



**Lake District  
National Park**

## **Cumbria Catchments Nutrient Mitigation Solutions Invitation to tender**

Updated 6 October 2022 to confirm that TWO references are required

### **Summary**

In response to Nutrient Neutrality advice issued by Natural England 16 March 2022 we are seeking to appoint a consultant to prepare one Nutrient Mitigation Solutions Report covering four catchments – the River Eden SAC, River Derwent and Bassenthwaite Lake SAC, River Kent SAC and Esthwaite Water RAMSAR.

The Mitigation Solutions Report will:

- identify the development aspirations of local authorities within the affected catchments, including allocated and windfall developments, based on information including local plan targets and policies, as well as evidence of previous development delivery and current trajectory
- establish a robust understanding of phosphates in the affected catchments.
- identify and analyse existing nutrient processes, including phosphate sources, amounts, locations and movements, and their effect on habitats site condition
- use the baseline understanding of the existing and, as the case may be future, nutrient position in the catchments to inform and guide solutions options and meet the information quality standards expected by Habitats Regulations Assessment
- identify solutions which can deliver nutrient neutrality to meet identified development aspirations, including the type, amount and location of solutions that can achieve this objective, and indicative costs for different solution types and any associated credits
- identify solutions which are sufficient not just to deliver nutrient neutrality, but also which are sufficient to restore the habitats sites to favourable condition allowing nutrient neutrality requirements to be dispensed with, including the type, amount and location of solutions that can achieve this objective, and indicative costs for different solution types and any associated credits

**Budget:** Up to £70,000

**Tender submission deadline:** 0900, Monday 7 November 2022

## **Part One: The brief in detail**

### **1. Overview**

- 1.1. Four Cumbrian habitats catchments have been identified as in unfavourable condition due to unacceptably high levels of phosphates. The River Eden SAC catchment, River Derwent and Bassenthwaite Lake SAC catchment, parts of the River Kent SAC catchment, and the Esthwaite Water Ramsar catchment are affected.
- 1.2. On 16 March 2022 Natural England wrote to all Local Planning Authorities in the affected catchments advising that, due to the unfavourable condition of the catchments, any development which increases phosphate outputs is likely to have a significant effect on, and adversely affect, habitat site integrity. Natural England advise a nutrient neutrality approach (whereby additional nutrient inputs of development are mitigated to ensure no increase in phosphate within the catchment overall) may present a solution to meeting Habitats Regulations requirements and allow development to proceed.
- 1.3. In recognition of the effect this issue can have upon the delivery of much needed homes and jobs, Department for Levelling Up, Housing and Communities (DLUHC) is providing limited funding to Local Planning Authorities to support the development of strategic mitigation solutions which can allow development to proceed. DLUHC requested that one LPA act as lead for work in each affected catchment.
- 1.4. Lake District National Park Authority (lead authority for the affected River Derwent and Bassenthwaite Lake, River Kent and Esthwaite Water catchments) working with Carlisle City Council (lead authority for the affected River Eden catchment) are creating a Nutrient Project Team to:
  - Identify and promote delivery of practical mitigation options for each catchment to enable the local planning authorities to deliver new developments without adverse effect on the integrity of affected sites
  - Promote the delivery of strategic mitigation solutions by third party landowners
  - Establish a process to offer applicants mitigation options and possibilities
  - Identify and deliver opportunities for training of Development Management services to ensure they have the skills needed to assess and determine planning casework in accordance with the Habitat Regulations in the long term
- 1.5. As part of this work we are seeking to appoint a consultant to prepare a Mitigation Solutions Report that:

- Identifies the development aspirations of local authorities within the affected catchments (type, amount, location and nutrient outputs); and
- Analyses the phosphate baseline of the affected catchments (sources, amounts, locations and movements); and
- Proposes mitigation solutions (type, amount, location and cost) which are sufficient to secure nutrient neutrality and accommodate development aspirations, having regard to the nutrient baseline; and
- Proposes solutions (type, amount, location and cost) which are sufficient to restore the affected designated sites to favourable condition and remove nutrient neutrality requirements

1.6. The Nutrient Project Team will represent the Authority as client for the Mitigation Solutions Report work to be undertaken.

## **2. Project scope: Affected areas and development aspirations**

### Affected areas

2.1. The appointed consultant will lead and prepare a Mitigation Solutions Report covering affected areas in the following catchments:

- The River Eden SAC
- River Derwent and Bassenthwaite Lake SAC
- Parts of the River Kent SAC
- Esthwaite Water Ramsar.

2.2. Maps of the affected areas are appended at Annex 1.

2.3. Copies of the Natural England advice as it relates to these areas, including nutrient calculators, is available online at [www.lakedistrict.gov.uk/planning/nutrient-neutrality](http://www.lakedistrict.gov.uk/planning/nutrient-neutrality)

2.4. Habitat site designation information which relates to these areas (including qualifying criteria), is available online at [www.jncc.gov.uk](http://www.jncc.gov.uk)

### Development aspirations

2.5. An effective Mitigation Solutions Report will adopt an evidence-led approach to understanding development aspirations in the area.

2.6. Any development which has the potential to increase phosphate levels in the catchment (without mitigation) is affected. This includes, but is not limited to: housing development; tourism development; employment uses which draw staff or users from out of the catchment.

- 2.7. Each local planning authority in the affected catchments is responsible for preparing a Development Plan for their area. The Development Plan identifies the development needs for the area. It sets the strategy for what type and amount of development should take place, and where that development should happen. For example the Development Plan will identify the type, amount and location of housing and employment the Local Planning Authority expects to be delivered during the plan period.
- 2.8. The Mitigation Solutions Report is expected to identify the development aspirations of local authorities within the affected catchments, including allocated and windfall developments, based on information including local plan targets and policies, as well as evidence of previous development delivery and current trajectory.
- 2.9. Although the Lake District National Park Authority and Carlisle City Council are lead authorities for the affected catchments, there are several more Local Planning Authorities within the affected catchments. The Mitigation Solutions Report will need to identify the development aspirations, including housing developments, of each affected Local Planning Authority and develop solutions accordingly.
- 2.10. Affected Local Planning Authorities for each catchment are detailed in the [Natural England advice of 16 March 2022](#).

#### Out of scope development types

- 2.11. Householder development is out of scope. Householder development means a works subject of a householder application as defined by the Development Management Procedure Order.
- 2.12. Employment development where employees are already likely to be resident in the catchment is out of scope, in line with Natural England advice.

### **3. Project scope: The phosphate baseline**

- 3.1. An effective Mitigation Solutions Report will be underpinned by a robust understanding of phosphates in the affected catchment.
- 3.2. The Mitigation Solutions Report will be expected to identify and analyse existing nutrient processes, including phosphate sources, amounts, locations and movements, and their effect on habitats site condition.
- 3.3. It is anticipated that this baseline understanding of the existing and, as the case may be future, nutrient position in the catchments will inform and guide the development of solutions options. The nutrient baseline must be robust enough to

meet the information quality standards expected by Habitats Regulations Assessment.

#### **4. Project scope: Mitigation solutions to achieve nutrient neutrality**

- 4.1. Development which would ordinarily increase phosphate outputs to the Habitats catchments will now only usually be acceptable (and pass Habitats Regulations Assessment) if phosphate outputs are mitigated to ensure no net increase in phosphates overall at any point in the catchment.
- 4.2. The Mitigation Solutions Report is expected to identify solutions which can deliver nutrient neutrality to meet identified development aspirations. The Mitigation Solutions Report will identify the type, amount and location of solutions that can achieve this objective, and indicative costs for different solution types and any associated credits.

#### **5. Project scope: Mitigation solutions to achieve favourable condition**

- 5.1. Although nutrient neutrality approaches allow development to proceed, their underlying principle is not making habitats site condition any worse (rather than bringing about improvement or site restoration). Nutrient neutrality approaches also add complexity to the planning process and are likely to mean additional costs for developers.
- 5.2. It is therefore important that nutrient neutrality is seen only as an interim solution. The long-term goal should be restoring habitats sites to a favourable condition where nutrient neutrality approaches are no longer necessary.
- 5.3. The Mitigation Solutions Report is expected to identify solutions which are sufficient not just to deliver nutrient neutrality, but also which are sufficient to restore the habitats site to favourable condition allowing nutrient neutrality requirements to be dispensed with. The Mitigation Solutions Report will identify the type, amount and location of solutions that can achieve this objective, and indicative costs for different solution types and any associated credits.

#### **6. Interdependencies with other work for information**

- 6.1. Nutrient pollution, nutrient neutrality solutions and Natura 2000 site restoration proposals have crossover (context, data and evidence outputs, approach and solutions) with other pre-existing work, including: Biodiversity net gain; natural flood management; Love Windermere; Revere Water Quality Finance Modelling. The solutions report should identify and consider interdependencies where appropriate.

## Part Two: Procurement process

### 7. Procurement process

- 7.1. Tenders should be submitted via [The Chest](https://www.the-chest.org.uk/) (<https://www.the-chest.org.uk/>).
- 7.2. Tenders should be submitted by **0900** on **Monday 7 November 2022**.
- 7.3. A budget of up to £70,000 is available.
- 7.4. If you have any difficulties submitting or if you have any technical difficulties please contact Due North ([support@due-north.com](mailto:support@due-north.com), 01670 597120).
- 7.5. If you need help in completing a tender we recommend you contact the local Business Link office ([www.businesslink.gov.uk](http://www.businesslink.gov.uk))

#### What we need from prospective suppliers at this stage

- 7.6. Each tender will be evaluated and competitively marked by a team of LDNPA staff. This may result in interviews taking place before the contract can be awarded.
- 7.7. If you have any questions that you wish to ask the Authority, you must submit them via The Chest. Where responses give information that could be advantageous to all tendering then the answer will be made available to all parties.
- 7.8. Prospective suppliers should provide a thorough quote that will stand up to bid scrutiny having regard to the above specification.
- 7.9. As part of your cost breakdown, please provide details of day rates and the number of days each team member will be providing.
- 7.10. The full bid price must be completed in the last section of this document. Please ensure that any costs such as travel and accommodation are included within the total cost.
- 7.11. Confirmation of your company's ability to deliver the project within the scope required and to your proposed project timeline is expected.

#### Timing and programme

- 7.12. Your quote should include an outline of your proposed project programme, including the date by which you propose to deliver a completed Mitigation Solutions Report.

7.13. Tenders should be submitted by **0900** on **Monday 7 November 2022**.

7.14. Shortlisting will take place w/c 14 November 2022

7.15. If interviews are required, dates will be confirmed and arrangements made following shortlisting, with a view to appointing the contract by 1 December 2022.

#### Tender submission

7.16. Your submission must provide:

- Company Information
- Company CV's
- Declaration of non-collusion
- References
- Form of Tender
- Information that demonstrates you will be able to deliver on time

7.17. You can find further details and information about the above, including forms for completion and submission, in Annex 2.

#### Tender evaluation

7.18. All tenders received will be evaluated based on the information submitted in the tender. Evaluation will be based upon the following criteria:

Criteria	Potential Score	Weighting	Max Score
Understanding of requirements and proposed methodology	1-5	5	25
Relevant experience and knowledge	1-5	5	25
Project timeline	1-5	4	20
Cost	1-5	4	20
References	1-5	2	10
<b>Maximum Possible Score</b>			<b>100</b>

#### Tender award

7.19. The contract will be awarded based on the evaluation criteria above, however this does not bind the Authority to accepting the lowest or any tender/quotation and we reserve the right to accept the whole or part of tender/quotation. The Authority will notify acceptance of the tender to the successful tenderer as soon as is reasonably practicable.

#### Freedom of information Act and Environmental Information Regulations

7.20. We are obligated to meet our responsibilities under the Freedom of Information Act and Environmental Information Regulations. All information submitted may need to be disclosed in response to a request under the Act or Regulations. If you

consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity.

- 7.21. You should be aware that, even where you have indicated that information is commercially sensitive, we may be required to disclose it if a request is received. Please also note that the submission of any material marked 'confidential' or equivalent does not mean that we accept or enter into any duty of confidence by virtue of that marking. The regulations may also require us to disclose details of unsuccessful tenders.

#### Costs and expenses

- 7.22. We will not be responsible for, or pay for, expenses or losses which may be incurred by a tenderer in the preparation of their tender. The Authority does not bind itself to accept any of the tenders as a result of the tendering process.

#### Prices

- 7.23. All prices must be net and, if applicable, carriage paid with all cash and trade discounts allowed for.
- 7.24. All prices and/or rates shall be exclusive of Value Added Tax.

#### Validity of tenders

- 7.25. Tenders shall be valid for a minimum of three calendar months from the closing date for receipt of tenders.

#### Sub-contractors

- 7.26. The names and addresses of any sub-contractors proposed to be employed must be provided with your tender proposal.

#### Quality of goods / services

- 7.27. Tenderers must ensure that the persons responsible for completing work tendered for have the necessary experience and skills as outlined in this tender brief.

#### Conflict of Interest

- 7.28. The Authority requires all tenderers to confirm whether any actual or potential conflicts of interest exist which may prevent them undertaking this work, and a description of measures they would adopt if a potential conflict of interest arose during or following completion of this work.

#### Treatment of tender

- 7.29. The acknowledgement of receipt of any submitted tender shall not constitute any actual or implied agreement between the Authority and the tenderer.



## **8. Contacts**

8.1. If you require further information you should contact:

Andrew Smith  
Head of Development Management  
Lake District National Park Authority  
[andrew.smith@lakedistrict.gov.uk](mailto:andrew.smith@lakedistrict.gov.uk)  
01539 792660

Tim Duckmanton  
Team Leader Strategy and Environment  
Lake District National Park Authority  
[tim.duckmanton@lakedistrict.gov.uk](mailto:tim.duckmanton@lakedistrict.gov.uk)  
01539 792674

## Annex 1: Affected catchment maps

Map 1: River Derwent and Bassenthwaite Lake



European protected sites requiring nutrient neutrality strategic solutions

Scale: 1:170,000

**Component SSSIs of  
River Derwent & Bassenthwaite Lake SAC**

- Local Authorities
- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment
- National Parks

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Map 2: River Eden SAC



European protected sites requiring nutrient neutrality strategic solutions

Component SSSIs of  
River Eden SAC

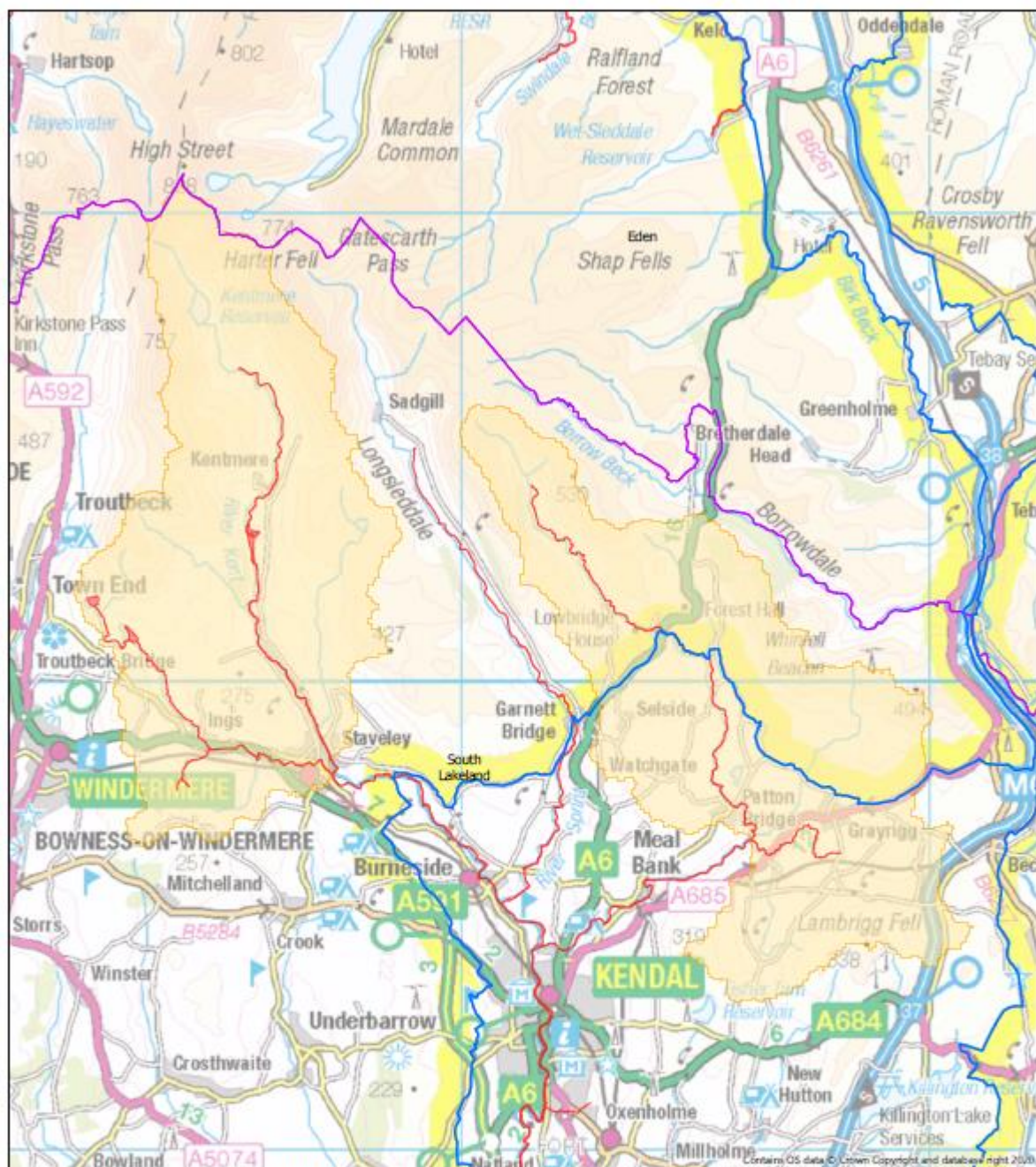
- Local Authorities
- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment
- National Parks

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Map 3: River Kent SAC



European protected sites requiring nutrient neutrality strategic solutions

Scale: 1:80,000

### Component SSSIs of River Kent SAC

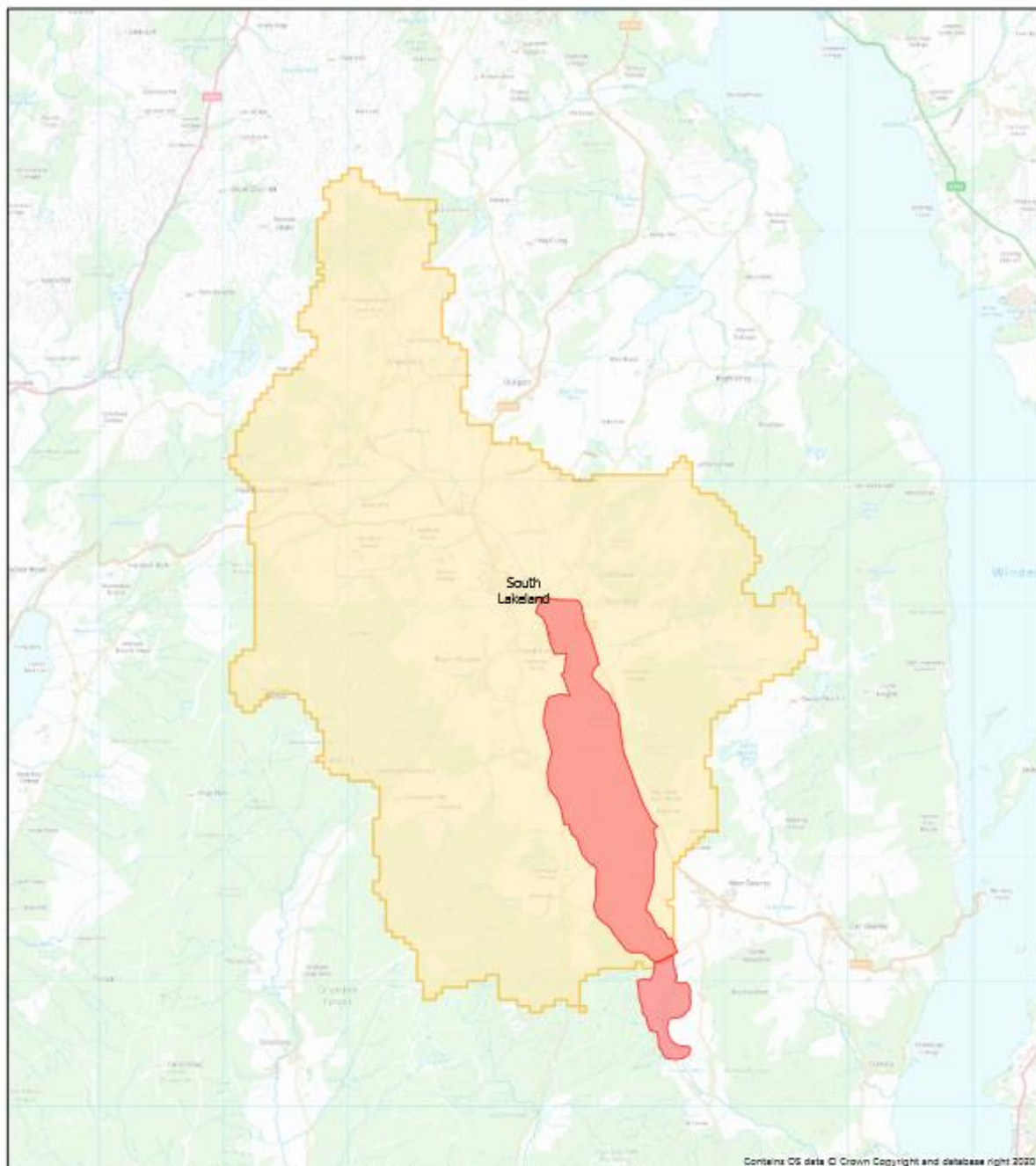
- Local Authorities
- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment
- National Parks

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**Map 4: Esthwaite Water SAC**



European protected sites requiring nutrient neutrality strategic solutions

Scale: 1:30,000

**Component SSSIs of  
Esthwaite Water Ramsar**

- Local Authorities
- SSSI subject to nutrient neutrality strategy
- Nutrient neutrality SSSI catchment
- National Parks

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## **Annex 2 – Tender information**

### **COMPANY INFORMATION**

Please provide the following information.

1. Name, address and Registered Number of the company.
2. Names and addresses of any sub-contractors to be engaged on the project.
3. Details of the company's Professional Indemnity Insurance cover. For this project we require this to be of at least £1,000,000
4. A summary of the company's approach to Health and Safety or copy of relevant Health and Safety Policies / Risk assessments as the appointed consultant will be undertaking engagement events and/or surveying and assessing sites.

## **COMPANY C.V.s.**

Please provide the following information:

1. Examples of relevant projects undertaken to include:
  - a. Costs
  - b. References (please complete and return Appendix D)
  - c. Evidential material
  - d. Successful completed project documents
2. CVs of the Project Team who will undertake the work

## DECLARATION OF NON-COLLUSION

To: Lake District National Park Authority

The essence of selective tendering is that the Authority shall receive bona fide competitive tenders from all firms tendering. In recognition of this principle, I/We certify that this is a bona fide tender, intended to be competitive and that I/We have not and will not (either personally or by anyone on my/our behalf):-

1. Fix or adjust the amount of the tender (or the rate and prices quoted) by agreement with any other person.
2. Communicate to anyone, other than the person calling for this tenders, the amount or approximate amount or terms of the proposed tender (except other than in confidence, where essential to obtain professional advice or insurance premium quotations required for the preparation of the tender).
3. Enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount or terms of any tenders to be submitted.
4. Canvass or solicit any member, officer or other employee of the Authority in connection with the award of this or any other Authority contract or tender.
5. Offer, give or agree to give any inducement or reward in respect of this or any other Authority contract or tender.

Signed (as in  
Tenders) duly .....  
authorised to sign

For and behalf of .....

Date .....



## REFERENCES

Potential suppliers are required to submit details of two organisations **where you have carried out similar works before**

This is so that references may be obtained. If you are currently supplying to other Local Authorities, please include these.

### **Reference 1**

### **Comments**

Organisation Name	
Contact Name	
Address	
Telephone Number	
Fax Number	
Estimated contract sum	£
Project description	

### **Reference 2**

Organisation Name	
Contact Name	
Address	
Telephone Number	
Fax Number	
Estimated contract sum	£
Project description	

Please note that all information will be treated in the strictest confidence and will be used purely as a means of obtaining references. Page Break

## FORM OF TENDER

**Project Title:**

**Project Reference:**

Name of Tenderer: .....

Address of Tenderer: .....

.....

.....

.....

.....(Tenderer to insert name) hereby

submit our lump sum tender price of

£.....(Tenderer to insert price) all in accordance with the  
submitted tender and corresponding documentation and terms and conditions contained  
therein.

Tenderer signature: .....

Print Name: .....

Position held: .....