Biodiversity Net Gain Feasibility Report

Whitby Maritime Hub

January 2024

Willmott Dixon

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Summary

OS Ecology Ltd were commissioned by Willmott Dixon in 2023 to provide a Biodiversity Net Gain Feasibility Report for the proposed development of a Maritime Hub in Whitby.

The site comprises an area of carparking.

This report includes recommendations to maximise benefits for biodiversity and to ensure the implementation of the mitigation hierarchy in relation to the proposed development.

The site does not support any irreplaceable habitats. The habitats are assessed as being of low value. The site is considered to be of no more than low value to bats, birds and otter.

The following is recommended to deliver a measurable net gain in relation to the development of this site:

- Landscape planting should seek to provide native planting where appropriate.

Due to the nature of the site, the baseline biodiversity units are zero and as such any provision of habitat will provide a net gain in biodiversity.

This could be achieved through any planting within the site such as the provision of trees or planters.

Site design should seek to incorporate the recommendations detailed within this report and to maximise the biodiversity units delivered on-site. Where measurable gain is not achieved on-site, off-site compensation may be considered appropriate only where all other options have been explored.

1. Introduction

1.1 OS Ecology Ltd were commissioned by Willmott Dixon in 2023 to provide a Biodiversity Net Gain Feasibility Report for the proposed development of a Maritime hub at Whitby.

Site Location

1.2 The site is located in the centre of Whitby, North Yorkshire adjacent to the River Esk at an approximate central grid reference of NA899108. The site location is illustrated within figure 1 in the appendices.

Site Description

1.3 The site is approximately 0.93ha in size and comprises a carpark and a small number of associated buildings.

Development Proposals

1.4 The development will comprise the construction of a new maritime hub on the site.

Purpose of Report

1.5 The objectives of this report are:

- To assess and map the habitats present within the proposed development area using the UK Habitat Classification[1] criteria.
- To calculate the baseline 'Biodiversity Units' using Natural England's Statutory Biodiversity Metric[2].
- To review the Biodiversity Net Gain (BNG) Principles[3] and assess whether Biodiversity Net Gain can be delivered in relation to site development.
- To provide advice as to how the project can maximise its ability to deliver BNG.
- To consider the potential for on-site or off-site delivery of BNG.

1.6 **This report should be used to inform site design and is not intended to form part of a planning application submission. Once site design is fixed, a detailed Biodiversity Net Gain Design Stage Report will be required, suitable to support the planning submission.**

Planning Policy

1.7 Planning policy relevant to this site, specifically the National Planning Policy Framework and the Scarborough Local Plan, can be found within the Appendices.

[1] UKHab Ltd (2023) UK Habitat Classification Version 2.0 (at http://www.ukhab.org)
[2] Department for Environment Food and Rural Affairs, The Statutory Biodiversity Metric User Guide (draft), November 2023
[3] Biodiversity Net Gain Good Practice Principles for Development CIEEM CIRIA IEMA (2016)

2. Methodology

Desk Study

2.1 Desk study was undertaken to assess the nature of the surrounding habitats and included:

- Assessment of aerial imagery and Ordnance Survey mapping.
- A search of the MAGIC website[4] for designated sites and European protected species within 2km of the survey area.
- A data search request submitted to the Local Record Centre.

2.2 The results of the desk study are detailed within the Preliminary Ecological Appraisal report for this site[5].

Field Survey

Habitat Mapping

2.1 The proposed development site was mapped as different habitat types using the habitat classifications detailed within the UK Habitat Classification User Manual[6].

2.2 Habitat maps were digitised and area calculations for each UK Habitat Classification habitat type present within the site were undertaken using QGIS.

2.3 Area measurements are provided in hectares with linear features measured in kilometres.

2.4 Survey was undertaken by James Streets CEcol MCIEEM, an experienced surveyor who holds protected species licences for a range of species including bats and great crested newts.

2.5 The following equipment was utilised during survey:

- Zeiss 8x30 binoculars.
- Digital camera.

2.6 The survey was undertaken on the 31st October 2023 in the following weather conditions:

Table 2.1: Survey Conditions

Date	Temperature	Cloud Cover	Precipitation	Wind Conditions
31st October 2023	14°C	100%	Light Rain	0-1

[4] Multi Agency Geographic Information for the Countryside (www.magic.gov.uk)
[5] Preliminary Ecological Appraisal, Whitby Maritime Hub, December 2023, OS Ecology Ltd
[6] UKHab Ltd (2023) UK Habitat Classification Version 2.0 (at http://www.ukhab.org)

Condition Assessment

2.7 Each area of habitat was assigned a condition score based on the relevant statutory biodiversity metric condition assessment as per the Statutory Biodiversity Metric User Guide[7].

2.8 Habitat parcels are assigned one of three categories: Good, Moderate or Poor. If condition varies across an area of the same habitat type, the habitat will be split into separate parcels, each assigned a different condition category.

2.9 Certain habitat categories are allocated a fixed condition score and do not need the condition assessed as per the User Guide[7].

2.10 Where appropriate, completed habitat condition sheets for each parcel of habitat are provided within the appendices.

Limitations

2.11 There are not considered to be any significant constraints to the assessment.

Approach to Biodiversity Net Gain

2.12 This report considers the good practice principles of Biodiversity Net Gain[8], of which delivering a measurable net gain, in this case assessed using the Statutory Metric (see below), is one element.

2.13 The following table details the ten principles. These ten principles form a single approach and must all be applied.

Table 2.2: Biodiversity Net Gain – Good Practice Principles for Development	
Principle 1	Apply the mitigation hierarchy
Principle 2	Avoid losing biodiversity that cannot be offset by gains elsewhere
Principle 3	Be inclusive and equitable
Principle 4	Address risks
Principle 5	Make a measurable Net Gain contribution
Principle 6	Achieve the best outcomes for biodiversity
Principle 7	Be additional
Principle 8	Create a Net Gain legacy
Principle 9	Optimise sustainability
Principle 10	Be transparent

[7] Department for Environment Food and Rural Affairs, The Statutory Biodiversity Metric User Guide (draft), November 2023

[8] Biodiversity Net Gain Good Practice Principles for Development CIEEM CIRIA IEMA (2016)

2.14 The Statutory Biodiversity Metric Calculation Tool is used to calculate biodiversity units for the existing baseline conditions within the proposed development area.

2.15 Habitat type, area/length (ha)/(km) and condition score as calculated above are entered into the metric for each parcel of habitat present within the proposed development site.

2.16 The metric assigns a 'Distinctiveness' category and score to each habitat parcel.

2.17 A 'Strategic Significance' score is then assigned to each habitat parcel. The assessment of strategic significance is based on local planning policy in the first instance. For example, if the site is located within a Nature Recovery Area then it would be of 'High Strategic Significance'.

2.18 Areas of 'Moderate Strategic Significance' would be classified as areas not formally designated, but which are ecologically desirable. 'Areas of Low Strategic Significance' are those which do not meet the above criteria.

2.19 Based on the above information, the metric then calculates Biodiversity Units for each habitat parcel and a total number of Biodiversity Units for the proposed development area.

3. Baseline Conditions

Baseline Habitat Types and Condition Assessment

3.1 The following table details the results of the habitat survey and assigns the relevant UK Habitat Classification to each parcel of habitat, the metric category to which this relates and the condition of the habitat. Full survey information is provided within Ecological Appraisal report for the site. Figures illustrating the habitat within the site are provided within the appendices with relevant condition assessment forms.

Table 3.1: Baseline Habitat Types

Habitat Description	Photographs	UK Habs. Category	Metric Category	Condition
Sealed Surface The main area of the site comprises a car park which is in active use and as such is regularly disturbed. The site is bound to the north and east by a quay wall which along the eastern boundary is active use with equipment stored at the top of the quay wall. A small number of plant species were identified within and around crevices at the edges of the carpark. These are detailed below.		u1b – Developed Land; Sealed Surface 804 Car Park	Developed land, sealed surface	N/A
Buildings There are three buildings on site which are varied in their nature and size. More details are provided within the PEA report for the site.		u1b5 - Buildings	Developed land, sealed surface	N/A

3.2 Based on the results of field survey, the following table details the baseline Biodiversity Units associated with the proposed development area.

Table 3.2: Baseline Biodiversity Units					
Habitat Type	**Area (ha)**	**Distinctiveness**	**Condition**	**Strategic Significance**	**Biodiversity Units**
Area Habitats					
Developed Land, Sealed Surface (car park)	0.9165	Very Low	N/A	Medium	0
Developed Land, Sealed Surface (buildings)	0.0167	Very Low	N/A	Medium	0
				Baseline Habitat Units:	**0**

4. Feasibility of Biodiversity Net Gain

Mitigation Hierarchy

4.1 The following table details the mitigation hierarchy and the recommended steps in relation to this development.

Table 4.1: Mitigation Hierarchy	
Step	**Recommended Actions**
Avoid	Provision of a CEMP to protect the river corridor
Minimise	None
Restore	Not appropriate given the nature of the habitats within the site and the site location
Off-set/Compensate	Not required
Additional Actions	Not required

Irreplaceable Habitats and/or Important Ecological Features

4.2 The site does not support any irreplaceable habitats[9].

Biodiversity Net Gain Design

4.3 The following table details the baseline biodiversity units associated with the site. Should development proposals cause the loss of all existing habitats, this is the number of units that would be lost. The table also details the recommended actions in relation to the loss of these habitat types, required to meet the trading rules of the metric.

Table 4.2: Baseline Assessment		
Habitat Type	**Biodiversity Units**	**Recommended Actions where Habitat is Lost**
Developed land, sealed surface	0	None required
Developed land, sealed surface	0	None required

4.4 The following is recommended to deliver a measurable net gain in relation to the development of this site:

- Landscape planting should seek to provide native planting where possible.

[9] Irreplaceable habitats are as defined within the draft Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. This specifies the following habitat types as irreplaceable habitat; blanket bog, lowland fens, limestone pavements, coastal sand dunes, ancient woodland, ancient trees, veteran trees, spartina saltmarsh swards and mediterranean saltmarsh scrub.

4.5 Proposals should include the incorporation of bat roosting and bird nesting features into the building, contributing to local and national biodiversity action plan targets.

5. Next Steps

5.1 Site design should seek to incorporate the recommendations detailed within this report and to maximise the biodiversity units delivered on-site. Where measurable gain is not achieved on-site, off-site compensation may be considered appropriate only where all other options have been explored.

Appendix 1: Planning Policy

National Planning Policy Framework (NPPF)[10]

The revised National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan. The key paragraphs from the relating to the natural environment are detailed below.

Ecologically Relevant Paragraphs of the NPPF	
Paragraph	**Statement**
8	Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy
180	Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

[10] National Planning Policy Framework December 2023
https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

Ecologically Relevant Paragraphs of the NPPF	
Paragraph	**Statement**
	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; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate
181	Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
185	To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and 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.
186	When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally 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 that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and 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.

Ecologically Relevant Paragraphs of the NPPF	
Paragraph	**Statement**
187	The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) 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.
188	The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Planning Policy

The following table details the ecologically relevant policies of the local plan relevant to this site.

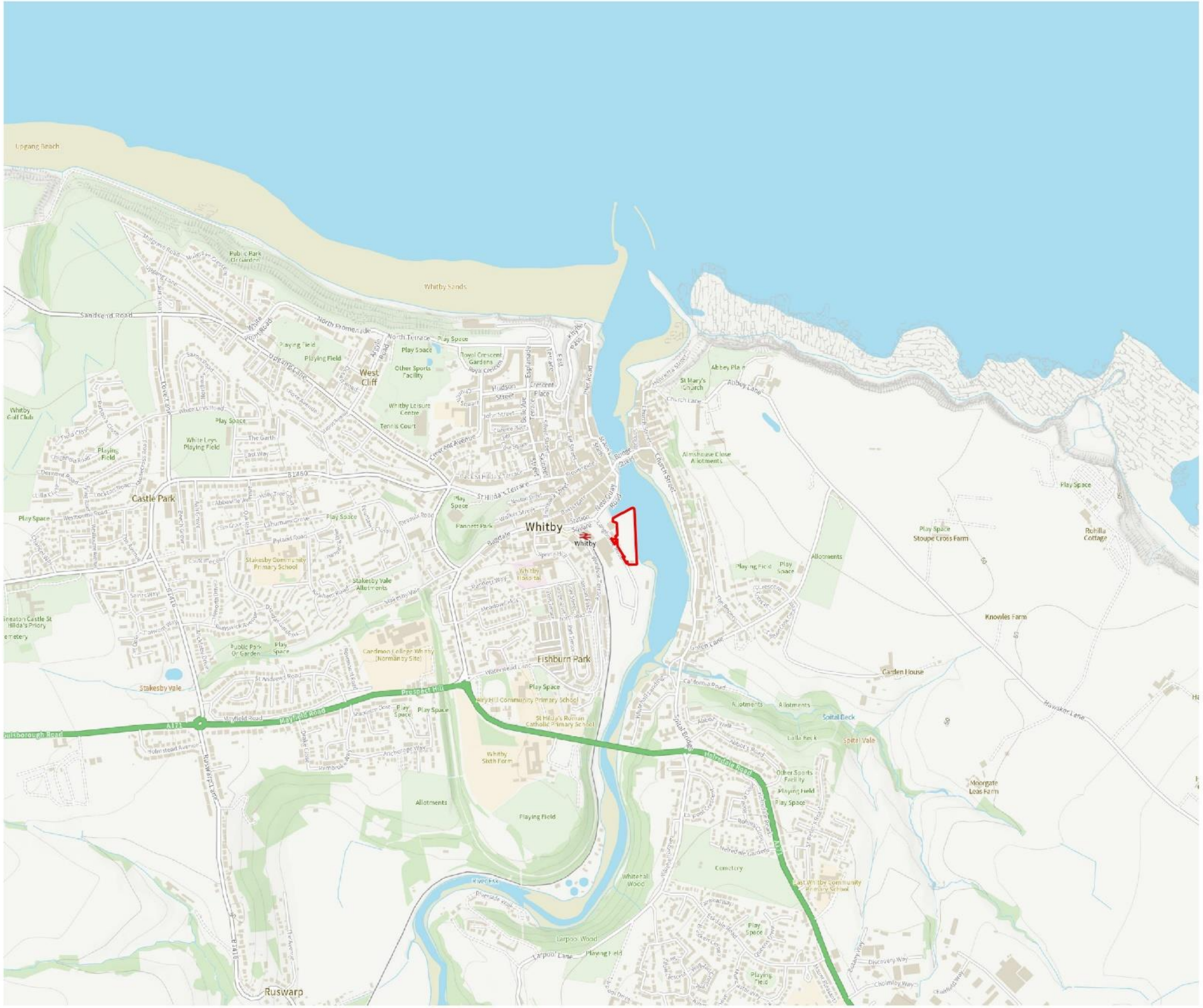
Ecologically Relevant Policies of the Scarborough Borough Local Plan[11]	
Policy No.	**Policy**
Policy ENV 5	The Natural Environment Proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity by a. ensuring that development does not result in an unacceptable impact on any locally, nationally or internationally designated sites unless the impact can be outweighed by a greater benefit as commensurate to the designation; b. considering whether any potential adverse impacts on species and habitats can be successfully mitigated; c. supporting the recovery of priority species and habitat creation as identified in the Scarborough Borough Biodiversity Action Plan (2005) or any subsequent update; d. increasing trees and woodland through ensuring new developments include appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area; and e. ensuring that development does not result in deterioration in the Water Framework Directive ecological status of surface, ground or coastal waterbodies.
8.50	The Local Planning Authority will respond favourably to proposals that aim to conserve or enhance biodiversity as a primary objective and proposals that incorporate biodiversity in and around developments, therefore, development proposals should demonstrate how they respond positively to those assets in the following paragraph and can result in a net gain to biodiversity
8.51	The Local Plan area has a number of nationally, regionally and locally designated sites. The Local Plan affords commensurate protection to designated sites according to their importance and the contribution they make to the wider ecological network. Proposals will be considered in accordance with Circular 06/2005 where they may impact upon designated sites as this provides a context to the level of protection each designation has afforded to them and whether mitigation measures will be sufficient to allow development.

[11] Scarborough Borough Local Plan, 2011/32

Ecologically Relevant Policies of the Scarborough Borough Local Plan[11]	
Policy No.	**Policy**
	a. Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) 122 Scarborough Borough Local Plan - 2011/32 8 Resources and the Environment The European Birds and Habitats Directive designates Special Protection Areas (for wild birds and their habitats) and Special Areas of Conservation (for other habitats of significant importance). Together, SPAs and SACs make up the network of sites that form Natura 2000. At present, there are both two SPAs and SACs partly within the Borough, however, the North York Moors is outside of the Local Plan area and the Flamborough Head and Bempton Cliffs SPA and SAC extends only a short distance within the Borough along the coastline north of Speeton. Furthermore, there may be additional sites that are considered for designation and, once identified, the same level of protection will be afforded to potential Special Protection Areas (pSPA's), possible Special Areas of Conservation (pSAC's), and listed or proposed Ramsar sites. b. Sites of Special Scientific Interest (SSSI) There is a number of designated Sites of Special Scientific Interest (SSSIs). These sites are nationally identified by Natural England and are statutorily protected under the Wildlife and Countryside Act 1981 for biological or geological importance. Proposals that may have an adverse effect on a SSSI either individually or cumulatively should only be permitted where the benefits of the development clearly outweigh the impact. Particular attention should be placed upon the site's notified special interest features. c. Local Geological Sites (LGS) and Sites of Importance for Nature Conservation (SINCs) Both Local Geological Sites and Sites of Importance for Nature Conservation are local designations that are non-statutorily protected. Local Geological Sites are selected by the North East Yorkshire Geology Trust for their educational, historical and aesthetic value in geological interest. Sites of Importance for Nature Conservation are identified for their importance in habitat and species protection. Proposals should demonstrate how development may impact on a designated site including the specific features that may be of particular importance to the designation. d. Biodiversity Action Plan and species and habitat protection The UK Biodiversity Action Plan and Scarborough Borough Biodiversity Action Plan set out priority habitats and species by implementing Habitat Action Plans and development proposals should seek to contribute towards achieving its targets. It is also important to protect and enhance habitats and species that have no national or international protection and proposals should demonstrate how they may impact upon such species and mitigation measures. The Scarborough Borough Biodiversity Action Plan and future updates should be taken into account when considering how development may provide opportunities for habitat enhancement. The Borough Council will support the Biodiversity Action Plan in its attempts to form newly-created habitats such as those created by the Cayton Flixton Carrs Wetland Project. This project has been a success having brought together support from a wide range of organisations and has gone a long way in achieving targets set in the Biodiversity Action Plan. e. Woodland Habitats including Ancient Woodlands Scarborough Borough Local Plan - 2011/32 123 Resources and the Environment 8 The importance of protecting ancient woodlands and the role woodlands can play in the restoration and creation of natural habitats and their networks is recognised. Development proposals should recognise not only the importance of protecting species-rich trees or hedgerows but the value of incorporating them in design and consider how new planting can interact with existing

Ecologically Relevant Policies of the Scarborough Borough Local Plan[11]	
Policy No.	**Policy**
	habitats. The loss of irreplaceable habitats, including ancient woodland or aged or veteran trees found outside ancient woodland, will only be permitted where the benefits of development in that location can clearly be demonstrated to outweigh the loss.
8.52	Where necessary, proposals will be required to demonstrate that developments are in compliance with Water Framework Directive objectives, particularly for developments which result in physical modifications to water bodies or which pose a substantial pollution risk.
8.53	The Borough Council will continue to work closely with Biodiversity groups to ensure these sites receive appropriate protection or enhancement. This includes the North Yorkshire and York Local Nature Partnership (LNP) and emerging LNP strategy with specific reference to the two LNP priority areas within the Borough; The Vale of Pickering, and the North York Moors & Coast. In addition, the Borough Council will continue to work with its neighbouring authorities where the impacts of proposals may cause an issue on a cross-boundary basis. This includes any impact on strategic habitat connections that extend into the Local Plan area from the North York Moors National Park that could adversely affect biodiversity. These connections are identified in the North York Moors National Park Management Plan and any relevant proposals should be considered against Paragraph 115 of the NPPF

Appendix 3: Figures



Key

Site Boundary

North

Figure No:01
Figure Name: Site Location
Project Name: Whitby Martitime Hub
Project Ref. No: 23083
Date: December 2023
Author: JS

0 250 500 (m)

Key

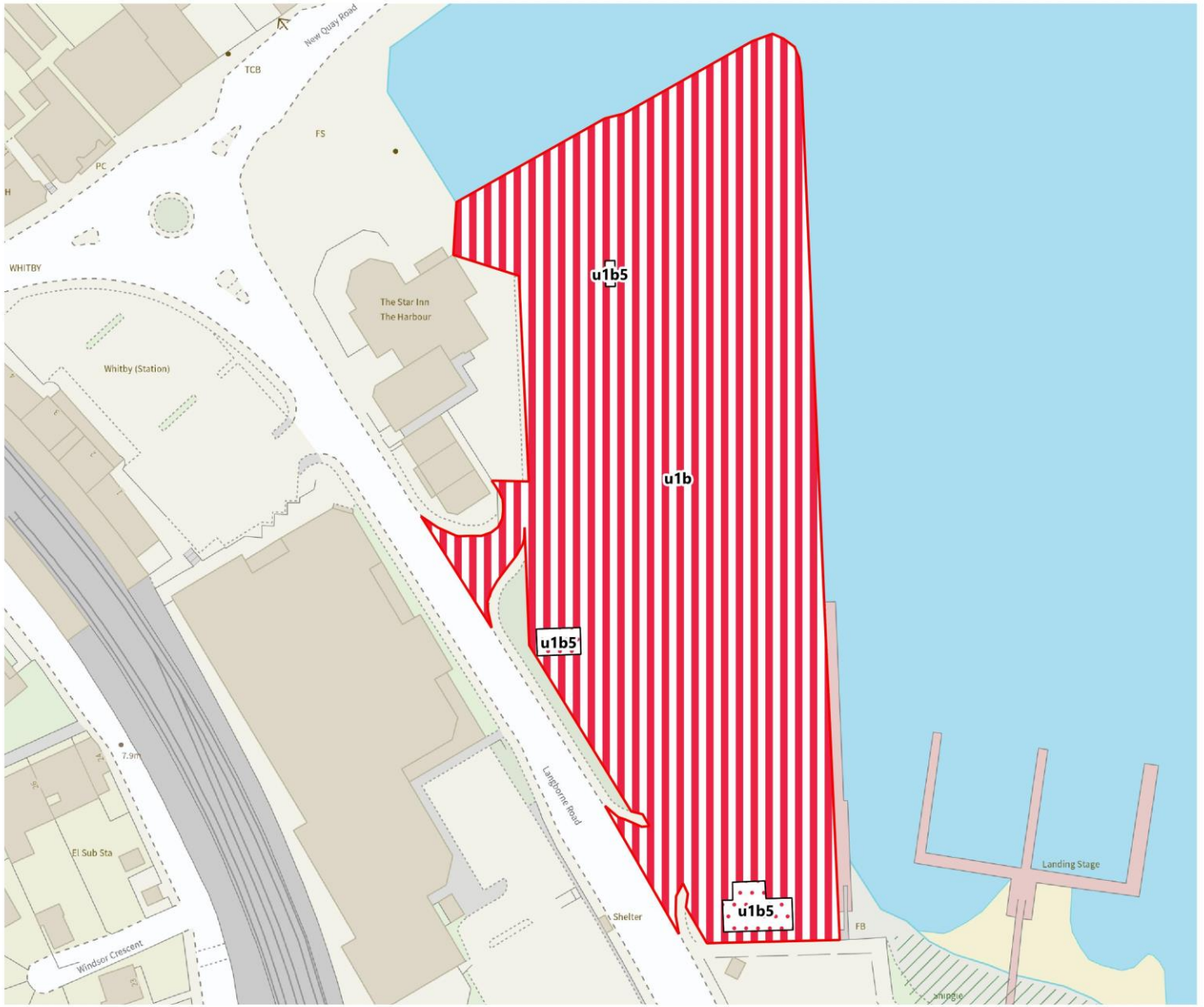
Site Boundary

Google Satellite

North

Figure No:02
Figure Name: Site Aerial
Project Name: Whitby Martitime Hub
Project Ref. No: 23083
Date: December 2023
Author: JS

0 25 50 (m)



Key

- Site Boundary
- u1b - Developed Land Sealed Surface
- u1b5 - Buildings

North

Figure No: 03
Figure Name: Habitat Plan
Project Name: Whitby Martitime Hub
Project Ref. No: 23083
Date: December 2023
Author: JS

0 15 30 (m)