net Gain be delivered?

- 4.9. There are three ways developers can achieve BNG in order of preference:
1. They can create biodiversity on-site (within the red line boundary of a development site).
  2. If developers cannot achieve all their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market.
  3. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.
- 4.10. Developers can combine all three options but must follow the steps in order. This order of steps is called the [biodiversity gain hierarchy](#).
- 4.11. To design and implement BNG into all new development, applicants should:
1. identify the species and habitats present on and offsite that may be affected by the proposed development by undertaking a Biodiversity baseline/ecological survey (see Section 4.8)
  2. assess potential impacts of development on biodiversity within the site and on the connectivity of biodiversity in the surrounding area using the [biodiversity metric](#) and [biodiversity gain hierarchy](#)
  3. produce a [biodiversity gain plan](#)
- 4.12. The [biodiversity metric](#) is only concerned with habitats and does not take protected species directly into consideration. Protected and priority habitats and designated sites must be considered in the assessment. Some protected species populations may require specific habitats and may be included in the reasons for the habitat's designation.
- 4.13. When you apply for planning permission, you will need to confirm whether your development is [exempt from BNG](#). If it is not exempt, you will need to provide information about how you will meet the BNG objective, including details of proposed significant on-site enhancements.
- 4.14. Where off-site BNG is provided or where on-site BNG is deemed to be significant, you will need a [legal agreement](#). This may be in the form of a planning obligation, or a conservation covenant. The terms of the agreement will set out responsibilities for creating, enhancing, monitoring, reporting and any applicable fees as described in Appendix 1. You might also need a [habitat management and monitoring plan \(HMMP\)](#).
- 4.15. What counts as a [significant enhancement](#) will vary depending on the scale of development and existing habitat, but these would normally be:
- habitats of medium or higher distinctiveness in the biodiversity metric
  - habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development

- habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development
  - areas of habitat creation or enhancement which are significant in area relative to the size of the development
  - enhancements to habitat condition, for example from poor or moderate to good
- 4.16. If you cannot achieve all your BNG either on-site, off-site or through a combination of these, you will have to meet any BNG you are missing by buying [statutory biodiversity credits](#).

### **Measure a habitat or development's impact on biodiversity**

- 4.17. The [statutory biodiversity metric calculation tool](#) must be used to demonstrate that you have calculated the number of biodiversity units for existing habitat or habitat enhancements in accordance with the statutory biodiversity metric.
- 4.18. If the development meets the [mandatory biodiversity net gain \(BNG\) requirements](#), it will need to use the metric tool.
- 4.19. You can choose to use a simpler version of the metric tool, called the [small sites metric](#) (SSM) if your development meets the criteria to do so.
- 4.20. Biodiversity Metric outputs will help to:
- inform our understanding and assessment of the residual impacts that implementation of the proposal would have on habitats.
  - ensure that delivery of any habitat in the biodiversity gain plan would provide an appropriate number and type of biodiversity units to satisfy the statutory requirements and trading rules.
  - collate information about the amount of biodiversity net gain that we expect to be delivered through implementation of planning permissions for reporting purposes.
  - ensure losses of habitat are compensated on a 'like for better' basis. For example, the loss of a hedgerow cannot be offset by creating grassland, woodland or a pond elsewhere; it must be offset by enhancing retained hedgerows or creating new ones.
  - deliver strategic restoration of habitats in line with the Local Nature Recovery Strategy, by utilisation of the strategic significance multiplier.
- 4.21. 'Strategic significance' is an important part of the [biodiversity metric](#). The 'strategic significance' score is a landscape scale factor, which gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives.

- 4.22. Areas of 'strategic significance' are set locally. The [Cumbria Local Nature Recovery Strategy](#) (LNRS) will establish areas of 'strategic significance' and is due to be published in March 2025.
- 4.23. The metric deals with area habitats and linear habitats separately. Area habitats encompass all habitat types such as grasslands, woodlands and wetlands, whereas linear habitats include hedgerows and watercourses individually. As a result, area habitats, linear hedgerows and linear watercourses are calculated separately within the metric and a 10% net gain must be achieved for each group, where any are affected by the development.
- 4.24. If you complete a biodiversity metric and it shows a net loss, it may be possible to increase the biodiversity units by changing the design. If this is not feasible, it may be possible to provide off-site compensation by delivering biodiversity benefits on other land within your control or via the purchase of Biodiversity Units from a third-party landowner or habitat bank.
- 4.25. The [statutory biodiversity metric user guide](#) provides detailed information about trading rules. The trading rules set minimum habitat creation and enhancement requirements to compensate for specific habitat losses, up to the point of no net loss. They are based on the habitat type and distinctiveness of the lost habitat.
- 4.26. For full details on how to find the information you need to use the metric tool and how to use it, read the [biodiversity metric tool user guide](#).

## **Biodiversity Gain Plan**

- 4.27. If the LDNPA grants planning permission, you will need to create a [biodiversity gain plan](#) that shows how you will achieve the proposed BNG. You must provide evidence for your BNG decisions.
- 4.28. You must submit your biodiversity gain plan, including a completed [statutory metric tool calculation](#), and a pdf formatted version of the completed statutory metric tool calculation that shows how you will meet your mandatory BNG, to the local planning authority (LPA). The LPA must approve or refuse your biodiversity gain plan within 8 weeks. A [biodiversity gain plan](#) can only be formally submitted once permission is granted. A draft [biodiversity gain plan](#) should be submitted with the planning application.
- 4.29. The LPA must approve your biodiversity gain plan before you can start development and any habitat enhancements or creations must be undertaken within a year of completion.
- 4.30. You must manage and maintain any habitat creation or enhancements for 30 years, starting from when you complete the development. This includes when you complete

creating or enhancing any on-site habitat (for example, after one year of tree planting, pond digging or seeding).

- 4.31. If you do not meet your BNG requirements, you might be in breach of planning conditions, planning obligations or conservation covenant. The LPA or responsible body could take enforcement action against you.
- 4.32. For full details on how to develop a biodiversity net gain plan read the [biodiversity gain plan guidance](#).

### **Make off-site biodiversity gains as a developer**

- 4.33. The preference is for on-site compensation and BNG measures. If it is not possible to achieve the required net gain on site, then developers can deliver off-site BNG using the same assessment process on the off-site land to calculate how many units the site can deliver as compensation.
- 4.34. A 30-year management and monitoring plan will be needed to be submitted as part of the biodiversity gain plan.
- 4.35. Further guidance about how to make off-site biodiversity gains as a developer can be found on the [make off-site biodiversity gains as a developer guidance webpage](#).

### **Make and sell off-site gains as a Biodiversity provider**

- 4.36. Landowners and land managers can make enhancements to the condition of existing habitats or create new habitats of a higher distinctiveness to produce Biodiversity Units. The total amount of Biodiversity Units that can be sold equal the projected net gain over a 30-year period using the [statutory metric tool](#).
- 4.37. In order to sell Biodiversity Units, you must follow the [guidance for land managers wanting to sell off-site units](#), have a valid and ecologically appropriate baseline and [habitat management and monitoring plan \(HMMP\)](#) prepared by a competent Ecologist, and then seek a [legal agreement](#) with the LDNPA or other relevant Responsible Body.
- 4.38. Where a habitat bank site is proposed for the purpose of selling Biodiversity Units, the habitat management planning process design must be informed by a [Historic Impact Assessment \(HIA\)](#).
- 4.39. Habitat bank sites must consider connectivity and strategic restoration of habitats in line with the Local Nature Recovery Strategy and use sensitive design to maintain the Lake District's landscape, cultural heritage and [Outstanding Universal Values](#).

- 4.40. Any proposed habitat bank sites should undertake a consultation with the LDNPA by contacting the following address: [Consultations@lakedistrict.gov.uk](mailto:Consultations@lakedistrict.gov.uk) with all relevant documentation submitted, inclusive of HMMP, HIA and World Heritage Impact Assessment. This is so that harm to other interests of acknowledged importance can be avoided, allowing the potential for Biodiversity Net Gain to provide co-designed benefits to these interests.
- 4.41. If planning permission is granted, biodiversity providers should provide the LDNPA and Cumbria Local Nature Recovery Strategy (LNRS), hosted at Cumbria Biodiversity Data Centre, with baseline and predicted habitat type and condition GIS data relating to the site to inform continual improvements to LNRS habitat modelling.

### **Retrospective Applications**

- 4.42. Retrospective applications (section 73a applications) and deemed consent resulting from a successful appeal against an enforcement notice are currently exempt from the BNG regulations.
- 4.43. To preserve the integrity of the planning system and in the interests of fairness, it would be inappropriate for those applying retrospectively for development which would ordinarily be required to deliver BNG if applied for in advance, to be subject to lesser requirements with respect to BNG.
- 4.44. Retrospective applications should demonstrate that the development has delivered, or will deliver, at least 10% BNG and that gain has been secured for a minimum period of 30 years.
- 4.45. [The Lake District National Park Authority's validation requirements](#) will address this. Similarly, when taking decisions on whether it is expedient to take enforcement action against unauthorised development, a failure to achieve and secure 10% net gain will be a material consideration.
- 4.46. The 'anti-trash' clause discourages the destruction of habitat prior to submission of an application in order to present an artificially low baseline. If after the 20<sup>th</sup> January 2020, works have commenced and damaged habitats the baseline will be taken from before the works occurred.

## **5. Biodiversity Information Requirements**

- 5.1. Undertaking a biodiversity baseline/ecological study will involve a Preliminary Ecological Appraisal, an Ecological Impact Assessment and consideration of key species. We advise that an ecological survey, impact assessment and development of mitigation and biodiversity gain plans should be carried out by suitably qualified ecologists.

## **Preliminary Ecological Appraisal**

- 5.2. It will be necessary to screen your site and any wider impact zones for known biodiversity interest and to understand if biodiversity may be affected. A Preliminary Ecological Appraisal (PEA), using a desk-based search of information obtained from the local records centre (Cumbria Biodiversity Data Centre) and a walkover survey, can be used to identify known information about the site and flag up the site's potential to support protected species and habitats. See Section 3 for Hierarchy of Sites.
- 5.3. The PEA report may recommend that additional ecological information should be obtained. For example: survey for bats, badgers, barn owls and other building-dependent species, pollinators and invertebrates, fish, wetlands or aquatic habitats or more survey of habitats to assess their condition and quality.
- 5.4. Some survey work must only be carried out at certain times of the year, so it is important that these timings are factored into schedules to ensure that the correct information has been collected prior to submission of the planning application. All surveys should be undertaken at an appropriate time of the year, the conclusions of which will be considered valid based on how long ago the survey was undertaken.
- 5.5. It is advisable to gain an understanding of the biodiversity on your site at the earliest possible stage of developing your planning application because it is likely to save avoidable costs associated with delays, refusal and any biodiversity gain plan requirements.

## **Ecological Impact Assessment (EclA)**

- 5.6. Based on the information gathered during the Preliminary Ecological Appraisal and any subsequent survey work, it will be necessary to evaluate the impact of the development proposal on the biodiversity identified. This is known as the Ecological Impact Assessment.
- 5.7. The detail in an Ecological Impact Assessment (EclA) report should reflect the nature, scale and complexity of the development proposal and the expected risk to biodiversity and ecosystem function. It may be a standalone document or a chapter forming part of a wider Environmental Impact Assessment.
- 5.8. The EclA should:
  - Set out details of any biodiversity features that would be affected by either implementation of the development proposal or its subsequent operation. This includes features and existing buildings which are present on the development site, on any proposed offset site; and on any areas indirectly affected.
  - Demonstrate how biodiversity impacts have been avoided and if not explain why.

- Identify the ‘residual impacts’ on biodiversity features that could be expected should the development be implemented and the significance of these impacts in terms of the conservation objectives for the features in question. Residual impacts are defined as those impacts that remain following implementation of mitigation measures. Where key species have been identified, this should include an assessment of how the conservation status of the wider population is likely to be affected.
- Demonstrate how during implementation and operation of the development, impacts and risks will be reduced. (For example, by appropriate timing of works to avoid disturbance, inclusion of pollution prevention measures, sensitive site lighting design and inclusion of access points in fences). The [Cumbria Good Lighting Technical Advice Note](#) provides guidance about making good lighting choices.

5.9. We expect a proportionate approach to the provision of ecological information. In instances such as householder developments where the only likely impact would be on bats and building-dependent birds, the EclA may take the form of a report focussed just on the impact on bats.

### **Biodiversity Net Gain Baseline**

5.10. When Biodiversity Net Gain is applied to a development or is being used to create a habitat bank site, a BNG baseline will be required. Where the development meets criteria for use of the [small sites metric](#), this should be undertaken by someone who is familiar with the site and its habitats, or by seeking ecological advice. Where the statutory metric is used, this should be undertaken by a competent ecologist alongside EclA to help consider BNG at the earliest opportunity in line with the mitigation hierarchy.

5.11. The statutory biodiversity metric is designed to align with the [UK Habitats classification](#). Therefore, when procuring a baseline survey, it is effective to specify the most current UKHAB classification version, complimented by completion of relevant habitat condition sheets for each distinct habitat and translation to the statutory biodiversity metric.

5.12. Once a baseline survey has been completed, with accompanying UKHAB maps and statutory metric, discussions can then begin regarding development design in line with the mitigation hierarchy.

### **Habitat Management and Monitoring Plan (HMMP)**

5.13. Development design can greatly influence the requirements for biodiversity gain, which in turn are secured through a HMMP, which should be undertaken by a competent ecologist.

- 5.14. The purpose of a HMMP is to outline how habitats will be enhanced, created, maintained, and then monitored over a 30-year period.
- 5.15. If you're making [significant on-site enhancements](#) or [off-site gains](#), you need to describe how you'll maintain and monitor the habitat enhancement. You should submit a HMMP with the [biodiversity gain plan](#).
- 5.16. Your HMMP should be agreed with either the Lake District National Park Authority, if you're securing gains through a planning obligation, or agreed with a responsible body if you're securing gains with a conservation covenant. Within the Lake District National Park where a Conservation Covenant is being entered into, but the Lake District National Park Authority is not involved, then it is expected that the relevant responsible body notifies the Lake District National Park Authority of the arrangements. The Lake District National Park Authority will seek to develop, with other responsible bodies, a register of Conservation Covenants relevant to the Lake District National Park.
- 5.17. The HMMP should follow the [statutory guidance](#) and include:
- Specifics of how any habitat enhancements or creations will be carried out.
  - Justification that proposed interventions are both achievable and ecologically sound.
  - A schedule of works, detailing how improvements will be made over the period.
  - Proposed management activities and how these will be funded or secured for the period.
  - A monitoring regime commissioned by the agreement holder, which will allow for reporting on progress towards achieving objectives, highlighting any issues as early as possible and facilitating adaptive management.
  - Considerations with regard to the historic environment and cultural landscape.
- 5.18. The proposed monitoring regime should detail when and how you will monitor habitats and when and how you will report results to the local planning authority or responsible body as applicable. This may vary for different types of habitats but may include a new BNG condition survey by an ecologist on years 1, 3, 5, 10, 15, 20, 25 and 30 of the agreement. Upon reporting monitoring results, the relevant body will review the information and either validate the report, give supplementary management advice where required or undertake a site visit to verify results of the monitoring.

## **Local Nature Recovery Strategy (LNRS)**

- 5.19. The purpose of the LNRS is to restore and connect habitats so that locally important species can thrive; the LNRS agrees the best places to plant trees, restore peatland,

improve grassland condition, mitigate flood and fire risk, and create green spaces for local people to enjoy.

- 5.20. The [Cumbria LNRS](#) will identify the key priorities and measures for nature recovery in Cumbria and show the areas that are most suitable for these. Developers should utilise the LNRS to identify opportunities to for nature recovery.

## 6. Nutrient Neutrality

- 6.1. In 2022 Natural England introduced new guidance in relation to four water catchments in the Lake District (and others across the country), which means new developments must not add any extra nutrients, in particular phosphates, to these catchments.
- 6.2. Catchments affected by nutrient neutrality can be viewed on the [Nutrient Neutrality North West website](#).
- 6.3. In the affected areas, certain developments (including those that create overnight stays) must be nutrient neutral, meaning they result in no net increase in phosphorus within the watercourse.
- 6.4. To demonstrate nutrient neutrality developers must ensure mitigation is in place before the development can be approved by the local planning authority. Mitigation solutions include riparian buffers, land use changes, wetlands and woodlands which in some cases can also deliver additional benefits such as biodiversity net gain.
- 6.5. If the solution has demonstrable impacts on both biodiversity net gain and nutrient neutrality, it can yield credits under both schemes where available. Further information can be found on the [combining environmental payments website](#).
- 6.6. Further information about nutrient neutrality can be found on the [Nutrient Neutrality North West website](#).

## 7. Further information

- 7.1. We are happy to offer advice prior to submitting a planning application through our Duty Planner service [Getting planning advice: Lake District National Park](#).
- 7.2. Information required to validate planning applications can be found on the [Lake District National Park Authority website](#). Specific biodiversity net gain validation requirements can be found on the [biodiversity net gain validation requirements webpage](#).

## 8. Useful Links to Resources:

### Good Practice and Design for Enhancing Biodiversity and the Natural Environment

- [Biodiversity net gain. Good practice principles for development \(CIRIA C776F\)](#)

- [Building Greener. Guidance on the use of green roofs, green walls and complementary features on buildings \(C644\)](#)
- [Greenspec – green building resources: Green roofs](#)
- [Bat Conservation Trust](#)
- [Bats and Buildings Leaflet](#)
- [The Royal Society for the Protection of Birds](#)
- [RSPB Ultimate Guide to Nest Boxes](#)
- [Swift Conservation Swift Nest Bricks](#)
- [Royal Horticultural Society information on establishing Living Walls](#)
- [Institution of Lighting Professionals Bats and Artificial Lighting](#)
- [Planners' manual for ancient woodland and veteran trees](#)

### **Site information**

- [Defra Mapping Tool](#)
- [Defra and Natural England – Protected Sites and Areas: how to review planning applications](#)
- [Protected Areas: Natural England / Defra Guidance Information for developers on how to avoid harming protected areas and species during development work](#)
- [UK Biodiversity Action Plan: List of Priority Habitats \(includes descriptions\)](#)
- [Cumbria County Wildlife Site Selection Criteria](#)

### **Species Information**

- [Legally protected species in the UK](#)
- [Natural England - Standing Advice for Protected Species](#)
- [Protected Species: Natural England / Defra Guidance Information for developers on how to avoid harming protected areas and species during development work](#)
- [Protected Sites and Species Guidance](#)
- [Protected Species – How to review planning applications](#)

### **Ecological Impact Assessment Information**

- [Guidelines for Ecological Impact Assessment in the UK & Ireland CIEEM](#)
- [Biodiversity. Code of practice for planning and development BS 42020](#)

### **Contact Details for Organisations**

- [Cumbria Biodiversity Data Centre](#)
- [Cumbria Wildlife Trust](#)
- [Natural England](#)
- [CIEEM – Chartered Institute of Ecology and Environmental Management](#)
- [South Cumbria Bat Group](#)

## 9. Glossary

**Additionality:** property of measures to achieve biodiversity net gain, where the conservation outcomes it delivers are demonstrably new and additional and would not have resulted without it (i.e. do not deliver something that would occur anyway).

**Ancient or veteran tree:** A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

**Ancient woodland:** An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

**Biodiversity:** The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species (genetic diversity), between species and of ecosystems.

**Biodiversity baseline:** description of existing biodiversity conditions to provide a starting point (e.g. pre-project condition of biodiversity) against which comparisons can be made (e.g. post-impact condition of biodiversity), allowing the change in biodiversity to be quantified.

**Biodiversity metric:** a tool used to measure changes in biodiversity. They only measure habitats and do not take protected species into consideration.

**Biodiversity – No Net Loss (NNL)** No net loss of biodiversity has been achieved, if the biodiversity impacts related to a development proposal are balanced by the measures taken through the application of the mitigation hierarchy.

**Biodiversity Net Gain (BNG)** - If gains in biodiversity are measurably greater than the losses as a result of the implementation of a development, then the result is biodiversity net gain (BNG).

**Biodiversity Offsets (From green paper 2013):** Biodiversity Offsets are conservation activities that are designed to give biodiversity gain to compensate for residual losses. They are different from other types of ecological compensation as they need to show measurable outcomes that are sustained over time.

**Biodiversity Units:** For the purposes of biodiversity net gain, biodiversity value is measured in standardised biodiversity units. Biodiversity units are a standardised measure used to quantify the value of biodiversity in a given area.

**Birds and Habitats Directives:** European Directives to conserve natural habitats and wild fauna and flora.

**Coherent Ecological Network –** A coherent ecological network is one that has all the elements necessary to achieve its overall objectives; the components are

complementary and mutually reinforcing so that the value of the whole network is greater than the sum of its parts. (See also Ecological Network and Resilient Ecological Network)

**Conservation covenants:** are private, voluntary agreements between a landowner and a “responsible body”, such as a conservation charity or government body. The covenant binds the initial landowner and subsequent landowners to ensure long-term conservation and environmental benefits on net gain sites [Environment Bill]

**Distinctiveness levels:** Evidence based. This is based on papers published by Defra which in turn have utilised evidence to rate habitats. (High, Medium, Low)

**Ecological Impact Assessment (EclA)** The process of identifying, quantifying and evaluating the potential effects of development-related or other proposed actions on habitats, species and ecosystems.

**Ecological networks:** An ecological network is a network generally made up of 5 components:

- **Core areas of high nature conservation** value which contain rare or important habitats or ecosystem services. They include protected wildlife sites and other semi-natural areas of high ecological quality.
- **Corridors and ‘stepping stones’** enabling species to move between core areas. These can be made up of a number of small sites acting as ‘stepping stones’ or a mosaic of habitats that allows species to move and supports ecosystem functions.
- **Restoration areas**, where strategies are put in place to create high value areas (the ‘core areas’ of the future), restoring ecological functions and wildlife.
- **Buffer zones** that protect core areas, restoration areas, and ‘stepping stones’ from adverse impacts in the wider environment.
- **Sustainable use areas**, areas of surrounding land that are managed in a sustainable and wildlife friendly way.

The ecological networks for different species work at varying scales: some species need a large area, others a much smaller area. Also see below for information on coherence and resilience of ecological networks.

**Ecosystem services:** The benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation.

**Environmental impact assessment:** A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

**European site:** Defined in the Regulation 8 of the Conservation of Habitats and Species Regulations 2017 as: Special Areas of Conservation, Sites of Community Importance, candidate Special Areas of Conservation and Special Protection Areas.

**European Marine Site:** a European site consisting of marine areas.

**Habitat Condition:** Habitats of the same type can vary in their current condition. Condition can be influenced by factors including physical disturbance and grazing levels. There are nationally agreed approaches to the assessment of habitat condition. This is known as ‘Condition Assessment’. For Sites of Special Scientific Interest, the nationally

agreed approach is through 'Common Standards Monitoring'. Habitats are assigned a condition rating in the biodiversity net gain tool. (Scale Good, Moderate, Poor)

**Habitat Creation:** Habitat creation involves the creation of a habitat where it does not currently exist. For example: establishment of a species rich grassland on land previously used as a car park.

**Habitat distinctiveness:** Habitats are assigned to levels of distinctiveness in the biodiversity net gain tool. The level of distinctiveness afforded to a habitat type is based on a variety of parameters including 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 (Treweek et al 2010).

**Habitat Restoration:** Involves remediation of a habitat to a condition higher than its current state. For example: Blocking ditches to prevent a wetland from drying out.

**Habitats of Principle Importance:** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act. The list is used to guide decision-makers including local planning authorities in implementing their duty under Section 40 to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

**Habitats site:** Used in the NPPF to define any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017. Includes: **European sites** and **European Marine sites** defined above. In addition, for the purposes of the NPPF potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

**Important Hedgerows:** Hedgerows which meet the criteria listed in the Hedgerow Regulations 1997 will be considered to be 'Important Hedgerows'.

**International, national and locally designated sites of importance for biodiversity:** All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

**Irreplaceable habitat:** Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen. (Definition taken from the NPPF)

**Landscape Features of Major Importance for Wild Flora and Fauna:** Feature of the landscape that are of major importance for wild flora and fauna. These features are those that, because of their linear and continuous structure or their function as stepping-stones are essential for migration, dispersal and genetic exchange. For example: rivers and their banks, traditional field boundary systems (such as hedgerows), ponds and small woods.

**Like for like or better:** after the avoidance and minimization stages of the mitigation hierarchy, biodiversity net gain is achieved by restoring affected biodiversity or offsetting residual biodiversity loss with the same type of biodiversity (like for Like) or with the same type that is of a higher conservation value (better)

**Locally designated sites:** Includes Local (County) Wildlife Sites (or any site which meets Local Site Selection Criteria), Sites of Invertebrate Interest, Important Roadside Verges, Cumbria Geological Sites

**Local Nature Recovery Strategy:** are mechanisms to plan for nature recovery at a local level; they agree priorities for nature recovery and propose actions in the locations where it would be most beneficial. They identify practical, achievable proposals developed with the input of people who know and understand the area, especially landowners and managers.

**Marine Conservation Zone:** Areas created to protect a range of nationally important marine wildlife, habitats, geology and geomorphology under the Marine and Coastal Access Act 2009.

**Material Consideration:** A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Can include (but not limited to) nature conservation, government policy and previous planning decisions.

**Mitigation hierarchy:** sequential order of actions to first avoid and then minimize negative impacts on biodiversity, before remediating impacts (where feasible by restoring damaged biodiversity) and then finally offsetting any residual impacts.

**Nationally designated sites:** Sites of Special Scientific Interest (SSSI's), Marine Conservation Zones (MCZ's) and National Nature Reserves

**Natura 2000** – a network of nature protection areas in the territory of the European Union. It is made up of Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's) designated respectively under the Habitats Directive and the Birds Directive

**Natural Capital:** Can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things (biodiversity).

**Nature Recovery Network:** An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats (priority habitats) as well as landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

**Possible Special Areas of Conservation:** A site where the Government has initiated public consultation on the scientific case for designation as a candidate Special Area of Conservation

**Potential Special Protection Area:** site where the Government has initiated public consultation on the scientific case for designation as a Special Protection Area

**Priority habitats and species:** Commonly used term for Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

**Proposed Ramsar site:** A site where the Government has initiated public consultation on the scientific case for designation as a Ramsar site.

**Ramsar Site:** Wetlands of international importance, designated under the 1971 Ramsar Convention

**Resilient Ecological Network:** is one that can absorb, resist or recover from disturbances and damage caused by natural influences and human activities (including climate change), while continuing to meet its overall objectives of supporting biodiversity and providing ecosystem services.

**Sites of Community Importance (SCIs):** Sites that have been adopted by the European Commission but not yet formally designated by the government of each country.

**Special Areas of Conservation:** Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

**Special Protection Areas:** Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

**Special Protection Areas:** Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

**Species and Habitats of Principle Importance:** Habitats and species included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

**Stepping Stones:** Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

**Trading down:** If a proposal suggests the replacement of a habitat with a different habitat which has a lower distinctiveness rating. Trading down in compensation proposals is not permitted. This does not preclude trading across in low distinctiveness bands or up to higher distinctiveness bands.

**Wildlife corridor:** Areas of habitat connecting wildlife populations.

## 10. Appendix 1 - LDNPA Monitoring Cost calculator

- 10.1. For the purposes of fulfilling the LDNPA's obligations under the Environment Act, where on-site or off-site biodiversity gain has been legally secured using a Planning Obligation or Conservation Covenant, the authority will charge a monitoring fee to recoup costs of those monitoring burdens.
- 10.2. To make value of monitoring fees charged proportional to the net gain being secured, a monitoring costs calculator has been developed. The calculator uses a matrix of costs profiled over a 30-year period, taking into account costs such as:
- Authority staff time for site visits, reviewing reports, verification and administration
  - Authority overheads
  - Inflation
- 10.3. The main variable in cost is authority staff time, which is estimated on the basis of statutory biodiversity metric categories, relating to the specific biodiversity gain on the site in question. These are as follows:
- Size of the site
  - Technical Difficulty of the enhancements / creations
  - Whether the gain is on-site, or off-site.
- 10.4. Therefore, a larger site which has higher difficulty interventions proposed will require more staff time to monitor and consequently attract a higher monitoring fee.
- 10.5. Where the biodiversity gain site exceeds 40ha, a bespoke monitoring fee will be required.
- 10.6. The LDNPA will review the costs calculator on a yearly basis to ensure that staffing costs, authority overheads and profiled inflation are all correct.