On behalf of Boningale Developments Limited

Land to the East of Tilstock Road

Ecology and BNG Hearing Statement

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A	12 May 2025	Ana Togridou & Stuart Graham	Ana Togridou	Stuart Graham
B	18 May 2025	Ana Togridou	Ana Togridou	Megan Wilson / Dean Trowbridge

Prepared for

On behalf of Boningale Developments Limited

Contents

1 Qualifications and Experience

1.1 Dr Stuart Graham

1.1.1 My name is Stuart Graham. I am the Technical Director of Ecology at Ecoloyia Ltd. I hold a Bachelor of Science Degree in Environmental Science and a Master of Science Degree in Environmental science along with a Doctorate of Philosophy in Herpetology and Conservation. I am a full member of the Chartered Institute of Ecology and Environmental management (CIEEM), a Fellow of the Linnean Society of London (FLS) and both a Chartered Ecologist (CEcol) and Chartered Environmentalist (CEnv). I further hold the position of Honorary Research Assistant at Bangor University and am currently one of the advisors for the Wales Amphibian and Reptile Link (WARL), Welsh Invasive Non-Native Species Steering Group (INNS), and Scientific Advisor to the Welsh *Pelophylax* sp. Working Group for and on behalf of the Welsh Assembly Government.

1.1.2 I have field experience from the UK as well as globally, including for research, education, and conservation. I am widely published, having provided numerous conference presentations and / or lectures both nationally and internationally.

1.1.3 I have over 18 years' experience as an ecologist in the UK private sector, covering a plethora of protected and / or notable species and habitat types. Since 2007, I have provided specialist technical advice, species survey and / or licensed mitigation for small- and large-scale housing developments, industrial developments as well as major infrastructure projects across the utility, rail, highways, renewable energy and industrial sectors.

1.1.4 Historically I have worked on the following projects: Staffordshire Highways: Stafford Western Access Route (Lead Ecologist – Construction), Network Rail: East Coast Mainline (Technical Expert – Protected species survey, licensing and mitigation), Transport Scotland – A96 Corridor Improvement Program: Aberdeen to east of Huntly (Lead Ecologist – Route option), Transport Scotland: M8, M73, M74 Project Interchange (Lead Ecologist – Client representative team), Transport Scotland: Aberdeen Western peripheral Route (Lead Ecologist – L2 Ground Investigation), Lewis Wind Power: Stornoway wind farm (Survey co-ordinator, Surveyor and ECoW, investigation phase), Fred. Olsen Renewables: Glenfiddich wind farm (Survey co-ordinator, Surveyor, investigation phase), Highways England SMP: M56 J6 – J8 (Lead Ecologist – Construction), Highways England SMP: M1 J13 – J16 (Lead Ecologist – Construction) and Network Rail: Midland Mainline Electrification Project (Technical Expert – Protected species survey, licensing and mitigation).

1.1.5 More recently I have held the position of Ecology Lead at Amey Consulting Ltd. between 2015 – 2020, Ecology Lead (Design and Construction) for HS2 Phase 1, N1 & N2 between 2020 – 2021 and Technical Specialist (Bats, Badgers and Great Crested Newts) for HS2 Phase 1, N1 & N2 2021 – present.

1.1.6 I was instructed by JPA (for and on behalf of Boningale Developments Limited) in April 2025 to review existing ecological documentation submitted for the application, including the preliminary ecological appraisal and great crested newt technical note, and Comments received by the Local Planning Authority. I was subsequently appointed to prepare this Ecological Statement of Case and present evidence at the hearing.

1.1.7 I am familiar with the site and surrounding area and I have studied the relevant international, national, regional and local plan policy background.

1.1.8 My Statement is confined to Ecology related matters.

1.1.9 I confirm that, insofar as the facts stated in my Statement are within my own knowledge, I have made clear what they are, and I believe them to be true; and that the opinions I have expressed represent my true and complete professional opinion irrespective of by whom I am instructed. I have presented Ecology evidence at planning and public inquiry covering protected and / or notable species issues that are pertinent to this appeal.

1.2 Dr Ana Togridou

1.2.1 My name is Anatoli Togridou. I am the Nature Lead Advisor (Scientist) at PJA. I hold a Biology Degree and two postgraduate courses in Environmental Legislation and Economics along with a Doctorate of Philosophy in Social Science and Conservation from Aristotle University of Thessaloniki, Greece. I am a full member of the Chartered Institute of Ecology and Environmental management (CIEEM) and a Chartered Ecologist (CEcol).

1.2.2 I have field experience from the UK as well as globally, including for research, education, and conservation. I am widely published, having provided numerous conference presentations and / or lectures both nationally and internationally.

1.2.3 I have over 17 years' experience as an ecologist internationally and in the UK private sector, covering a plethora of protected and / or notable species and habitat types. I have extensive experience in biodiversity assessment and ecological planning, with a particular focus on the implementation of Biodiversity Net Gain. I have completed bespoke CIEEM training on Biodiversity Net Gain, delivered numerous internal training sessions on BNG to the ecology team I lead. I am a recognised expert in the field and have presented CIEEM webinars on Biodiversity Net Gain and reptiles. In addition, I was the Principal Investigator of the BNG and Reptiles Spreadsheet Project, which was published in the December 2024 Issue of "In Practice"; the professional magazine of CIEEM. In recognition of my innovative work, I have been selected as a finalist for the CIEEM 2025 Best Practice – Innovation Award for my contributions to integrating biodiversity net gain principles in reptile conservation. Based on my academic qualifications, professional experience, leadership in the field, and contributions to industry best practice, I meet and exceed the competency

requirements outlined in BS 8683:2021 for the preparation and delivery of Biodiversity Net Gain assessments.

1.2.4 Since 2012, I have provided specialist technical advice, helping clients integrate, protect, and enhance the natural world on their developments. I work closely with other environmental and engineering disciplines to provide an integrated service, supporting clients in various sectors (both private and public) having supervised the ecology and biodiversity net gain element of the projects for the whole lifespan of a project.

1.2.5 I was instructed by Boningale Developments Limited in April 2025 to review existing Biodiversity Net Gain documentation submitted for the scheme, including the Biodiversity Net gain Assessment, Statutory BNG Baseline Metric, and Comments received by the Local Planning Authority. I was subsequently appointed to prepare this Ecological Statement of Case and present evidence at the hearing.

1.2.6 I am familiar with the site and surrounding area and I have studied the relevant national, regional and local plan policy background.

1.2.7 My Statement is confined to Biodiversity Net Gain related matters.

1.2.8 I confirm that, insofar as the facts stated in my Statement are within my own knowledge, I have made clear what they are, and I believe them to be true; and that the opinions I have expressed represent my true and complete professional opinion irrespective of by whom I am instructed.

2 Summary

2.1.1 This Ecology and BNG Hearing Statement ("**Statement**") has been prepared on behalf of Boningale Developments Limited (the "**Appellant**").

2.1.2 It considers Ecology and Biodiversity Net Gain (BNG) matters relating to the appeal against the non-determination of planning permission for "*Residential development of 70 dwellings including access, open space, landscaping and associated works*" (the "**appeal scheme/scheme**").

2.1.3 From February 2024 until March 2025 the Appellant's design team engaged with Shropshire District Council (the "Council") Officers, statutory and non-statutory consultees, the local community, local ward members and the Parish Council on the design of the scheme as explained in the Statement of Community Involvement.

2.1.4 The planning application was validated 31st August 2024.

2.1.5 An appeal against non-determination was made March 2025.

3 Scope and Purpose of this Statement

3.1.1 This Statement explains the ecology and BNG merits of the scheme. It provides reasoned justification as to why the Appellant believes that the scheme will deliver a well-designed place that adheres to ecology and biodiversity net gain requirements.

3.1.2 This statement appraises the Ecology and Biodiversity Net Gain information submitted and provides updates on follow up steps the appellant undertook in order to satisfy the County Ecologists comments.

3.1.3 The responses provided within this Statement have been reviewed and approved by the Appellant and are submitted on their behalf.

4 Ecology and Biodiversity Net gain overview

4.1.1 Cass Design Consultants Ltd and Beamsley Ecology were jointly commissioned from Boningale Homes Ltd and later Boningale Developments Limited to undertake ecological assessments in support of a planning application for land off Tilstock Road, Tilstock, Shropshire (hereafter referred to as 'the scheme').

4.1.2 The scheme covers approximately 4 hectares (ha) of agricultural grassland, bounded by hedgerows, containing two ponds. The site is located immediately north of the village of Tilstock, centred on Ordnance Survey Grid Reference SJ 54275 38065.

4.1.3 The following ecological reports were submitted as part of the planning application:

- CD9.2 – Preliminary Ecological Appraisal (October 2024)
- CD9.6 – Biodiversity Net Gain Assessment (December 2024)
- CD9.1 – Statutory BNG Metric – Baseline Only

4.1.4 In preparing this Statement of Case, the following additional submitted documents have been reviewed to ensure consistency and integration between ecological, arboricultural, and landscape elements of the scheme:

- Landscape Masterplan (dwg) (CD10.3)
- Soft Landscape Design – Planting Schedule & Specification, Sheets 1 of 4 (CD10.4)
- Proposed Site Layout (CD6.23)
- *Arboricultural Assessment* (October 2024) (CD9.4)
- Landscape and Ecological Management Plan (October 2024) (CD9.3)
- Great Crested Newt Impact Assessment and Conservation Payment Certificate (CD9.5)

5 Impacts on Designated Sites

Information on Impacts on Designated Sites submitted as part of the planning submission

5.1.1 In support of Planning Application 24/04176/FUL, for the scheme, the Appellant provided a Preliminary Ecological Appraisal Report (CD9.2).

5.1.2 The Preliminary Ecological Appraisal highlighted a number of Internationally and Nationally designated sites as within a 5 Km radius of the Site.

- **Prees Heath SSSI** is situated approximately 1.2 km to the south-east of the site. It is a remnant of the once widespread lowland heaths of north Shropshire, lying on well-drained acidic soils derived from glacial sands and gravels. The site supports a range of scarce heathland communities and is especially notable for its population of the nationally scarce silver-studded blue butterfly (*Plebejus argus*).

- **Brown Moss**, located around 1.9 km to the north-east, holds multiple designations as a Special Area of Conservation (SAC), Local Nature Reserve (LNR), and SSSI. Once heathland, it is now predominantly woodland interspersed with a series of shallow pools. It supports marsh, swamp, and fen habitats, and qualifies for SAC designation due to the presence of floating water-plantain (*Luronium natans*).

- **Midland Meres & Mosses Phase 1 Ramsar site**, also approximately 1.9 km north-east, comprises a network of lowland open water and peatland sites formed in glacial depressions. The 16 component sites include nutrient-rich meres, reed swamps, fens, carrs, damp pastures, and quaking bogs (schwingmoor), which support a diverse range of rare plant and invertebrate species.

- **Fenn's, Whixall & Bettisfield Mosses** (NNR, SSSI, SAC) lies 3.4 km to the west. It is a large, internationally significant area of raised peat bog, supporting a wide variety of threatened flora and fauna.

- **Midland Meres & Mosses Phase 2 Ramsar site**, 3.7 km to the west, comprises 18 sites featuring nutrient-rich open waters (meres), reed swamps, fen, carr, damp pasture, and peatland habitats.

- **Marlot LNR**, located 4.6 km to the south-west, consists of lowland raised mire habitats.

- **Greenfields LNR**, 3.7 km to the north, contains herb-rich, unimproved mesotrophic grassland alongside broadleaved woodland.

- **Melverley Farm SSSI**, situated 4.2 km to the north-east, supports herb-rich mesotrophic grassland, traditional hedgerows, and ponds managed under traditional agricultural practices.

5.1.3 The report concluded: "*The Site lies within the IRZ for Prees Heath SSSI, Midlands Meres & Mosses Phase 1 Ramsar site and Brown Moss SSSI, however the Local Planning Authority (LPA) are not required to consult with Natural England in relation to potential impacts of residential developments. The proposed development is unlikely to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin".*

County Ecologist's response to the submitted information in relation to Impacts on Designated Sites

1st Comment Date: Thursday, 7 November 2024

5.1.4 This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere (part of the Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse impact on this designated site.

5.1.5 The application site lies approximately 11.3km from Cole Mere.

5.1.6 Both the Cole Mere Visitor Survey Report (EPR, May 2018) and the Cole Mere Management Plan 2020-2025 (Shropshire Council) identify that recreational pressure is influencing the integrity of Cole Mere and impacting upon the aim to bring it into favourable condition.

5.1.7 Face to face visitor questionnaire surveys using a standard methodology were carried out at Cole Mere in August and September 2017. The results suggest that baseline recreational pressure is around 8.75 people per hour (averaged over the year) and 37,000 people per year. The study proposed an indicative catchment area of 11.7km (75% of visits) from Cole Mere, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

5.1.8 The main reasons for visitors choosing Cole Mere included the natural look and feel of the site, proximity to home, and being able to let the dog off the lead. The vast majority of visitors completed the circular walk around the lake, a walk of 2.5 km and several commented that it was a well-maintained path and an easy walk. The majority of visitors had dogs with them (56.9%) and the majority of dogs were allowed off leads (82.2%), while almost half (48.3%) entered the water.

5.1.9 The report concluded that, in light of the high baseline visitation levels at Cole Mere, any increase in recreational pressure arising from new housing within the 11.7km catchment is likely to give rise to significant adverse effects upon the structure, function and integrity of the site, and that impact avoidance measures are required.

5.1.10 In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site, to mitigate recreational impacts, and which the proposed development could contribute to, including improved visitor signage, car park improvements and protection of the rare least water lily.

5.1.11 A contribution of £50 per bedroom towards to the management of Cole Mere will therefore be required, to mitigate for impacts to this designated site, to support the aims and objectives for the reserve set out in the Cole Mere Management Plan 2020-2025 and is commensurate with contributions secured for other housing schemes within the catchment of Cole Mere.

5.1.12 An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

5.1.13 The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

5.1.14 HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON INTERNATIONAL SITES

5.1.15 This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Brown Moss (part of the Midlands Meres and Mosses Phase 1 Ramsar) has been identified as having an adverse impact on this designated site.

5.1.16 The application site lies approximately 2km from Brown Moss.

5.1.17 Brown Moss lies within the catchment where any increase in houses would likely give rise to effects on Brown Moss as a result of increased recreation if not mitigated. Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August and September 2017. The results suggest that baseline recreational pressure is around 3 people per hour (averaged over the year) and 16,060 people per year. The study proposed an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

5.1.18 The report concluded that in light of the sensitivity of the site, any increase in visitor pressure (even if small) is likely to act in combination with other pressures upon the site's structure and function causing a significant effect on the site's integrity.

5.1.19 In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site to mitigate recreational impacts and which the proposed development could contribute to, including improved visitor signage and increased infrastructure maintenance.

5.1.20 A contribution of £50 per bedroom towards these mitigation measures is therefore considered appropriate to assist in the delivery of the identified mitigation measures and is commensurate with contributions secured for other housing schemes within the catchment of a similarly affected international site (Cole Mere Ramsar). The contribution would assist in implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

5.1.21 An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

5.1.22 The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

2nd Comment Date: Tuesday, 21 January 2025

5.1.23 This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere (part of the Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse impact on this designated site.

5.1.24 The application site lies approximately 11.3km from Cole Mere.

5.1.25 Both the Cole Mere Visitor Survey Report (EPR, May 2018) and the Cole Mere Management Plan 2020-2025 (Shropshire Council) identify that recreational pressure is influencing the integrity of Cole Mere and impacting upon the aim to bring it into favourable condition.

5.1.26 Face to face visitor questionnaire surveys using a standard methodology were carried out at Cole Mere in August and September 2017. The results suggest that baseline recreational pressure is around 8.75 people per hour (averaged over the year) and 37,000 people per year. The study proposed an indicative catchment area of 11.7km (75% of visits) from Cole Mere, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

5.1.27 The main reasons for visitors choosing Cole Mere included the natural look and feel of the site, proximity to home, and being able to let the dog off the lead. The vast majority of visitors completed the circular walk around the lake, a walk of 2.5 km and several commented that it was a well-maintained path and an easy walk. The majority of visitors had dogs with them (56.9%) and the majority of dogs were allowed off leads (82.2%), while almost half (48.3%) entered the water.

5.1.28 The report concluded that, in light of the high baseline visitation levels at Cole Mere, any increase in recreational pressure arising from new housing within the 11.7km catchment is likely to give rise to significant adverse effects upon the structure, function and integrity of the site, and that impact avoidance measures are required.

5.1.29 In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site, to mitigate recreational impacts, and which the proposed development could contribute to, including improved visitor signage, car park improvements and protection of the rare least water lily.

5.1.30 A contribution of £50 per bedroom towards to the management of Cole Mere will therefore be required, to mitigate for impacts to this designated site, to support the aims and objectives for the reserve set out in the Cole Mere Management Plan 2020-2025 and is commensurate with contributions secured for other housing schemes within the catchment of Cole Mere.

5.1.31 An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

5.1.32 The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

5.1.33 HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON BROWN MOSS

5.1.34 This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Brown Moss (part of the Midlands Meres and Mosses Phase 1 Ramsar) has been identified as having an adverse impact on this designated site.

5.1.35 The application site lies approximately 2km from Brown Moss.

5.1.36 Brown Moss lies within the catchment where any increase in houses would likely give rise to effects on Brown Moss as a result of increased recreation if not mitigated. Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August and September 2017. The results suggest that baseline recreational pressure is around 3 people

per hour (averaged over the year) and 16,060 people per year. The study proposed an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

5.1.37 The report concluded that in light of the sensitivity of the site, any increase in visitor pressure (even if small) is likely to act in combination with other pressures upon the sites structure and function causing a significant effect on the sites integrity.

5.1.38 In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site to mitigate recreational impacts and which the proposed development could contribute to, including improved visitor signage and increased infrastructure maintenance.

5.1.39 A contribution of £50 per bedroom towards these mitigation measures is therefore considered appropriate to assist in the delivery of the identified mitigation measures and is commensurate with contributions secured for other housing schemes within the catchment of a similarly affected international site (Cole Mere Ramsar). The contribution would assist in implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

5.1.40 An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

5.1.41 The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

3rd Comment Date: Sunday 16 February 2025

5.1.42 Please submit the previously requested information in relation to Brown Moss and Cole Mere, e.g. confirmation of the number of bedrooms and agreement of financial contributions.

Statement on Impacts on Designated Sites

5.1.43 The Appellant recognizes the comments provided by the SC Ecologist, as an expansion on the impacts of "recreational pressure", to the evaluation provided within the Preliminary Ecological Appraisal(CD9.2) :"Given the distance from these habitats and scale of the development, the above designations are considered sufficiently separated from the proposed development for any potential impacts to be ruled out", as a result of a review of the above and following:

Guidance on completing the HRA Screening Matrix taken from Shropshire Council's Habitat Regulation Assessment (HRA Screening Matrix & Appropriate Assessment Statement document.

5.1.44 Two 'tests' are incorporated into the procedures of Regulation 61 of the Habitats Regulations, one being the 'significance test' and the other being the 'integrity test'. Both tests must be satisfied before a competent authority (Shropshire Council) may legally grant a permission.

5.1.45 The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1): A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

5.1.46 The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

5.1.47 In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents.

5.1.48 As requested by the SC Ecologist (Sophie Milburn), to facilitate the Competent Authorities Appropriate Assessment to determine the financial contribution to ongoing visitor management mitigation measures the Appellant can confirm the total number of rooms within the development equals 202.

5.1.49 The Appellant is in agreement with the required financial contribution which can be secured through the Section 106 legal agreement.

6 Impacts on Great Crested Newts

Information on Impacts on Great crested newts submitted as part of the planning submission

6.1.1 In support of Planning Application 24/04176/FUL, for the scheme, the Appellant provided a Preliminary Ecological Appraisal Report (CD9.2).

6.1.2 The Preliminary Ecological Appraisal identified numerous records for common frog and smooth newt within 2km. Two records were also returned of great crested newt (GCN). The closest GCN record is 1.7km north of the Site from 2015. To determine the status of GCN in the on-site waterbodies and waterbodies within 250m environmental eDNA analysis was undertaken on accessible waterbodies. This survey confirmed the presence of great crested newt in WB8 only.

6.1.3 The Preliminary Ecological Appraisal provided the following recommendation: The project will be registered on the Natural England led District Level Licence (DLL) Scheme, and as such any potential impacts on great crested newt will be mitigated through the creation of suitable mitigation off-site.

County Ecologist's response to the submitted information in relation to Impacts on Great crested newts

1st Comment Date: Thursday, 7 November 2024

6.1.4 The Preliminary Ecological Appraisal states that 'Further assessment of these ponds was undertaken in the form of eDNA sampling, the results of which are presented in a separate report.' Please submit this report.

6.1.5 The Preliminary Ecological Appraisal goes on to say that 'The project will be registered on the Natural England led District Level Licence (DLL) Scheme'. Please see the government website for information on how to join the DLL scheme: https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes-for-developers/developers-how-to-join-the-great-crested-newt-district-level-licensing-scheme. The website states: 'You must include a copy of the countersigned agreement [the Impact Assessment and Conservation Payment Certificate] with your application for planning permission to show you've agreed to join the scheme.' A countersigned IACPC needs to be submitted in support of the planning application. Without this, the LPA cannot consider the favourable conservation status test under the Habitats Regulations 3 derogation tests.

2nd Comment Date: Tuesday, 21 January 2025

6.1.6 I am happy with the submitted GCN IACPC and will complete a 3 tests matrix once the additional information has been submitted.

Statement on Impacts on Great crested newts

6.1.7 The Appellant recognizes the comment provided by the SC Ecologist and for completion has attached a copy of the Great Crested Newt eDNA report (Great Crested Newt eDNA Survey – Technical Note, Land at Tilstock Road, Tilstock prepared by Cass Design Consultants Ltd. October 2024 (CD9.7). Report reference SH5037(9)C) for the SC Ecologist (Sophie Milburn) perusal.

7 Impacts on Skylarks and other breeding birds

Information on Impacts on skylarks and other breeding birds submitted as part of the planning submission

7.1.1 In support of Planning Application 24/04176/FUL, for the scheme, the Appellant provided a Preliminary Ecological Appraisal (CD9.2).

7.1.2 A survey carried out on 05 April 2024 identified skylark *Alauda arvensis* singing on or immediately adjacent to the Site. The Preliminary Ecological Appraisal highlighted the species as listed on the Birds of Conservation Concern "Red list" as well as being listed in Section 41 of the NERC Act 2006 (as species of principle importance in England). The report concluded "Given the small scale of the development within the wider landscape, it is not considered that the development will have a significant effect on these species or any other bird species which may be using the site. Any negative effect can be suitably mitigated by retention and protection of retained hedgerow".

County Ecologist's response to the submitted information in relation to Impacts on Skylarks and other breeding birds

1st Comment Date: Thursday, 7 November 2024

7.1.3 The Preliminary Ecological Appraisal (Cass Design Consultants, October 2024) identified skylark 'on or immediately adjacent to the Site' during the survey. Further survey work should be carried out to ascertain whether skylarks are breeding on the site, and therefore whether any mitigation or compensation measures will be required.

2nd Comment Date: Tuesday, 21 January 2025

7.1.4 The Preliminary Ecological Appraisal (Cass Design Consultants, October 2024) identified skylark on or immediately adjacent to the Site during the survey. Further survey work should be carried out to ascertain whether skylarks are breeding on the site, and therefore whether any mitigation or compensation measures will be required.

3rd Comment Date: Sunday, 16 February 2025

7.1.5 Please submit the previously requested skylark survey

Statement on Impacts on skylark and other breeding birds

7.1.6 The Appellant recognizes the comment provided by the SC Ecologist and has commissioned targeted species surveys (undertaken by PJA for and on behalf of The Appellant).

7.1.7 Targeted skylark surveys, in for of "a breeding bird survey", adopting "Best Practice Guidelines" has been scheduled between 12 May and 11 July 2024, following guidance from the Bird Survey & Assessment Steering Group (2025)[1]. The survey will comprise a series of six staggered survey visits undertaken at least seven days apart.

7.1.8 Five of the six visits will be carried out from dawn (finished by 12:00hrs), whilst one visit will be conducted at dusk (i.e. during the last few hours of the day and extended beyond sunset for at least one hour). the dusk survey is to be conducted in order to pick up species not readily recorded by conventional surveys early in the morning, as species are known to vary in their detectability throughout the day.

7.1.9 The Survey Area will comprise the scheme, plus up to a 100m buffer of the these ('Wider Survey Area'), observed from the Survey Area boundary to record the presence of Skylark

7.1.10 During survey, all skylark registrations will be recorded on scaled field maps using the standard British Trust for Ornithology ('BTO') species code and behaviour notations (such as singing, carrying food, active nest). The approximate locations of bird territories within the Survey Area will be determined using standard territory mapping techniques to identify and isolate areas within which skylark consistently displayed breeding behaviours (following Gilbert et al. 1998)[2].

7.1.11 All breeding bird survey visits will be undertaken by suitably competent and experienced ornithologists, with all surveys to be undertaken in suitable conditions (avoiding heavy rain and strong winds).

7.1.12 Survey results will be provided to The Appellant and SC Ecologist, upon completion of Target species surveys, in the form of a skylark breeding bird report. The report will provide an evaluation of species utilisation within the site and its surrounding area (the zone(s) of influence), further identifying the likely ecological constraints, any mitigation measures likely to be required following the Mitigation Hierarchy and biodiversity enhancements in line with planning policy and legislation.

7.1.13 Preliminary findings of the first targeted survey, undertaken on 12 May 2025, has highlighted the following:

[1] Bird Survey & Assessment Steering Group. (2025). Bird Survey Guidelines for assessing ecological impacts, https://birdsurveyguidelines.org.

[2] Gilbert, G., Gibbons, D.W & Eans, J. (1998) Bird monitoring methods. A manual of techniques for key UK species. RSPB.

- Habitats: The grass within the field was observed to be a touch long in places and the field a little small in area to provide optimal suitability for skylark. The close proximity of hedgerows to the fields interior, facilitating predator pressure, makes the site of sub-optimal suitability for skylark.
- Field signs: No Skylark were recorded on site, however, they were observed and recorded calling in the fields to the east of the site.

8 Biodiversity net gain

Information on biodiversity net gain submitted as part of the planning submission

8.1.1 In support of Planning Application 24/04176/FUL, for the scheme, the Appellant provided a Preliminary Ecological Appraisal (CD9.2) and a Biodiversity Net Gain Assessment (CD9.6).

8.1.2 The Appellant submitted the habitat areas and hedgerows baseline data within the Statutory BNG Metric_Baseline (CD9.1).

County Ecologist's response to the submitted information in relation to biodiversity net gain

1st Comment Date: Thursday, 7 November 2024

8.1.3 Please submit the Condition Assessments.

8.1.4 The BNG metric only includes the baseline habitats. Post-development interventions need to be provided to show how 10% net gain is going to be achieved.

8.1.5 Should 10% net gain not be possible on the site, justification as to why this is the case, details of how 10% will be achieved (e.g. off-site or buying units) and how this meets the BNG hierarchy need to be provided.

2nd Comment Date: Tuesday, 21 January 2025

8.1.6 Please submit the Condition Assessments.

8.1.7 The BNG metric only includes the baseline habitats. Post-development interventions need to be provided to show how 10% net gain is going to be achieved.

8.1.8 Should 10% net gain not be possible on the site, justification as to why this is the case, details of how 10% will be achieved (e.g. off-site or buying units) and how this meets the BNG hierarchy need to be provided.

3rd Comment Date: Sunday, 16 February 2025

8.1.9 Before SC Ecology can provide comments on the BNG, please submit the completed metric and Condition Assessments.

Statement on Impacts on biodiversity net gain

8.1.10 The Appellant recognizes the comments provided by the SC Ecologist and is submitting supporting information to address the comments.

8.1.11 BNG requires development to have a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. BNG is being achieved by following the Biodiversity Gain Hierarchy (BGH) and creating and enhancing wildlife-rich habitats for a minimum of 30 years. The BGH is a list of priority actions for development to follow to achieve BNG, including avoiding adverse effects to very high-, high- and medium-distinctiveness habitats[3].

8.1.12 In England, BNG became mandatory for developments[4] as of February 12th 2024, under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). After April 2nd 2024, this was extended to apply to small developments[5], where they too must deliver at least 10% gain in biodiversity units[6].

Relevant Legislation and Guidance

The Environment Act 2021

8.1.13 Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) must deliver at least a 10% biodiversity net gain. This applied from the 12 February 2024 for development under the Town and Country Planning Act 1990, unless exempt. It has applied to small sites since 02 April 2024.

8.1.14 BNG is measured using the statutory biodiversity metric and the extent and management of habitats will need to be secured for at least 30 years. The Act emphasizes sustainable development by integrating biodiversity improvements into planning policy and mandatory spatial strategies for nature known as Local Nature Recovery Strategies (LNRS).

The Government's 25 Year Environment Plan

8.1.15 The UK government's 25-Year Environment Plan outlines a commitment to enhancing biodiversity through a principle known as 'environmental net gain'. This principle mandates that any new development must result in an environmental improvement. The plan emphasizes that this approach should extend beyond biodiversity to encompass broader natural capital benefits, such as flood protection, recreation, and improved water quality. The aim is to integrate environmental

[3] Durkin, F., Baker, J., Hardy, M., Wheelwright, C. and White, N., 2024. *Mandatory Biodiversity Net Gain in England: A Guide*. Chartered Institute of Ecology and Environmental Management (CIEEM). Available at: https://cieem.net/resource/mandatory-biodiversity-net-gain-in-england-technical-guide/

[4] *Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 2(1).* Available at: https://www.legislation.gov.uk/uksi/2015/595/article/2

[5] Which do not fall within the meaning of major development, as defined in *Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 2(1).* Available at: https://www.legislation.gov.uk/uksi/2015/595/article/2

[6] DEFRA (2024). About Biodiversity Net Gain. Biodiversity net gain - GOV.UK (www.gov.uk).

considerations into development processes to ensure that growth contributes positively to the natural environment.

National Planning Policy Framework (NPPF), 2024

8.1.16 The National Planning Policy Framework (NPPF) 2024 integrates Biodiversity Net Gain (BNG) as a key principle for sustainable development in England. It mandates that all new developments (with some exceptions) deliver at least a 10% net gain in biodiversity, achieved through habitat creation or enhancement. BNG is to be measured using the DEFRA Biodiversity Metric and secured for a minimum of 30 years via planning conditions or obligations. The NPPF emphasizes protecting irreplaceable habitats, enhancing ecological networks, and integrating green infrastructure to support wildlife and communities. BNG aligns with the broader goals of mitigating climate change and reversing biodiversity loss.

Natural England Standing Advice

8.1.17 Natural England provides standing advice for development proposals prioritizes early integration of BNG into project design, focusing on creating high-quality habitats that align with local and national conservation priorities. It advocates for securing long-term gains (minimum of 30 years) through legal agreements or management plans.

BS 8683:2021 - Process for designing and implementing Biodiversity Net Gain – Specification.

8.1.18 BS 8683:21 provides a step-by-step process for organizations to design and implement BNG as a measurable and transparent approach to biodiversity enhancement.

The Hedgerow Regulations, 1997

8.1.19 The Hedgerow Regulations aim to protect important hedgerows in England and Wales. These regulations prohibit the removal of hedgerows without prior permission from the local planning authority. A hedgerow is considered important if it meets specific criteria related to its age, biodiversity, historical significance, or contribution to the landscape.

CIEEM Biodiversity Net Gain: Good Practice for development[7]

8.1.20 The Chartered Institute of Ecology and Environmental Management (CIEEM) has developed a set of 10 Good Practice Principles for achieving Biodiversity Net Gain (BNG) in development projects. These principles provide a framework to ensure that developments leave biodiversity in a better state than before.

[7] Biodiversity-Net-Gain-Principles.pdf

The Biodiversity Metric User guide[8]

8.1.21 The Statutory Biodiversity Metric User Guide provides detailed instructions for calculating biodiversity value in development projects, ensuring compliance with the UK's mandatory Biodiversity Net Gain (BNG) requirements. It outlines the metric's principles, rules, and calculation methods, including habitat size, condition, and strategic significance. The guide also addresses habitat retention, enhancement, creation, and compensation, incorporating risk multipliers and considerations for watercourse habitats.

Methodology

8.1.22 The UK Habitat Classification (UKHab v2)[9] methodology provides a standardised approach to classify and map habitats across the United Kingdom. UKHab is the industry standard survey method used when determining habitat descriptions, utilising a code classification system to comprehensively classify habitats and provide a consistent basis for identifying and recording species assemblages and habitat communities.

Actions Undertaken to Support the Statement of Case for Biodiversity Net Gain (BNG)

Baseline

8.1.23 Dr Ana Togridou collaborated with Mr Daniel Ross (Director, Beamsley Ecology) to review and refine the baseline and post-development habitat data for the scheme. This work involved a comprehensive cross-checking of the Biodiversity Net Gain Report (CD9.6), the Preliminary Ecological Appraisal (PEA) Report (CD9.2), the submitted Statutory BNG metric baseline and the BNG post-development assessments prepared by Mr Daniel Ross.

- Discrepancies were identified between the three sources. These inconsistencies were reviewed and resolved to ensure accuracy and alignment across all documentation.
- Corrections were made to the BNG metric baseline to reflect the verified habitat types and their condition, as described in the PEA and BNG Reports.
- Corrections were made to the BNG post development data to best reflect the landscape proposals.
- The revised list of baseline habitats present within the scheme is summarised in the Table 8-1 below.

[8] The Statutory Biodiversity Metric
[9] UKHab – UK Habitat Classification

Table 8-1. Validated baseline habitat data for the scheme.

Broad Habitat	Habitat Type	Area (hectares / km)	Condition
Area habitats			
Grassland	Modified grassland	4.0963	Poor
Heathland and Shrub	Bramble scrub	0.0109	Condition assessment NA
Lakes	Ponds (non-priority habitat) (WB1)	0.0124	Moderate
Lakes	Ponds (non-priority habitat) (WB2)	0.0357	Moderate
Hedgerows			
Ecologically valuable line of trees		0.069	Moderate
Native hedgerow with trees (H1)		0.071	Good
Native Hedgerow (H5)		0.123	Good
Species rich native hedgerow with trees associated with bank or ditch (H3)		0.105	Good
Species rich native hedgerow (H2)		0.082	Good
Species rich native hedgerow (H4)		0.091	Good

8.1.24 We are providing the validated baseline data as supporting evidence (please refer to document Statutory Metric Calculation Tool (CD9.9).

Statutory Biodiversity Metric Condition Assessments.

8.1.25 A summary of the habitat condition assessments was presented in the Preliminary Ecological Appraisal (CD9.2).

8.1.26 We are providing the Statutory Biodiversity Condition Assessment spreadsheet as supporting evidence (please refer to document Statutory_Biodiversity_Metric_Condition_Assessments) (CD9.8).

Post-development biodiversity net gain value

8.1.27 The completed (baseline and post-interventions) Statutory Biodiversity Metric Calculation Tool (CD9.9) is provided as supporting evidence.

8.1.28 The total overall baseline of the scheme for area habitats is 8.62 units.

8.1.29 The total overall baseline of the scheme for hedgerow habitats is 6.74 units.

8.1.30 The total on-site post intervention value of the scheme for area habitats is 10.59 units.

8.1.31 The total on-site post intervention value of the scheme for hedgerows is 7.71 units.

8.1.32 Table 8-1 presents a summary of the change, in biodiversity units, pre- and post- development by habitat group and type.

Table 8-1: Pre- and post- development change in biodiversity units

	On-site baseline	On-site post intervention	On-site net change
Habitat Units	8.62	10.59	1.97 (22.88%
Hedgerow units	6.74	7.71	0.97 (14.44%)
Watercourse units	0	0	0

8.1.33 Trading rules are satisfied.

8.1.34 The on-site post-intervention measures have delivered over a 10% net gain in both habitat areas and hedgerows, successfully meeting the mandatory Biodiversity Net Gain (BNG) requirements. As a result, no off-site units or biodiversity credits will be required.

8.1.35 This represents the first draft of the post-development biodiversity value calculation as post-development biodiversity values will be recalculated as the design is finalised.

8.1.36 The post-development data incorporated into the biodiversity metric reflect the interpretation of the proposed habitats, as shown in the detailed landscape design drawings. This updated version of the metric supersedes the post-development section of the previously submitted Biodiversity Net Gain (BNG) report (CD9.6).

8.1.37 A Habitat Management and Monitoring Plan will be implemented to ensure that the on-site habitats achieve their targeted condition. The appellant remains fully committed to ongoing collaboration with the Local Planning Authority (LPA), which will be facilitated through the provision of regular monitoring reports. Where necessary, appropriate remedial actions will be undertaken to ensure the successful delivery of the on-site BNG objectives.

9 Supporting evidence to the Ecology and BNG Statement of Case

9.1.1 This Statement should be read in conjunction with the supplementary supporting evidence submitted:

- Great Crested Newt eDNA Survey Technical Note (2) (CD9.7)
- Statutory_Biodiversity_Metric_Condition_Assessments (CD9.8)
- Statutory Metric Calculation Tool (CD9.9)