FPCR | environment & design




Proof of Evidence:

Ecology and Nature Conservation

LPA REF: 3/2025/0196
APPEAL REF: 6006485

Client

Hallam Land Management Limited

Project

Land South of Longsight Road,

Langho

Date

March 2026

CONTENTS

FIGURES

APPENDICES

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
-	Draft		KG /27.03.26
A	Final		IH / 31.03.26

1.0 INTRODUCTION

1.1 I am Mr Kurt David Goodman, and I am Senior Director of Ecology at FPCR Environment & Design Ltd. (FPCR). Hallam Land Management Limited (Hallam Land) (the 'Appellant') has instructed me to produce a Proof of Evidence covering matters relating to Ecology and Nature Conservation.

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 have been closely involved in 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 31 March 2025 (Planning Reference Number: 3/2025/0196). This application was for up to 300 residential dwellings, associated access, railway station car park, green infrastructure (GI) and sustainable drainage system with all matters reserved expect for means of access to, but not within, the site.

2.2 The application was submitted with the Preliminary Ecological Assessment and Surveys (February 2025) (CD.1.5) and a Biodiversity Net Gain Strategy (February 2025) (CD.1.6). The submitted PEA detailed the results of the UKHab 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 (CD.2.13). This consultation response noted that further ecological survey information and the results of the planned survey work were required to assist with the decision-making process. In respect of BNG, 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, additional ecological information was obtained from April – July 2025. The survey information related to GCN, breeding birds, bats and a detailed botanical assessment. This additional information is the survey data requested by the Council 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) (CDs.4.4 – 4.8 & CD4.3). 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 the Council 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).'

2.9 Following submission of additional ecological information in November 2025 and the submission of additional information relating to the Biodiversity Net Gain in February 2026 (CDs.4.4 – 4.8 & CD4.3), the Council's Statement of Case (SoC) (CD.10.1) confirmed its intention to defend these RfR.

2.10 Since receipt of the SoC, a topic-specific Statement of Common Ground (SoCG) relating to ecology and nature conservation has been agreed between the main parties (CD.4.20). Whilst there are outstanding matters between the main parties, Paragraph 2.25 confirms that all matters relating to protected and notable species have been agreed. As such, the element of RfR4 relating to protected and notable species is not a matter requiring further discussion or evidence at this appeal.

2.11 To assist the Inspector, evidence covering protected and notable species is provided in the Appellant's SoC. This information and further analysis of this material has been removed from my PoE.

3.0 CONSULTATION RESPONSES, OFFICERS' REPORT TO COMMITTEE AND STATEMENT OF CASE

Consultation Responses

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. This was 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. Indeed, the response actively encouraged reversion back to the Applicant to address concerns.

Officer's Report to Committee (CD.3.3)

3.4 Paragraphs 5.5.5 – 5.5.9 of the Committee Report considered matters relating to Ecology and 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. As above, the Officers Report raised no significant ecological concerns which could not have been resolved through the submission of additional information.

Council Statement of Case (CD.10.1)

<u>RFR4</u>

3.5 The Council recognise that the additional ecological information submitted in November 2025 (CDs.4.4 – 4.8 & CD4.3) addressed matters relating to additional ecological survey work, and further survey work is now not required.

3.6 Since refusing the application, the Council's case has developed further and the outstanding matters between the main parties relate to the potential effects of the development on the Ancient Woodland Green Nook Wood. The SoC also considers that the Lancashire Local Nature Recovery Strategy has a bearing on this RfR, presumably through potential effects on priority habitats. The Council's SoC also includes policy DME1 Woodland & Trees in the list of relevant planning policies. This policy is not cited in the RfR or the decision notice.

3.7 The main issues outlined by the Council related to indirect effects on the Ancient Woodland through restricting its expansion zone and translocation of the priority habitat 'Lowland Meadow' rather than a reduction in the quantum of development to maintain the Lowland Meadow in situ. Here, the Council's view is that the application should be refused to avoid potential effects on the Lowland Meadow.

<u>RfR5</u>

3.8 In terms of this RfR the Council case is that the proposals would result in the loss of existing habitat within the Site, and an adequate strategy has not been provided. The Council case also

suggests that the use of off-site habitat creation fails to avoid significant harm to biodiversity and irreplaceable habitats, including Ancient Woodland and Veteran trees as outlined at Paragraph 193 of the NPPF.

Greater Manchester Ecology Unit (CD.2.14)

3.9 On 05 February 2026, Ribble Valley Borough Council provided a summary of the Greater Manchester Ecology Unit's response to the additional ecological information provided in November 2025 and January 2026. This summary information broadly follows the Council case as outlined in the SoC.

3.10 On 19 March 2026, the Council released a full copy of the Greater Manchester Ecology Unit consultation response dated 30 January 2026 (CD.2.14).

3.11 This consultation response highlights the adoption of the Lancashire Local Nature Recovery Strategy (LNRS) and the updates to the Ancient Woodland Inventory have implications for the development.

3.12 With respect to the LNRS, the response highlights that the Appeal Site includes a core area for wildlife, the Green Nook Wood Ancient Woodland, and there are a number of potential recommended enhancements for the land within the Appeal Site. These recommended measures include:

- U2.3 – wooded habitat creation and enhancement in urban open spaces;
- W1.5 – retention and appropriate management of aged, ancient and Veteran trees; and
- W2.1 – establish riparian woodland and trees along watercourses.

3.13 The consultation response set out the mitigation step-wise process of the ecological mitigation hierarchy. This hierarchy establishes protocol for minimising harm to habitats and species on development sites through the application of avoiding harm, minimise harm, compensate and enhance. With reference to the hierarchy, the response suggests that the appeal proposals do not follow the hierarchy, and the provision of net gain does not demonstrate that the hierarchy has been followed.

3.14 On the whole, the consultation response accepts the majority of the grassland across the site is of limited species diversity. The main issues between the main parties outlined in the consultation response are the potential effects on the Ancient Woodland and the effects to priority habitats, including Lowland Meadow and hedgerows. The response accepts that the Ancient Woodland and priority habitats are relatively small, isolated and in poor condition.

3.15 The main issue relating to the Ancient Woodland highlighted is that the appeal proposals do not allow for future expansion or the creation of new landscape corridors. With respect to the Lowland Meadow the main issue is that the overall proposals have not reduced in size to allow retention in situ, rather the proposals include translocation of the grassland to another part of the site.

3.16 In relation to the LNRS the main issue the consultation response highlights is that the Ancient Woodland would become isolated. The response does accept that the proposals could bring forward some of the recommended measures outlined in U2.3 and W1.5, but these areas would

be small and subject to public pressure. In terms of the recommended measure W2.1, the response considers that this measure cannot be achieved in the context of a development site.

3.17 The overarching conclusion is that the proposals would compromise the habitat creation proposals outlined in the adopted LNRS.

3.18 With respect to protected and notable species, the response accepts that adequate survey work has been completed and adequate mitigation and compensation for the ecological receptor have been provided. This follows the overarching agreement between the main parties in the topic-specific Ecology SoCG (CD.4.20).

4.0 SCOPE OF EVIDENCE & STRUCTURE

4.1 This Proof of Evidence (PoE) 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. Landscape matters are dealt with in the evidence provided by Mr Cook. Planning matters, including matters of alternative sites and layout, are dealt with through the evidence provided by Mr Saunders.

4.2 My evidence summarises the results of the updated EcIA and Biodiversity Net Gain Assessment, dated November 2025 (CDs.4.4 – 4.8 & CD4.3), 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. As discussed above, matters relating to protected and notable species as outlined in RfR4 have now been fully resolved. Therefore, these matters are not considered further in my evidence, but these matters are addressed in my evidence submitted with the Appellant's SoC (CD.4.13).

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 provide 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 the committee matters relating to statutory and non-statutory designated sites are not disputed between the main parties. In addition to matters relating to protected and notable species, the common ground agreed between the main parties confirms that the ecological survey work has been undertaken following industry standards and are appropriate to assess the potential effects of the development proposals and all of the relevant survey work is in date.

4.5 The following summarises the matters of disagreement between the main parties, specifically relating to the ecological RfR's.

RfR4:

1 – Whether the inherent mitigation proposals shown on the illustrative proposals are adequate to mitigate the overall effects of the development on protected species in terms of fragmentation, isolation and disturbance.

2 – The effects of the proposals on the Ancient Woodland located within the Appeal Site to the northeast..

3 – Alternative designs should be applied to avoid the requirement to translocate the area of Lowland Meadow.

4 – With specific reference to the 'Lowland Meadow', the mitigation hierarchy as outlined at Paragraph 193(a) of the NPPF has not been followed.

5 – whether the development will compromise the creation of the local nature recovery network.

RfR5:

1 – The Net Gain hierarchy as outlined at Paragraph 008 of the Biodiversity Net Gain PPG has not been followed.

2 – The appeal proposals do not follow the requirements of the adopted LNRS (January 2026), as the proposals affect areas that could become of particular importance for nature conservation.

3 – The appeal proposals will affect an irreplaceable habitat.

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: Background to the Local Nature Recovery Strategy (LNRS) & Implications for the Appeal Site;

Section 8: Key Guidance on Ancient Woodland & Ancient / Veteran Trees;

Section 9: Ecological Baseline;

Section 10: Inherent Mitigation, Design and Evolution;

Section 11: Assessment of Potential Effects, Mitigation & Biodiversity Net Gain;

Section 12: Compliance with Guidance & Policy and Assessment of the Reason for Refusal (RfR); and

Section 13: 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 Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024;
- 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); and
- Adopted Lancashire Local Nature Recovery Strategy 16th January 2026.

6.0 BACKGROUND TO BIODIVERSITY NET GAIN

6.1 Paragraphs 187 (d) & 193 (d) of the NPPF recommend that development proposals should provide a measurable net gain to biodiversity in and around development, but do not suggest a minimum level of net gain that developments should provide. Paragraph 187(d) indicates minimising impacts on and providing net gain for biodiversity is one of the considerations when determining a planning application. With reference to net gain, 187(d) provides a broader assessment of measurable net gain, which includes a development's contribution to the establishment of coherent ecological networks that are more resilient to current and future pressures.

6.2 Paragraph 193(a) of the NPPF seeks to avoid significant harm to biodiversity. However, this guidance does not preclude the development of a site, where harm or even significant harm is identified, provided that adequate mitigation and compensation can be provided and alternative designs have been explored.

6.3 Biodiversity Net Gain is the positive element 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 that 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.

6.4 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.

6.5 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.

6.6 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.***

6.7 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.

6.8 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 (achieving 10% net gain) can, in principle, be met.

6.9 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.

6.10 Paragraph 008 provides a separate hierarchy for Biodiversity Net Gain. This hierarchy should not be confused with Para 193(a) of the NPPF, as this hierarchy is to address whether it is likely that the net gain objective (achieving 10% net gain) can be met. This hierarchy does not apply to development where irreplaceable habitats are affected by development.

6.11 The hierarchy simply provides a list of priority actions:

- 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 and mitigation cannot be provided, compensation for adverse effects should be provided in the order of habitat enhancement on site, then the use of offsite credits from a registered provided or the or the purchase of statutory credits.

6.12 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, and
- Plans, showing the location and extent of existing habitats and any irreplaceable habitats.

6.13 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.

6.14 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.'*

6.15 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.

6.16 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.

6.17 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.

6.18 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.

6.19 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 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.

6.20 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).

6.21 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.

6.22 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.

6.23 The recent appeal decisions of Stonebow Road, Drakes Broughton (Appeal Ref: APP/H1840/W/24/3340903) (Paragraphs 53 - 54) (CD.7.2), Woodland Lane, Bedworth (Appeal Ref: APP/W3710/W/24/3345739) (Paragraphs 28 - 31) (CD.7.5) and 97 Hartshorne Road, Woodville (Appeal Reference: APP/F1040/W/25/3358723) (Paragraphs 34, 38 - 41) (CD.7.4) 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 a habitat of high distinctiveness value from a net assessment perspective), 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.

6.24 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.

6.25 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 BACKGROUND TO THE LOCAL NATURE RECOVERY STRATEGY & IMPLICATIONS FOR THE APPEAL SITE

7.1 Local Nature Recovery Strategies (LNRS) are the first Statutory spatial strategies for Nature in England. The legal requirement for these strategies was introduced by the Environment Act 2021. The Environment Act required the setting of a suite of legally binding targets, including a target to halt the decline in species abundance by 2030 and increase species abundance by 2042.

7.2 In April 2023 the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 ('the LNRS Regulations') came into force, establishing 48 strategy areas covering the whole of England. Lancashire County Council was appointed as the responsible authority for the preparation of the Lancashire LNRS. This LNRS was published on 16th January 2026 in accordance with the regulations.

7.3 LNRS are an important spatial planning tool used to identify not only where the most important biodiversity resources are, but also where there is the greatest opportunity for restoring or

creating new places for biodiversity, and for enhancing biodiversity where this might provide wider environmental benefits.

7.4 LNRS themselves are not intended to be delivery plans, instead they are an 'enabling mechanism' targeting where action can best happen to aid nature recovery and bring local stakeholders together to work toward a shared vision.

7.5 This spatial strategy identifies areas of importance for biodiversity (areas known as 'Areas of Particular Importance for Biodiversity' (APIB)) and areas which could, with enhancement, be important for nature conservation (areas known as 'Area that Could Become of Particular Importance for Biodiversity (ACB)'). The spatial strategy also identifies 'potential measures' which could be applied within ACB's. The potential measures are those measures considered most likely to provide the greatest benefit for nature and the wider environment.

7.6 Unless designated by other mechanisms, areas identified in the strategy are not afforded protection or designation for ecological reasons. The adoption of an LNRS does not provide the Council with statutory powers to enforce habitat management or habitat enhancements on private land. Where habitat enhancements are provided within strategy areas, this is on a voluntary basis in liaison with the Council, the Council's agents or third-party brokers.

7.7 Page 22 of Lancashire adopted LNRS confirms the above-mentioned view and is clear that the LNRS is a tool to identify opportunities for nature recovery (CD.6.18). The tool can be used to target action and funding. Importantly, the strategy document confirms:

'It is not intended to be a delivery plan. Landowners of the areas mapped are not obliged to deliver the opportunities identified. They are simply opportunities within areas that could deliver the greatest gains in terms of nature's recovery, wider benefits for the environment and people, and the most investible opportunities for private investment in nature's recovery.

The LNRS does not add levels of designation to land and therefore does not assign any level of protection or restrictions on land use*[1]. It also does not give permission to create habitat without necessary consultation and consents or without following appropriate existing statutory requirements, decision-making frameworks, and pre-existing procedures.'

7.8 Within the context of a planning application and with reference to ACB areas, an adopted LNRS is intended to guide developers of targeted habitat creation measures, and developers should have 'regard' to these measures in their proposals. Equally, local authorities should also have regard to the relevant local nature recovery strategy when considering planning applications.

7.9 Mapped areas identified in the LNRS are also relevant when assessing a planning application's Biodiversity Net Gain requirements, as the LNRS is a relevant strategic policy which defines strategic significance, as outlined within the Statutory Biodiversity Metric user guide. Under this guidance, any proposed habitat creation and enhancement measures secured by the BNG condition, which are mapped within an ACB and are consistent with mapped potential measures, will be considered to support local nature recovery and considered to be 'strategically significant'.

[1] *Emphasis added.

7.10 Paragraph 159 of the NPPF recommends that where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.

8.0 KEY GUIDANCE ON ANCIENT WOODLAND AND ANCIENT / VETERAN TREES

8.1 Paragraph 193(c) of the NPPF advises that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient or Veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Further guidance on the potential effects of development on these ecological receptors and appropriate mitigation is provided in 'Guidance. Ancient Woodland, Ancient Trees and Veteran Trees: Advice for Making Planning Decisions (https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions).

Definitions of Ancient Woodland, Ancient Trees and Veteran Trees

Ancient Woodland

8.2 Both the NPPF and the Forestry Commission and Natural England standing advice: Ancient Woodland, Ancient trees and Veteran trees, define Ancient Woodland consistently as:

'an area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on Ancient Woodland sites (PAWS).'

8.3 The Ancient Woodland Inventory (AWI) is an evidence-based tool for the conservation of Ancient Woodland. It aims to be a "site-by-site listing of probable ancient woods. It was produced between 1981 and 1992 and has since been digitised. The original AWI excluded woodlands of less than 2ha in extent from the mapping, due to technical necessity rather than conservation policy. Natural England highlighted the need to update the AWI and set out he methodology of doing so in 2018, in the Handbook for updating the Ancient Woodland Inventory for England. The methods outlined in this document are being used to update the AWI mapping on a county-by-county basis, with the results published on the Ancient Woodland Inventory (revised completed counties) layer' available on the data.gov.uk open data portal.

8.4 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.

Ancient and Veteran Trees

8.5 Table 3 below summarises the definitions published in planning policy, guidance and the net gain regulations. In contrast to Ancient Woodland, the definitions of ancient and Veteran trees shows a greater degree of variation. Importantly, the NPPF definition of a Veteran tree set a higher bar than the assessment criteria set in the Biodiversity Net Gain 'Irreplaceable Habitats' Regulations.

8.6 It should be noted that the assessment methodology provided in the irreplaceable habitat regulations is to remove irreplaceable habitat from the net gain assessment. This is to avoid the overall baseline net gain assessment being significantly increased and to ensure bespoke onsite mitigation for any loss is provided, rather than the provision of offsite mitigation through the purchase of biodiversity credits.

Table 3: Ancient and Veteran tree definitions

	Definition
NPPF	*A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All Ancient trees are Veteran trees. Not all Veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.*
PPG	*Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or Veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or Veteran as the characteristics will vary from species to species. Further guidance on ancient and Veteran trees is set out in the Forestry Commission and Natural England's standing advice.*
FC and NE Standing Advice	*An Ancient tree is exceptionally valuable. Attributes can include its: great age, size, condition, biodiversity value as a result of significant wood decay and the habitat created from the ageing process and cultural and heritage value. Very few trees of any species become ancient.* *A Veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value. All Ancient trees are Veteran trees, but not all Veteran trees are ancient. The age at which a tree becomes ancient or Veteran will vary by species because each species ages at a different rate.*
BNG Requirements (Irreplaceable Habitat) Regs 2024	Ancient and Veteran trees can be found as individual trees or collections of trees in any setting. Ancient trees have passed beyond maturity into an ancient life stage or are old in comparison with other trees of the same species which exhibit one or more of the following— (i) demonstrably great age relative to others of the same species. (ii) changes to their crown and trunk development indicative of the ancient life stage. Veteran trees are mature trees that share physical and other characteristics in common with Ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. All Ancient trees are Veteran trees, but not all Veteran trees are ancient. Veteran and Ancient trees which have died are still recognised as such because they retain significant biodiversity value for many decades. Veteran trees exhibit one or more of the following— (i) significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs. (ii) a large girth, depending on and relative to species, site and management history. (iii) a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates.

8.7 In terms of 'Irreplaceable' Habitats as defined in the NPPF and the Irreplaceable Habitat Regulations 2024, it is common ground between the main parties that this is restricted to the mapped boundary of the Ancient Woodland W-1 and the individual beech tree T-75 located in

the mapped boundary of the Ancient Woodland are the only ecological receptors meeting the definition of these habitats (CD.4.20). Both of these receptors are retained in the Appeal Proposals, and these receptors will be subject to long-term sensitive management as outlined in the updated net gain report (CD.4.3).

Forestry Commission and Natural England Standing Advice: Ancient Woodland, Ancient Trees and Veteran Trees

8.8 The Standing Advice provides guidance to decision makers on how to assess a planning application when there are Ancient Woodland, Ancient trees or Veteran trees on or near a proposed development site:

"Making decisions

When making planning decisions, you should consider:

- *conserving and enhancing biodiversity*
- *avoiding and reducing the level of impact of the proposed development on Ancient Woodland and ancient and Veteran trees*

You should refuse planning permission if development will result in the loss or deterioration of Ancient Woodland, Ancient trees and Veteran trees unless both of the following applies:

- *there are wholly exceptional reasons*
- *there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) - see paragraphs 33 and 34 of the planning practice guidance on compensation guidance*

You should make decisions in line with paragraph 180 (c) of the NPPF [sic – para 193 in 2024 NPPF].

Ancient Woodland, Ancient trees and Veteran trees are irreplaceable. Therefore, you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.

Assess the effects of development

When making decisions on planning applications, you should assess the direct and indirect effects of development on:

- *Ancient Woodland*
- *Ancient trees and Veteran trees*

You should consider both the construction and operational effects of the proposed development.

Direct and indirect effects of development

Development, including construction and operational activities can affect Ancient Woodland, ancient and Veteran trees, and the wildlife they support on the site or nearby…

Direct effects of development can cause the loss or deterioration of Ancient Woodland or ancient and Veteran trees by:

- *damaging or destroying all or part of them (including their soils, ground flora or fungi)*
- *damaging roots and understorey (all the vegetation under the taller trees)*
- *damaging or compacting soil*
- *damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland*
- *increasing levels of air and light pollution, noise and vibration*
- *changing the water table or drainage*
- *damaging archaeological features or heritage assets*
- *changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss*

Indirect effects of development can also cause the loss or deterioration of Ancient Woodland, ancient and Veteran trees by:

- *breaking up or destroying working connections between woodlands, or Ancient trees or Veteran trees - affecting protected species, such as bats or wood-decay insects*
- *reducing the amount of semi-natural habitats next to Ancient Woodland that provide important dispersal and feeding habitat for woodland species*
- *reducing the resilience of the woodland or trees and making them more vulnerable to change*
- *increasing the amount of dust, light, water, air and soil pollution*
- *increasing disturbance to wildlife, such as noise from additional people and traffic*
- *increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas*
- *increasing damaging activities like fly-tipping and the impact of domestic pets*
- *increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration*
- *changing the landscape character of the area*

Mitigation measures

Mitigation measures will depend on the type of development. They could include:

- *putting up screening barriers to protect Ancient Woodland or ancient and Veteran trees from dust and pollution*
- *measures to reduce noise or light*
- *designing open space to protect ancient or Veteran trees*
- *rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations*
- *creating buffer zones*

Use of buffer zones

Buffer zones can protect ancient woodland and individual ancient and Veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:

- *scale and type of development and its effect on Ancient Woodland, ancient and Veteran trees*
- *character of the surrounding area*

For example, larger buffer zones are more likely to be needed if the surrounding area is:

- *less densely wooded*
- *close to residential areas*
- *steeply sloped*

Buffer zone recommendations

For Ancient Woodland s, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

For ancient or Veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.

Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.

Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

A buffer zone should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.

You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone.

You should only approve sustainable drainage schemes if:

- *they do not affect root protection areas*

- *any change to the water table does not negatively affect Ancient Woodland or ancient and Veteran trees.*

9.0 ECOLOGICAL BASELINE

9.1 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.

9.2 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. Furthermore, matters relating to protected and notable species are now agreed between the main parties.

Flora

9.3 The PEA 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.

9.4 An updated EcIA dated November 2025 has been 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 are shown on Figure 1.

9.5 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.

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

9.7 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. At the time of application, this was not mapped as Ancient Woodland. The classification of AW 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 (T-75) within W-1 and is classed as an irreplaceable habitat. No other irreplaceable habitats were identified.

9.8 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 northeast 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.

9.9 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

9.10 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.

9.11 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.

9.12 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 applied by the assessor. 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.

9.13 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.

9.14 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 and none of the rare indicator species of Lowland Meadow.

9.15 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.

9.16 The Lowland Meadow habitat recorded on Site is considered to be an important ecological feature, albeit at a County scale. When assessed against the criteria for selection as a BHS, the

grassland did not meet the criteria for selection, due to the occasional distribution of the Lowland Meadow indicator species (CD.4.3 – Appendix A1).

Other Neutral Grassland

9.17 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.

9.18 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.

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

9.20 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.

9.21 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.

9.22 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

9.23 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 of the following 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.

9.24 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.

9.25 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.

9.26 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.

9.27 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.

9.28 Neither Woodland W2 or W3 met the criteria to be classified as Biological Heritage Sites.

9.29 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

9.30 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. Tree T-1, an alder present on the south-eastern boundary of the Site was identified within the Lancashire LNRS as a Veteran tree. Interrogation of the Woodland Trust's Ancient Tree Inventory, from which the LNRS data is derived, together with

FPCR's Arboricultural Assessment (CD.1.12) has confirmed that this tree is not of Veteran status and therefore does not constitute an irreplaceable habitat. Regardless of the assessment, the Illustrative Masterplan shows that this tree is retained and buffered from the development, and it is common ground between the main parties that T-75 in the Ancient Woodland is the only Veteran tree within the Appeal Site.

9.31 A beech tree within Woodland W-1 (identified as tree T-75 within the Arboricultural Assessment) has been assessed as a Veteran tree by the FPCR Arboricultural Assessment and is mapped as such within the LNRS. Again, this Veteran tree is retained and buffered from the proposals.

9.32 In addition to the above, 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

9.33 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, but as the onsite ponds onsite were classified as non-priority habitat, these are considered to be of importance on no more than a local scale.

9.34 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

9.35 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.

9.36 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

9.37 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.

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

Additional Habitats and Invasive Species

9.39 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.

9.40 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.

10.0 INHERENT MITIGATION, DESIGN AND EVOLUTION

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

- The Ancient Woodland (W1) including the Veteran tree (T-75) 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 hedgerows, and
- The Lowland Meadow.

10.2 Outside the above-mentioned habitat areas, the area of the grassland to the northwest of the watercourse R2 and east of the Site is moderately species-rich, other neutral grassland in good and moderate condition. The other neutral grassland west of the watercourse R2 was in poor condition. None of the grassland is 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.

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

10.4 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. The 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 considered to be easily re-creatable with habitats of similar quality.

10.5 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.

10.6 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.

10.7 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.

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

10.9 The AW 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.

10.10 The identification of a poor condition Lowland Meadow in July 2025 required a 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.

10.11 If Lowland Meadow were an irreplaceable habitat, such translocation would have been unacceptable from the perspective of the NPPF, as irreplaceable habitats are those habitats 'which would be technically very difficult to restore, recreate or replace once destroyed'. Exclusion from the irreplaceable habitat category indicates that it is technically feasible to translocate this habitat type as discussed below.

10.12 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 (CD.6.16). Long-term studies of translocation Lowland Meadow at Top Park Field, Durnford Quarry has also shown that translocated grassland are similar in nature to the donor grassland within 5 years of translocation (CD.6.17). Translocation of grassland of a similar grassland type identified as a potential Local Wildlife Site by the Inspector at Bishop Itchington (Paragraphs 33- 35, CD7.7).

10.13 Given the poor nature of the Lowland Meadow and the potential risk of retaining the grassland in an urban setting, the optimal solution in this case is the translocation of the grassland outside the proposed development area and the application of a 30-year Habitat Management and Monitoring Plan (HMMP). This HMMP is required to satisfy the on-site habitat provision for Biodiversity Net Gain. However, with respect to the translocated Lowland Meadow, it provides a tool for long-term monitoring and management. This monitoring requirement allows alterations to management techniques or the application of corrective actions, if required, to achieve specific objectives. To assist the Inspector, the appellant has provided targeted

objectives and remedial measures which could be applied over the 30-year management program to achieve the specific objectives set through the outline net gain proposals (Appendix B).

10.14 Taking account of the comments provided by the local authority in June 2025, the appellant has 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 to be delivered from an off-site strategic-level habitat bank. In my view, the use of a greater proportion of off-site units is logical in this case, 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'. The appeal proposals are a prime example of providing compensation in strategic locations, as the proposed receptor site is in an opportunity area identified in the LNRS at Whalley, Ribble Valley. This receptor is approximately 3.75km from the Appeal Site, in the same administrative region as the Appeal Site (Figure 2).

10.15 The use of this off-site receptor aligns with the NPPF consideration of Biodiversity Net Gain, as the proposals are adding to ecological coherence and resilience referenced at Paragraph 187 (d) of the NPPF and Paragraph 159 of the NPPF through creation of mapped measures in the adopted LNRS.

10.16 Considering the nature of the habitats within the Site, the overall proposals 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, but following the approach taken by HS2, the appellant has sought to provide further Lowland Meadow habitat units off-site at the 'Moreton Park Habitat Bank' in Whalley, Ribble Valley. This is a strategic-level habitat bank located within an area identified for potential enhancements within the adopted LNRS. The scheme also benefits from 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% (i.e. 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 in a potential enhancement zone identified in the LNRS, is a significant benefit of the scheme.

10.17 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. Consequently, the stance taken by the Council at the point of determination remains difficult to follow as the proposals have clearly demonstrated that they meet the requirement of the 'biodiversity objective' as outlined in Paragraph 002 in the Biodiversity Net Gain PPG.

10.18 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.

11.0 ASSESSMENT OF POTENTIAL EFFECTS, MITIGATION AND BNG

11.1 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.

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

Statutory and Non-Statutory Designated Sites

11.3 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

Woodland and Ancient Woodland

11.4 Three woodlands, all classified as lowland mixed deciduous woodland HPI, were recorded within the Site and mitigation by design has sought to retain and appropriately buffer all three woodlands within areas of proposed greenspace.

11.5 Woodland W1, known locally as Green Nook Wood present to the north-east of the Site is identified as an AW and is considered to be an irreplaceable habitat as defined by the NPPF and the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Whilst an element of the ancient woodland is present immediately adjacent to the watercourse R1, the main area of the AW is located on ground rising from the lower level of the watercourse to existing residential dwellings on the eastern elevation of the Site.

11.6 Given the recent designation as an Ancient Woodland the appellant has completed a Hydrological Assessment of the woodland to determine whether the proposals are likely to affect the current hydrological regime of the woodland (Appendix D). The hydrological assessment concludes, based the topographic survey and EA surface water flood maps there is a large catchment outside of the site draining to the woodland watercourse from the east and south (this includes water from the south of the railway as there is an underpass allowing the flow of water towards the site). The survey shows that a small portion of the site (land east of the PROW) naturally flows to the woodland watercourse.

11.7 The majority of the site east of the PROW is proposed to be public open space, therefore it will continue to drain to the woodland watercourse. The portion of the site to the east of the PROW, that is proposed to be developed, would drain to the western watercourse as part of the development, however this is only a small portion of the wider woodland watercourse catchment and will not have a notable impact on the water resource, especially as the woodland has a wide catchment area.

11.8 From the conclusion of the Hydrological Assessment, we conclude that development within the Appeal Site will not affect the overall hydrological resource of the AW.

11.9 The condition of Woodland W1 was assessed using the woodland condition assessment within The Statutory Biodiversity Metric - Technical Annex 1: Condition Assessment Sheets and Methodology. Assessment of the woodland using this methodology determined that the woodland is in poor condition, scoring a total of 24 points. The Council's consultation response dated 30 January 2026 agrees that this woodland is in poor condition (CD.3.2).

11.10 The principal factors in this poor condition score were low scores for: A: Age distribution of Trees, B: Herbivore damage, G: Woodland regeneration, J: Woodland vertical structure and to a lesser extent I: vegetation and ground flora. The low scores of all five of these assessment criteria are, to a greater or lesser extent, directly associated with the presence of grazing livestock within the woodland and lack of positive management.

11.11 The key principles of the proposed enhancement measures for this woodland are the removal of grazing animals from the woodland to restore the natural process impacted by them, together with targeted interventions to deliver short-term benefits. This includes the underplanting of appropriate native trees and shrubs within the woodland to contribute towards developing a functional understory layer and diversifying the age profile of the trees present within the woodland. The Council's SoC accepts these elements as a benefit of the scheme.

11.12 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. Formalising this boundary would have the effect of impeding the existing points of access to the north of the Site and discouraging regular use of the woodland. A condition to this effect is proposed. In addition, the proposals will provide alternative recreational routes through the sites, open space to minimise unofficial recreational use. Since there is presently evidence of trespass within the woodland, this is a benefit of the proposals.

11.13 Woodland W1 is retained and buffered from development by a minimum 15m buffer from its mapped boundary, in line with the Forestry Commission and Natural England Standing Advice. In effect, the buffer zone shown on the Illustrative masterplan exceeds the minimum 15m buffer, being 25m from the closest residential dwellings and 19m from the canopy edge. Whilst, a small area of the woodlands RPA falls outside the 15m buffer, this RPA is outside the built development area and not affected by the proposals. The Arboricultural Technical Note confirms that the provision of the buffer zone adequately protects the RPA of the woodland (Appendix A).

11.14 In addition to the buffer zone running north and south along the woodland's western boundary, the banks of the watercourse denoted as R1 form the woodland edge. The location of this watercourse and the general topography in this area of the Site provide natural protection to the woodland from direct and indirect impacts during the construction and operational phases. The grassland habitats within this ecological corridor are proposed for retention and enhancement and will be supplemented by the planting of additional native tree standards, contributing to maintaining a functional ecological network within the Site. In addition to the freestanding trees immediately adjacent to the woodland, additional native woodland planting is proposed along the northern boundary of the Site. These measures will both increase woodland cover within proximity of the Ancient Woodland and strengthen ecological linkages from W1 westwards to offsite woodlands.

11.15 The illustrative proposals show the implementation of a footpath in the buffer to the AW W1. This proposed footpath follows the alignment of permissive route currently used by local residents for informal recreation including cycling. The Forestry Commission and Natural England Standing Advice allows appropriate access to buffer zones, provided the habitat is not harmed by trampling. In this case, the provision of a formalise footpath adjacent to the

woodland would reduce the existing pressure within the 15m buffer zone and would reduce harm. The formalised design should incorporate a surfaced no-dig design. This would minimise trampling of the adjacent grassland and avoid impacts to RPAs.

11.16 With respect to the AW, the Council's SoC claims that the proposals do not provide an expansion zone for the AW. However, there is no specific reference to an 'expansion zone ' in Natural England's standing advice, but the standing advice does recommend the creation of semi-natural habitats, including woodland within the buffer. Given this, it is my view that the buffer and the proposed habitats in the 15m buffer are those referenced by the Council as an 'expansion zone', and the proposals follow the recommendations for the management of this expansion or buffer zone.

Grassland

11.17 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. Lowland Meadow is not listed as an irreplaceable habitat in the NPPF or the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, but it is listed as a habitat of principal importance under S41 of the NERC Act. In addition, the adopted LNRS does not identify grassland enhancement as a key priority for the Appeal Site.

11.18 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.

11.19 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 and the adoption of the LNRS, there are currently no effective control mechanisms to ensure positive conservation management of the grassland. Positive management of this grassland type for nature conservation generally includes the removal of grazing pressure in spring to allow the development of grassland as a hay crop over the summer period. Following the hay cut, the grassland is generally cattle grazed. This grazing provides the conservation benefit of delivering a variable sward height, creating small areas of bare ground for seed germination.

11.20 The lack of positive grassland management introduces two key threats to the conservation value of the grassland: lack of sympathetic management and abandonment of management. Examples of unsympathetic management are:

- Over-grazing or mowing, limiting the ability of herbaceous vegetation to flower and set seed with a higher risk of poaching;
- Under-grazing/infrequent mowing leading to a gradual decline of species richness;
- The use of herbicides; and
- The application of artificial fertilisers.

11.21 Two unsympathetic management practices can have successional impacts which reduce the conservation value of grasslands, both of which are well established in conservation literature, for example, in volume three of British Plant Communities[2] Edited by John Rodwell (Appendix

[2] Rodwell, J.S. (1992). British Plant Communities: Volume 3 Grasslands and Montane Communities. Cambridge University Press

E). The first of these changes to management is abandonment or undermanagement. This enables the expansion of course grasses, which initially favours taller wildflowers and scrambling plants, at the expense of short perennial and annual species. This is self-evident within the Appeal Site where tussock-forming vegetation can be seen across the sward including in the area of the Lowland Meadow. Unmanaged, the tussock grassland will succeed to scrub establishment, and the grassland interest will eventually be lost completely through shading. It is 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, given the lack of appropriate management, it is my view that the nature conservation interest could readily be lost by future abandonment of the Site.

11.22 The second unsympathetic management practice, with succession implications to species-rich grassland occurs where grazing is undertaken year-round, particularly over the summer months. This management gradually decreases the floristic diversity of the sward as flowering plants on a year-to-year basis have reduced opportunities to flower and set seed. This limits the recruitment of species which rely solely on growth from seed, such as devil's-bit scabious. Over time, this management treatment favours rosette forming or low growing perennials / annuals over species which have their growing point higher up such as great burnet. Again, such management results in an overall reduction in species diversity and richness.

11.23 Both of the management practises outlined above are relevant to the Appeal Site. The Appeal Site and in particular the central and eastern fields are grazed year-round by horses. The landowner has confirmed this management has been consistent for around 20 years.

11.24 The number of horses stocked within the fields has varied but has been noted to be between 3 – 7 animals. The recommended stocking density to maintain conservation interest in Lowland Meadow grassland is typically between 0.5-0.8 livestock units / per ha[3]. The areas grazed by the horses consistently is approximately 14.9ha and a single horse is equivalent to 1 livestock unit. As such, the stocking density grazing the site has been between 0.2 and 0.4, falling below the optimal level to maintain the conservation interest of the grassland.

11.25 The community composition of the surveyed Lowland Meadow grassland and the wider horse grazed other neutral grassland are indicative of these unsympathetic management practises.

11.26 The overall character of the grasslands within the grazed section tended towards taller swards of two types. In the first instance, within fine leaved grass dominated sections, such as G1, G1a and the Lowland Meadow grassland G11, features within a dense sward of between 15-20cm with a developing under thatch. The second type is where unpalatable sedges and rushes form a high tussocky sward of up to 50cm with a lower layer between the tussocks featuring coarse grasses such as Yorkshire-fog, tufted hair-grass and meadow foxtail. The close-cropped grazing style of horses does result in 'patchy' vegetation, with a mixture of sward heights and is evident in the Appeal Site, but overall, there was the predominance of the taller swards indicative of undermanagement. This characteristic of the grazed grasslands was evident both during the peak summer growing season and during the autumn and winter months, across several years, as highlighted in the selection of photographs below.

[3] Crofts & Jefferson (eds) (1999) The Lowland Grassland Management Handbook 2nd ed. English Nature/The Wildlife Trusts.

	
Lowland Meadow December 2019	**Lowland Meadow March 2026**
	
Other neutral grassland G1a (ONG) July 2025	**Other neutral grassland G1a (ONG) March 2026**

11.27 The impact of the continuous grazing regime is evident in the composition of the surveyed swards by the character of the most frequently recorded wildflowers. The most frequently recorded species across the horse grazed grasslands were the rosette/ semi-rosette forming species ribwort plantain and common sorrel; and meadow/creeping buttercup which horses actively avoid grazing. Lowland Meadow indicators which rely on different strategies for growth and reproduction, such as betony, devil's-bit scabious, great burnet, tormentil and bird's-foot-trefoil, in contrast show patchy distributions.

11.28 The current management practices on the Site are maintaining moderately species-rich grasslands with a range of indicators of Lowland Meadow quality grasslands, but these indicator species are present at lower frequencies and cover. It is acknowledged, within Rodwell and the conservation literature generally, that light grazing is preferable to no management. However, the current stocking density and duration of grazing is indicative of unsympathetic management, as it is not maintaining the sward height and allowing the development of tussock vegetation, which will in all likelihood further reduce the conservation value of the grasslands within the site in the medium term.

11.29 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. As highlighted in Appeal Decision APP/H1033/A/13/2205644, 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.

11.30 The proposals include the translocation of the majority of the Lowland Meadow within the Site itself. This translocation to an area of the site where public access is not proposed, and appropriate long-term management of the Lowland Meadow will ensure the resource is retained within the site. However, without the provision of further compensation, a minor residual effect at a district level is recognised, due to the associated risk of degradation following translocation, as explained above, in my view this risk is low as the Lowland Meadow will be subject to the long-term monitoring and management requirement set in the HMMP.

11.31 Notwithstanding my view regarding risk, the proposals do consider this minor residual effect, and as a whole, the scheme has secured additional Lowland Meadow habitat units at a strategic level habitat bank identified in the adopted LNRS. 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. The provision of on-site compensation through translocation and further off-site compensation is similar to the approach taken by HS2 and provides further certainty of the results.

Other Grassland Habitats

11.32 In terms of the areas of other neutral grassland, development of the Site will reduce the extent of habitat area, but the open space has been designed to maintain and enhance approximately 3.47ha of better-quality areas 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 or significantly reduced in the medium term. Mitigation / compensation included in the proposals includes enhancements to the retained areas of other neutral grassland in the open space corresponding to the mapped measures area in the adopted LNRS. These areas will also be subject to long-term sympathetic management.

11.33 The inevitable residual effects arising from the loss of grassland are fully compensated through the purchase of off-site other neutral grassland habitat units at the Moreton Park Habitat Bank, which is identified as an opportunity area identified within the adopted LNRS. 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.

Other Habitats

11.34 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.

11.35 Proposed public open space footpaths have been limited to a single path through the retained central woodland belt (W2) and defined footpaths in the open grassland areas. These footpaths will be created so there 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.

11.36 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.

11.37 Further details on the habitat retention and enhancements proposed across the scheme are outlined in the Biodiversity Net Gain section below.

Biodiversity Net Gain

11.38 An updated and full Biodiversity Net Gain Assessment dated November 2025 has been submitted to the LA (CD.4.4). As with the previous assessment, this confirms that a Biodiversity Net Gain exceeding the minimum 10% requirement can be achieved.

11.39 Table 4 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 4: 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%**

11.40 Table 5 focuses on the overall assessment of the effects of grassland habitat prior to and following the implementation of onsite / offsite mitigation and compensation.

Table 5: 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**

11.41 The submitted Biodiversity Net Gain assessment was updated at the point the appeal was 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.

11.42 The updated Biodiversity Net Gain Assessment dated November 2025 (CD.4.3), confirms development on the Appeal Site will result in the loss of 34.51 habitat units. This loss is largely the result of losing areas of other neutral grassland and is addressed through off-site biodiversity units from a local habitat bank located within 4km of the Appeal Site. This local habitat bank is situated in a strategic level area, as identified in the adopted LNRS in Walley, Ribble Valley, approximately 3.75km from the Appeal Site (Figure 2).

11.43 In a similar nature to the Appeal Site, this strategic level receptor site is adjacent to Sir John's Wood, an identified area of particular importance due to mapping as an Ancient Woodland (Figure 2). Again, in a similar nature to the appeal proposals, the areas enhanced by the habitat bank are identified as 'Areas that could become of particular Importance' with potential measures listed as creating 'appropriate semi-natural habitat to buffer, expand or connect existing woodland'. Given this, the provision of Lowland Meadow and other neutral grassland are contributing to the overall LNRS at a strategic level.

11.44 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 (T-75), 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).

11.45 Proposals will retain, appropriately buffer and enhance the AW W1, and the Veteran tree T-75 recorded within it. Impacts on the other two other high distinctiveness, but non- Ancient Woodland habitats, have been avoided. Woodland W2 will be enhanced as part of the proposals but given the nature of the topography in this area of the Site, the creation of the mapped measure in the adopted LNRS, W2.1 'riparian woodland', on the bankside to the watercourse wouldn't be appropriate (Figure 3).

11.46 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. This precautionary approach accounts for the risk of degradation over the operational phase. Whilst this precautionary approach has been adopted for the purpose of the net gain assessment, it is my view that the grassland is likely to maintain a community type similar to Lowland Meadow. Thus, loss of the retained area of Lowland Meadow isn't as inevitable as the approach taken in the net gain assessment.

11.47 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. The application of the multiplier considers 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.

11.48 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. Prior to the implementation of mitigation and enhancement, there will be an overall loss of 72.7 units of medium distinctiveness grassland within the site. Following the proposed creation and enhancement of existing other neutral grassland on Site, 56.3 units remain not fully compensated for within the Appeal Site, and offsite credits are required.

11.49 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. The Council's consultation response dated 30 January 2026 accepts that the retention and protection of these trees is possible (CD.2.14).

11.50 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% and the Council's consultation response dated 30 January 2026 agrees this is possible (CD.2.14).

11.51 To facilitate the implementation of the site infrastructure, there is a requirement to culvert 32m of the central watercourse R2. The remaining watercourses 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 outside the 15m Ancient Woodland buffer, 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%).

11.52 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.

11.53 The translocation of the Lowland Meadow affected by proposals seeks to maintain this habitat within the site, with inherent design measures and secured appropriate management and monitoring, facilitating the enhancement of the resource in the medium to long term. The soil analysis completed at the donor and receptor sites demonstrates that the soil characteristics are broadly similar, with both sub-soils in the sampled areas comprising nutrient poor (Phosphorus index-0), slightly acidic (pH 5.3 to 5.7), loams (sandy loam/clay loams) (Appendix C). In addition, the receptor site is broadly similar in terms of aspect and slope and close to the donor increasing the potential success of the translocation.

11.54 As a result of the translocation, 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 off-site 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 1.525 ha of the priority habitat Lowland Meadow. This is a clear benefit of the scheme, and the provision of a priority habitat in the strategic area identified in the LNRS should be supported from a local policy perspective.

11.55 Given the nature of the other neutral grassland habitats affected by the proposals, the loss of these grasslands, in my professional opinion, is acceptable. In terms of the net gain hierarchy, the proposals have sought to follow the stepwise list of priority actions listed at Paragraph 008 of the PPG, avoiding where possible areas of high value and where the effect cannot be avoided, the provision of mitigation and/or compensation onsite and then offsite at a registered habitat bank. The hierarchy does not require an assessment of harm; this is completed under 194(a) of the NPPF.

11.56 Whilst the Council case seems to be that the area of Lowland Meadow should be avoided, this does not consider the scheme as a whole. The requirements of the proposals and layout are considered further by Mr Saunders, but from an ecological perspective, accommodating the required infrastructure, there is a simple choice of translocation Lowland Meadow in poor

condition or losing lowland mixed deciduous woodland in poor condition. Both of these habitats are priority habitats, but as demonstrated on other sites translocation of the grassland is technically feasible, but it is my view that loss of the woodland would be difficult to translocate or provide compensation for its loss. Thus, when making a balanced decision, the woodland area should be retained and enhanced in situ, especially when, without management, the quality of the Lowland Meadow is likely to be lost in the medium term.

11.57 When we considered that the Lowland Meadow will likely be lost through lack of management, it is my view that the requirements of the mitigation hierarchy at Paragraph 194(a) of the NPPF are followed. Here, the proposals have sought to avoid significant harm, avoiding areas of high-value habitats or habitats where the provision of mitigation or compensation would be more difficult, and it has maximised onsite provisions.

11.58 Despite the above, the trading rules in the metric are satisfied for both Lowland Meadow and lowland mixed deciduous woodland, but without off-site compensation, the trading rules aren't satisfied for other neutral grassland, with a decrease of 53% in other neutral grassland biodiversity units on Site. As part of the bespoke compensation solution described above, the off-site 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. This, in my view, is an acceptable solution given the current management could result in further degradation of the grassland.

11.59 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. These provisions clearly demonstrate that the Biodiversity Net Gain objective is satisfied and the standard Biodiversity Net Gain condition can be applied to any planning permission.

Protected and Notable Species

11.60 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. These surveys have not identified the presence of roosting bats, badger, significant assemblage of over wintering or breeding birds, great crested newt, reptiles, water vole and otter.

11.61 My evidence provided in the Appellant's submitted SoC also provides the necessary assessment of potential effects to protected and notable species and relevant mitigation. Given the common ground between the main parties on these matters my evidence doesn't consider these matters in further detail rather, I rely on the evidence submitted through the SoC.

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

Reason for Refusal 4 (RfR4)

12.1 The primary reason for the application of RfR4 to the decision notice was that the additional habitat and species survey work had not been submitted to the Council, when the planning application was considered by the planning committee. 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.

12.2 Since submission of the additional ecological survey work (CD's 4.4 – 4.8), it is now common ground between the main parties that the completed survey work is adequate to assess the potential effect of the proposals (CD.4.20). In addition, it is common ground that matters relating to protected and notable species, including the mitigation, have been agreed.

12.3 Given the main parties' agreement, outstanding matters relating to RfR4 are summarised as:

1 - Whether the inherent mitigation proposals shown on the illustrative proposals are adequate to mitigate the overall effects of the development on notable habitats in terms of fragmentation, isolation and disturbance;

2 – The effects of the proposals on the Ancient Woodland located within the Appeal Site to the northeast;

3 – Alternative designs should be applied to avoid the requirement to translocate the area of Lowland Meadow;

4 – With specific reference to the 'Lowland Meadow', the mitigation hierarchy as outlined at Paragraph 193(a) of the NPPF has not been followed; and

5- Whether the development will compromise the creation of a local nature recovery network.

12.4 When considering the outstanding matters above, it is necessary to consider the overall policy context as set out in ENV4 and DME3. With reference to the Ancient Woodland policy, DME1 is also considered relevant.

12.5 The Key Statement ENV4 seek wherever possible to conserve and enhance the area's biodiversity and geodiversity and to avoid the fragmentation and isolation of natural habitats and help develop green corridors. The policy does not provide strategic-level maps or plans outlining the locations of such provision. Given the date of the core strategy, the policy does not require proposals to be in accordance to the adopted LNRS.

12.6 The policy wording does require development to avoid fragmentation and isolation and to develop green corridors. As outlined below, it is my view that the proposals do meet these policy requirements and the GI provisions across the site deliver many of the features outlined as potential measures in the LNRS for this site.

12.7 ENV4 also 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, like the Appeal Site, the statement identifies that compensation could be managed through a mechanism such as biodiversity offsetting. Thus, in simple terms, from the perspective of ENV4 as the site is not designated the use of off-site compensation is acceptable.

12.8 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.

12.9 To avoid unnecessary repetition the following addresses the outstanding matters as outlined above.

Fragmentation and Isolation

12.10 The Council consultation response dated 30 January 2026 (CD.2.14), accepts that the habitats of ecological value, the Lowland Meadow and the Ancient Woodland, are in poor condition, relatively small in extent and fragmented. Given the site location between the railway line on the south and the A57 to the north, the existing residential uses on the eastern and southern extents of the site and the current management, I would agree with the Council's overall analysis of the baseline position.

12.11 Whilst the adopted LNRS identifies areas for potential improvement, these areas are largely focused on to the east of the Appeal Site in areas where the majority of the Illustrative Masterplan shows extensive areas of green infrastructure. The proposals provide naturalised areas of open space, which will be managed in a sympathetic manner to maximise the ecological benefit and provide a buffer to the Ancient Woodland. This overall eastern corridor ranges from 15 - 80m wide and the proposals are broadly consistent with the opportunity area habitats outlined in the adopted LNRS.

12.12 To the north of the Site, again a generous GI corridor ranging from 35 - 82m is shown on the Illustrative Masterplan. Within this corridor, the proposals will provide a range of habitats, including wetland in the retention and creation of new areas of species-rich grassland, the creation of wetland in the balancing facilities and the provision of tree planting. This northern corridor provides connectivity to the proposed Lowland Meadow translocation area.

12.13 The watercourse W2 is also retained in an area of enhanced habitat in a corridor ranging in width from 37 - 65m.

12.14 ENV4 does not set minimum requirements for the provision of GI corridors, it only advocates the avoidance of isolation and fragmentation. Whilst the adopted LNRS identifies areas where potential enhancements could be made, the LNRS does not set geographical extents for these habitats. Given this and considering the site in the context of the poor habitat management, it is my view that the generous corridors provided through the scheme meet the current policy requirement, avoiding isolation and allowing connectivity through the overall network outlined by the LNRS.

Effects to Habitats and Mitigation

12.15 An assessment of the habitats present across the site is provided in Paragraphs 9.3 – 9.38 Section 9 above. Section 11 Paragraphs 11.4- 11.37 above presents my assessment of the

potential effects on the habitats. Given the nature of some of the component habitats within the site, I provide further analysis of the proposals to assist the Inspector at this appeal.

12.16 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.

12.17 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 trees 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.

Ancient Woodland & Veteran Trees

12.18 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.

12.19 Whilst not strictly referenced in RfR4 or the Council's commentary relating to RfR4 in their SoC, Policy DME1: Protecting Tree and Woodlands is cited as a relevant planning policy. This policy only requires avoidance of loss or damage retention, but the policy text also considers that proposals should provide positive benefits through management to woodland.

12.20 The completed ecological survey work identified that the quality of the AW (W1) asset is being degraded through uncontrolled grazing, and the AW was identified as being in poor condition. The proposals have retained the AW and the associated Veteran tree. In terms of the Ancient Woodland and the Veteran tree, a minimum 15m buffer zone has been provided around the woodland and the RPA of these resources are not affected. As discussed in Paragraphs 11.13 – 11.16, the provision of this 15m buffer and the proposals for habitat enhancement within the buffer will provide overall enhancements to the woodland in the expansion zone referenced by the Council. The application of these measures follows the standing advice provided by Natural England and avoids harm to the woodland.

12.21 The proposals will provide long-term positive management to improve the overall structure of the ground layer in the woodland. The Council view this positive management as a benefit of the scheme, but unfortunately, these benefits are unlikely to be brought forward or secured without development of the site.

12.22 The area of AW and the Veteran tree T-75 are 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. In addition, a formalised footpath will be provided outside the woodland linking to the site's wider green infrastructure provision and providing an attractive recreational resource outside the woodland habitat.

12.23 With reference to other potential effects on the Ancient Woodland, the hydrological assessment confirms that the appeal proposals are unlikely to affect the woodland and the Arboricultural review confirms that the proposals will not affect the RPA of the woodland.

12.24 Given the design of the scheme and the mitigation proposed within the scheme, the quality of the AW will be enhanced, and the AW will be protected. This mitigation and design ensure compliance with the requirements of Paragraph 193 (c) of the NPPF, it follows the mitigation recommendation in Natural England's standing advice and the policy protection provided by the Key Statement ENV4, DME1 and DME3.

Lowland Meadow

12.25 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 meets the criteria to be classified as a Lancashire Biodiversity Action Plan Habitat. Despite this, this Lowland Meadow does not meet the criteria to 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 but as the Lowland Meadow is not a statutory designated site, ENV4 does allow the use of offsetting, if required.

12.26 To facilitate the site's 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, it is important to consider whether retention of the habitat in situ is appropriate given the degraded nature of the existing habitat. In this context, the Appeal Site benefits from an area of land outside the main areas of open space where public access is not promoted, and the soil conditions are similar to those of the existing Lowland Meadow. This area allows translocation of the grassland outside the main area of open space to an area where long-term sympathetic management can be achieved. This translocation will retain the ecological resource in the long term, and the application of the standard HMMP requirement will ensure appropriate monitoring and remedial actions as outline at Appendix B, if required.

12.27 Translocation of degraded areas of grassland of similar quality and identified as a pLWS has been found acceptable at other sites, including the appeal decision of Bishop Itchington and the long-term success of translocation has been demonstrated by HS2 and at Top Park Field, Durnford Quarry. Given this, and the long-term protection that will be applied, it is my view that this is an acceptable solution for the appeal proposals.

12.28 When considering the acceptability of translocation, it is also 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.

12.29 At this Appeal Site, the area of Lowland Meadow is not actively managed for nature conservation, and the completed botanical surveys have demonstrated that the grassland is in poor condition. This position is accepted by the Council. Given this, and as outlined in Paragraphs 11.19 – 11.28, without intervention, it is likely that the quality of the grassland will be lost in the medium term. This loss, in its own right, would result in 'significant harm' to the receptor. Consequently, it is my view that translocation of the Lowland Meadow is acceptable to ensure the resource is retained.

12.30 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.

12.31 Notwithstanding the positive outcome of the Statutory Metric for Lowland Meadow, the proposals are going further than the basic requirements. Through the application of the mechanism of biodiversity offsetting, the proposals have secured additional Lowland Meadow biodiversity units at the Moreton Park Habitat Bank. This strategic-level habitat bank is situated on land identified for enhancement in the adopted LNRS. These additional Lowland Meadow habitat units provide an overall increase in the local Lowland Meadow resource of 113%, securing 1.5ha of additional Lowland Meadow on a regional basis. When this overall provision is considered against the guidance provided at Paragraph 187(d), it is clear that the onsite and offsite provisions will add to the establishment of coherent and resilient ecological networks. This, in my view, complies with the principles of net gain outlined by the NPPF and ensures that any potential residual effects on Lowland Meadows is neutral.

12.32 Although policy DME3 does not highlight the potential use of biodiversity offsetting 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. Importantly, the Lowland Meadow identified on the Appeal Site is not afforded statutory protection and the appellant has secured off-site credits at a registered habitat bank scheme. At the time of writing, the Appellant is in the process of agreeing an option agreement to secure the required units with the Offsite Gain Provider, for the purpose of this Appeal. These are steps not normally required at the stage of an outline planning application. 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.

<u>Other Grassland Habitats</u>

12.33 As outlined in Section 11 Paragraph 11.32, 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 a net 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.

12.34 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.

12.35 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.

12.36 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.

Local Nature Recovery Strategy

12.37 From an ecological perspective, the adoption of the LNRS is positive for biodiversity, but as discussed at Section 7.0 of my evidence, the adopted LNRS does not add any level of protection or restrictions on land use. Furthermore, the current Core Strategy provides no policy guidance for the implementation of the LNRS.

12.38 Paragraph 159 of the NPPF references LNRS. However, this is in the context that, where a strategy is adopted, proposals should seek to contribute to the overall objectives. Therefore, given the wording of the adopted LNRS and the direction of the NPPF, where development can demonstrate contributions to the strategy, this should be considered as a benefit of the scheme.

12.39 Within the context of the Appeal Site, three APIB's (Area of Particular Importance for Biodiversity) are mapped in the LNRS within the Site Boundary:

- Woodland W-1 (Green Nook Wood) – mapped as an Ancient Woodland, a Statutory Irreplaceable Habitat;
- A beech tree within Woodland W-1, (identified as tree T-75 within the Arboricultural Assessment) – mapped as Veteran tree, a Statutory Irreplaceable Habitat; and
- An alder on the south-eastern boundary of the Site (identified as tree T-1 within the Arboricultural Assessment) – mapped as Veteran tree, a Statutory Irreplaceable Habitat.

12.40 The mapped information related to Ancient and Veteran trees within the LNRS is reproduced directly from The Woodland Trust's Ancient Tree Inventory (ATI). Interrogation of the ATI highlights inconsistencies with the mapped location of this tree, with the tree being shown in two different but incorrect locations on the LNRS and the ATI mapping. This tree is referenced as T-1 in the submitted arboricultural assessment and the tree has not been identified as a Veteran tree and the main parties have agreed T-75 is the only Veteran tree within the Appeal Site.

12.41 All of these mapped areas identified as being of APIB are retained and buffered from the development.

12.42 With reference to the Appeal Site in general, the vast majority is mapped as an ACB (Area that Could Become of Particular Importance for Biodiversity). The mapped potential measures within the Appeal Site are shown in Table 7 below and shown on Figures 3 – 5. Figures 3.

Table 7: LNRS Mapped Potential Measures within Appeal Site (Source: Lancashire's LNRS - Local Habitat Map)

Mapped Measure	Measure Description	Appeal Site context
Woodland		
W1.1	Restore natural processes and enhance the biodiversity value of existing wooded habitats, prioritising ancient and long-established woodlands, temperate rainforest, Plantations on Ancient Woodland Sites (PAWS) and wet woodland. Incorporate appropriate habitat enhancements for notable species known to be present or with high potential to colonise (such as feeding and breeding birds, small mammals, invertebrates and ground flora etc), for example: For dormice, consider retaining standard trees (especially oak), undertaking rotational coppicing of hazel, where appropriate, to promote a dense shrub layer and structural complexity, and adjust the timing of management work to avoid nesting and hibernation. On sites identified as BHS, also follow Measure B1.1.	This potential measure is applicable to woodland W-1. Proposals contribute towards these outcomes by bringing the woodland into long term favourable management to increase its biodiversity value. This intervention has been considered to be of high strategic significance within the BNG assessment.
W1.5	Retention and appropriate maintenance of aged, ancient and veteran trees to maximise their lifespan and biodiversity value, including safe retention of dead and decaying wood and other Veteran features as well as maintenance of root protection zones to prevent construction, soil compaction, cultivation/excavation and application of fertilizers and pesticides.	This potential measure is applicable to woodland W-1 and the section of the Site between the central watercourse R2 and the public right of way (PRoW) to the east. No ancient or Veteran trees were recorded within this mapped area. A total of 13 mature and two early mature trees are present in the mapped W1.5 area, within woodland W2 and as free-standing specimens. A single mature tree will be lost in this area (T-37) and an early mature tree (T-7). Proposals contribute towards these nature recovery outcomes by retaining, appropriately buffering and securing long term appropriate management for the remaining 12 mature trees and single early mature tree.

Mapped Measure	Measure Description	Appeal Site context
W2.1	Establish riparian woodland and trees along water courses, riparian corridors and floodplains, through appropriate planting or natural colonisation, where biodiversity gains and improved habitat connectivity can be achieved.	This potential measure is applicable to the section of the Site from the central watercourse R2 westwards to the boundary of field G-9. Interventions to support this mapped measure are not considered relevant in this location, due to the topography the steep valley associated with watercourse R2, which precludes the creation of riparian woodland. This is supported by the woodland already present within this mapped area which comprises dry oak woodland. The proposals retain the vast majority of the trees within this area and the woodland will be managed in the long term. The proposals also provide connectivity through the site's open space.
W2.7	Create appropriate semi-natural habitats to buffer, expand or connect existing woodland, incorporating natural colonisation wherever possible.	This potential measure is applicable to the section of the site located between woodland W-1 and the PRoW to the South. Interventions to support this mapped measure include the buffering of woodland W-1 by a minimum distance of 15m, together with the proposed enhancement of the grassland habitat within this buffer.
Urban		
U2.3	Wooded habitat creation and enhancement in urban open spaces such as orchards, street trees, micro-woods, urban woodland and hedgerows.	This potential measure is applicable to the majority of the Site, with the exception of woodland W-1 and other localised areas. The proposed planting of native street trees within the development is considered to support this mapped measure. This intervention has been considered to be of high strategic significance within the BNG assessment.

Mapped Measure	Measure Description	Appeal Site context
U2.8	Review and adapt existing lighting design in parks and along streets and linear infrastructure to be more wildlife friendly, whilst remaining safe and useable by people.	This potential measure is applicable to the Northern Boundary of the Site along Longsight Road. Mitigation has been proposed within the EcIA recommending that the lighting design strategy is reviewed (and if necessary updated) for proposals as part of future Reserved Matters application to ensure there are no negative impacts to wildlife from lighting.
Species: Atlantic Salmon		
AS1	Work with land managers in upper river catchments to reduce the impact of the use of Diazinon (an insecticide used in sheep dip) on nearby watercourses which has a significant impacts on olfactory function in Atlantic salmon.	This potential measure is applicable to the habitats within the far west of the site. Interventions to support this mapped measure are not considered relevant in this mapped location.

12.43 The analysis presented above and in Table 7 clearly demonstrates that the appeal proposals are protecting the areas of mapped area of interest within the site, and the proposals will be contributing to the potential measures outlined in the LNRS. Given this, it is difficult to reconcile the Council's approach on this matter at this appeal, particularly as the LNRS does not provide a mandate for land management, and Paragraph 159 of the NPPF suggests contributions towards the outcome of LNRS should be viewed in a positive manner.

12.44 Notwithstanding the contributions to the LNRS outline above, the Council's case remains that the appeal proposals will undermine the whole of the LNRS with specific reference to two of the potential measures, W2.7 and W1.5. Across the county, the LNRS has mapped 9200ha of W2.7 and 695.64ha of W1.5. Of this, the Appeal Site provides 1.6ha (0.017%) of W2.7 and 5.65ha (0.812%) of W1.5. Given the scale of the LNRS, these areas are very small, and the loss is unlikely to undermine the LNRS.

12.45 In conclusion, it is my firm view that the proposals do not undermine the LNRS and overall the proposals will provide a contribution to the overall strategy, which without development wouldn't be secured at this site.

Reason for Refusal 5 (RfR5)

12.46 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.

12.47 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 11 Tables 3 & 4.

12.48 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.

12.49 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 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.

12.50 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.

12.51 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.

12.52 Given the outline status of the application and the simple direction of the PPG that the details 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. Especially where the submitted development proposals have demonstrated that the 10% net gain to biodiversity is provided through the combination of on-site and secured off-site measures, as outlined at Section 11 Paragraphs 11.38 – 11.59.

12.53 From the perspective of this RfR, the conflict alleged by the Council's relies on three simply themes:

1 – The net gain hierarchy as outlined at Paragraph 008 of the Biodiversity Net Gain PPG has not been followed.

2 – The appeal proposals do not follow the requirements of the adopted LNRS (January 2026), as the proposals affect areas that could become of particular importance for nature conservation.

3 - The appeal proposals will affect an irreplaceable habitat.

<u>1 – The proposals do not follow the mitigation hierarchy</u>

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

12.55 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.

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

12.57 As set out in my evidence, the management required to secure the long-term protection of these is not currently being applied. Thus, the current management is harming the existing habitat, and without the security / 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.

12.58 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. Given the nature of the habitats within the Appeal Site, it is accepted that there will be the loss of medium distinctiveness habitat, and development of the Site will require translocation of a very high distinctiveness habitat. Whilst the order of preference highlighted by the net gain hierarchy advises to avoid such effects, it does not explicitly require the avoidance of such effects, providing adequate mitigation and/or compensation can be provided. As with the mitigation hierarchy outlined 193(a) of the NPPF, it is my view that any assessment also needs to consider factors which could be adversely affecting the status of the habitats. These matters are considered above at Paragraphs 11.47 – 11.59.

12.59 In addition to the detrimental factors affecting the grassland, the proposals have sought to focus development on the lower quality grassland areas to the west of the site and retain/enhance better quality areas of grassland in the east of the Site. Whilst, it is accepted that these measures do not achieve the biodiversity objective on site, the appeal proposals do provide on-site habitat creation / enhancement, and the residual effects have been secured on an off-site registered habitat bank located in strategic habitat enhancement area outlined in the adopted LNRS. Given this, it is my opinion that the appeal proposals follow the order of provision set out in the net gain hierarchy.

<u>2 - The appeal proposals will undermine the LNRS</u>

12.60 My assessment of the Council's consideration of this element of their case is addressed Paragraphs 12.37 – 12.45 above. In summary, I conclude that the appeal proposals will not undermine the overall LNRS, rather the retention and enhancement of the mapped features and the overall contributions to the potential measures outlined in the LNRS provide overall benefits to the LNRS.

<u>3- The appeal proposals will affect irreplaceable habitats</u>

12.61 The only irreplaceable habitats present on the Appeal Site are the Ancient Woodland and the Veteran tree T-75. Both of these habitats are retained and buffered from the development proposals.

12.62 With respect to the Ancient Woodland, the proposals do provide overall enhancements through long-term management and protection through the creation of a woodland edge. The proposals

also provide the recommended 15m buffer and complementary habitat enhancements with the buffer zone. Further details of these measures and an assessment of the measures is outline at Paragraphs 12.18 – 12.24 above and Section 11 Paragraphs 11.6 – 11.13.

12.63 Given the evidence presented I find it difficult to reconcile the Council's position relating to irreplaceable habitat when the proposals clearly demonstrate positive benefits to these ecological receptors.

12.64 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.

13.0 EXECUTIVE SUMMARY & CONCLUSIONS

13.1 Through the submission of the additional ecological information in November 2025, the main parties have agreed common ground that sufficient ecological survey work has been undertaken to inform the decision-making process and the baseline position relating to habitats and species is agreed. With reference to protected and notable species, the main parties have also agreed that the proposals provide adequate mitigation and compensation. Given the agreement, these elements of RfR4 are fully resolved.

13.2 The Council still maintain that elements of RfR4 remain in dispute. These disputed matters relate to:

- Alleged isolation and fragmentation of the habitat retained and proposed within the site,
- Alleged harm to the retained area of Ancient Woodland located within the Appeal Site to the northeast,
- The Council's view that the small area of Lowland Meadow alternative designs should have been applied to retain the area in situ,
- With respect to the Lowland Meadow the mitigation hierarchy has not been followed, and
- The proposals will undermine the recently adopted LNRS.

13.3 With respect to RfR5 the majority of the disputed matters are interlinked with those matters outlined above, rather than been matters which relate solely to Biodiversity Net Gain.

<u>Isolation and fragmentation</u>

13.4 Whilst the appellant recognises that ENV4 seeks to avoid isolation and fragmentation, the policy does not set a minimum requirement for the provision of green infrastructure corridors. In addition, the adopted LNRS does not recommend minimum width for the provision of green infrastructure routes, rather it highlights broad areas where potential enhancements could be made. The only real guidance for the provision of corridor widths is provided in Natural England's standing advice for Ancient Woodland where a minimum of 15m is recommended.

13.5 As described in my evidence, the required 15m buffer zone is provided adjacent to Ancient Woodland, and the width of the corridor varies from 15 – 80m along the eastern boundary

13.6 In addition, further significant green infrastructure corridors are provided along the northern boundary of the site and adjacent to the retained watercourse R2. These green infrastructure

links range in width from 35 – 82m and 15 – 48m, and the provision of these corridors ensure that the ecological network including the area of translocated Lowland Meadow are connected.

13.7 The current management of the site has resulted in small areas of fragmented priority habitats in poor condition. This view is accepted by the Council. Despite this, the Council does not recognise that without development, there are no effective control mechanisms that can control this fragmentation. Whilst the appeal proposals will introduce some necessary infrastructure, the overall green infrastructure package and the management of the green infrastructure can be controlled to optimise connectivity and minimise fragmentation. This, in my view, should be considered as a benefit of the scheme and consistent with the requirements of ENV4.

Harm to the Ancient Woodland & Veteran Tree

13.8 The AW and the Veteran tree are retained in full, and the necessary buffer as outlined in Natural England's standing advice has been followed. The arboriculture assessment confirms the proposals will not affect the woodland or the root protection area of the woodland and the hydrological assessment confirms the proposals will not affect the hydrological requirement of the woodland.

13.9 The Council accept the woodland is in poor condition, and the benefits of the long-term management proposals are identified as a benefit of the scheme by the Council. The Council accept the introduction of a defined boundary surrounding the woodland would also be a positive outcome of the proposals.

13.10 From the Council submissions, the only dispute the Council have with the scheme are potential isolation of the woodland and the effects to the expansion zone adjacent to the woodland. In relation to matters of isolation and fragmentation, I conclude that the green infrastructure will mitigate such effects and, given the baseline conditions should be viewed as a benefit.

13.11 My evidence has reviewed matters relating to the expansion zone and I concluded that the expansion zone and the buffer zone recommended by Natural England are the same. As discussed, the appeal proposals provide the required buffer and enhancements within the buffer. Through the application of these measures and long-term management, the proposals provide an overall benefit to the woodland and comply the Natural England standing advice on this matter.

13.12 Given the above, I conclude that the proposals comply with the relevant core strategy policies ENV4 and DME1.

Lowland Meadow and Alternative Design

13.13 The area of Lowland Meadow is in poor condition 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 manner which will maintain the habitat type in the long term.

13.14 Whilst retaining the habitat in situ is desirable, the completed survey work indicates in the medium-term, the quality of the grassland is likely to 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 avoids 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 and monitoring strategy, including the measures outlined at Appendix B, 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 and the long-term assessment of translocated grassland at Dunsmore.

13.15 From a policy perspective, ENV4 and DME3 indicate 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 non-statutory designated habitats. When taken in the round and considering the appellant has sourced Lowland Meadow credits off-site, providing a 113% gain in this habitat type, it is my view that the requirements of ENV4 and DME3 are satisfied.

The Mitigation Hierarchy

13.16 The mitigation hierarchy outlined at Paragraph 193(a) of the NPPF recommends that where significant harm to development cannot be avoided (through locating on an alternative site or alternative designs), mitigated or compensated planning permission should be refused. As discussed, the Council's view is that this hierarchy has not been followed due to translocation of the Lowland Meadow.

13.17 When applying the hierarchy, it is important to first consider the baseline conditions. As outlined in my evidence, it is my view that the development is not causing significant harm to this receptor, but the harm is the result of the current lack of management.

13.18 When considering the overall design and potential alternatives, as I understand matters, development of the site requires the implementation of a loop road. The implementation of the loop road would either require the removal of an area of lowland mixed deciduous woodland (W2) or the effect to the Lowland Meadow, which is known to be in poor condition. Both of these habitats are listed as priority habitats as listed in the NERC Act.

13.19 Given the site's infrastructure requirement, it is important to consider the potential effects on the two habitats and the likely success of mitigation in the short to medium term. In this respect, mitigation or compensation for the woodland in this timescale is not possible. However, translocation of the Lowland Meadow with the application of long-term habitat management and monitoring requirements is likely to result in successful mitigation in the short to medium term. Translocation through this development will also provide protection for the grassland in the long term.

13.20 Given the above, it is my view that translocation of the Lowland Meadow does follow the requirement of the mitigation hierarchy and is consistent with the appeal decision at Drake Broughton and Bishops Itchington.

13.21 In terms of the step-wise hierarchy recommended for Biodiversity Net Gain as explained through my evidence, I consider this process has been followed.

Undermining the recently adopted LNRS

13.22 The Council's case on this matter makes no logical sense. In simple terms, the LNRS is a spatial planning tool which does not provide a mechanism to enforce the creation of the potential measure outlined in the strategy.

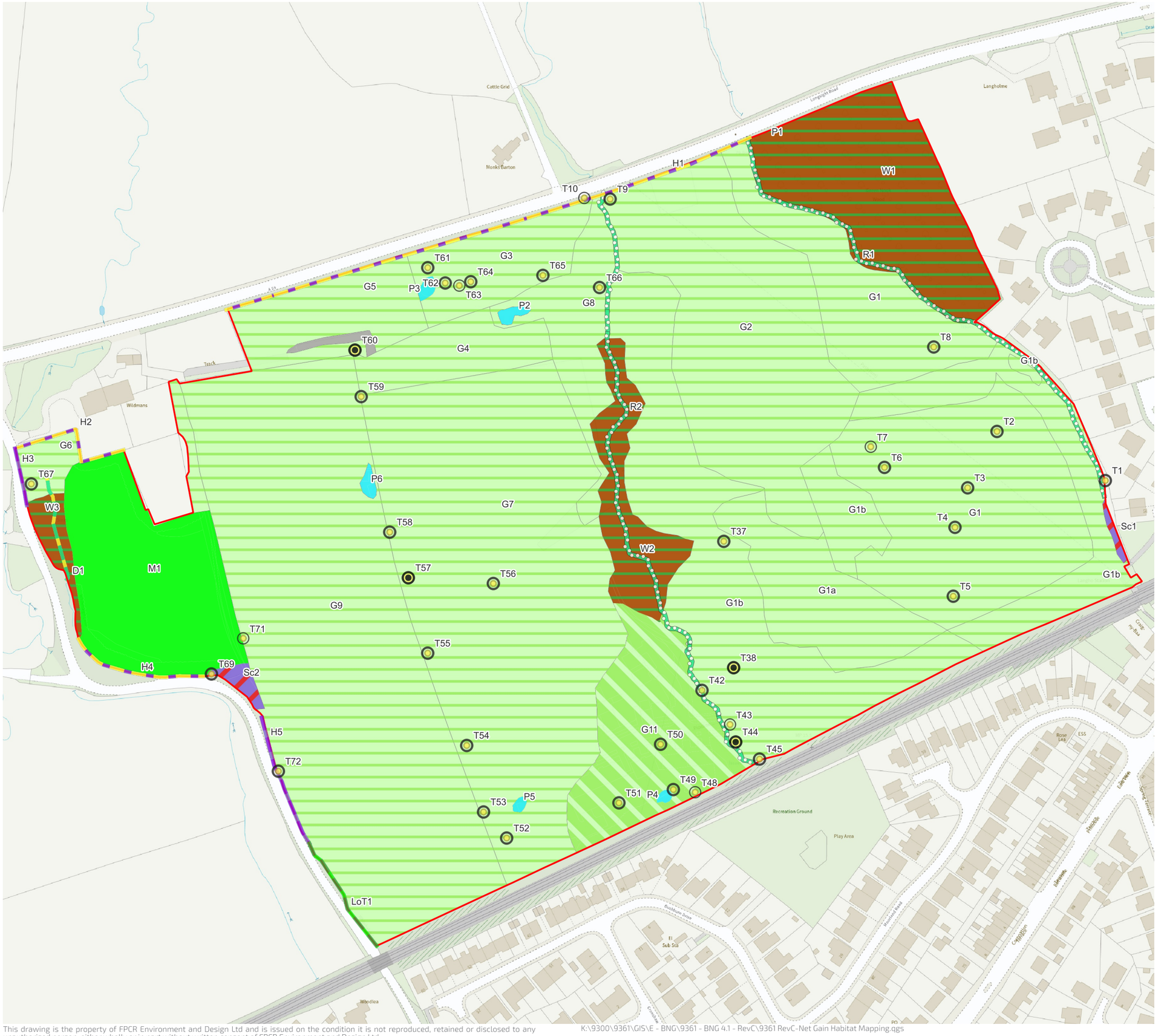
13.23 When assessing the proposals against the recommendations of the LNRS, the proposals retain and manage those areas of existing interest, and the proposals do provide a range of potential enhancements outlined in the adopted strategy. Whilst there are no local policy drivers governing the LNRS, the provisions within the scheme do accord with the requirements of Paragraph 159 of the NPPF. Given this, I conclude that the proposals do not undermine the LNRS but will provide an overall positive contribution to the strategy.

Biodiversity Net Gain

13.24 With respect to Biodiversity Net Gain, the submission acknowledge that the development proposals require the provision of mitigation within the site and the provision of offsite compensation at a strategic level habitat bank identified in the LNRS. 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.

13.25 From this assessment and the evidence I provide, 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.

13.26 Overall, I conclude that 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. Biodiversity Net Gains are 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 my evidence, I 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 and I respectfully request that this appeal is allowed.



date
18/11/25

drwn/chkd
DV / ET

client
Hallam Land Management Ltd

project
Land South of Longsight Road
Langho

title
BASELINE HABITAT PLAN

scale
1:2,300 @ A3

number
FIGURE 1

rev
-

FPCR | environment & design

K:\9300\9361\GIS\E - BNG\9361 - BNG 4.1 - RevC\9361 RevC-Net Gain Habitat Mapping.qgs

t: 01509 672772 e: mail@fpcr.co.uk w: www.fpcr.co.uk

Location of Moreton Park Habitat Bank relative to the Site Boundary

N

0 100 200 m

Site Boundary
- Site Boundary
- Moreton Park Habitat Bank

Potential Measures-Woodland
- W1.1
- W2.7

Mapped measure	Measure description
W1.1	Restore natural processes and enhance the biodiversity value of existing wooded habitats, prioritising ancient and long-established woodlands, temperate rainforest, Plantations on Ancient Woodland Sites (PAWS) and wet woodland. Incorporate appropriate habitat enhancements for notable species known to be present or with high potential to colonise (such as feeding and breeding birds, small mammals, invertebrates and ground flora etc), for example: For dormice, consider retaining standard trees (especially oak), undertaking rotational coppicing of hazel, where appropriate, to promote a dense shrub layer and structural complexity, and adjust the timing of management work to avoid nesting and hibernation. On sites identified as BHS, also follow Measure B1.1.
W2.7	Create appropriate semi-natural habitats to buffer, expand or connect existing woodland, incorporating natural colonisation wherever possible.

drawn date: 26/03/26
drwn/chkd: DV / IH

client: Hallam Land Management Ltd

project: Land South of Longsight Road Langho

title: OFFSITE LNRS MAPPED MEASURES PLAN

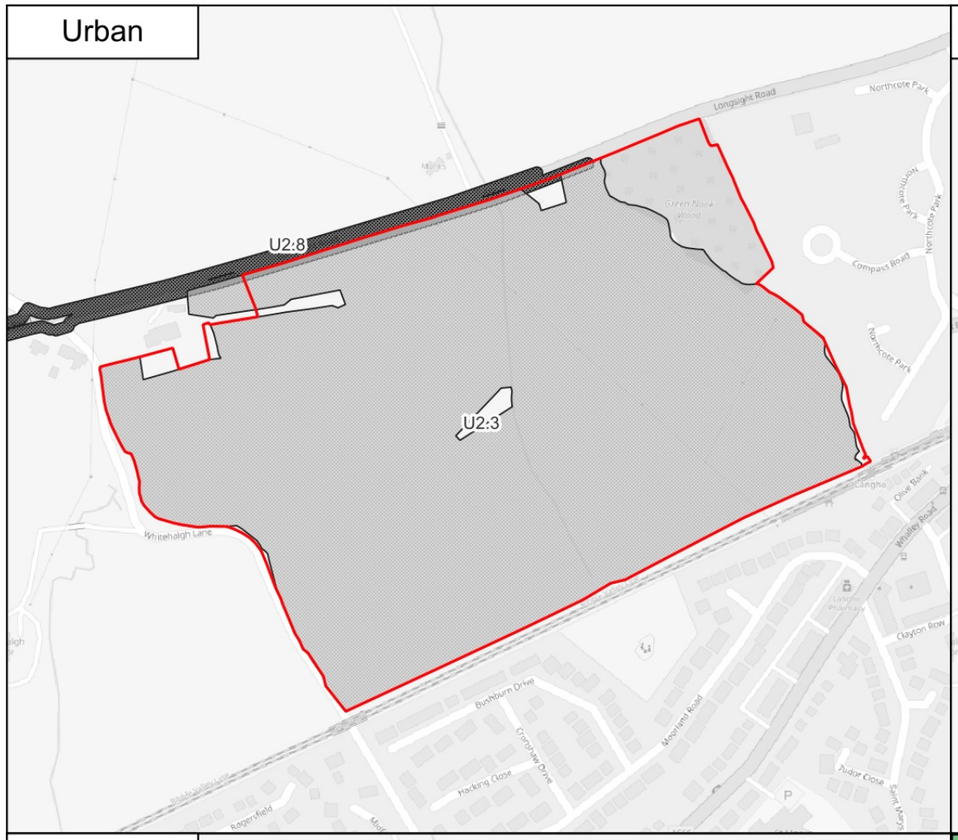
scale: 1:8,000 @ A3

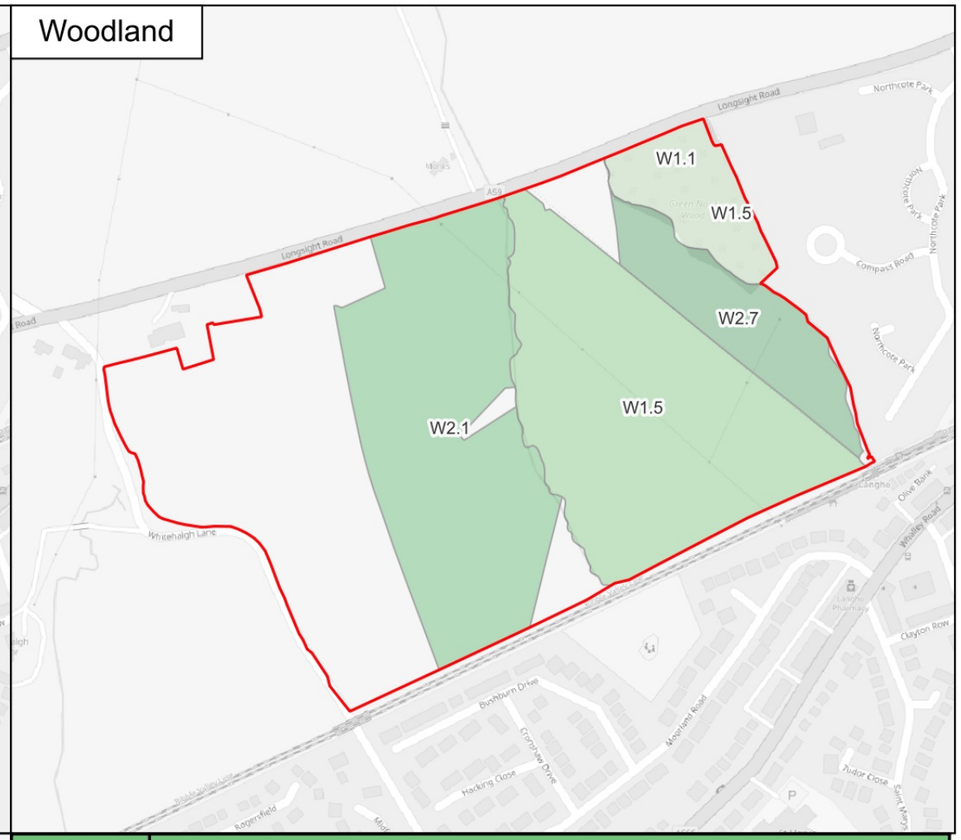
number: **FIGURE 2**

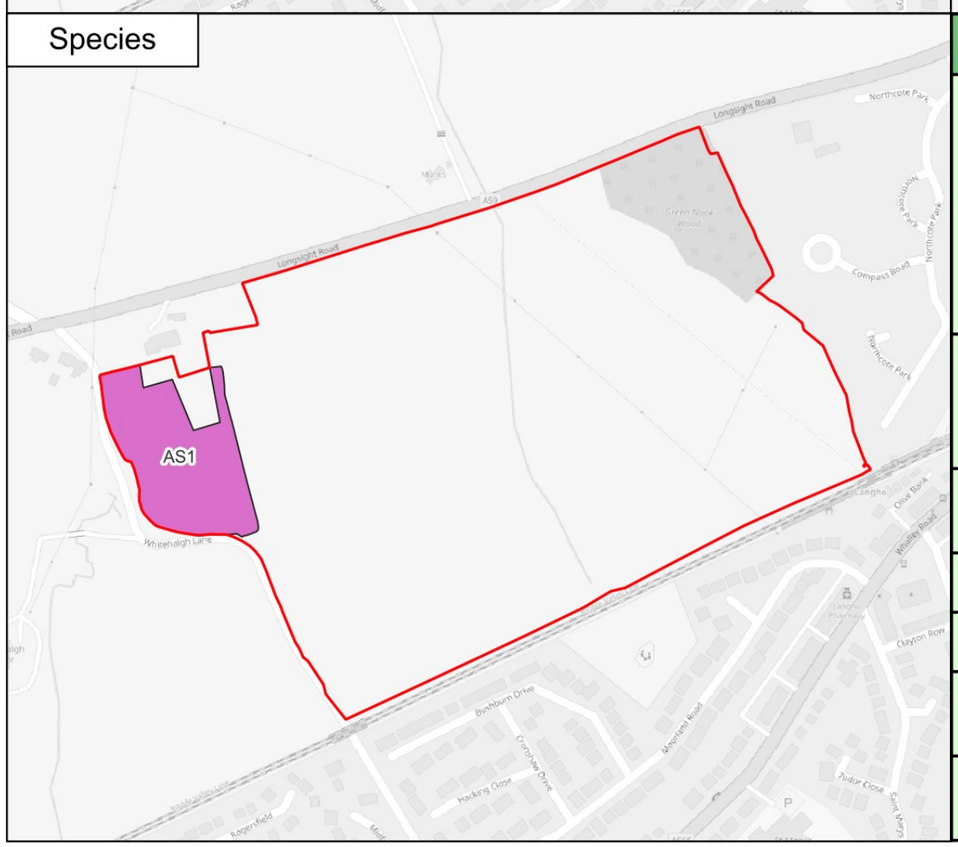
rev: -

FPCR | environment & design

t: 01509 672772 e: mail@fpcr.co.uk w: www.fpcr.co.uk







Mapped measure	Measure description
W1.1	Restore natural processes and enhance the biodiversity value of existing wooded habitats, prioritising ancient and long-established woodlands, temperate rainforest, Plantations on Ancient Woodland Sites (PAWS) and wet woodland. Incorporate appropriate habitat enhancements for notable species known to be present or with high potential to colonise (such as feeding and breeding birds, small mammals, invertebrates and ground flora etc), for example: For dormice, consider retaining standard trees (especially oak), undertaking rotational coppicing of hazel, where appropriate, to promote a dense shrub layer and structural complexity, and adjust the timing of management work to avoid nesting and hibernation. On sites identified as BHS, also follow Measure B1.1.
W1.5	Retention and appropriate maintenance of aged, ancient and veteran trees to maximise their lifespan and biodiversity value, including safe retention of dead and decaying wood and other veteran features as well as maintenance of root protection zones to prevent construction, soil compaction, cultivation/excavation and application of fertilizers and pesticides.
W2.1	Establish riparian woodland and trees along water courses, riparian corridors and floodplains, through appropriate planting or natural colonisation, where biodiversity gains and improved habitat connectivity can be achieved.
W2.7	Create appropriate semi-natural habitats to buffer, expand or connect existing woodland, incorporating natural colonisation wherever possible.
U2.3	Wooded habitat creation and enhancement in urban open spaces such as orchards, street trees, micro-woods, urban woodland and hedgerows.
U2.8	Review and adapt existing lighting design in parks and along streets and linear infrastructure to be more wildlife friendly, whilst remaining safe and useable by people.
AS1	Work with land managers in upper river catchments to reduce the impact of the use of Diazinon (an insecticide used in sheep dip) on nearby watercourses which has a significant impacts on olfactory function in Atlantic salmon.

N

0 150 300 m

Site Boundary

Local Nature Recovery Strategy (LNRS)

Potential Measures-Woodland

- W1.1
- W1.5
- W2.1
- W2.7

Potential Measures-Urban

- U2.3
- U2.8

Potential Measures-Species

- AS1

drawn date 26/03/26

drwn/chkd DV / IH

client
Hallam Land Management Ltd

project
Land South of Longsight Road Langho

title
LNRS PLAN

scale
1:5,500 @ A3

number
FIGURE 3

rev
-

FPCR | environment & design

K:\9300\9361\GIS\G - Consultations\LNRS Sites\9361- LNRS Sites.qgs

t: 01509 672772 e: mail@fpcr.co.uk w: www.fpcr.co.uk

N

0 50 100 m

Site Boundary

Proposed small native street and green space trees to contribute to mapped measure U2.3

Potential Measures-Urban

U2.3

U2.8

drawn date 26/03/26

drwn/chkd DV / IH

client
Hallam Land Management Ltd

project
Land South of Longsight Road Langho

title
LNRS URBAN PROPOSED MEASURES PLAN

scale 1:2,250 @ A3

number
FIGURE 4

rev
-

FPCR | environment & design

K:\9300\9361\GIS\G - Consultations\LNRS Sites\9361- LNRS Sites.qgs
t: 01509 672772 e: mail@fpcr.co.uk w: www.fpcr.co.uk

N

0 50 100 m

- Site Boundary

Potential Measures-Woodland

- W1.1
- W1.5
- W2.7
- Retained and Enhanced Ancient Woodland Supporting Mapped Measures W1.1 and W1.5
- Mixed scrub
- Enhanced Wildflower Rich Grassland within Mapped Measure W2.7 to Buffer Exisiting Woodland
- Created Broadleaved Woodland Within Ancient Woodland Buffer
- Retained Mature Trees within Mapped Measure W1.5
- Trees Lost to Proposals

drawn date: 26/03/26

drwn/chkd: DV / IH

client: **Hallam Land Management Ltd**

project: **Land South of Longsight Road Langho**

title: **LNRS WOODLAND PROPOSED MEASURES PLAN**

scale: 1:1,600 @ A3

number: **FIGURE 5**

rev: -

FPCR | environment & design

K:\9300\9361\GIS\G - Consultations\LNRS Sites\9361- LNRS Sites.qgs
t: 01509 672772 e: mail@fpcr.co.uk w: www.fpcr.co.uk