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APPENDIX 4:

ECOLOGICAL APPEAL STATEMENT

FPCR | environment & design




Ecological Appeal Statement

LPA REF: 3/2025/0196

Client

Hallam Land

Project

Land South of Longsight Road,

Langho

Date

December 2025

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DECLARATION

"The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions".

Rev	Issue Status	Prepared/Date	Approved/Date
-			KG /04.12.25

1.0 INTRODUCTION

1.1 I am Mr Kurt David Goodman, and I am Senior Director of Ecology at FPCR Environment & Design Ltd. (FPCR). The Hallam Land (the 'Appellant') has instructed me to produce an ecological appeal statement to inform the overarching Statement of Case (SoC). If the Inspector requires further ecological evidence to assist the appeal, this statement will be updated in accordance with any timetable set by the Inspector.

1.2 I hold an Honours Degree in Environmental Biology from the University of Sunderland and an MSc in Environmental Management for Conservation and Recreation from Sheffield Hallam University. I am a Member of the Chartered Institute of Ecology and Environmental Management. I have over 27 years of experience advising on complex developments. I am routinely involved in site selection, constraints analysis, mitigation to avoid and minimise environmental impacts, detailed design involving habitats and protected species for complex multi-phased schemes, and dealing with biodiversity net gain (BNG) for the purpose of development and the creation of biodiversity banks with private providers to supply BNG credits to developers where necessary. I also hold Natural England survey licenses for bats and great crested newts, and have held these for over 20 years.

1.3 I have provided evidence to numerous planning appeals on matters relating to ecology and nature conservation. These have included matters relating to general ecological issues associated with habitats and protected species, matters associated with Biodiversity Net Gain (BNG), and specific matters related to designated sites and qualifying habitats.

1.4 FPCR has been involved with the proposals prior to submission of this planning application and the design of the proposals, including the mitigation / compensation required to avoid or minimise potential effects to ecology and nature conservation.

1.5 The evidence which I have prepared and provided for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution, the CIEEM, and I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

2.0 BACKGROUND TO THE APPEAL

2.1 The outline planning application for the Site was registered by the Local Planning Authority (LPA), Ribble Valley Borough Council, on 20 March 2025 (Planning Reference Number: 3/2025/0196). This application was for a residential development of up to 300 dwellings and associated infrastructure, a railway station car park, green infrastructure (GI) and a sustainable drainage system.

2.2 The application was submitted with the Ecological Impact Assessment (EcIA) (February 2025) and a Biodiversity Net Gain Strategy (February 2025). The submitted EcIA detailed the results of the 1 Habitat Survey and relevant protected species surveys completed at the point of submission.

2.3 The council's ecological advisor provided a single consultation response in June 2025. This consultation response noted that further ecological survey information and the results of the planned survey work were required to assist the decision-making process. In respect of biodiversity net gain, the council's ecological advisor queried whether a number of the

predicted post-development condition assessments could be achieved and requested further clarification for the location of where off-site biodiversity units could be sourced (if required).

2.4 Following submission of the planning application and, as outlined in the original ecological submission over the period of April – July 2025, additional ecological information was obtained. The survey information related to GCN, breeding birds, bats and a detailed botanical assessment. This additional information is the survey data that the council requested in their consultation response dated June 2025.

2.5 Updated documents comprising an EcIA and Biodiversity Net Gain Assessment, both dated November 2025, have been produced and submitted to the Local Authority (LA). The updated EcIA includes the results of the additional survey work completed over April – July 2025. The corresponding Biodiversity Net Gain Assessment was updated to reflect the findings of the detailed botanical assessment. These documents address the comments raised by the LA in June 2025.

2.6 The planning application was refused on 27 June 2025, without waiting for the additional, requested ecological information to be produced, citing two ecological Reasons for Refusal (RfR). The RfR's state:

2.7 RfR4:

'The application fails to carry out appropriate assessments to fully assess the impacts of the development upon habitat within and adjacent to the site including whether appropriate protection and enhancement can be provided for protected species and their habitat. This is contrary to the Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy and the National Planning Policy Framework.'

2.8 RfR5:

'The proposed development would result in the loss of existing habitat, hedgerow and watercourse units, with insufficient details being submitted to demonstrate an appropriate strategy for achieving the statutory requirement for Biodiversity Net Gain contrary to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).'

3.0 CONSULTATION RESPONSES AND OFFICERS' REPORT TO COMMITTEE

3.1 Natural England did not object to the proposals, rather the council was referred to their standing advice and the 'Impact Risk Zones' published on MAGIC.

3.2 As outlined in Section 2.0, a single consultation response was received from the council's ecological advisor on 09 June 2025, provided to the applicant on 19 June 2025 shortly before the refusal of the application on 27 June 2025.

3.3 Whilst requesting additional ecological survey information from 'the planned surveys' and raising some queries regarding the biodiversity net gain submission, the response raised no significant ecological concerns which could not have been resolved through the submission of additional information.

Officer's Report to Committee

3.4 Paragraphs 5.5.5 – 5.5.9 of the committee report considered matters relating to Ecology & Nature Conservation. The assessment outlines matters raised by the council's ecological advisor in June 2025, concluding that without the additional survey information and

information relating to Biodiversity Net Gain, the planning application failed to accord with the Key Statement of EN4. Policy DME3 and the requirements of the Biodiversity Net Gain condition. I remain baffled why the application was refused rather than additional information requested.

4.0 SCOPE OF EVIDENCE & STRUCTURE

4.1 This Ecological Appeal Statement refers to the relevant baseline ecological information recorded during site surveys undertaken by FPCR, the potential effects of the proposals, the mitigation and appropriate enhancements proposed by the development, including BNG, and the provision of off-site compensation.

4.2 My evidence summarises the results of the updated EcIA and Biodiversity Net Gain Assessment, dated November 2025, and submitted to the Local Authority. These submissions provide the additional information which I understand the council ecological officer requested in their consultation in June 2025.

4.3 To assist the Inspector, my evidence also provides clarification on matters relating to the biodiversity net gain and the statutory net gain objective. Whilst further details relating to landscape design will be submitted for areas within the Site at the detailed design stage, the submissions to this appeal provides clarity of the long-term intentions for on-site mitigation and the management of these habitats. The areas of significant habitat enhancements provided on-site will be captured in the draft legal agreement for the development. Further information is also provided on the registered strategic-level habitat bank that the appellant intends to use as part of the overall mitigation package for the proposals.

4.4 From a plain reading of the consultation responses and the officer report to committee matters relating to statutory and non-statutory designated sites are not disputed between the main parties.

4.5 Ecological matters disputed by the council and from plain reading of the RfR, the LA case relies on two simple themes:

1 - insufficient ecological survey information was submitted with the application to satisfy the council's duty under the Habitat Regulations.

2 - inadequate information has been submitted to demonstrate that the biodiversity net gain objective can be achieved or that the biodiversity net gain condition could be discharged.

4.6 Notwithstanding the disputed matters, overall, I consider that with the application of appropriate mitigation and compensation, the Site has the capacity for development, which with the application of mitigation and compensation, would not result in more than low-level harm, which would in any event be appropriately mitigated. I conclude that there are no reasons relating to matters of ecology, biodiversity and the relevant regulatory framework, which would prevent the appeal from being allowed.

4.7 The Ecological Appeal Statement is presented in the following Sections:

Section 5: Legislation, Relevant Planning Policy & Guidance;

Section 6: Background to Biodiversity Net Gain;

Section 7: Ecological Baseline;

Section 8: Inherent Mitigation, Design and Evolution;

Section 9: Assessment of Potential Effects, Mitigation & Biodiversity Net Gain;

Section 10: Compliance with Guidance & Policy and Assessment of the Reason for Refusal (RfR);

Section 11: Summary & Conclusions.

5.0 RELEVANT LEGISLATION, PLANNING POLICY & GUIDANCE

5.1 Legislation, planning policy, and guidance relevant to this statement are listed below:

- The Conservation of Habitat & Species Regulations 2017 (*as amended*);
- The Wildlife and Countryside Act 1981 (*as amended*);
- Natural Environment and Rural Communities Act 2006;
- The Environment Act 2021;
- The National Planning Policy Framework (NPPF, December 2024);
- National Planning Practice Guidance (NPPG);
- British Standards Institution (2013) 'Biodiversity – Code of practice for planning and development', BS 42020:2019;
- The Statutory Biodiversity Metric. User Guide. (First published February 2024. Last Updated 3 July 2025);
- Planning Practice Guidance (PPG). Biodiversity Net Gain;
- Ribble Valley Core Strategy 2008 – 2023 (Adopted 2014) (Specific Policies: EN4, DME1 and DME3).

6.0 BACKGROUND TO BIODIVERSITY NET GAIN

6.1 Paragraphs 187 (d) & 193 (d) of the NPPF recommend that development proposals should provide measurable net gain to biodiversity in and around development, but do not suggest a minimum level of net gain that developments should provide. On plain reading, whilst 193(d) indicates measurable net gains should be demonstrated, this recommendation is on the premise that where such gains are demonstrated, this is viewed as a positive element of the application.

6.2 Biodiversity net gain is the positive elements of development proposals, or simply put, the elements of proposals which demonstrate betterment or a position exceeding no net loss. Biodiversity offsetting is the last step on the mitigation hierarchy, providing compensation for losses which cannot be mitigated within the site. In situations where 'offsetting' is only being used to provide betterment above a 'no net loss' situation, this is not strictly compensation in terms of the mitigation hierarchy unless it is resolving residual effects of development proposals.

6.3 Since the enactment of the Environment Act on 12th February 2024, there has been a legal requirement for most development projects to provide a minimum level of 10% net biodiversity gain, as measured using the Defra statutory metric. The planning application was submitted

following 12th February 2024 and is therefore subject to the requirements of mandatory net gain as outlined in Schedule 7A of the Town & Country Planning Act 1990.

6.4 The Biodiversity Net Gain (BNG) PPG provides guidance to developers and Local Authorities (LA's) regarding the application of BNG. The following provides a summary of the key principles that I consider relevant to this appeal.

6.5 Paragraph 001 provides users with relevant information relating to the statutory framework for biodiversity net gain. This paragraph states:

> ***Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.***
>
> ***In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.***
>
> ***Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.***
>
> ***The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. There are exemptions and transitional arrangements which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.***
>
> ***The statutory framework for biodiversity net gain also includes provisions about information requirements for planning applications and the treatment of the condition on decision notices on the grant of planning permission.***
>
> ***The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.***

6.6 Paragraph 002 confirms the biodiversity gain plan must be submitted and approved prior to commencement of development, and the plan provides the details of how the biodiversity objective (achieving a 10% net gain) will be met. The plan is based on:

- The onsite post development habitat provision based on accurate and approved plans or drawings of the development* (emphasis added*).
- Confirmation that any offsite gains have been registered and allocated* to the development (emphasis added*).

- Confirmation that any biodiversity credits have been purchased.

6.7 Whilst the guidance is clear that many of the requirements of biodiversity net gain cannot be established until the submission of a detailed application, the guidance confirms that net gain is not a post-permission matter, and consideration during the application is required. This is to ensure the local authority has adequate information to ensure the biodiversity gain objective can be met.

6.8 The main information the guidance requires applicants to submit relates to the baseline habitat value, but suggests local authorities may seek further information on the proposed approach to meeting the biodiversity gain objective.

6.9 Paragraph 008 provides a separate hierarchy for biodiversity net gain, which local authorities should consider. This requires:

- development should avoid adverse effects to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), but where such effects cannot be avoided, mitigation should be applied.
- where adverse effects are identified, compensation should be provided in the order of enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains, and finally the purchase of biodiversity credits.

6.10 Paragraph 011 confirms what information must be submitted with the planning application. This includes;

- Confirmation that the applicant considers that the development would be subject to the biodiversity net gain condition,
- The pre-development habitat value,
- The date of the assessment, and reasoning for using an earlier date (if appropriate),
- The completed metric calculation tool,
- A statement whether there has been any de-valuing operations,
- A description of any irreplaceable habitats,
- Plans, showing the location and extent of existing habitats and any irreplaceable habitats.

6.11 The relevant date for the baseline survey information should be shortly before submission of the planning application to ensure an accuracy of the information (Paragraph 012). This guidance confirms that any changes since submission of the baseline should not be applied, and the relevant date for the Biodiversity Gain Plan should be the baseline conditions used in the submitted metric to support the determination of the planning permission.

6.12 The PPG confirms that local authorities may ask for additional information beyond that outlined at Paragraph 002 to assist consideration of the biodiversity net gain (Paragraph 013). Where additional information is requested, a proportionate approach is recommended, and specifically relating to this appeal, bullet points 2 and 3 apply. These state:

> *'it may be appropriate to require information on the proposed balance between onsite gains, off-site gains and biodiversity credits, for proposals involving significant onsite habitat enhancements, and potential requirements for S106 agreements;*

in some cases, further details (such as landscaping) may only be approved as a subsequent matter (for example approval of conditions following the grant of planning permission) following the grant of planning permission and if offsite gains and credits are proposed to be used, evidence is going to be required in the Biodiversity Gain Plan therefore it may not be proportionate to request all this information at the planning application stage.'

6.13 Bullet point two links back to Paragraph 002, which identifies that full details drawings are required to allow accurate completion of the Biodiversity Gain Plan. This is relevant when assessing the merits of RfR5 and the outline status of the application.

6.14 Paragraph 015 identifies that in situations where either onsite or offsite habitats will provide significant biodiversity enhancement, a Draft Habitat Management & Monitoring Plan (HMMP) should be provided, but the full details of the plan will be secured through the planning condition. Where off-site provisions are required, the PPG recommends draft heads of terms setting the obligations required in the final S106 agreement be submitted.

6.15 The Statutory Metric was released on 12 February 2024. This is the version of the metric used to support mandatory biodiversity net gain and is the version of the metric submitted to support the appeal proposals.

6.16 The user guide published with the Statutory Biodiversity Metric provides relevant background information on the mechanisms of the background calculations of the metric and the rules of the metric. One of the fundamental points confirmed in the user guide is that the values produced by the metric are 'proxy' values, allowing comparison of levels of biodiversity pre and post-development. The 'proxy' values created by the metric do not indicate a level of ecological importance and therefore require the application of ecological knowledge and judgement.

6.17 The user guide confirms the metric works on eight principles and five rules (Tables 1 and 2). These principles and rules have been applied when designing the proposed mitigation and compensation associated with the appeal proposals.

Table 1: The Biodiversity Metric Principles (Source: The Statutory Biodiversity Metric User Guide)

Principle Number	Principle Detail
Principle 1	The metric assessment should be completed by a competent person.
Principle 2	The use of this biodiversity metric does not override existing biodiversity protections, statutory obligations, policy requirements, ecological mitigation hierarchy or any other requirements. This includes consenting or licensing processes, for example woodlands.
Principle 3	This biodiversity metric should be used in accordance with established good practice guidance and professional codes.
Principle 4	This biodiversity metric is not a complex or comprehensive ecological model and is not a substitute for expert ecological advice.
Principle 5	Biodiversity units are a proxy for biodiversity and should be treated as relative values.
Principle 6	This biodiversity metric is designed to inform decisions in conjunction with locally relevant evidence, expert input, or guidance.
Principle 7	Habitat interventions need to be realistic and deliverable within a relevant project timeframe.

Principle Number	Principle Detail
Principle 8	Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation.
Principle 9	This biodiversity metric does not enforce a minimum habitat size ratio for compensation of losses. Proposals should aim to: • maintain habitat extent - supporting more, bigger, better and more joined up ecological networks • ensure that proposed or retained habitat parcels are of sufficient size for ecological function

Table 2: The Biodiversity Metric Rule (Source: The Statutory Biodiversity Metric User Guide)

Rule	Rule Detail
Rule 1	The trading rules of this biodiversity metric must be followed.
Rule 2	Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
Rule 3	To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
Rule 4	In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority.

6.18 Whilst providing biodiversity net gain within development sites is generally preferable to offsite solutions, the provision of biodiversity net gain offsite is not discounted, providing that the principles of the mitigation hierarchy outlined at Paragraphs 008 of the PGG and Paragraph 193(a) are followed (NPPF December 2024).

6.19 When considering the use of offsite provisions, it is noteworthy that the PPG does not require offsite solutions to be local to the point of impact or even within the same administrative region of as the impact. Whilst Principle 8 does consider the use of 'local' compensation sites is preferable, the User Guide confirms the embedded calculation of the metric does apply simple risk multipliers of 1.0, 0.75, and 0.5 for offsite compensation depending on the relative location of the receptor to the affected land.

6.20 Compensation within the LPA boundary attracts a multiplier of 1.0, compensation outside the LPA boundary but in an adjacent LPA attracts the 0.75 multiplier, and those outside of the LPA boundary or the adjacent boundary use 0.5. In simple terms, the application of these multipliers simply requires more habitat credit to be used the further the compensation or receptor site is from the point of impact.

6.21 The recent appeal decisions of Stonebow Road, Drakes Broughton (Appeal Ref: APP/H1840/W/24/3340903) (Paragraphs 53 - 54), Woodland Lane, Bedworth (Appeal Ref: APP/W3710/W/24/3345739) (Paragraphs 28 - 31) and 97 Hartshorne Road, Woodville (Appeal Reference: APP/F1040/W/25/3358723) (Paragraphs 34, 38 - 41) found the use of offsite receptors to secure biodiversity net gain is acceptable. It is noteworthy that the off-site receptor for the Drake Broughton appeal was providing compensation for the partial loss of an

orchard (a priority habitat as listed in S41 of the NERC Act), and the off-site receptors for the Woodland Lane & Hartshorne Road appeals were a strategic-level habitat bank. The conclusions of these appeal decisions are equally important when considering this appeal.

6.22 As outlined in Paragraph 002, where off-site solutions to support proposals are necessary, provisions can either be secured on alternative land owned and managed by the same applicant, or on land owned and managed by the Local Authority (LA), or on third-party land where there is a scheme that can provide the credits necessary to secure the measurable net gain.

6.23 Where alternative land owned and managed by the same applicant, or third-party land is used, this land effectively is considered to be 'a biodiversity gain site' and Part 6 100 (2)(a) of the Environment Act 2021 confirms there are two mechanisms of securing the habitat enhancements and long-term management of such sites. These mechanisms are either 'a conservation covenant' or 'a planning obligation'.

7.0 ECOLOGICAL BASELINE

7.1 The submitted and the updated Ecological Impact Assessments (EcIA), dated February 2025 and November 2025, provide details of all statutory and non-statutory designated sites on land within and surrounding the Appeal Site. This assessment concludes that the Site is not a statutory or non-statutory designated site of nature conservation importance, and development at the Site will not affect the conservation status of any of the designated sites identified in the relevant 'Zones of Influence' (ZoI) surrounding the appeal Site. This is a conclusion that I support and adopted for this appeal.

7.2 Over the determination period, the local authority has not raised any matters relating to potential effects of the proposals on statutory or non-statutory designated sites.

Flora

7.3 The EcIA dated February 2025 was submitted with the planning application. Table 5 of the assessment provides a review of the habitats present across the Site at the point of submission of the application.

7.4 An updated EcIA dated November 2025 has been produced and submitted to the LA. This updated assessment provides further details of the habitats present on the appeal site at Paragraphs 5.5 – 5.7 and Table 5. The locations of the habitats shown on Figure 1.

7.5 My evidence adopts the position as documented in the updated EcIA. Where not stated in the EcIA or previous submission, and where necessary, I provide additional consideration of the ecological importance of the ecological receptors within the Appeal Site.

7.6 The updated Biodiversity Net Gain Assessment, dated November 2025 includes further details of the updated botanical assessment completed in July 2025.

7.7 Since submission of the application, woodland W-1 has now been mapped on the updated 'Ancient Woodland Inventory (revised completed counties) layer' as Ancient Woodland (AW). At the point of application, this was not mapped as ancient woodland. The classification of ancient woodland is supported by the field survey showing, the ground flora comprises recognisable NVC communities, with a number of ancient woodland indicators, albeit at low frequencies. As a result, this habitat is considered to be an 'irreplaceable habitat' as defined by the NPPF and

the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. In addition, the Arboricultural assessment identified one veteran tree within W-1 and is classed as an irreplaceable habitat. No other irreplaceable habitats were identified.

7.8 The Site is approximately 20 ha in extent and supports mostly grassland habitats. Primarily other neutral grassland, with a central area of lowland meadow, priority grassland and a modified grassland field to the west. Two streams and a number of waterbodies were recorded on Site. In the north east corner is an area of Ancient Woodland, with two further areas, lesser in extent, occurring along the central stream and also on the western boundary.

7.9 The Site and habitats within the Site have not been the subject of positive conservation management under an agricultural stewardship scheme or other conservation scheme. The current management does not include annual hays cut but rather involves low level grazing at low stocking rates.

Grassland

Lowland Meadow

7.10 Community G11 was moderately species rich neutral grassland community recorded at the southern extent of the Site to the West of Watercourse R2. The community featured a diverse mixture of species, including a wide range of neutral grassland and lowland meadow indicators. However the majority of these were present at lower frequencies, which resulted in the average number of species per m^2 recorded during the detailed botanical surveys being lower than typical examples of the community.

7.11 The community is representative of NVC community MG5c the Danthonia decumbens sub-community. The Danthonia sub-community is the acid influenced sub-community of MG5, with its classification here based on the frequency and abundance of preferential species such as tormentil, eyebright, heath-grass, betony, devil's-bit scabious, field wood-rush and sneezewort, which occur together with a range of neutral grassland indicators, such as ribwort plantain, meadow buttercup, common sorrel and common bird's-foot-trefoil. The invasive species, Himalayan balsam was occasionally noted in association with the margins of the watercourse.

7.12 On the basis of the habitat meeting the pre-requisite habitat classification of MG5 and passing the lowland meadow criteria outlined in UKHab, the classification of g3a Lowland Meadow was made. NVC community MG5 is a constituent habitat of Lowland Meadows, a Habitat of Principal Importance under the NERC Act (2006). The community does not meet the selection criteria for qualification as a Biological Heritage Site (BHS) within Lancashire.

7.13 Overall, the community was assessed as being in Poor condition, principally due to failing essential criterion A of the medium, high and very high distinctiveness grassland condition assessment within the Statutory Metric Guidance. This condition assessment is representative of a grassland habitat which is not positively managed for nature conservation.

7.14 Although this component is a good fit for NVC community MG5c, assessment has shown it is not a good example of the type, lacking the overall species richness and cover of indicator species seen in the best examples. Here, no Lowland meadow indicators were recorded as frequent in the quadrats, with five at occasional. The community is managed by extensive low-density grazing and is considered to be undermanaged, in common with the wider eastern and central field, which is evident through the tall closed grassy swards and the lack of bare ground.

These limit herbaceous diversity and cover to the detriment to the conservation value of the community. The community also failed on the local presence of the invasive species Himalayan Balsam on the margins of the habitat next to R2.

7.15 The Lowland Meadow habitat recorded on Site is considered to be an important ecological feature albeit at a County scale.

Other Neutral Grassland

7.16 The dominant habitat within the Site comprised of other neutral grassland, specifically the UKHab level 5 community g3c6 Lolium -Cynosurus grassland. Within G1, G1a, G1b, G3, G7 and G8, these communities are moderately species rich example of g3c6. Again, none of these grassland areas of positively managed for nature conservation.

7.17 Whilst some Lowland Meadow indicator species were present, the diversity and frequency of indicator species was not sufficient to meet the qualifying criteria for Lowland Meadow priority habitat. Grassland parcels G1, G1a, G1b, G3, G7 and G8 have been identified as g3c6 habitat type and have been valued as an IEF at a Local scale.

7.18 G4 and G5 represent less species rich examples of g3c6 grassland and therefore were not considered to be an IEF.

7.19 Community G2, recorded centrally within the Northern section of the eastern field and comprised a taller wet grassland community. The community is representative of NVC community MG10 (equivalent of g3c8 Holcus Juncus Grassland in UKHAB), moving towards M23b rush pasture, the soft rush sub-community (f2b rush pasture in UKHab). However, the community recorded is not species rich enough to classify as the priority habitat type. As the parcel represents the g3c8 habitat type, it is valued as an IEF at a Local scale.

7.20 G6 comprises a small unmanaged g3c5 *Arrhenatherum* grassland community recorded to the north-west of the Site. G9 recorded to the west of the Site featured a short sward with a species composition borderline between g4 modified grassland and g3c other neutral grassland, with a classification of g3c made on the basis of the overall species richness and the frequency of a number of neutral grassland indicators. Both G6 and G9 grassland parcels were representative of common and widespread grassland habitats and were not considered to be an Important Ecological Feature.

7.21 Given the geographical location of the Site, moderately species rich areas of grassland are a widespread resource. When assessed against the criteria for selection as a Biological Heritage Site (BHS) within Lancashire, none of these grassland compartments met the criteria to be selected.

Woodland

7.22 Three parcels of Lowland Mixed Deciduous Woodland were noted. Woodland W1, known locally as Green Nook Wood, was recorded to the north-east of the Site. As noted above, this woodland is now mapped under the 'Ancient Woodland Inventory (revised completed counties) layer' and is considered an irreplaceable habitat. Due to its recent reclassification as ancient woodland, W1 is considered to meet the selection criteria as a Biological Heritage Site (BHS) under either Criteria:

- WD1: Sites included on the Lancashire Inventory of Ancient Woodland which support semi-natural woodland vegetation; or

- WD2: Other semi-natural woodlands over 1 hectare where field evidence indicates that they are ancient in origin.

7.23 Pedunculate Oak was abundant amongst the canopy, with sycamore and beech (including a veteran) occasional associates. These canopy trees formed a high single-storey canopy, lacking any significant understorey with only hazel recorded at occasional or above. The ground flora would be broadly characterised as NVC community W11 *Quercus petraea - Betula pubescens - Oxalis acetosella woodland* with an abundance of common bent, frequent cock's foot and a limited number of herbaceous species such as wood speedwell, wood avens and broad buckler-fern recorded occasionally.

7.24 The woodland was open to grazing stock, with evidence of grazing pressure negatively impacting the woodland. Further north alder was more prominent within the canopy and tufted hair-grass and creeping buttercup become locally frequent along with marsh thistle and Reed canary-grass at lower frequencies, indicative of damper conditions. The banks of watercourse R1, which runs along the woodlands western edge, featured a more diverse assemblage of plants, including yellow pimpernel, common figwort, remote sedge and lady-fern. The stream side vegetation and the alder-dominated areas were characteristic of NVC community W7 *Alnus glutinosa - Fraxinus excelsior - Lysimachia nemorum woodland*. The invasive species Himalayan Balsam was recorded locally along the eastern and northern extent of the woodland.

7.25 Woodland W2 was an additional area of lowland mixed deciduous woodland, recorded in a mosaic with species-rich neutral grassland, and scattered trees along the steep-sided valley of Watercourse R2 which runs through the centre of the Site. Pedunculate oak was abundant within the canopy with ash and alder at lower frequencies. Hawthorn and holly were occasional amongst the scattered scrub understoreys. On the slope tops the ground flora displayed an acidic influence, characterised by common bent, with the herbaceous species such as foxglove and tormentil scattered throughout. In the sheltered valley sides, a cooler, damper influence was noted, evidenced by an increased incidence of the ferns broad buckler-fern, male-fern and hart's-tongue.

7.26 Woodland W3 was recorded along the steep banks of a ditch to the western extent of the Site. Pedunculate oak, sycamore and ash were co-dominant within the canopy. A healthy understorey was noted with frequent hazel and oak saplings recorded. The ground flora featured a reasonable diversity of species characteristic of old woodlands, with wood melick, dog's mercury, broad buckler-fern and Hairy-brome all recorded. Himalayan balsam was locally frequent at the slope bottom.

7.27 Neither Woodland W2 or W3 met the criteria to be classified as Biological heritage Sites.

7.28 Due to the age and native status of the canopy trees, together with the typical associated woodland ground flora, W1, W2 and W3 were classified as lowland mixed deciduous woodland, a priority habitat type. Therefore, woodlands on Site were considered to be an important ecological feature at a District scale.

Individual Trees

7.29 Across the Site, mature freestanding trees, particularly of pedunculate oak, were a prominent feature. A total of 37 freestanding trees in good condition were recorded within the Site, four very large, 29 large and four medium. Additionally, a mature row of trees was recorded on the

southern extent of the western boundary. The tree line featured two prominent large pedunculate oak trees, together with a further 3 medium sized oaks and a medium ash tree. A number of outgrown hazel stools and large holly bushes were also present. Trees are a common habitat type both nationally and locally, however large tree specimens provide intrinsic ecological value. Therefore, trees are considered to be of importance at a Local scale.

Ponds

7.30 Six ponds were noted during the habitat survey. All were dry by the time of the detailed GCN surveys in April and May 2025. Vegetation within the ponds was limited to primarily ONG species with an absence of aquatic or emergent vegetation and locally frequent Himalayan balsam at P1. All ponds within the Site were assessed as being in moderate condition, scoring well on water quality and the lack of artificial drains. Ponds are a declining habitat both locally and nationally however as the ponds onsite were classified as non-priority habitat, these are considered to be of importance on no more than a local scale.

7.31 When assessed against the criteria for selection as a Biological Heritage Site (BHS) within Lancashire, none of these ponds met the criteria to be selected.

Hedgerows

7.32 The boundary hedgerows comprise 80% native species, and as such, all the hedgerows met the criteria to be classified as priority habitat as described in S41 of the NERC Act. Two hedges (H3 and H5) supported an average of 4 or more species per 30m and were therefore classed as species rich. The remainder (H1, H2 and H4) were more species poor, averaging between 2 and 2.5 species per 30m section. None of the hedgerows met sufficient ecology criteria to be considered 'Important' under the Hedgerow Regulations 1997. The hedgerow network provides connectivity to the wider landscape and high, and the hedgerow network has been identified as being of local level importance.

7.33 When assessed against the criteria for selection as a Biological Heritage Site (BHS) within Lancashire, none of these hedgerows met the criteria to be selected.

Watercourses

7.34 Two streams are present. Both are noted as non-priority streams from a BNG perspective R1 lies on the Site's eastern boundary, with the stream issuing to the south of the Site near tree T1. The stream then flows south, along the western edge of Woodland W1, before exiting the Site via a culvert under Longsight Road. R2 flows south to north through the centre of the Site, issuing from a culvert under the railway and running through the steep-sided channel featuring woodland W2. Himalayan balsam was noted along the banks of both watercourses. Both watercourses have been identified as being of more than local level importance.

7.35 When assessed against the criteria for selection as a Biological Heritage Site (BHS) within Lancashire, none of these watercourse met the criteria to be selected.

Additional Habitats and Invasive Species

7.36 Other habitats within the Site were not assessed as IEF and include poor condition other neutral grassland, modified grassland, tall forbs, hawthorn and blackthorn scrub and a single wet ditch.

7.37 Himalayan balsam was frequently recorded across the Site in association with the watercourses, woodland, pond P1, scrub, hedgerow H1 and encroaching into the margins of

grasslands G1b, G6, G8 and G11. This species is not considered to be an IEF but was included in the assessment in a legislative context.

Fauna

7.38 Detailed faunal surveys have been completed at the Site and on the land surrounding the appeal Site in 2024 and 2025. The surveys undertaken by FPCR were completed over the optimal survey periods in 2024 and 2025. The species and groups surveyed over these periods included:

- Bats (activity surveys and roost assessment);
- Breeding and over wintering bird surveys;
- Great crested newt surveys.

7.39 From the completed assessments, the presence of badger, wintering and breeding birds, great crested newt, water vole and otter have not been identified as a statutory ecological constraint to the proposal. This is confirmed at Paragraphs 5.10 – 5.49 of the updated EcIA dated November 2025.

7.40 Breeding birds, Reptiles and Himalayan balsam are not considered IEF above a Site level, but were included in the impact assessment due to the protective legislation afforded to them.

7.41 Further details for the survey results covering other ecological receptors are provided at Appendices C – F of the submitted and updated EcIA's. A summary assessment of the findings is presented in Section 5.0 of the updated EcIA dated November 2025.

7.42 To assist the Inspector at this appeal, the following provides a resume of results for the bats, breeding and overwintering birds and great crested newts.

Bats

7.43 The following provides a summary of the completed bat surveys. Full details of the nocturnal survey information are presented in the submitted bat survey report (Appendix C: Updated EcIA (November 2025).

Bat Roosts

7.44 No buildings are present within the Site. All bat records returned within the data search were for pipistrelle bat species (common, soprano and not identified to species level). No bat records directly refer to the Site.

7.45 Over the survey period:

- Three trees (T53, T57 and T37) were classified as PRF-M - containing features suitable for multiple bats and therefore may be used by a maternity colony.
- Two trees (T1 and T56) were classified as PRF-I - containing features only suitable for individual roosting bats.
- Seven trees (T37, T44, T62, T65, T67, T69, T72 were classified as FAR -further assessment required. These trees could not be climbed or had incomplete climbs due to either health and safety or the fact they could not be fully inspected.
- Six trees were classified as NONE – containing negligible features suitable for roosting bats.

7.46 Trees that were categorised as FAR or PRF-M were subject to further survey via three aerial assessments or three nocturnal surveys, where it was considered they may be impacted the scheme. This comprised the following:

- Three Aerial inspections of three trees – T57, T53 and T37
- Three Nocturnal Surveys of five trees- T44, T62, T65, T69, and T72.

7.47 These surveys found no evidence of roosting bats.

7.48 In addition to the above, one tree classified as FAR (T67) was not included in the further surveys as it was considered to be retained and suitably buffered from impacts.

7.49 Given the completed survey work, the presence of a bat roost has not been identified as a statutory constraint to the proposals..

Bat Activity

7.50 Seasonal activity surveys have been undertaken, following the requirements of the BCT Survey Guidance 2023 and comprising flightline and transect surveys in October 2024, April 2025 and July 2025, supplemented by monthly deployment of static detectors in October 2024 and between April and September 2025.

7.51 No Annex II bat species were registered or observed. The species assemblage recorded on Site is typical for the rural mixed agricultural and wooded habitat on Site and for the north of England.

7.52 The species diversity and number of bats shown to be using the Site consistently is low with less than 500 registrations per night. The most recorded species on Site was common pipistrelle comprising 74.89% of the bat contacts. This was also the most abundant species on transect and flightlines surveys. Common pipistrelle are the most common bat species in the UK and are widespread in all geographies. This was followed by soprano pipistrelle with 15.27% of registrations. Other species were recorded in low numbers and include Nathusius' pipistrelle (2.25%), Myotis Species (2.04%), Noctule (1.23%), brown long-eared (0.26%) and Nyctalus Species (0.08%)

7.53 The higher levels of activity were most active at static location 6, adjacent to W1 followed by location 2 situated in hedgerow H1. The most frequently used area of the Site for bats were the hedgerows, woodland and watercourse but the areas of open grassland did not form a significant proportion of the overall foraging habitat.

7.54 Nathusius' pipistrelle are considered a rare species in the UK but have long been considered to be under-recorded due to its migratory behaviour and relatively recent identification in the UK. Over the completed survey, significant activity from this species was not recorded. The recorded level of activity does not indicate the presence of a roost site either within Site or on land immediately adjacent to the Site. The level of recorded activity only suggests the habitat within the Site forms a minor proportion of the species' foraging resource.

7.55 The foraging area for Nathusius' pipistrelle and the other species recorded within the Site are not afforded statutory protection, but the use of such habitats is afforded a degree of protection under S41 of the NERC Act 2007. The protection only requires the decision maker to consider the potential effect of the scheme on the species and whether adequate mitigation and/or compensation is provided to maintain the conservation value of the species.

7.56 Overall, the Site has been assessed as being of no more than local value for foraging and commuting bats.

Breeding and Overwintering Birds

7.57 The breeding bird surveys have demonstrated that the Site supports common and widespread bird species typical of the habitats present onsite, predominantly consisting of a woodland bird assemblage including woodpigeon, wren and song thrush. The boundary hedgerows also offered suitable nesting habitat for notable species such as whitethroat, wren, dunnock and greenfinch.

7.58 The grassland field interiors are regularly grazed by horses and support a very limited assemblage of breeding birds. Small numbers of notable species including woodpigeon and starling utilised these areas for foraging. The streams running through the Site offered potential habitat for mallard, but no breeding behaviour was observed. The other waterbodies previously identified had largely dried up and were unsuitable for breeding birds.

7.59 Across the wintering bird surveys, a total of 41 species were observed, of which 19 were considered 'notable species' and include small numbers of stock dove, woodpigeon, black-headed gull, common gull, kestrel, rook, mistle thrush and redwing within grassland. The hedgerow and woodland blocks provided suitable foraging and sheltering habitat for the range of common and widespread generalist and woodland edge species recorded including sparrowhawk, wren, song thrush, house sparrow, dunnock, bullfinch and greenfinch. The streams running through the Site provided foraging habitat for mallard and grey wagtail.

7.60 From the completed surveys, due to the majority of species recorded being common and widespread, and found in relatively low numbers, the breeding bird and wintering bird assemblage has only been identified as no more than Site level importance. Breeding birds have been considered in a legislative context.

Great crested newts

7.61 The October 2024 habitat survey identified six ephemeral waterbodies on Site (P1 – P6) and the desk study identified three further ponds (P7 – P9) within 250m of the Site boundary. Suitable terrestrial GCN habitat is present on Site, within areas of grassland, woodland, scrub, ditches and hedge and tree bases.

7.62 During the GCN field survey, it was found that all ponds within the Site boundary were dry and also P7, located 115m off-site to the north east. Considering the general vegetated state of these ponds, with the absence of much bare ground, aquatic or emergent vegetation, they are likely to be ordinarily dry. As such, it is concluded these are unlikely to support breeding GCN.

7.63 Pond 8, a domestic garden pond stocked with fish, returned a HSI score of "poor" and the presence/absence surveys confirmed absence of GCN in this pond.

7.64 Pond 9, which is also a garden pond is located approximately 36m to the southwest of the Site boundary. Access was not granted to survey this pond. However, from aerial photographs this pond appears to be an ornamental pond is most likely also stocked with fish in addition there are no other ponds which are likely to support GCN within 250m. As such the likelihood of it supporting an isolated population GCN is considered to be very unlikely.

7.65 Given the above, the presence of GCN has not been identified as a statutory constraint to the proposed development.

8.0 INHERENT MITIGATION, DESIGN AND EVOLUTION

8.1 From the completed ecological surveys, the key ecological resources within the Site have been identified as:

- the Ancient Woodland (W1) including the Veteran tree to the northeast of the site,
- the areas of lowland mixed deciduous woodland (W2/W3),
- the mature trees scattered across the Site,
- the watercourses,
- the hedgerow,
- the lowland meadow.

8.2 Outside the above-mentioned habitat areas, the majority of the grassland is moderately species-rich other neutral grassland in good and moderate condition. None of these grassland areas are subject to positive conservation management. Due to the geographical location of the Site, other neutral grassland of this condition is a widespread habitat locally and this grassland habitat has only been assessed as being of local level value.

8.3 The scheme has been carefully designed to avoid loss of habitats which cannot easily be either translocated or replaced in a short timeframe. These habitats include the woodland habitat and the watercourse. The proposals have also sought to maximise retention of existing hedgerows and mature trees.

8.4 Whilst development of the Site will inevitably require the loss of other neutral grassland, the proposals have sought to retain and enhance through management areas of other neutral grassland in good and moderate condition along the central watercourse and to the east of the site. These areas of other neutral grassland affected by the proposals are a 'medium distinctiveness habitat', but the areas of grassland are not positively managed for nature conservation, and the grassland does not represent a habitat type listed on S41 of the NERC Act. Given the agricultural nature of these habitats, these habitats are easily re-creatable with habitats of similar quality.

8.5 A number of mature trees with features suitable to be used as a bat roost were identified over the survey period, but no bat roost sites were identified in the trees. Where feasible, the scheme has retained these potential roost sites in the design. The scheme also retains the key foraging areas and commuting routes identified during the completed bat activity surveys.

8.6 The breeding and winter bird surveys did not identify significant assemblages. Ground nesting species, including skylark were not identified using the appeal site, and the majority of the recorded assemblage was associated with the retained boundary features.

8.7 In terms of other protected or notable species, the habitats within the Site were not identified as being suitable to support common reptile species and the presence of other protected including badgers and GCN was not identified.

8.8 Since submission of the planning application in March 2025, the overall mitigation and compensation package underpinning the design has evolved.

8.9 The ancient woodland is separated from the wider site by the watercourse referenced R1, which forms a shallow watercourse channel along the woodland edge. This topography effectively provides isolation between the woodland and the root protection area of the woodland. The proposals also provide a 15m buffer from the woodland edge, and no built development is proposed in the buffer.

8.10 The identification of a poor condition lowland meadow in July 2025 required review of the overall design of the scheme. Through the site's infrastructure requirements, retention of the lowland meadow in situ was not possible without a degree of fragmentation and long-term risk to its survival. Consequently, the overall landscape proposals were redesigned to allow the translocation of the majority of this grassland to the northwest of the site.

8.11 Grassland translocation and grassland creation techniques have advanced in recent years, and grassland translation completed to enable the HS2 project has been proven to be successful. Translocation of grassland of a similar grassland type was also accepted by the Inspector at Bishop Itchington. Given this, it is my view that translocation of the lowland meadow outside the main area of the site's open space is the optimal solution in this case, avoiding the potential risks associated with retention in an urban environment.

8.12 Taking account of the comments provided by the local authority in June 2025, the appellant has also revised the overall net gain package, reducing the target distinctiveness for retained neutral grassland in the sites' open space. This amendment has increased the overall number of off-site biodiversity units the proposals require from an off-site strategic-level habitat bank. In my view, the use of a greater proportion of off-site units is logical, as the off-site provision allows the creation of larger areas of diverse habitat in strategic locations in addition to those habitats retained and provided within the site. This follows the basic principle of biodiversity net gain being 'bigger, better and more connected'.

8.13 Considering the nature of the habitats within the site, the overall proposals will retain the lowland meadow through translocation and the sensitive management of the lowland meadow will, in the long term, increase the value of the grassland. Whilst not strictly required by the scheme, the appellant has sought to provide further lowland meadow habitat units off-site at the 'Moreton Park Habitat Bank'. This is a strategic-level habitat bank with an agreed habitat enhancement scheme and legal agreement. The purchase of these lowland meadow units ensures that when taken as a whole, the overall development proposals will achieve a net increase of at least 113% (ie over twice as much in area terms as currently exists on site) in lowland meadow locally (expressed in biodiversity units). This increase of a priority habitat, is a significant benefit of the scheme.

8.14 Notwithstanding the above, I note that the overall mitigation and compensation package for the original resubmission exceeded the minimum 10% requirement, and this provision remains above 10%. In addition, the trading rules of the metric are satisfied in all submissions. This remains the case for this appeal. The stance taken by the Council at the point of determination remains difficult to follow, therefore.

8.15 Given that the proposals have sought to maximise those habitats of greater ecological value and those habitats that cannot easily be replaced in a shorter time, the proposals are considered to meet the requirements of the mitigation hierarchy as outlined at 193(a) of the NPPF.

9.0 ASSESSMENT OF POTENTIAL EFFECTS, MITIGATION AND BNG

9.1 An assessment of potential effects and mitigation for the various IEF is provided at Section 6.0 of the updated EcIA. This assessment provides a robust assessment of the proposals, and my evidence adopts the assessment.

9.2 The following provides a summary and additional clarification where required.

Statutory and Non-Statutory Designated Sites

9.3 Development of the Site will not affect the conservation value of any statutory or non-statutory designated site within the Zone of Influence surrounding the Appeal Site.

Habitats

9.4 Mitigation by design has sought to retain and appropriately buffer all areas of lowland mixed deciduous woodland within areas of proposed greenspace. Additional tree planting is proposed within greenspace provision. The ancient woodland to the northwest of the site is retained in a 15m buffer.

9.5 Public access to the area of ancient woodland is not included as part of the proposals. Rather, to discourage public access to the ancient woodland, the boundary will be demarked either through the implementation of a fence or a native species hedgerow. A condition to this effect is proposed. Since there is presently evidence of trespass within the woodland this is a benefit of the proposals.

9.6 Proposed public open space footpaths have been limited to a single path through the retained central woodland belt and defined footpaths in the open grassland areas. These footpaths will be created so these are clearly delineated and soft barriers are included to discourage additional desire lines being created through the habitat provided across the site. Additionally, extensive provision for recreational open space has been provided outside of the retained woodland areas within the Illustrative Masterplan.

9.7 The updated habitat survey identified a relatively small area of lowland meadow in poor condition (0.8796ha). This area of lowland meadow only represents 0.17% of the regional area of lowland meadow. Lowland meadow is not listed as an irreplaceable habitat by the NPPF and the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 but it is listed as a habitat of principle importance under S41 of the NERC Act.

9.8 Across other areas of the Site, other neutral grassland in good and moderate condition are present. These areas of other neutral grassland are widespread habitats which are not also listed as irreplaceable habitats or classified as habitats of principal importance under S41 of the NERC Act.

9.9 Despite the presence of these grassland habitats, the site is not subject to positive management for grassland and despite the lowland meadow being a S41 habitat, there are currently no effective control mechanisms to ensure positive conservation management of the grassland. Positive management of grassland for nature conservation generally includes hay cutting and aftermath grazing to create areas of bare ground. Without such management, there is a gradual decline in the herb assemblage of the grassland as coarse grassland species outcompete the herb species.

9.10 Lack of positive grassland management is important as there are two key threats to grassland of nature conservation importance: lack of sympathetic management and abandonment of management. Examples of unsympathetic management are:

- over-grazing, leading to poaching;
- under-grazing leading to a gradual decline of species richness;
- inappropriate grazing regime limiting the ability of herbaceous vegetation to flower and set seed,
- the use of herbicides; and
- the application of artificial fertilisers.

9.11 Abandonment allows the process of natural succession to take place; initial scattered scrub development progresses to continuous scrub and then secondary woodland, and the grassland interest is eventually lost completely through to shading. It will be readily appreciated that lack of sympathetic management and/or abandonment are matters that, in the absence of legal agreements or planning conditions, cannot be controlled by an LPA. As such, the nature conservation interest could readily be lost.

9.12 The vulnerability of grassland to changes in management is highlighted in Appeal Decision APP/R1038/A/13/2192164, whereby the Inspector accepted the owner's right to treat, plough and seed a species-rich grassland eligible for LWS selection with a commercial seed mix to the detriment of its grassland interest. The important difference from the present case is that the value of the site was lost before the appeal proposal was brought forward. This is not the case here and the development proposals offer the opportunity to ensure areas of lowland meadow and other neutral grassland are maintained on the site.

9.13 The proposals include the translocation of the majority of the lowland meadow within the Site itself. This translocation and appropriate long-term management of the lowland meadow will ensure the resource is retained within the site, but without the provision of further compensation, a minor residual effect at a district level is recognised. The proposals do consider this minor residual effect, and as a whole, the scheme has secured through the strategic level habitat bank additional lowland meadow habitat units. These additional lowland meadow habitat units will provide an overall uplift of 113% (of Biodiversity units) in lowland meadow, and as such, the residual effect following compensation is reduced to a not significant positive effect.

9.14 In terms of the areas of other neutral grassland, development of the Site will result in a reduction of habitat area but the open space has been designed to maintain and enhance approximately 3.47ha of better-quality area of the habitat. Whilst the proposals will result in the loss of 1.84ha of good and 3.05ha of moderate condition other neutral grassland, as discussed above, without appropriate management, the value of this grassland is likely to be lost in the medium term. Mitigation / compensation included in the proposals include enhancements to the retained areas of other neutral grassland in the open space through long-term sympathetic management. The inevitable residual effects arising from the loss of grassland are compensated fully through the purchase of off-site other neutral grassland habitat units. The purchase of these units provides an overall package that achieves a net gain of 5.2% in other neutral grassland units. Considering the current uncontrolled nature of the

grassland management within the site, the overall net gain in grassland units ensures any residual effect is neutral to a not significant positive effect.

9.15 To facilitate access to the site, there will be a loss of some existing native species hedgerows. The development of the site as a whole will result in the loss of a small number of mature trees and the culverting of the watercourse to enable the implementation of the sites infrastructure. The potential effects arising to these receptors are fully mitigated in green infrastructure of the Site. Through the application of these measures the overall effects to ecological features have been assessed as neutral.

9.16 The retained woodlands and watercourse have the potential to be impacted indirectly during the construction phase of the development by dust deposition, particularly in periods of dry weather and higher wind and compaction from construction traffic. During the operational phase via increased recreational pressure. Over the construction period, such effects can be avoided through the implementation of measures outlined in a CEMP. The potential effects of increased recreational pressure on the areas of retained habitat will be mitigated through the use of appropriate signage and the provision of some area of high quality formal open space. Again, through the provision of mitigation, any residual effects will be at least neutral and probably beneficial.

9.17 Further details on the habitat retention and enhancements proposed across the scheme are outlined in the biodiversity net gain section below.

Biodiversity Net Gain

9.18 An updated and full Biodiversity Net Gain Assessment dated November 2025 has been submitted to the LA. As with the previous assessment, this confirms that a biodiversity net gain exceeding the minimum 10% requirement can be achieved.

9.19 Table 1 below provides the headline results for the number of habitat units present within the site, the overall effects of the proposals and the resultant number of units following the implementation of mitigation / compensation both on-site and offsite.

Table 3: Headline Biodiversity Net Gain Results

On-Site Baseline	Habitat Units	145.52
	Hedgerow Units	3.94
	Watercourse Units	6.41
On-Site Post-Intervention	Habitat Units	111.16
	Hedgerow Units	4.90
	Watercourse Units	7.26
On-Site Net Unit Change	Habitat Units	**-34.35**
	Hedgerow Units	**+0.96**
	Watercourse Units	**+0.85**
On-Site Net Percentage Change	Habitat Units	**-23.61%**
	Hedgerow Units	**+24.37%**
	Watercourse Units	**+13.30%**
Off-Site Habitat Units	Baseline	23.05
	Post intervention	75.08
	Net Unit Change	52.03

Final Results – Habitat Units	Combined Net Unit Change	**+17.68**
	Combined Net Percentage Change	**+12.15%**

9.20 Table 2 focuses on the overall assessment of the effects of grassland habitat prior to and following the implementation of onsite / offsite mitigation and compensation.

Table 4: Grassland summary table

On-Site Grassland Habitats Baseline	Lowland Meadow	Area (ha)	0.8796
		Units	7.04
	Other Neutral Grassland	Area (ha)	16.301
		Units	107.8
On-Site Grassland Habitats Post-Intervention	Lowland Meadow	Area (ha)	0.7954
		Unit Change	**+1.92**
	Other Neutral Grassland	Area (ha)	4.0603
		Unit Change	**-56.37**
Off-Site Unit Change	Lowland Meadow	Area (ha)	1.525
		Unit Change	+13.07
	Other Neutral Grassland	Area (ha)	10
		Unit Change	62.02
Project Wide unit change	Lowland Meadow	Area (ha)	2.3204
		Unit Change	**+14.99**
	Other Neutral Grassland	Area (ha)	14.0603
		Unit Change	**+5.65**

9.21 The submitted biodiversity net gain assessment has been updated to the time when the appeal is lodged. This updated assessment incorporates the results of the detailed botanical surveys. As a result of these detailed botanical surveys, the grassland habitats recorded within the Sites baseline have been amended, variously, to change their extent, classification and condition from those submitted with the application.

9.22 The updated Biodiversity Net Gain Assessment, dated November 2025, confirms development on the appeal Site will result in the loss of 34.51 habitat units. This loss will be addressed through off-site biodiversity units from a local habitat bank located within 4km of the Appeal Site.

9.23 The vast majority of the site comprises medium-distinctiveness grassland habitats. The central river corridor and the eastern section of the Site comprise habitats of higher biodiversity value, including very high distinctiveness lowland meadow grassland, high distinctiveness woodland, including Woodland W1, which is an irreplaceable habitat and contains an irreplaceable veteran tree, and medium distinctiveness other neutral grassland in moderate and good condition. The western section of the site comprises grasslands of low species diversity (modified grassland and other neutral grassland in poor condition).

9.24 Proposals will retain, appropriately buffer and enhance the ancient woodland W1, and the veteran tree recorded within it. Impacts to other two other high distinctiveness, but non ancient woodland habitats have been avoided, one of which (W2) will be enhanced as part of the proposals.

9.25 The updated biodiversity net gain assessment has assumed the loss of the entirety of the 0.8796ha of lowland meadow recorded within the appeal Site. Of this total, 0.7726ha will be

translocated to the western section of the Site, replacing the existing modified grassland field M1. The remaining 0.107ha of lowland meadow, which is present within 10m of the watercourse will not be translocated and will be in effect retained but treated as lost and recreated as other neutral grassland within the statutory biodiversity metric, to account for the risk of degradation.

9.26 Within the Statutory Metric, the translocated lowland meadow grassland has been treated as lost in its original location and created lowland meadow in the proposed receptor site. A 5-year 'created in advance' multiplier has been added to the created habitat, so as to take into account the benefits of translocating an existing habitat compared to creating it from a modified grassland baseline. This reduces the time to target condition and difficulty multipliers within the metric but still accounts for a proportionate degree of risk in delivery.

9.27 The majority of losses resulting from the proposals are from medium-distinctiveness grassland habitats. The design has sought to focus development on the western section of the site, which contains predominantly neutral and modified grassland in poor condition. Although significant areas of the moderately species rich grassland (Other Neutral Grassland in Good and moderate condition) recorded within the central river corridor and to the east of the Site will be retained and enhanced as appropriate, there will be an overall loss of 72.7 units of medium distinctiveness grassland within the site, which is not fully compensated for within the appeal Site.

9.28 The majority of mature free-standing trees have been retained and buffered as part of the proposals, with five large and four medium trees lost.

9.29 The proposals will remove 160m of species poor native hedgerow (H1), to facilitate access and the visibility splay. To achieve the 10% requirement, an additional 239m of species-rich native species hedgerow has been provided within the appeal site. With the inclusion of this new hedgerow planting, the appeal proposals provide an uplift of 0.96 hedgerow units. This is a net gain of 24.37%.

9.30 To facilitate the implementation of the site infrastructure, there is a requirement to culvert 32m of the central watercourse R2. The remaining watercourse are retained and appropriately buffered. Achieving the 10% net gain requirement for watercourses will be achieved by enhancing R1 to the east by simple enhancements comprising bank reprofiling, control of invasive species, removal of grazing impacts and large trash. These enhancements provide an uplift of 0.85 watercourse units (a net gain of 13.3%).

9.31 In summary, the overall biodiversity net gain provisions proposed for this appeal provide an overall net loss of 23.61% in habitat units, but a net gain of 24.37% in hedgerow units, and 13.3% in watercourse units. The net loss in area habitats will be addressed through offsite biodiversity units from a local habitat bank located within 4km of the Appeal Site.

9.32 The translocation of the lowland meadow grassland affected by proposals seeks to maintain this habitat within the site, with inherent design measures and secured appropriate management, facilitating the enhancement of the resource in the medium to long term. As a result, the trading rules are satisfied for this habitat type within the Appeal Site, with an increase of 27% in lowland meadow biodiversity units on Site. In addition to this, a bespoke compensation solution is proposed whereby the offsite Biodiversity units purchased to deliver a Biodiversity Net Gain will comprise a mixture of lowland meadow units and other neutral

grassland units. With the additional off-site lowland meadow, the scheme will provide an additional 1.525ha of the priority habitat lowland meadow. This is a clear benefit of the scheme, and the provision of a priority habitat should be supported from a local policy perspective.

9.33 Given the nature of the other neutral grassland habitats affected by the proposals, the loss of these grasslands, is in my professional opinion, acceptable. It follows the requirements of the mitigation hierarchy as the proposals have sought to avoid significant harm, avoid areas of high-value habitats, and it has maximised onsite provisions. Despite this the trading rules are not satisfied for this habitat type within the Appeal Site, with a decrease of 53% in other neutral grassland biodiversity units on Site. As part of the bespoke compensation solution described above, the offsite Biodiversity units purchased to deliver a Biodiversity Net Gain will comprise a total of 42.02 other neutral grassland units, which together with the onsite measures, will result in a 5.2% increase in other neutral grassland biodiversity units locally.

9.34 The purchase of 10.02 lowland meadow units and 42.02 other neutral grassland units from Moreton Park Habitat Bank will lead to an 12.15% increase in area based habitat units resulting from proposals. The provision of such enhancements is in accordance with the rules of biodiversity net gain and is expected with the PPG for biodiversity net gain.

Protected and Notable Species

9.35 A detailed assessment of the potential effect on protected species is provided in the updated EcIA dated November 2025. This assessment has been informed by the additional ecological survey work completed over the period of 2024 – 2025, the results of which are summarised in Section 7: Paragraphs 7.37 – 7.64. These surveys have not identified the presence of roosting bats, badger, wintering and breeding birds, great crested newt, reptiles, water vole and otter. Consequently, the following provides a summary of the potential effects and the proposed mitigation for foraging and commuting bats as the only species recorded as an IEF within the EcIA.

Bats - Foraging / Commuting Activity

9.36 The completed survey work identified an assemblage of bats using the Site as a foraging and commuting resource. This assemblage was dominated by common and widespread species but included a low level of use from the less common Nathusius pipistrelle.

9.37 There was no evidence however, that the habitats on Site provide any significant value to local bat populations. Activity surveys showed very low bat foraging activity over the Site and low-level commuting and foraging behaviour along the hedgerows and woodland edge

9.38 Mitigation by design has included habitat retention in addition to habitat enhancements and creation of additional habitats of higher value to foraging, roosting and commuting bats. Existing retained hedgerows will be enhanced with species-rich planting, including a small, wooded area to the northwest, along the central water course, and individual trees throughout, which will support a higher diversity of invertebrates. This will improve the foraging resource for bats in these areas. The strengthened existing hedgerows and new proposed planting will ensure that potential commuting corridors on Site will not be negatively impacted.

9.39 There will be a small loss of hedgerow H1, and P3 which may be lost to the development. However proposed greenspace and tree planting adjacent to this, will maintain provision of suitable commuting and foraging habitat in this location.

9.40 The key areas of bat activity recorded during the activity surveys were associated with the woodland, the watercourses and the northern boundary hedgerow H1. Whilst uncontrolled lighting on in these areas is unlikely to affect the favourable conservation status of the species at a population level, unmitigated lighting could result in some minor disturbance along these commuting routes / foraging areas.

9.41 Such effects can be minimised and avoided through the use of 'hop-over' at the site access and the application of a standard planning condition requiring the submission of a lighting strategy. This lighting strategy would require lux levels on the sensitive habitats, outside of the main access, to be restricted to 0.2lux in the horizontal plane and 0.5lux in the vertical plane. The application of these lux levels is known to avoid and minimise potential effects to bat foraging and commuting behaviour.

9.42 Impacts are considered highly unlikely to affect the favourable conservation status of the local bat population. Therefore, the unmitigated impacts during both the construction and operational phases would be considered not significant negative impact at a Local scale.

9.43 Overall, through the application of the mitigation measures outlined above, it is expected that the proposals will result in a Neutral effect on the local population.

Legislative Context Only.

9.44 The completed survey work did not identify roosting bats, breeding birds, reptiles and Himalayan balsam as Important Ecological Features. However, they have been considered in a legislative context below.

Bats - Roost Sites

9.45 It is unlikely that the proposals will result in any impacts to bat roosts, either directly or by impacting commuting routes of significant roosts (maternity). Additionally, lack of any evidence found to support the presence of bat roosts during the surveys indicates a likely absence of high-status roosts within the surveyed trees. However, there is a residual risk of occasional or intermittent bat use of the roost features identified within trees classified as PRF-M and PRF-I.

9.46 Additionally, indirect impacts to potential roosts within the woodlands may be caused potential adverse impact and/or by light disturbance during the construction and operational phases of the proposed development.

9.47 Any required works to trees identified as PRF-I, PRF-M or FAR must be preceded by an updated assessment of their bat roost potential by a suitably qualified ecologist, in order to prevent potential harm to roosting bats.

9.48 A pre-works detailed inspection and/or nocturnal survey (where aerial assessment is considered unfeasible) of potential roost features should be undertaken prior to any works to T37, T53, T57, T1, T56 T44, T62, T65, T67, T69 and T72 to ensure the continued likely absence of roosting bats.

9.49 Loss of potential bat roost features can be mitigated via the provision of replacement roost features, in the form of a suitable and long-lasting bat box (at least one box per impacted roost feature), located on the new buildings, or on suitable trees, to be agreed by a suitably qualified ecologist.

9.50 Although potential roost features have been identified, the ecological survey work has not identified the presence of a bat roost within the Site. Given this, and the retention of suitable roost sites within the proposals and the provision of additional roost sites will inevitably result in positive effects on the local bat population.

Breeding Birds

9.51 The completed survey work did not identify a significant assemblage of either breeding or overwinter birds. Ground nesting species were not identified, and the majority of the recorded species were associated with the retained boundary features.

9.52 The provision of the enhancements to the boundary features, the additional hedgerow and wetland features in the green infrastructure, and a range of bird boxes for swift, swallow, and other generalist species on the new residential dwellings provides adequate mitigation, fully mitigating the effects of the proposals.

9.53 Over the construction period, the implementation of standard working methods will be required to avoid effects over the main breeding season.

9.54 Through the application of the package outline above, minor positive effects on the local breeding and overwintering bird populations are expected.

Reptiles

9.55 Habitats on-site provided limited value for reptilian species as the Site lacks the ideal structural diversity and mosaic of habitats typically required by reptiles for basking, sheltering and foraging in close proximity. The modified and other neutral grassland recorded across the majority of the site is considered largely sub-optimal, given the homogenous sward . Localised areas associated with the field and woodland margins could provide the structural diversity required to support reptiles. These areas are primarily retained and enhanced within the proposed design. As such, the habitats within the Site that are largely to be affected by the proposals are considered largely unsuitable. Given this, and the lack of recent records in the local area, the presence of reptiles is considered unlikely.

9.56 During construction, appropriate precautions will be incorporated into a CEMP which will be implemented to prevent intentional (or accidental) killing or injury which would potentially be a breach of the Wildlife and Countryside Act 1981. This would include a method statement for clearance works in suitable habitat.

Himalayan Balsam

9.57 The invasive plant Himalayan balsam was noted in W1, W3, ONG6, ONG8, P1, SC1, H1, R1, R2 and D1.

9.58 Himalayan Balsam is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which imparts a legal obligation for no action to take place which might result in this species being caused to grow in the wild. Furthermore, the presence of this species is undesirable for biodiversity value of the Site. In the absence of mitigation, it is possible that an offence could be committed.

9.59 The detailed CEMP will include a strategy for the monitoring and eradication or control of this species prior to, during and after development.

10.0 ASSESSMENT OF THE REASON FOR REFUSAL AND COMPLIANCE WITH GUIDANCE & POLICY

Reason for Refusal 4 (RfR4)

10.1 In simple terms, RfR4 was applied to the decision notice as the ongoing ecological survey work had not been completed, and findings of the surveys were submitted to the LA, when the planning application was considered by the planning committee. Notwithstanding this RfR the ecological survey work has been completed and has been submitted to the LA.

10.2 In the absence of the completed survey work and assessments, RfR4 considered two main elements. Firstly, the updated surveys were necessary to allow an assessment of the importance of the habitats present within the site and provide an assessment of the potential effect of the proposals on these habitats. Secondly, the updated survey work was necessary to allow the local authority to assess whether the proposals would affect protected species which were potentially using the Site.

10.3 Without the completed assessment work, the council considered that the proposals were contrary to the statement EN4 and policy DME3 of the Ribble Valley Core Strategy and the National Planning Policy Framework.

10.4 The Key Statement ENV4 seeks to avoid negative impacts on biodiversity. Where adverse effects to a site of recognised environmental or ecological importance are identified, ENV4 allows the proposals to be permitted, where the developer can demonstrate the potential effects of the proposals can be mitigated or at a last resort compensated. The statement also requires the submission of appropriate survey information and for sites that are not covered by a statutory designation, the statement identifies that compensation could be management through a mechanism such as biodiversity off-setting. Thus, from the perspective of ENV4 as the site is not designated the use of off site compensation is acceptable.

10.5 Policy DME3 is not strictly related to the submission of ecological survey work, but the policy protects a range of ecological features, including protected species and priority habitats or species identified in the Lancashire Biodiversity Action Plan. Clearly, the identification of such features does require the submission of relevant ecological survey work.

10.6 Turning back to RfR4, the following assesses the merits of the RfR against the ecological survey work completed to support the appeal proposals and the potential effects to the recorded habitat and species.

Habitats

10.7 An assessment of the habitats present across the site is provided in Paragraphs 7.9 – 7.36 Section 7 above. Paragraphs 9.4, -9.16 Section 9 above, presents my assessment of the potential effects on the habitats. Taken at a basic level and without further analysis, the submission of this ecological information and the overall mitigation strategies proposed should be adequate to resolve RfR4. Given the nature of some of the component habitats within the site, the following evidence provides further analysis of the proposals to assist the Inspector at this appeal.

10.8 The key habitat types recorded across the site include:

- The ancient woodland and associated veteran tree;

- The area of lowland mix deciduous woodland,
- The small area of lowland meadow,
- Areas of other neutral grassland,
- The watercourse, and
- Hedgerow and mature trees.

10.9 To avoid unnecessary repetition, my evidence demonstrates that the proposals provide adequate mitigation to fully mitigate the potential effects of the proposed to the watercourse, the hedgerows, the individual and the lowland mixed deciduous woodland. Given this, the following evidence focuses on the proposals and the potential effects of the proposals on the ancient woodland, the lowland meadow and the areas of other neutral grassland. An assessment of the implications of biodiversity net gain is provided under RfR5.

10.10 Other than the area of ancient woodland and the individual veteran, which are afforded policy protection through the NPPF, none of the remaining habitats are afforded statutory designation as referenced in the Key Statement of ENV4. Given this, in the broad context of ENV4, potential effects on these non-designated ecological assets could be managed through biodiversity offsetting.

10.11 The completed ecological survey work identified that the quality of the ancient woodland asset is being degraded through uncontrolled grazing, and the ancient woodland was identified as being in poor condition. The proposals have retained the ancient woodland and the associated veteran tree. In terms of the ancient woodland, a 15m buffer zone has been provided around the woodland, and the proposals will provide long-term positive management to improve the overall structure of the ground layer in the woodland.

10.12 The area of ancient woodland is situated outside the built development from the opposite side of the watercourse. Given this geographical location, increased recreational pressure during the operation phase of the development is not expected. Notwithstanding this, the proposals will delineate the edge of the woodland through the implementation of a hedgerow or a fence to minimise potential increased recreational use of the woodland.

10.13 Given the design of the scheme and the mitigation proposed within the scheme, the quality of the ancient woodland will be enhanced, and the ancient woodland will be protected. This mitigation and design ensure compliance with the requirement if Paragraph 193 (c) of the NPPF and the policy protection provided by the Key Statement ENV4 and DME3.

10.14 As discussed in my evidence, a small area of lowland meadow in poor condition is present within the site. The lowland meadow is a priority habitat as listed in S41 of the NERC Act and does meet the criteria to be classified as a Lancashire Biodiversity Action Plan. This area of lowland meadow does not meet the criteria the be selected as a Biological Heritage Site (BHS). Given the classification as a priority habitat, the lowland meadow is afforded a degree of policy protection under ENV4 and policy DME3.

10.15 To facilitate the Site infrastructure, it is not possible to retain and avoid the area of lowland meadow. In the broader sense, whilst it is possible to retain areas of lowland meadow within the residential context, the site allows translocation of the grassland outside the main area of open space to an area where long-term sympathetic management can be achieved. This translation will retain the ecological resource in the long term, and the translocation of such

habitats has been found acceptable at other sites, including the appeal decision of Bishop Itchington.

10.16 When considering the acceptability of translocation, it is important to consider the baseline conditions of the habitat and the current management. The current management regime and the security of the current management regime were important considerations outlined in both the Drakes Broughton and Bishops Itchington appeal decisions.

10.17 At this appeal site, the area of lowland meadow is not actively managed for nature conservation, and the completed botanical surveys have demonstrated the grassland is in poor condition. Given this, and as outlined in Paragraphs 9.9 – 9.12, without intervention, it is likely that the quality of the grassland will be lost in the medium term. Consequently, it is my view that translocation of the lowland meadow is acceptable to ensure the resource is retained.

10.18 Whilst unmitigated development of the site would result in significant harm to this receptor through the loss. The application of mitigation / compensation comprising translocation of the lowland meadow does reduce the overall harm to the receptor to a minor negative effect at a district level. Assessment using the quantitative assessment approach of the Statutory Metric demonstrates translocation avoids a net effect on lowland meadow. This quantitative assessment does support the conclusion that the scheme avoids significant harm and the proposals comply with the overall requirements of the mitigation hierarchy outlined at Paragraph 193 (a) of the NPPF. The approach to the mitigation hierarchy also follows the appeal decision of Drake Broughton and Bishop Itchington.

10.19 Notwithstanding the outcome of the Statutory Metric, the proposals are going further than the basic requirements. Through the application of the mechanism of biodiversity off-setting, the proposals have secured additional lowland meadow biodiversity units at the Moreton Park Habitat Bank. These additional lowland meadow habitat units provide an overall increase in the local lowland meadow resource of 113% and secures 1.5ha of additional lowland meadow on a regional basis. This in my view, ensures that any potential residual effects to lowland meadow is neutral.

10.20 Although policy DME3 does not highlight the potential use of biodiversity off-setting to avoid potential effects to priority habitats, the Key Statement EN4 does allow the use of biodiversity offsetting for ecological features which are not afforded statutory protection, provided the developer identifies the scheme. This appeal is supported by a registered habitat bank scheme where a deposit has been paid by the appellant to secure the relevant habitat units. Given this, it is my view that despite affecting priority habitats, the proposals comply with the overarching policy requirement outlined in the Key Statement ENV4.

10.21 As outlined at Paragraph 9.13 Section 9, whilst the proposals have sought to retain areas of other neutral grassland in good and moderate condition, overall, without the application of off-site compensation, development of the site will result in the loss of other neutral grassland. This grassland has not been identified as a priority habitat as defined in S41 of the NERC Act or the Lancashire BAP. Consequently, unlike the lowland meadow, this grassland is not afforded the same degree of policy protection as the small area of lowland meadow.

10.22 Notwithstanding this assessment and whilst the application of compensation is seen as the last resort, as with the lowland meadow, the other neutral grassland is not positively managed for nature conservation and there are currently no control mechanisms to enforce such

management. In this context, and considering the proposals have maximised the retention and enhancement of other neutral grassland within the site, the use of off-site compensation is considered an acceptable form of mitigation.

10.23 As discussed above, the Key Statement ENV4 does allow the use of biodiversity off-setting, provided the developer secures an acceptable scheme. In the context of this appeal, the appellant has secured credits in a registered habitat bank. Therefore, in simple terms the proposals comply with the relevant core strategy policies.

10.24 Given there is currently no long-term security for the management of the components of other neutral grassland and the proposals have retained and enhanced area of other neutral grassland, it is my view that the proposals also follow the requirements of the mitigation hierarchy as outlined at Paragraph 193 (a) of the NPPF.

Protected Species

10.25 As outlined in Section 7 of my evidence, additional protected species survey work was completed over the optimal period from March – July 2025. These surveys included:

- Bats (roost sites / foraging and commuting activity surveys),
- Breeding birds,
- Reptiles,
- Aquatic survey for GCN in suitable waterbodies.

10.26 The habitats within the Site were not considered to provide optimal conditions for reptiles or watervole, and the presence of badger was not recorded.

10.27 The additional ecological survey work for protected and notable species did not identify any statutory ecological constraint from protected species. In common with the vast majority of green field sites on the edge of settlement, assemblages of overwinter / breeding birds and foraging/commuting bats were recorded. The recorded assemblage of these groups was not considered to be significant, and with the application of the mitigation outlined at Section 9, it is my view that the proposals can fully mitigate the effects of the proposals.

10.28 Whilst the exclusion of the protected and notable species information from the original submission did warrant the application of RfR4, it is my view that the completed survey work fully resolves the council's original concerns outlined through the application of RfR4.

10.29 In simple terms, the additional information submitted to the LA in the updated EcIA and Biodiversity Net Gain Assessment dated 2025, provides all of the relevant ecological information and the relevant assessments requested by the council shortly before refusal of the application in June 2025. It is my view that this survey work, assessment and subsequent updates to the overall mitigation strategy confirm that the proposals will not result in significant adverse effects, and the proposals are acceptable when assessed against the requirements of local and national planning policies.

Reason for Refusal 5 (RfR5)

10.30 RfR5 relates to biodiversity net gain and the local authorities, considering that inadequate information has been submitted to demonstrate that the biodiversity net gain objective can be met and the biodiversity condition can be discharged.

10.31 An Updated Biodiversity Net Gain Assessment (dated November 2025) has been submitted to the council. Overall, the assessment confirms the scheme is capable of achieving in excess of the minimum 10% net gain requirements for habitats, hedgerows and watercourses. A summary of these provisions is provided at Section 9 Tables 3 & 4.

10.32 Section 6.0 of my evidence provides a review of the key elements of the government guidance for the proper application of Biodiversity Net Gain. In simple terms, Paragraph 001 of the PPG is clear that the 'biodiversity objective' is the requirement that most development will provide a 10% net gain to biodiversity, and this objective is met through the application of the 'biodiversity net gain condition'. Both Paragraphs 001 and 002 are clear that the biodiversity net gain condition is a pre-commencement condition that requires the submission of a Biodiversity Gain Plan, and the 10% requirement can be provided onsite, offsite, or through the use of statutory credits.

10.33 Whilst the PPG is clear that the requirements of net gain cannot be established until the detailed application stage, the guidance also requires some consideration of net gain at the application stage. The level of information required isn't set in stone, but from review of the at an outline application stage, the key element to be considered is setting the baseline habitat value of the site and providing the council with adequate comfort that the 10% net gain requirement can be met.

10.34 Paragraph 011 sets the minimum level of information that should be submitted with an application. From the submissions during the planning application, it is clear that this minimum requirement has been met.

10.35 Where additional information is requested at the application stage, the PPG is clear that the local authorities should take a proportionate approach. Of relevance to this appeal is the information relating to the balance of the on-site and off-site provisions.

10.36 Given the outline status of the application and the simple direction of the PPG that the detail of net gain is a matter that will be resolved at the detailed application stage, it is difficult to understand the logic of applying to refuse the planning application based on insufficient information relating to biodiversity net gain.

10.37 The comments from the ecology officer do provide some additional information relating to this RfR. From the review, the themes supporting this RfR, simply comprise two matters:

1 - the officer disagreed with some of the post-development value in the metric.

2 - the officer requested further details of the source for the off-site biodiversity units.

10.38 The following addresses these matters in turn.

1 - Post-development Value used in the Metric

10.39 A revised and updated Statutory Metric assessment has been prepared and submitted to the LA. As with previous submissions, the assessment confirms that the minimum objective of a 10% gain is achieved in habitat, hedgerow, and watercourse units, and all trading rules are satisfied.

10.40 Since the submission of the original Statutory Metric, there have been two key changes to the baseline conditions and the mitigation applied within the scheme. One is the identification lowland meadow within the baseline and the inclusion of lowland meadow translocation in the

post development proposals. The second is the designation of woodland W1 as an Ancient Woodland.

10.41 In terms of the lowland meadow slightly increases the baseline value of the Site. However, through translocation and long-term management, the scheme results in an overall net gain on-site for this receptor. In relation to this receptor, the scheme goes further, and additional lowland meadow units have been secured at the Moreton Park Habitat Bank. This additional provision does provide a significant gain to this receptor in the local area.

10.42 The identification of Ancient Woodland makes no difference to the baseline habitat value, but the habitat has now been identified as an irreplaceable habitat in the metric. As the woodland is retained and buffered this alteration make no material difference to the biodiversity net gain assessment.

10.43 As discussed in Paragraph 8.12, the revised metric has adopted the local authorities' recommendations, reducing the 'distinctiveness' target for grassland enhancements in the eastern and central areas, and reducing condition immediately adjacent to major footpaths. In the larger homogeneous areas of grassland, where the influence of the informal recreational pressure will be reduced, the condition target has been maintained as good, albeit at a lower distinctiveness proposed habitat type. Whilst this follows the original submission, it is my view that these larger areas of grassland can achieve the five requisite condition criteria to achieve good quality other neutral grassland through enhancements and long-term management. Clarification of such matters is outlined in the Updated Biodiversity Net Assessment dated November 2025.

10.44 Accepting this slight change in the Statutory Metric, further off-site biodiversity compensation above and beyond those previously identified are necessary to demonstrate that the biodiversity objective is achieved. Here, the appellant has secured the relevant other neutral grassland habitat units, to achieve the basic 10% net gain requirement. For the scheme, the proposals have sought to over-provide other neutral grassland units by appropriately 5.2%, and these units will be provided in the Moreton Park Habitat Bank.

10.45 In simple terms, the Site will provide 111.16 habitat units, this results in the loss of 34.35 habitat units, equivalent of a 23.61% loss in Biodiversity value. In addition to the habitat units onsite, the scheme has secured an additional 10.02 lowland meadow units and 42.02 other neutral grassland units. With the inclusion of these offsite units the scheme as a whole provides a net gain of 12.15%, exceeding the minimum requirements of the biodiversity objective.

10.46 Given the amendment to the values, it is my view that the minor issues raised by the council have been fully addressed.

2 – Sourcing the off-site net gain units.

10.47 In simple terms, the appellant has sourced all of the relevant habitat units from the Moreton Park Habitat Bank. This habitat bank has secured and registered habitat units for lowland meadow and other neutral grassland. The appellant has paid the relevant deposit to secure use of these habitat units.

Biodiversity Net Gain – General Matters

10.48 In addition to the clarification of matters raised by the Local Authority, the following provides further consideration of Paragraph 008 'the biodiversity net gain hierarchy'. Paragraphs 10.15 –

10.18 consider matters relating to the mitigation hierarchy outline at Paragraph 193(a) of the NPPF.

10.49 In simple terms, there are two elements to the net gain mitigation hierarchy, and the following provides an assessment of these elements.

10.50 The first element of the hierarchy recommends that developments 'should' avoid adverse effects to habitats of medium, high and very high distinctiveness habitats but it does allow the application of mitigation where such effects cannot be avoided.

10.51 From the submitted assessment, it is clear that whilst the proposals have sought to avoid effects to very high distinctiveness and medium distinctiveness habitats, some effects the these habitat types will occur.

10.52 As set out in my evidence, the management required to secure the long-term protection of these is not currently being applied. Thus, without the security and intervention development can bring the longevity of these habitats on site is questionable. Given this, the proposals provide mitigation for the very high distinctiveness habitat (lowland meadow) within the site, and the proposals have avoided areas of the higher value other neutral grassland and provided mitigation for these habitats within the site has been maximised. This mitigation package has been designed to reduce the potential effects of the scheme. In my view, this approach does follow the overall requirements, and onsite mitigation has been provided to minimise the effects on these habitats.

10.53 The second element of the net gain hierarchy requires compensation to be provided in the order of enhancement / habitat creation on site, allocation of offsite gain and finally the use of statutory credits. The appeal proposals do provide on-site habitat creation / enhancement and the residual effects have been secured on an off-site registered habitat bank. Given this, it is my opinion that the appeal proposals do follow the order of provision set out in the hierarchy.

10.54 In summary, it is my view that the updated biodiversity net gain assessment has demonstrated that following the implementation of the mitigation / compensation, the proposals do not result in adverse effects to biodiversity rather, the qualitative assessment confirms a net gain to biodiversity will be provided.

11.0 SUMMARY & CONCLUSIONS

11.1 Prior to submission of the planning application, the appeal site was subject to ecological survey work, but given the seasonal nature of ecological surveys, the ecological survey was on going over the determination period. Following the refusal of the planning application in June 2025, all of the relevant ecological survey work was completed and the results of this survey work has been presented my evidence and the technical appendices.

11.2 As outlined in my evidence, the Site has not been designated through any statutory or non-statutory mechanisms. Since the submission of the planning application, the area of woodland (W1) to the northeast of the site has been designated on MAGIC as an Ancient Woodland (AW). Whilst, this AW classification would meet the requirement to be classified as a Biological Heritage Site (BHS), the woodland is not formally designated under the BHS system. Regardless of this updated designation, the AW and the veteran tree in the AW are retained and an appropriate buffer zone has been applied.

11.3 In addition to the AW and the veteran tree, the completed surveys a number of habitats of ecological importance have been identified. These include:

- The area of lowland mix deciduous woodland,
- The small area of lowland meadow,
- Areas of other neutral grassland,
- The watercourse, and
- Hedgerow and mature trees.

11.4 Of these, the lowland mixed deciduous woodland, the lowland meadow and the hedgerows have been identified as priority habitats as defined in S41 of the NERC Act and local BAP habitats. None of these habitats have been assessed as meeting the selection criteria to be designated as a BHS. In addition, none of these habitats are identified as irreplaceable habitat either in the NPPF or the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024.

11.5 The appeal proposals have been designed to minimise potential effects to the watercourse, woodland and hedgerow habitat recorded within the Site. Whilst some mitigation for all of these features are required, the completed net gain assessment confirms there is no net loss of these habitat features and a 10% net gain has been demonstrated for watercourse and hedgerows.

11.6 The area of lowland meadow identified within the Site was recorded as being in poor condition as the indicator species were only recorded occasionally through the sward and the recorded area only forms a very minor proportion of the regional resource. In addition, the survey information confirms the grassland is not managed in a manager which will maintain the habitat type in the long term.

11.7 Whilst retaining the habitat in situ is desirable, the completed survey work indicates in the medium-term quality of the grassland would be lost, a similar situation to that assessed at the Drake Broughton appeal. In my view, translocation of the grassland lowland meadow within the site to avoid damage and fragmentation through the implementation of the site infrastructure, is an acceptable form of mitigation for a habitat that is likely to be lost through lack of appropriate management. Through translocation and a commitment to long term management, the quantitative assessment using the Statutory Metric confirms the proposals will result in a 'no net lost' to this habitat type. The use of grassland translocation has been found to be an acceptable form of mitigation on other appeal schemes and grassland translocation has been shown to be effective through grassland translocation exercises completed as part of the HS2 project.

11.8 From a policy perspective, DME3 indicates that affecting a priority habitat could cause conflict. However, this potential policy conflict needs to be balanced with the inevitable consequence that a lack of management is likely to result in the loss of the grassland, the onsite proposals can achieve 'no net loss' for lowland meadow and the fact Key Statement ENV4 allows the use of biodiversity offsetting for habitats, non-statutory designated habitats. When taken in the round and considering the appellant has sourced lowland meadow credits offsite. These units provide a 113% gain in this habitat type which more than adequately compensates any residual effects and make the proposals acceptable from an ecological perspective.

11.9 The completed botanical assessment has identified areas of other neutral grassland in moderate and good condition across the site. This particular habitat type is not listed as a priority habitat or a local BAP habitat, but the completed surveys indicate the quality of this habitat is declining though lack of management.

11.10 The proposed scheme has sought to retain areas of good and moderate other neutral grassland within the scheme and these areas will be the subject of a long-term management plan. This will secure the quality of the grassland in the long term. Given the nature of the grassland and how the metric assesses loss of this habitat type, the quantitative assessment using the Statutory Metric demonstrates that without further compensation, the proposals will result in a net loss to biodiversity. In similar terms and following the requirement of ENV4 the appellant has sourced the necessary other neutral grassland units to fully mitigate this loss and provide a 5.2% increase in this habitat type locally. Through the application of this mitigation and compensation it is my view that the proposals are acceptable.

11.11 In addition to the botanical assessment, the updated survey work provided the results of additional protected species survey. In simple terms, these surveys did not identify any statutory ecological constraint to development of the appeal site or significant ecological constraint which could not fully mitigated within the scheme.

11.12 From the assessment presented above, it is my opinion the matters relating to RfR4 are resolved.

11.13 RfR5 related to matters associated with biodiversity net gain. This RfR is twofold, firstly the council disagreed with some the targeted distinctiveness values and secondly the council wanted clarification on the proposed location of the offsite biodiversity units (or clarification of the scheme as required by ENV4).

11.14 To narrow matters between the main parties, this work has considered the council's comments during the application process and the targeted distinctiveness values have been amended. This amendment did require the use of additional of site credits which has been accepted by the appellant. In relation to the location of the habitat bank, the appellant has scored all of the required and additional units at the Moreton Park Habitat Bank.

11.15 Through these onsite and offsite provisions, the updated metric submitted to this appeal confirms a net gain in habitat units equivalent to 12.15%. In terms of hedgerows, the scheme provides a net gain of 24.37% and an uplift of 13.3% in watercourse units.

11.16 From this assessment above, it is my professional opinion that the proposals will not result in harm to biodiversity; rather, the proposals will lead to a net gain to biodiversity, which is in accordance with both the requirements of the NPPF, local planning policy, and Part 6 of the Environment Act, and matters raised in RfR5 have been resolved.

11.17 Overall, the proposals will secure a range of positive benefits to biodiversity for both habitats and species. In my opinion, the key benefits to biodiversity are:

1 - the translocation of the majority of the lowland meadow (0.7954ha) within the site and the long-term sensitive management of the translocated grassland,

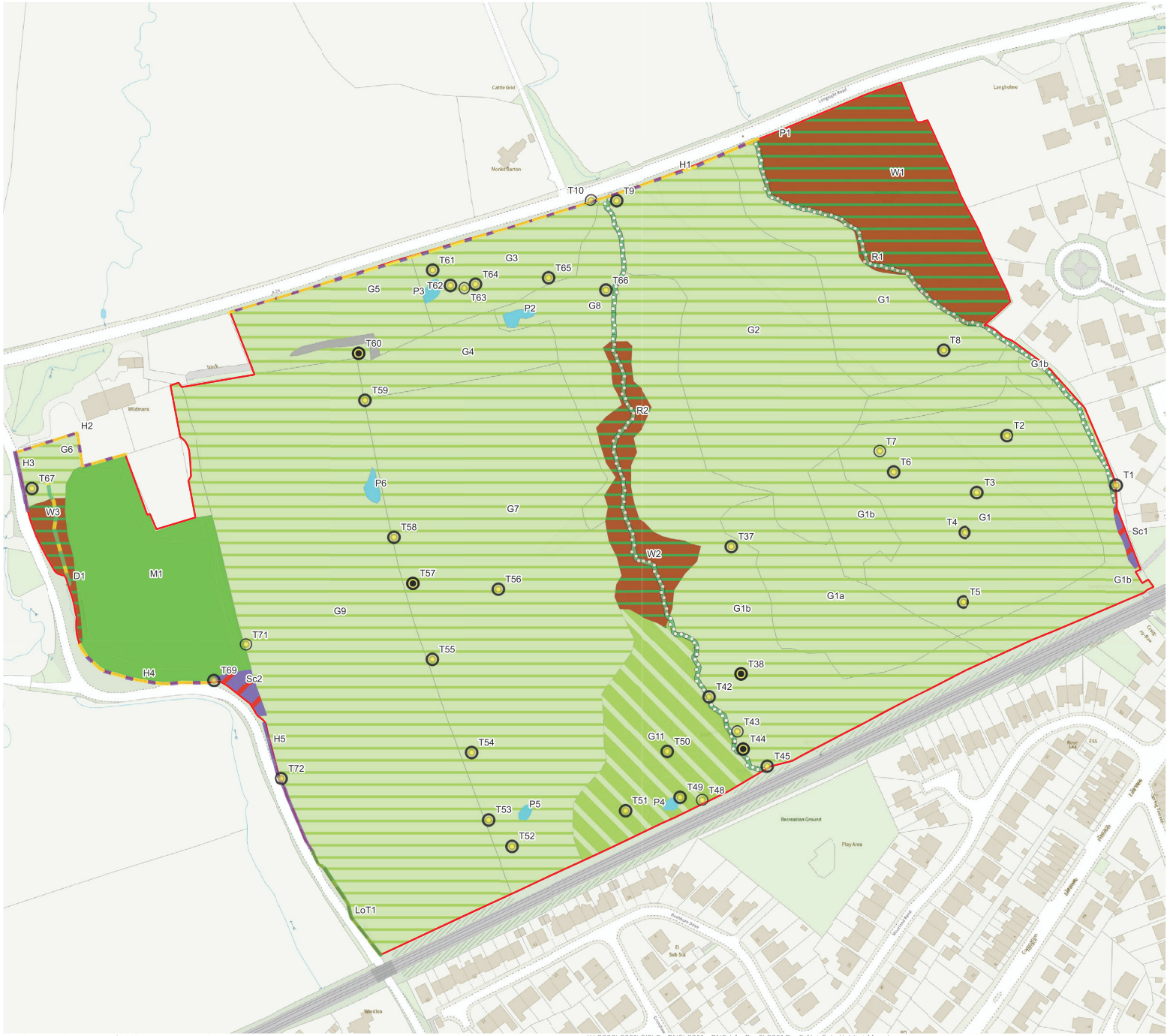
2- the retention / enhancement and long term management of 4.0603ha of good and medium condition other neutral grassland,

3 – the protection and enhancement of the ancient woodland and the veteran tree identified in the site, and

4 - the creation of an additional 1.525ha of lowland meadow and 10ha of other natural grassland in a strategic level habitat bank within 4km of the appeal site.

11.18 Through the implementation of the key measure outline above the proposals will protect ecological assets and provide a net increase in the quantum of lowland meadow and species rich grassland with the context of the Ribble Valley.

11.19 In summary, the proposals will not result in the loss or deterioration of irreplaceable habitats as defined in the NPPF and the proposals apply appropriate and proportionate mitigation and compensation for the loss of habitats within the site to ensure development would not result in more than low level harm to ecological receptors. Net gains to biodiversity can be delivered by the development through a combination of habitat enhancement and creation within the Site, and further offsite enhancements. These net gains include a significant uplift for the priority habitat lowland meadow. Therefore, from the submitted information and the evidence presented here, it is concluded that the development proposals are in accordance with National and Local Plan policies, the rules and principles of the DEFRA metric and the requirements of the PPG.



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