

Helen Bareford
David Wilson Homes (East Midlands)
Cartwright Way, Forest Business Park
Bardon Hill, Coalville
Leicestershire, LE67 1GL

CC: Angela Brooks, Partner
Fisher German

Issued by email only

RE: BARKBY ROAD, QUENIBOROUGH – STATEMENT OF EVIDENCE – BIODIVERSITY

1. INTRODUCTION

- 1.1. The following is a statement of evidence in relation to biodiversity for the forthcoming Public Inquiry for the Appeal (Ref: APP/X2410/W/23/3316574) of refused Outline Planning Application (Ref: P/20/2380/2).
- 1.2. The refused outline application was for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access (as amended to include proposed junction improvement works at Barkby Road crossroads) and was refused on 9th December 2022 [Decision Notice, CD.4.01].
- 1.3. It should be noted from the outset that as per CD4.01, there are no biodiversity or ecological reasons for refusal, however ecology is mentioned in reason for refusal 2:

“In the absence of a signed Planning Obligation, although a Draft Heads of Terms is noted, the proposal fails to deliver an appropriate level of affordable housing and contributions towards sustainable travel, ecology, education, libraries, civic amenity, community facilities and open space and play provision that are necessary to make the development acceptable in planning terms.

The proposals would be contrary to Policies CS3, CS13 [biodiversity], CS17 and CS24 of the Charnwood Local Plan 2011-2028, Core Strategy (2015) and adopted Housing Supplementary Planning Document (2017) and Community Infrastructure Levy Regulations.”

- 1.4. This statement therefore has been produced to assist the Inspector in reviewing the biodiversity background information, the scope of our investigations and to address any relevant third-party representations.

2. RELEVANT QUALIFICATIONS

- 2.1. My name is Oliver Ramm, I am a Director at RammSanderson Ecology Ltd, with responsibility for a team of 52 environmental professionals and support staff. The Practice is registered under the Chartered Institute of Ecology & Environmental Management's (CIEEM) Registered Practice scheme, effectively a quality mark for consultancies operating in our field.

2.2. I have 18 years' experience in the field of Ecological Consultancy, I hold ample relevant qualifications, am a full member of CIEEM and maintain my CPD and training in line with their requirements.

2.3. I have been a consultant ecologist working on housing developments for the duration of my career to date. In addition, I have been involved in projects in the renewables, utilities, infrastructure, commercial and industrial sectors and worked in all corners of the UK. I have also been involved in a number of conservation and estate management schemes. I have worked on a number of schemes in Charnwood Borough and completed a recent walk-over of this site myself so as to be as familiar as possible with the conditions of the site.

3. PROJECT BACKGROUND

3.1. As per the officers report [CD4.02],

“the application [appeal] site lies to the south of Queniborough, abutting the settlement boundary and the rear of properties to the south of Avenue Road. The site extends from Barkby Road at the eastern extremity to the boundary of Queniborough Industrial Estate to the west. The site encompasses two fields, with the southern boundary delineated by an existing hedgerow.

The site is relatively flat agricultural land (formerly a tree nursery) with a public right of way crossing from Avenue Road, Queniborough to Syston”.

3.2. We have been involved in this project for a number of years. I outline on the table below, the relevant reports, and their Core Document references, with a brief note on their findings for ease of reference.

Table 1: Relevant Core Document details

Core Document Ref	Core Document Title	Description of Content/Findings
CD1.15	Ecological Survey	Ecological Impact Assessment RSE_4406_01_V2 August 2021. NB: BIA at CD2.14 is the agreed and more recent BNG position.
CD2.11	BNG Emails	Correspondence relating to approach and amendments to BIA & BNG.
CD2.12	Great Crested Newts	eDNA report (Naturemetrics) confirming an absence of Great Crested Newts in the ponds nearby to the site (within 250m).
CD2.13	Biodiversity Impact Assessment Visualisation	This is a comparative series of maps, using the UK HAB classification colour schemes, showing the current habitat classification and a transposition of the illustrative development masterplan [CD1.03 Conceptual Plan
CD2.14	Biodiversity Impact Assessment	Updated following consultation with CBC Biodiversity. As per correspondence, the baseline value has been accepted and minor adjustments will be required once a final scheme layout is developed for a Reserved Matters submission.
CD3.18	Natural England	Statutory consultee on Biodiversity confirmed on 15 th March 2021 that it had no comments on the application.
CD3.22	Ecology 23.03.21	R Simms (CBC Ecologist) requesting a BIA be conducted, and that further consideration be given to Great Crested Newts & the use of a District Level Licensing method.

Core Document Ref	Core Document Title	Description of Content/Findings
CD3.23	Ecology 01.11.22	Confirmation of acceptance of baseline site value, and that minor amendments would be able to be dealt with as Reserved Matters, in the development of a final design layout for the scheme.

- 3.3. I have reviewed the ecological documentation submitted with the outline planning application and stand by the findings of the reports.
- 3.4. Any ecological survey is however a snapshot in time and I revisited the site in April 2023 to ensure site conditions remain consistent with the submitted documentation. In summary, I can confirm that the site conditions are consistent with those set out in the submitted reports, which remain to represent an accurate assessment of the ecology of this site, and can stand by their findings.

4. REASON FOR REFUSAL 2

4.1. As referenced above, ecology is briefly mentioned in Reason for Refusal 2, in terms of the quantum of financial contribution made for ecology, and a reference to Policy CS13 of the extant Local Plan, where RfR 2 alludes to the proposals being non-compliant with policy.

4.2. I have the following to state on these points:

4.3. Charnwood Borough Council does not have a recognised Developer Contribution Scheme in relation to biodiversity impacts. Therefore, the quantum of financial contribution cannot be inferred to as inadequate. CBC released a Biodiversity Planning Guidance document in June 2022, which it uses to attempt to secure a 10% Biodiversity Net Gain on all relevant planning applications submitted after this time and before the Environment Act 2021 transition period ends in November 2023, following which a 10% net gain for biodiversity will become mandatory on all new applications. The Draft Local Plan (which refers to BNG also), is still at Examination in Public stage, with no foresight available on its likely point of adoption, so can only be afforded moderate weight. Charnwood's guidance on S106 developer contributions¹ mentions Ecology on P17, stating that costs need to be individually assessed. The Officer Report [CD4.02] sets out in a table on page 12, that LCC responded [CD3.13] on developer contributions, and no mention of an ecological/biodiversity financial contribution was made.

4.4. Further in that same table in the officer's report, a summary of the position from Charnwood Biodiversity is given as

"Based on updated BIA information received 21/10/2022, Charnwood's Ecologist is content that an appropriate assessment of the baseline value of the site has been established and that there is reasonable likelihood for any detailed layout to achieve 'no net loss' in biodiversity habitat, subject to detailed assessment of any detailed plans which should be provided as part of any future reserved matters and provision made to secure appropriate mitigation, if necessary."

4.5. The submitted, as amended, BIA metric [CD2.14] and supporting reporting [CD2.13, and 1.15] and correspondence [CD2.11] show a net gain of c.7% in habitat units, and c.150% in hedgerows. This is therefore demonstrable evidence that the proposals are compliant with policy CS13.

4.6. Since the date of submission, DEFRA has released version 4.0 of the BIA Metric. So as to ensure the accuracy of information supplied here, we have translated the submitted metric (in version 3.1) to the latest version. This is appended to this document as a spreadsheet (Appendix 1) This concurs with the submitted metric, and infers a 7.37% net gain in habitat units, and 151.45% gain in hedgerow units.

4.7. A detailed landscape masterplan drawing has been prepared by Pegasus Group in the preparation for the appeal [CD8.12]. This design, includes an additional 'off-site' belt of woodland planting. We have tested

¹ https://www.charnwood.gov.uk/files/documents/s106_developer_contributions_spd/s106developercontributionsspd.pdf

this design through its incorporation into the metric, and this additional woodland planting elevates the Biodiversity Net Gain to **12%** (habitat units; hedgerows are unaffected). This version of the metric is also appended to this document for information (Appendix 2). Clearly, any change of scheme design can be made at a reserved matters stage; however, if the Council were to accept this updated detailed landscape masterplan, it could secure a higher value BNG as the minimum threshold acceptable at reserved matters stage, which would also deliver a better result for biodiversity, the environment, and local residents. Should the appeal be allowed, the finalised reserved matters application layout and landscape planting design, would be assessed via BIA metric and confirmed to the Council as to the position as part of the reserved matters application. A Habitat Management and Monitoring Plan should be secured by condition of the Reserved Matters Application, covering the management requirements for the on and off site habitats for a minimum of 30 years and the monitoring surveys and their frequency.

5. ECOLOGY CONSULTATION

- 5.1. Charnwood Borough Council's (CBC) ecologist requested that a Biodiversity Net Gain Assessment was provided with the outline application, which was completed and duly submitted, which following amendment has been confirmed as acceptable, subject to reassessment of the reserved matters layout. No further specific consultation responses from statutory or non-statutory consultees have been received that alter from this position.

6. THIRD PARTY REPRESENTATIONS

- 6.1. I have read the responses of the public, elected members, and third party representations. I have summarised the main themes of concern in relation to ecological matters as Biodiversity loss/loss of Natural Habitat, and Impact on Wildlife.
- 6.2. In response to the above themes of the relevant third party representations, I have the following comments:
- 6.3. Whilst the comment relating to the British Isles being nature depleted, and biodiversity loss being a nationally and internationally important matter are recognised, the site is not considered to contain 'natural' habitats, and the biodiversity loss here has demonstrably been mitigated and a net gain for biodiversity delivered.
- 6.4. The majority of the site intensive arable land. It has received regular inputs of fertilisers, herbicides and pesticides and been driven over and compacted by agricultural machinery to the point where the soil biome is much departed from a natural state. This is a highly managed environment and uniform in its lack of diversity. This is not considered to be a Natural Habitat, despite the apparent 'greenness' of cropland when crops are at their height.
- 6.5. The sites former use as a nursery for the growing of trees, is also not a Natural Habitat, and a land use which also relies on the use of pesticides, fertilisers and agricultural machinery.
- 6.6. The site is bounded on three sides by hedgerows which are under intensive mechanical flail and annually managed. The boundary vegetation will be managed in a more sympathetic manner, and any gaps planted up with native hedgerow reinforcement planting. Additional hedgerows will be planted between the edge of development and landscaping areas.
- 6.7. Surveys have concluded an absence of protected species from the site and surrounding impact zone. This is a matter on which the parties agree (Appellants Statement of Common Ground, Fisher German, (P21, Para's 99-101).
- 6.8. The process of biodiversity impact assessment and the production of BNG Metric calculators has come about in response to the Lawson Report and a series of consultations by DEFRA over the last decade or so. After a successful pilot scheme, it was considered that the use of such metrics gives a robust and calculable, transparent mechanism for assessing ecological impact and changes as a result of (largely)

development related activities. In this case a net gain has been demonstrated as being able to be delivered and secured as a result of the proposals.

6.9. The impacts on biodiversity have been assessed by the appellants consultant, and our work has been reviewed by CBC Biodiversity, who deem it acceptable [CD4.02 & related correspondence at CD3.22-23]

I trust the information provided here is satisfactory at this time, should you have any queries, or require any clarifications, please do not hesitate to contact me.

Yours sincerely,

Oliver Ramm MCIEEM

For and on behalf of RammSanderson Ecology Ltd.

Enclosures:

Appendix 1: BIA Metric, translated from v3.1 to v4.0

Appendix 2: BIA Metric, updated to include offsite woodland belt planting