

**APPEAL REFERENCE 6002485**

**RIBBLE VALLEY PLANNING APPLICATION REFERENCE 3/2025/0196  
LAND OFF LONGSIGHT ROAD LANGHO BOUNDED BY THE RAILWAY  
NORTHCOTE PARK AND WILDMANS FARM**

**PROOF OF EVIDENCE ON ECOLOGY MATTERS**

**Derek Richardson BSc Hons MPhil, Principal Ecologist**

**March 2026**

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## 1.0 INTRODUCTION

- 1.1 The Appeal relates to an area of land measuring 20.01 hectares outside the defined settlement boundary of Langho, Ribble Valley.
- 1.2 The site is bounded to the north by Longsight Road (A59), to the east by Northcote Park (an existing residential development), to the south by the railway line and to the west by Whitehalgh Lane.
- 1.3 The application seeks outline planning permission for up to 300 dwellings which comprises the following:
  - 300 dwellings including 30% affordable homes
  - New railway station car park
  - Green infrastructure
  - Sustainable drainage systems including attenuation basins
- 1.4 Access is applied for in this application, with the scheme proposing a direct vehicular access onto the A59 and a new pedestrian / cycle access point from Whitehalgh Lane. The existing pedestrian access points from the A59 and the railway station underpass in the south-east corner of the site would be retained. Details of appearance, landscaping, layout and scale are all reserved for a later stage.
- 1.5 The outline planning application (LPA ref: 3/2025/0196) was refused by a Decision Notice dated 27<sup>th</sup> June 2025 for the following five reasons:
  1. The proposed development would result in a large-scale residential development, outside of a defined settlement, which fails to meet any of the exception criteria for allowing development in such location contrary to Key Statements DS1 and H2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.
  2. The proposed development, by virtue of the quantum of development, would result in a large scale development in a rural location resulting in future users being reliant on a private motor vehicle contrary to Key Statement DM12 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy and the National Planning Policy Framework which supports sustainable patterns of development.
  3. The proposed development, by virtue of its overall scale and footprint, would result in the introduction of an incongruous, unsympathetic, and discordant form of development, particularly when viewed from public vantage points along Longsight Road (A59) approaching the site from both the western and eastern directions, Public Footpath FP0606a which crosses the site and residential properties to the north of Langho village afforded direct views of the site. This would result in adverse, long term

and permanent visual and landscape harm. The resultant impact fails to respond positively to the inherent visual and landscape character of the area contrary to Policies DMG1, DMG2, DME1 and DME2 of the Ribble Valley Core Strategy and the National Planning Policy Framework including paragraph 135.

4. The application fails to carry out appropriate assessments to fully assess the impacts of the development upon habitats 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 Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy and the National Planning Policy Framework.
5. 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).

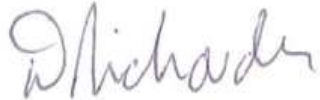
Items 4 and 5 of the Decision Notice relate to Ecology matters. My Proof of Evidence will consider matters relating to the ecological impacts of the proposed development and the proposals for mitigating and compensating for these ecological impacts.

## **QUALIFICATIONS AND EXPERIENCE**

- 1.6 My name is Derek Richardson. I hold a Bachelor of Science degree with Honours in Environmental Biology and a Master of Philosophy degree in plant sciences. I have approximately 25 years' experience as a professional ecologist within the public sector. I have provided expert witness evidence for appeals previously for Local Authorities, relating to applications for development and Local Plan examinations.
- 1.7 I am currently Principal Ecologist at the Greater Manchester Ecology Unit (GMEU). GMEU is a public sector body hosted by Tameside Borough Council and providing advice on ecology and nature conservation issues for and on behalf of local authorities, including Ribble Valley Council, predominantly on land-use planning matters.
- 1.8 Whilst I am instructed by Ribble Valley Council I recognise that in providing evidence my duty is to provide my impartial professional view to the inquiry irrespective of by whom I am instructed. I can confirm that the evidence I will present has been prepared with due diligence and is truthful, representing my honestly held professional view, irrespective of by whom I am instructed.

## EXPERT WITNESS DECLARATION

- 1.9 After exercising due diligence in my inquiries as to relevant facts, I believe that the facts I have stated in this Statement are true and I confirm that I have had proper regard to the relevant principles as to the preparation and presentation of expert evidence at a planning appeal.



**Signed:**

**Dated:** 19-03-2026

## 2.0 Relevant Legislative Background

- 2.1 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 development subject to this Appeal is not exempt from the requirement to deliver at least a 10% gain in biodiversity.

- 2.2 The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 (1) of the NERC Act 2006 requires public authorities when exercising their functions to 'have regard, so far as is consistent with the proper exercise of those functions to the purpose of conserving and enhancing biodiversity'.

The latter is defined as including restoring or enhancing a population or habitat (Section 40 (3)). Section 41 (S41) of the NERC Act 2006 requires the Secretary of State (SoS) to publish a list of the living organisms and types of habitats which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity.

## 3.0 Relevant Local Policy Background

The relevant Ribble Valley Core Strategy Key Statements and Policies relating to nature conservation are Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy 2014.

- 3.1 Key statement EN4 states –

*"The Council will seek wherever possible to conserve and enhance the areas biodiversity and geodiversity and to avoid the fragmentation and isolation of*

*natural habitats and help develop green corridors. Where appropriate, cross-Local Authority boundary working will continue to take place to achieve this.*

*Negative impacts on biodiversity through development proposals should be avoided. Development proposals that adversely affect a site of recognised environmental or ecological importance will only be permitted where a developer can demonstrate that the negative effects of a proposed development can be mitigated, or as a last resort, compensated for. It will be the developer's responsibility to identify and agree an acceptable scheme, accompanied by appropriate survey information, before an application is determined.*

*There should, as a principle, be a net enhancement of biodiversity.*

*These sites are as follows:*

- *Sites of Special Scientific Interest (SSSIs)*
- *Local Nature Reserves (LNRs)*
- *Local Biological Heritage sites (BHSs)*
- *Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)*
- *Local Geodiversity Heritage Sites*
- *Ancient Woodlands*
- *Lancashire Biodiversity Action Plan priority habitats and species*
- *European Directive on Protected Species and Habitats - Annexe 1 Habitats and Annexe II Species*
- *Habitats and Species of Principal Importance in England*

*With respect to sites designated through European legislation the Authority will be bound by the provisions of the relevant Habitats Directives and Regulations. For those sites that are not statutorily designated compensation could be managed through a mechanism such as biodiversity off-setting via conservation credits”.*

### 3.2 Policy DME3 states –

*“Development proposals that are likely to adversely affect the following will not be granted planning permission. Exceptions will only be made where it can clearly be demonstrated that the benefits of a development at a site outweigh both the local and the wider impacts. Planning conditions or agreements will be used to secure protection or, in the case of any exceptional development as defined above, to mitigate any harm, unless arrangements can be made through planning conditions or agreements to secure their protection:*

1. *wildlife species protected by law*
2. *sssi's*
3. *priority habitats or species identified in the Lancashire biodiversity action plan*
4. *local nature reserves*
5. *county biological heritage sites*
6. *special areas of conservation (SACs)*
7. *special protected areas (SPAs)*
8. *any acknowledged nature conservation value of sites or species.*

*Developers are encouraged to consider incorporating measures to enhance biodiversity where appropriate that will complement priority habitats and species identified in the Lancashire Biodiversity Action Plan”.*

#### **4.0 The National Planning Policy Framework**

- 4.1 In relation to ancient woodland and veteran trees (an irreplaceable habitat) the NPPF states at Para 193 (c) –

*“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>70</sup> and a suitable compensation strategy exists;”*

#### **5.0 Recent changes to the ecological status of the application site**

Since the original planning application was submitted the Lancashire Local Nature Recovery Strategy (LNRS) has been published and there have been updates to the Ancient Woodland Inventory. Both of these changes have implications for the development proposals and are discussed below.

##### **5.1 Updates to the Ancient Woodland Inventory (AWI)**

The AWI was recently updated and the small woodland in the north-east of the application site (Green Nook Wood) has now been identified as Ancient Woodland, also supporting veteran trees. This change in status has been acknowledged by the applicant.

##### **5.2 Lancashire Local Nature Recovery Strategy (LNRS)**

Local nature recovery strategies are locally led strategies for nature and environmental improvement established by the Environment Act 2021. Each local nature recovery strategy:

- agrees priorities for nature’s recovery,
- maps the most valuable existing areas for nature,
- maps specific proposals for creating or improving habitat for nature and wider environmental goals.

5.2.1 A Local Nature Recovery Strategy is an evidence base which contains information that may be a ‘material consideration’ in the planning system, including when making planning decisions. Appendix 1 presents a recent Appeal decision where an LNRS was material to the decision. The Lancashire LNRS was published on 16th January 2026.

5.2.2 The establishment of LNRS across England is part of a wider environmental (nature conservation) principle that in order for nature conservation efforts to be successful in future it is not sufficient to protect existing habitats and species populations. We must also make efforts to enhance habitats and increase species populations, primarily by expanding and connecting areas of semi-natural habitats.

5.2.3 On the Lancashire LNRS Habitat Map the application site includes a core area for wildlife (an area of particular importance for biodiversity), Green Nook Wood Ancient Woodland. Other areas of the application site include areas that could become of particular importance for biodiversity.

Recommended Measures for these areas include –

- Measure U2.3 wooded habitat creation and enhancement in urban open spaces,
- Measure W1.5 retention and appropriate management of aged, ancient and veteran trees,
- Measure W2.1 establish riparian woodland and trees along water Courses.

## 6.0 The Ecological Mitigation Hierarchy

The Ecological Mitigation Hierarchy is a well-established protocol for minimising harm to habitats and species on development sites.

Described by CIEEM (the Chartered Institute of Ecology and Environmental Management) as “the cornerstone of achieving BNG”, the hierarchy is a linear process; a sequential set of steps from best scenario to worst scenario, namely –

- (1) Avoid harm,
- (2) Minimise harm,
- (3) Compensate,
- (4) Enhance.

Aiming for BNG does not mean that the mitigation hierarchy can be side-stepped: projects cannot go straight to the compensation stage without first seeking to avoid and minimise the effects on biodiversity (*ref. Biodiversity net gain – good practice principles for development, CIRIA 2019*)

6.1 The Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions:

- first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; *and*
- then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

Lowland meadow is a habitat of very high distinctiveness.

6.2 Planning authorities must take into account how the Biodiversity Gain Hierarchy has been applied and if it has not been applied the reason for that or absence of a reason when determining whether or not to approve the Biodiversity Gain Plan. If they decide not to approve the Plan they must give reasons for that stating the elements of the plan that are relevant to the determination. The Biodiversity Gain Hierarchy has been designed for the purpose of the statutory framework for discharge of the Biodiversity Gain condition to reflect the habitat categories in the biodiversity metric and the type of ways that the objective of at least a 10% gain can be achieved. If there is doubt as to whether the Biodiversity Gain Hierarchy has been applied appropriately then there is doubt as to whether the Biodiversity Gain Condition could be discharged. In order for a planning permission to be granted there

must be a reasonable prospect of the Biodiversity Gain Condition being able to be met.

6.3 *Paragraph: 008 Reference ID: 74-008-20240214 of government guidance on biodiversity net gain states that –*

“The Biodiversity Gain Hierarchy is distinct from the mitigation hierarchy set out in the National Planning Policy Framework, which states that a planning application should be refused if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

How biodiversity net gain will be secured for a development may be relevant to consideration of the policy in the Framework, especially in relation to adequate mitigation and compensation”.

## **7.0 The Biodiversity Duty and the Conservation of Priority Habitats**

The ‘Biodiversity Duty’ is a statutory duty placed on public bodies by the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) to further the conservation and enhancement of biodiversity

Priority habitats and species, sometimes referred to as ‘section 41’ habitats and species because the relevant legislation referring to these habitats and species is Section 41 of the NERC Act, are habitats and species considered to be priorities for nature conservation because they are rare or threatened. The NERC Act requires the Secretary of State to publish a list of Priority Habitats and Species. Lowland Meadows and Hedgerows found on the application site are included in the S41 list and are regarded as a priority habitat for conservation.

The Biodiversity Duty (Section 40(1) of the NERC Act requires local authorities to take reasonably practicable steps to further the conservation of priority habitats and species.

## **8.0 GMEU response to the original planning application**

I provided advice on the original planning application in June of 2025 as follows –

*Currently there is insufficient Ecology information available to decide the above application. In particular, the following information is lacking –*

- *Updated habitat survey undertaken at an appropriate time of year. The current habitat assessments provided were carried out in late October, outside of the optimal time of year for undertaking grassland surveys. According to comments made in the Ecological Impact Assessment and the Biodiversity Net Gain Report provided with the application, further botanical surveys are planned in June.*
- *Breeding Bird Surveys; again, these are planned for June 2025*
- *Great Crested Newt Surveys; these surveys are planned in 2025*

*The results of the above planned surveys should be provided once the surveys have been completed.*

### ***Biodiversity Net Gain***

*Notwithstanding the above comments, I would raise some queries regarding the Biodiversity Net Gain requirement. Currently the applicant proposes that retained grassland and woodland habitats on the site will be enhanced as a contribution towards the requirement for the development to achieve at least a 10% gain in biodiversity, but I would question whether these enhancements could be achieved in practice, given that the habitats will be fragmented and subject to significant public pressure from the development. I would ask that the applicant re-visits these proposals to assess whether the claimed enhancements could realistically be achieved.*

*Even if the enhancements claimed could be delivered, the development will still result in a significant loss in local biodiversity. It is stated that Biodiversity Units could be sourced off-site, but no details of this off-site provision have been provided. I would advise that further information regarding off-site habitat creation and enhancement should be required before the application is decided, to provide an acceptable level of reassurance that the Biodiversity Gain Condition, which will apply to the application, will be able to be met.*

I was further consulted on additional information provided in relation to the Appeal in January 2026.

## **9.0 Ecology Survey Effort**

The initial ecological survey effort was insufficient to properly inform the planning application as submitted. However, subsequent ecology surveys undertaken to inform the development and the Appeal have been carried out by suitably qualified ecologists and were to appropriate standards. No further surveys need to be undertaken prior to deciding the Appeal, although updated

surveys are likely to be required before the commencement of any development to ensure that the protection of more mobile species is fully taken into account.

## **10.0 Impact on Notable Habitats**

The ecological surveys have shown that the development will affect an area of ancient woodland, an irreplaceable habitat, and areas of priority habitat including lowland meadow and hedgerows. The site also supports watercourses, ponds and a number of mature broadleaved trees, habitats of local value.

I would accept that currently both the area of ancient woodland (Green Nook Wood) and the areas of priority habitat are relatively small, fragmented and in poor condition.

### **10.1 Impact of the development on Ancient Woodland**

The NPPF states that development resulting in losses to or deterioration of irreplaceable habitats such as ancient woodland must be refused, unless both of the following apply –

- There are wholly exceptional circumstances *and*
- A suitable compensation strategy exists

Harm to ancient woodland can be direct (direct habitat loss) or indirect, for example from increased noise and visual disturbance, changes to local hydrology, changes to lighting regimes, increases in recreational disturbance, predation and disturbance from domestic pets, habitat fragmentation and habitat isolation. These indirect pressures can lead to gradual and functional habitat loss, as more mobile species move away and are not able to be replaced, and tree cover and other vegetation fails.

The development proposal will not cause any direct loss of ancient woodland but is likely to cause indirect harm; in particular, the development in close proximity to this small area of woodland will cause habitat fragmentation and habitat isolation, and the development will compromise any efforts to expand the area of woodland.

The Woodland Trust advises that a minimum 50 metre buffer should be maintained between a development and ancient woodland, including through the construction phase.

Natural England and the Forestry Commission advise that –

*“For ancient woodlands, the [development] 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”.*

### **10.1.1 Mitigation for impacts on Ancient Woodland**

To mitigate for potential harm to the ancient woodland the applicant has proposed some minor changes to the layout of the development to establish a buffer between built development and the woodland. It is also proposed that access to the woodland is restricted by means of fencing or hedges, and that the woodland could be enhanced through positive management.

These measures are well-intentioned, but the woodland will inevitably become more isolated from other semi-natural habitats if the adjacent fields are developed for residential use. There will be no space for possible future expansion of the woodland or for the creation of new landscape corridors. The woodland is already small, in a relatively poor condition and constrained by the busy A road to the north, by the new housing development to the east and by established settlement to the south.

I do not consider that the development would be able to enhance the woodland; any introduced species or features designed to attract new species would be compromised by the increased isolation of the habitat and by disturbance pressures.

### **10.1.2 Impact on Priority Habitats**

In the light of the new information identifying part of the application site as the priority habitat lowland meadow, the developer has not substantively reduced the quantum of development proposed or significantly amended the layout to avoid losses to lowland meadow. Instead, it is proposed to translocate the more diverse areas of grassland to another part of the site. Losses to the habitat type seem to be regarded as inevitable by the applicant because the quantum of development will entail likely changes to topography, earth movements and the establishment of new levels. But the proposed quantum of development is not inevitable.

Attempting habitat translocation should be regarded as a last resort, only considered when other options to avoid habitat loss have been exhausted, because of the inherent uncertainties involved in translocation exercises. In this case, the translocated meadow will be relatively small, isolated and

subject to public pressures from the adjacent large development. These factors mitigate against the chances of successful, sustainable translocation.

The appellant also suggests an option of accepting the loss of the on-site lowland meadow habitat and purchasing relevant lowland meadow habitat units from an off-site habitat bank to re-establish areas of the habitat elsewhere, if the habitat type cannot be retained or re-established locally. This would be contrary to the mitigation hierarchy, which advises avoidance of harm.

Rather than attempting habitat translocation or requiring off-site habitat provision, a more acceptable solution in line with the mitigation hierarchy would be to avoid the losses altogether by refusing the application, or by reducing the size of the application to allow for habitat retention *in-situ*.

Lengths of hedgerow (also a priority habitat) will also be lost to the development, although for this habitat type I would be more willing to accept that it would be possible to re-establish species-rich hedgerows on site as part of the development, or re-create hedgerows off-site. This is because there is a higher probability of success with re-establishing hedgerows than with lowland meadows. But as with the lowland meadow, it would be preferable to avoid losses altogether.

### **10.1.3 Impacts on other habitats**

Watercourses on the site are capable of being retained and improved, and pond losses could be compensated by the creation of new waterbodies incorporated into SUDs proposals. Retained habitats must be able to be robustly protected during the course of any development.

## **11.0 Impact on the LNRS**

The development will cause harm to an area of particular importance for biodiversity identified in the LNRS (the ancient woodland) by causing isolation of the habitat and habitat fragmentation.

In terms of the areas which have been identified in the LNRS as areas which could become of particular importance (the remainder of the site) the following measures would be able to be implemented on the development site –

- Measure W1.5 retention and appropriate management of aged, ancient and veteran trees,

- Measure U2.3 wooded habitat creation and enhancement in urban open spaces,
- Measure W2.1 establish riparian woodland and trees along water courses

Creating and enhancing habitats within the development would be difficult to sustain because habitats will be small, fragmented and subject to high levels of disturbance. and subject to public pressure and disturbance.

Overall, the development would compromise the creation of a local, coherent ecological network by reducing the areas available for habitat creation / restoration and by causing habitat fragmentation. Irrespective that habitat creation and enhancement could be delivered off site as part of biodiversity net gain provision, the proposal would be detrimental to the LNRS; it would not expand or better connect notable local habitats and it would detract from the local and wider green infrastructure network.

## **12.0 Biodiversity Net Gain (BNG)**

The development is required to achieve at least a 10% gain in Biodiversity as measured using a statutory biodiversity Metric. Although a range of habitats will be able to be retained, created and/or enhanced on the site as part of the development, because of the extent of losses of open grassland overall the development will result in a significant net loss of on-site Biodiversity (34.51 habitat units).

In line with the biodiversity hierarchy the loss of high value habitats should be avoided. I would contend that the hierarchy has not been followed because harmful effects on ancient woodland and lowland meadows will not be avoided.

I have significant doubts that the translocation of the lowland meadow on the site would be successful or sustainable. If this meadow cannot be successfully re-created the on-site biodiversity losses will be higher than stated by the applicant.

I would also query whether other grassland on the site could be improved to achieve 'good' condition, given that the retained areas of grassland will be fragmented and subject to high levels of public pressure. If the good condition cannot be achieved in practice this would also mean that on-site biodiversity losses will be higher than stated.

Off-site habitat creation will need to be provided to meet the biodiversity deficit and to provide the necessary gains in biodiversity. Although there is a degree of confidence that the off-site BNG provision could potentially be able to be sourced by off-site habitat creation on registered off-site habitat banks, in line with best practice principles for BNG on-site habitat losses of high value habitats should first be avoided if at all possible before considering off-site options.

## **13 Impact on Notable Species**

Although I would agree with the Appellant that mitigation is available for impacts of the development on notable species, a range of conditions will need to be applied to any permission granted to the proposals to ensure that notable species are not harmed. I have set out my advice on mitigation measures for species below. I would not consider that the development will be able to achieve an enhancement in the populations of notable species.

### **13.1 Bats**

All UK bats and their resting places carry a high level of legal protection. The bat community recorded by surveys does not appear to be exceptional in terms of the numbers of bats which use the site or in terms of the relative rarity of the bat species involved. No known bat resting places will be lost to the development, and there are areas of good bat foraging habitat in the wider area which will not be affected by the development. The development will result in some losses to bat foraging habitats, although habitats present which are of most value to bats (hedgerows, woodlands, trees and watercourses) will be largely retained, and new hedgerows and trees will be planted.

Nevertheless, measures to conserve bats will be required. The development should avoid overly intrusive lighting of habitats of most value to bats and should incorporate opportunities for bat roosting (bat boxes and integrated features for bats).

It is very unlikely that the site will be able to support increased numbers of bats if it is developed. There would be no enhancement in local bat populations.

### **13.2 Badgers**

Although no badger setts have been recorded on the site it does support habitat of value to badgers and badgers are mobile in their habits. I would advise that a pre-commencement precautionary survey of the site for badgers is required to be undertaken before any groundworks or site clearance

commences. Badgers and their setts are specially protected under the terms of the Protection of Badgers Act 1992.

Once complete, the development is highly likely to prevent use of the site by badgers.

### **13.3 Amphibians**

The site is considered likely to support amphibians including common toads, common frogs and newts, although the specially protected species great crested newt is considered to be absent. There is a risk that amphibians could be harmed during site clearance and construction works and I would advise that reasonable avoidance measures for avoidance of harm to amphibians will be required.

It is very unlikely that the site will be able to support increased numbers of amphibians if it is developed. There would be no enhancement in local amphibian populations.

### **13.4 Protection of Nesting Birds**

Precautions will need to be taken throughout site clearance works and groundworks to avoid harm to nesting birds. I would advise that no vegetation clearance required to facilitate the proposals should be undertaken during the optimum time of year for bird nesting (March to August inclusive). All nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981.

A range of bird nesting boxes should also be provided throughout the site as part of any final landscape proposals.

### **13.5 Invasive species**

Himalayan balsam has been recorded on the site. The spread of any of this invasive plant is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended). It is advised that measures are taken to control the spread of these plants during the course of any development.

## 14.0 Conclusions

On balance I would advise that the Appeal is refused because –

- the development would cause unacceptable impacts on irreplaceable and priority habitats,
- the development proposals have not followed the mitigation hierarchy,
- proposals for habitat compensation and mitigation are inadequate.
- Proposals for on-site habitat enhancement are likely to be unsuccessful
- the development will compromise the establishment of the Local Nature Recovery Strategy for Lancashire.

The development would therefore be contrary to Key Statement EN4 and Policy DME3 of the Ribble Valley Council Core Strategy. In particular, the development will not conserve and enhance areas biodiversity and geodiversity will not avoid the fragmentation and isolation of natural habitats, or help to develop green corridors

The development would also be contrary to biodiversity net gain best practice

- 14.1 If the Appeal is allowed I have recommended a range of Conditions which should be applied to any permission to protect nature conservation impacts.

Derek Richardson

Principal Ecologist

19th March 2026

## Appendix 1 – Appeal Decision relating to LNRS



Planning Inspectorate

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### Appeal Decision

Hearing held on 12 November 2025

Site visits made on 11 and 13 November 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

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Appeal Ref: APP/N4205/W/25/3365804

Vacant plot of land to the South and East of 82 Meadowcroft, Longsight Lane, Harwood BL2 4JU

The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.

The appeal is made by Oaktree (Construction, Design and Management) Ltd against the decision of Bolton Metropolitan Borough Council.

The application Ref is 15170/22.

The development proposed is erection of 20 no. dwellinghouses including affordable housing together with associated access and parking, landscaping and drainage infrastructure.

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#### Decision

1. The appeal is dismissed.

#### Applications for costs

2. An application for an award of costs was made by Oaktree (Construction, Design and Management) Ltd against Bolton Metropolitan Borough Council. That application is the subject of a separate Decision.

#### Preliminary Matters

3. The planning application form refers to the proposed number of dwellings as 26. However, the Council accepted amended plans during the processing of the application which reduced this number. I have therefore taken the description of the development from the decision notice in the banner heading above.
4. The applicant in the application form and the appellant in the appeal form is named as Mr Paul Mossdrop of Oaktree Construction. However, the appeal is proceeding in the name of the company only, since representatives of a company can change over time as has happened in this case.
5. A signed and dated Unilateral Undertaking (the UU) was submitted after the appeal was made. This includes obligations to make financial contributions towards off-site play space and secondary school places and to deliver affordable housing. As the UU is completed, I have taken it into account in my determination of the appeal.

#### Main Issues

6. The main issues are:
  - i) Whether the proposal would provide an adequate standard of living conditions for future occupiers, with particular regard to internal space;

- ii) The effect of the proposal on biodiversity, with particular reference to Castle Croft and Bradshaw Brook Site of Biological Importance (SBI) and veteran trees; and
- iii) The effect of the proposal on the operation of the highway.

## Reasons

### *Living conditions*

7. The planning application was made on 13 December 2022, at which time there was no policy requirement for new dwellings to comply with the nationally described space standards (NDSS). However, this changed following the adoption in March 2024 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 (the PFE), and specifically policy JP-H3 which requires that all new dwellings comply with the NDSS.
8. At the time the Council considered the application, the affordable house types were illustrated<sup>1</sup> as 2-storey dwellings with 70.4sqm floor area and 2 bedrooms, 12.4sqm and 11.6sqm respectively. The NDSS requires that, in order to provide 2 bedspaces, a double (or twin) bedroom has a floor area of at least 11.5sqm. Consequently, and irrespective of the furnished layouts, each bedroom meets the space standard for double bedrooms and therefore 2 people each. However, the houses fail to meet the NDSS requirement for a 2-storey dwelling with 2 bedrooms and 4 bed spaces to have minimum gross internal floor area of 79sqm.
9. The Council's officer report acknowledged that all bar one house type met the NDSS and stated that amended plans were to be submitted to demonstrate full compliance with PFE policy JP-H3. However, the suggested list of planning conditions in the officer's report does not include a condition requiring amended plans and the approved plans condition refers to the non-compliant rev C plans.
10. There was a discussion at the hearing as to whether or not the affordable houses were intended to be occupied by 3 or 4 persons and whether occupancy could be controlled by the housing provider. Irrespective, revised plans<sup>2</sup> were submitted with the appeal that increase the size of bedroom 1 to 12.8sqm and reduce the size of bedroom 2 to 10.9sqm. On this basis, the revised Welbeck House Type meets the NDSS requirement for 2-storey dwelling with 2 bedrooms and 3 bed spaces.
11. The Statement of Common Ground records that this is a matter that could be addressed by a planning condition specifying the approved plans, in the event the Inspector accepts the revised plans and if the appeal is allowed.
12. The Procedural Guide: Planning appeals – England is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially the same scheme that was considered by the LPA and by interested parties. In this case, the amendments to the house type are minor and do not involve a substantial difference or fundamental change to the application. I am therefore satisfied that accepting the proposed amended plans would not prejudice the interests of any interested party. As such, this is a matter that could be satisfactorily addressed by planning condition.

<sup>1</sup> Drawing no. 2256-PL-04 Rev C – Plots 1-7 Affordable House Types Proposed Plans Welbeck House Type

<sup>2</sup> Drawing no. 2256-PL-04 Rev D – Plots 1-7 Affordable House Types Proposed Plans Welbeck House Type

13. Therefore, I conclude that the proposal would provide a satisfactory standard of living conditions for future occupiers, with particular regard to the nationally described space standards. It would comply with the aims of PfE policy JP-H3.

*Biodiversity, including the SBI and veteran trees*

14. Retained policy CG6AP of Bolton's Allocation Plan Adopted December 2014 (the BAP) identifies the appeal site as Other Protected Open Land (OPOL), where development is permitted subject to meeting one of a limited number of exceptions none of which apply to the proposal. Policy CG6AP supports the Council's aims of urban regeneration and seeks to maintain the open character of the land and protect the character and appearance of the countryside.
15. A review of Bolton's protected open land (LUC and MVGLA, November 2018) identifies the appeal site as part of parcel LUC45: Longsight Lane, together with the Harwood and Bradshaw Millennium Woodland and part of the SBI. Habitats in the parcel as a whole include woodland, rough tussocky grassland and scrub. Its high ecological value is due to the presence of the SBI and the extent and distribution of a range of habitat types of principal importance including woodlands, grasslands and watercourses which are likely to provide important habitats and movement corridors for wildlife within the landscape.
16. The recent ecological surveys of the appeal site carried out by ERAP Consultant Ecologists report the presence of unmanaged semi-improved and species-poor grassland, tall-herb vegetation, bramble scrub and broad-leaved trees. With the exception of trees, the common and widespread plant species and habitats in the appeal site are of local biodiversity value only. The woodland and priority habitat constraints to the development of LUC45 as identified by the 2018 review therefore appear to relate to the SBI and Millennium Wood rather than to the appeal site.
17. Much of the appeal site would be developed for housing, gardens and roads. The remaining area of public open space would comprise retained and created habitats. While habitat losses could not be adequately mitigated or compensated on site, Biodiversity Net Gain (BNG) could be secured off site by the imposition of a planning condition.
18. The neighbouring SBI covers a large area of land encompassing the semi-natural habitats along Bradshaw Brook and its tributaries. It includes lowland broad-leaved woodland on its upper slopes, lower-lying wet woodland along the watercourses, reservoirs, scrub, grassland and marsh. It supports a range of wildlife including invertebrates, amphibians, breeding birds, bats and mammals.
19. Direct impacts on the SBI, and Millenium Wood, would be avoided. While the proposal has potential for indirect effects, there is little substantive evidence for adverse effects on the hydrology of adjacent habitats as a result of surface water run off or changes to the water table due to tree removal. Indeed, the Flood Risk and Drainage Assessment sets out that there would be no runoff and no connection to the watercourse in the SBI. Further details of the drainage strategy could be secured by a pre-commencement planning condition. As is standard practice, a planning condition could also be imposed securing a construction environment management plan to include measures to protect the SBI and other biodiversity features during construction. Construction mitigation measures for impacts on associated protected and priority species could be similarly secured.

20. Although not explicitly mentioned in the Council's reason for refusal or statement of case, the hearing explored effects on the Greater Manchester Local Nature Recovery Strategy (LNRS). The system of LNRS is a legally binding target in the Environment Act 2021 and the Council has a biodiversity duty under the Act to have regard to LNRS including as part of the planning process. This is reflected in the PfE, including policy JP-G2, which aims to protect and enhance green infrastructure in order to contribute to the LNRS and national nature recovery network. The Council's emerging Greenspace Strategy 2025-2040 (draft) also supports nature recovery in alignment with regional and national objectives, albeit this is at an early stage of preparation and carries little weight.
21. Nature for All: A Local Nature Recovery Strategy for Greater Manchester includes a Nature Network or Local Habitat Map made up of core local nature sites, including SBI, and nature recovery opportunity areas where actions to enhance, restore or create habitats would expand and better connect the core sites. The appeal site and Millennium Wood are both in an opportunity area.
22. The proposal would thus be the development of an LNRS opportunity area, immediately adjacent to a core site. A degree of connectivity for species such as hedgehogs could be maintained through the residential gardens, but this would be at the discretion of future residents. The SBI would continue to function as a strategic scale wildlife corridor. However, the functional relationship and wildlife connectivity between it and Millennium Wood, and habitats beyond, would be interrupted and fragmented by the intervening buildings, hardstanding, road and boundary treatments and artificial lighting. Irrespective that BNG could be delivered off site, the proposal would be detrimental to the LNRS; it would not expand or better connect the SBI; and it would detract from the green infrastructure network.
23. Turning to the health of retained trees, the Council clarified at the hearing that its concerns in this regard relate primarily to trees listed as veteran in the Ancient Tree Inventory (ATI). These include a crab apple and a number of hawthorns associated with historic hedge banks.
24. Paragraph 193 of the National Planning Policy Framework (the Framework) 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. The Framework defines an ancient or veteran tree as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.
25. The planning application was originally supported by a May 2023 arboricultural survey report by DEP Landscape Architecture Ltd. This was updated and re-issued in October 2023 to take into account the Council's comments and the list of potential veteran trees put forward to the Woodland Trust by local residents. At that time, DEP stated that several of the hawthorns are no doubt remnants of an old hedgerow and several trees are probably veteran by definition.
26. Cheshire Woodlands carried out a partial re-survey in February 2024 and produced a Supplementary Arboricultural Statement (SAS) in July 2024. By this time, 9 hawthorns and 1 crab apple tree were verified as veteran trees in the ATI and a further 12 were notable. Trees were assessed using an Inspector's methodology in

an appeal decision<sup>3</sup> for a development in Bristol. Cheshire Woodlands concluded that none of the ATI listed veteran hawthorns in this case are veteran because they do not meet the size threshold for hawthorns adopted by that Inspector.

27. The Inspector in that appeal noted there were various definitions of veteran trees but concluded that the Framework definition was the relevant one for the purposes of that appeal. In relation to size, they concluded that the multitude of factors that influence size did not matter because a tree must be large, with sufficient biomass, to facilitate exceptional biodiversity value. On this basis, they concluded that the size of the tree is all that needs to be ascertained for the purposes of the Framework. They also concluded that a veteran tree must have multiple veteran characteristics in order to have exceptional biodiversity value, which they found was the only relevant criteria for the trees.
28. Appeal decisions are capable of being material considerations in the making of planning decisions, as is the Framework. However, the same applies to the wider body of evidence pertaining to veteran trees including, but not limited to, the Planning Practice Guidance (PPG), Natural England's (NE) standing advice for veteran trees, and the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (BGR).
29. The PPG advises that 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 3 characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species.
30. The NE standing advice does not refer to size, simply stating that a veteran tree may not be very old but it has significant decay features such as branch death and hollowing that contribute to its exceptional biodiversity, cultural and heritage value.
31. The BGR define veteran trees as mature trees that share physical and other characteristics with ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. In particular, they exhibit one or more of the following features: significant decay features such as deadwood, hollowing or signs or advanced decay in trunk or major limbs; a large girth, depending on and relative to species, site and management history; a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates.
32. There are clear differences between these definitions, and it was acknowledged at the hearing that this leads to a degree of uncertainty for planning purposes. Nevertheless, there are also commonalities including that a tree does not need to be large, with substantial biomass, to be a veteran. Indeed, girth is not a reliable criterion because different species and individual trees have different life spans and grow at different rates. Therefore, the size of the ATI listed veteran hawthorn trees in this case does not automatically preclude them from being veteran trees.
33. While Cheshire Woodlands had formed a view regarding the veteran status of the trees during the processing of the planning application, they acknowledge they are not ecologists and could not robustly assess the ecological value of the trees. Further information was therefore submitted with the appeal in the form of a veteran tree assessment<sup>4</sup> (VTA) carried out in March 2025 by Dr Hacking, a botanist who

also specialises in invertebrate surveys and assessments. The VTA concluded that none of the ATI veteran trees have significant decay features, a large girth or a high value for nature and do not meet the BGR veteran tree definition. However, the VTA did not apparently reach a conclusion against the Woodland Trust guidance and NE standing advice.

34. Taking the various surveys together, the ATI listed veteran hawthorn trees are noted to be multi-stemmed remnants of old hedgerows. None of the trees is of individually significant size, but this appears to be at least partly a function of past management and location. They are all post mature. DEP describe some as over mature or senescent, which refers to trees with crowns beginning to break up and decrease in size or in advanced stage of break up.
35. While the ATI veteran trees have generally narrow trunks and limbs, nevertheless they exhibit features characteristic of veteran trees including decay and basal rot, cavities, cracking, hollowing, deadwood, bark dieback and flaking, tear out wounds and limb tears, growing ferns and fungi. As to whether or not the decay features are significant, there is little evidence before me that this should not be considered in the context of and relative to the size of the trees.
36. In terms of biodiversity value, the VTA concluded that none of the trees supported specialist fungi, are unlikely to support specialist invertebrates and the lichen assemblage is poor. However, while it noted typical moss and lichen species and a bracket fungus, these were not identified to species level. Moreover, the VTA was carried out early in the year such that transitory and seasonal characteristics of veteran trees may have been missed.
37. Indeed, an arboricultural consultant from Peak Tree Consultancy visited the site later in 2024 and noted significant decay features, signs of hollowing and a variety of fungi, albeit they did not determine if the trees supported rare fungi, lichens or deadwood invertebrates. I acknowledge this was commissioned by interested parties, but that is not a valid reason to discount its professional findings.
38. The evidence also suggests that the ATI veteran hawthorns have a degree of historic and cultural value by virtue of their association with historic hedge banks. These field boundaries appear to date from the late 18<sup>th</sup> to early 19<sup>th</sup> century and are old landscape features illustrative of historic enclosure and field patterns.
39. Taking all this into account, even if it had been robustly demonstrated that the ATI veteran trees do not meet the strict definition in the BGR, nevertheless they appear to meet the PPG veteran definition in relation to life stage and condition.
40. It is also pertinent that, in contrast to the Bristol appeal, the trees of concern in this case are verified as veteran trees in the ATI. The appellant questions whether ATI listed veteran trees are veteran trees for the purposes of planning policy and guidance. However, both the PPG and NE standing advice advise that the ATI can be used to help identify ancient and veteran trees. Both caveat that not all ancient and veteran trees have been recorded, but neither suggest that the ATI might not be a reliable resource in this regard.
41. The appellant also voiced concerns about the ATI including that there is no audit trail and no right of appeal. Indeed, in their email dated 24 October 2023, the Council's tree and woodland officer had stated that they were unable to overturn the veteran status of the trees and this was solely at the discretion of the Woodland

Trust. However, they also stated that the appointed arboricultural consultant could make an independent assessment of the trees recently added to the ATI and, if they consider the trees should not be included on the ATI, they could present this information for review by a member of the Woodland Trust. This suggests that there is a route by which an ATI register entry can be challenged. I am not aware however that the appellant has engaged with the Woodland Trust to either seek to better understand or challenge the ATI entries in this case.

42. Turning to potential impacts of the proposal on the ATI veteran trees, the arboricultural appeal statement<sup>5</sup> (AAS) sets out that the veteran crab apple could be adequately protected as befits its veteran status. However, in relation to the ATI veteran hawthorns and as illustrated on drawing no. CW/11323-P-TP-2, it would not be possible to protect the 15x stem diameter RPAs or the crown spread +5m for all of the trees, which are the NE standing advice recommended buffer zones to protect veteran trees. The AAS suggests that minor encroachment into these buffer zones, including by gardens and roads, could be compensated for elsewhere. However, NE standing advice is clear that development proposals, including gardens, should not be approved within a buffer zone.
43. With the exception of ATI tree ref 251693, the AAS tree schedule states that ATI veteran trees would be retained and protected during development. However, on the basis that the veteran tree buffer zones could not be protected, the ATI veteran trees would not demonstrably be adequately protected as part of the proposal.
44. Tree 251693 is recorded in the AAS as a post mature, multi-stemmed hawthorn with basal/ stem decay and dead branches. This tree is not apparently referred to in the SAS, but the Cheshire Woodlands response to local objections on 22 October 2024 indicates that it and neighbouring ATI veteran tree ref 251695 would be removed to accommodate the development. The appellant now intends to retain these trees, but the AAS indicates that tree 251693 would be cut down to 1.2-1.4m to accommodate a new dwelling and proposed hedge restoration works.
45. There is no dispute that this tree, and others, would be susceptible to collapse if left and it would no doubt die and be lost with time. Nevertheless, tree 251693 is around 4.5m tall and it has not been managed as a hedge for a long time. The hearing was told that it might very well not survive being cut to hedge height. The AAS also refers to minor pruning of other hedgerow hawthorns to accommodate the development and enable hedgerow restoration. While this latter might be considered a benefit, it is not clear that this could be achieved without adverse impacts on the ATI veteran trees. While it was suggested that the veteran trees could perhaps be tied back rather than pruned to provide clearance for construction, there is little evidence this would not result in damage or deterioration.
46. I note the suggestion that the proposal would allow for the beneficial management of the ATI listed veteran trees but works proposed appear to be primarily to facilitate the development rather than necessarily in the best interests of the trees. Moreover, taking into account the NE standing advice in relation to damaging activities that can cause the loss or deterioration of veteran trees, several trees appear particularly vulnerable in the longer-term by virtue of proximity to built development, including roads, hardstanding and gardens.

47. There would also be loss of one ATI notable tree and possibly works to others. While these are not an irreplaceable habitat for the purposes of the Framework, they could be potential future veteran trees. Taking into account the tree population as a whole, and the provisions of relevant local and national policy, the loss of notable trees would contribute to cumulative adverse impacts.
48. Therefore, I conclude that the proposal would result in loss or deterioration of ATI listed veteran trees, the loss of OPOL, and adverse impacts on the LNRS and indirectly the SBI core site. It would conflict with the aims of retained BAP policy CG6AP and PFE policies JP-G2, JP-G3 and JP-G7. These require, among other things, that proposals protect and enhance green infrastructure to contribute to a LNRS; retain the open character of river valleys which are central components of the green infrastructure network; and protect and enhance woodland, including habitat connectivity, and trees that are of heritage, cultural and/or aesthetic value including veteran trees.

*The operation of the highway*

49. The appeal site is in a predominantly residential area roughly 3.3km north east of Bolton town centre. It is an accessible location, having regard to services, facilities and sustainable transport modes. Longsight Lane is an unadopted road and a minor arm of a priority junction with Longsight (B6196), this latter being a 2-way single carriageway subject to a 30mph limit and that connects Harwood to Bolton.
50. The Transport Statement (September 2023) was predicated on a proposal of 23 dwellings generating 12 2-way vehicle trips during the morning and evening peak hours, this being an average of 1 trip every 6 minutes. The reduction in the number of dwellings would reduce the number of vehicle trips to 11. The size of the proposal and the low number of trips are below the thresholds for a transport assessment or travel plan as set out in the Council's Accessibility, Transport and Road Safety Supplementary Planning Document Adopted October 2013. The Council's highway consultee confirmed that the low number of peak hour trips could be accommodated with minimal additional detriment or severity to road safety, amenity and the operational capacity of the local highway network.
51. However, the Council disagrees. Councillors consider that the local road network is already severely over capacity, which is a view expressed by third party representations to the planning application and the appeal. In this context, even the low number of dwellings proposed would exacerbate the existing situation which they describe as intolerable. With reference to the Longsight junction, I understand that vehicles exiting Longsight Lane are held up while those waiting to turn right onto it cause traffic to queue back to the Morrisons supermarket junction. Moreover, the box junction at Morrisons is due to be reviewed, this being confirmed by a car wash application subsequent to the appeal application.
52. A vehicle count carried out by Councillors in July apparently recorded a 30% increase since 2008, when the most recent highways count was carried out. However, no details of either traffic count, the car wash application or box junction review have been provided. Nevertheless, I did observe heavy and queuing traffic heading towards Bolton during peak times. I also note the email from Transport for Greater Manchester dated 25 June 2025. This states, with reference to congestion at the junction of Bradshaw Brow and Lea Gate, that the problems appear to be downstream and there is simply too much traffic being funnelled onto Tonge Moor

Road including from Harwood. Therefore, I have no reason to think that the local road network is not severely congested during peak times.

53. However, the Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. In this case, the application was not refused on grounds relating to highway safety. Taking into account that the local roads are already severely congested at peak times, there is little compelling evidence that the relatively small number of additional vehicle movements generated by the proposal would have any materially adverse effect on highway capacity or congestion during peak hours.
54. Therefore, I conclude that, while the proposal would add additional vehicle movements to the already congested highway network, these would be accommodated without resulting in severe residual cumulative impacts on the road network. As such, there would be no conflict with the aims of PfE policy JP-C5, including in relation to minimising the negative effects of vehicle traffic. There would be similarly no conflict with the aims of the Framework, including in relation to sustainable locations, prioritising sustainable transport modes, and avoiding severe cumulative impacts on the road network.

#### **Other Considerations and Planning Balance**

55. As of April 2025, the Council's housing land supply stood at 3.7 years, which is a significant shortfall in 5 year housing land supply (5YHLS). I am aware that the Housing Delivery Test: 2023 measurement indicates that the Council's supply position is improving and there will be no buffer next year. Irrespective, paragraph 11d) of the Framework is clear that where the Council cannot demonstrate a 5YHLS, planning permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. The policies that protect areas or assets of particular importance for the purposes of Framework paragraph 11d)i. include those relating to irreplaceable habitats. As such, and while they may not be extraordinary specimens, the loss or deterioration of ATI listed veteran trees provides a strong reason for refusing the development. The presumption in favour of sustainable development does not apply.
57. Nevertheless, the proposal would make a modest contribution towards the Council's housing supply and the government's aim of significantly boosting the supply of housing. The proposal would deliver 20 residential dwellings, 13 of which would be market housing and 7 affordable homes. The latter would meet the requirements of PfE policy JP-H2 and the need identified in the Council's Affordable Housing Supplementary Planning Document (February 2013) for greenfield development to provide 35% affordable housing. In the context of the housing shortfall, this carries moderate weight in favour of the proposal.
58. The appeal site is in an accessible location having regard to services and facilities and sustainable transport modes. This is a general requirement for new residential development and carries little positive weight. The short-term economic benefits during construction carry limited weight. Future occupiers would contribute to the local economy, but in the context of the heavily populated urban area this carries

limited weight. The financial contributions to play space and schools are required to make the development acceptable and carry little weight in favour of the appeal.

59. The planning application was made prior to the introduction of mandatory BNG. However, PFE policy JP-G8 requires proposals to deliver a net enhancement of biodiversity and specifically to achieve a measurable net gain in biodiversity of no less than 10%. In this case, 10% BNG could be delivered off site via the purchase of biodiversity units from Habitat Banks listed on the Government's Biodiversity Gain Sites Register. The delivery of a net gain it would be a benefit. However, policy JP-G8 also seeks to improve habitat connectivity, protect and enhance ecological networks (including Nature Recovery Networks), and facilitate access to nature particularly within urban areas, none of which would be achieved by the proposal. Therefore, and as there appears to be little guarantee the BNG would be delivered in the LNRS, I afford this only limited weight in favour of the proposal.
60. Planning conditions could be imposed to, among other things, secure avoidance and mitigation measures for protected species during construction, control of invasive species listed on schedule 9 of the Wildlife and Countryside Act 1981 (as amended), and a scheme of sensitive external lighting to minimise adverse impacts on wildlife habitat. Compliance with policy and legislation in this regard is a neutral factor. Compliance with policy in relation to other matters including but not limited to residential amenity, design and character and appearance, is also a neutral matter.
61. The energy and sustainability statement sets out that the dwellings would adopt a fabric first approach to reduce emissions by lowering the demand for heating and they would incorporate a range of renewable and low carbon technologies. To this end, the proposal would comply with and indeed achieve a greater reduction in CO2 emissions than required by current Building Regulations. Taking into account the scale of the proposal, the contribution to the government's aims in terms of reducing green house gas emissions carries limited weight in favour of the appeal.
62. There would be footpath improvements to the Public Right of Way which runs along the southeastern boundary of the appeal site. However, the footpath and wider area are already well used by local residents such that the proposed surface improvements would have little discernible benefit in terms of improving access to green infrastructure. This carries little weight.
63. I have found that the proposed affordable housing would meet the nationally described space standards. Moreover, the proposal would not result in cumulative severe impacts on the highway network. These are neutral factors.
64. I note the suggestion that the management of the ATI listed veteran crab apple should be afforded significant weight. However, there is limited evidence before me in terms of what management is proposed or actually necessary or the tangible benefits of such. Therefore, this carries little positive weight.
65. By virtue of being the development of protected open land, the proposal would conflict with policy CG6AP of the BAP. The proposal would also conflict with the aims of policy OA5 of the Core Strategy Development Plan Document Adopted March 2011 (the CS) in relation to concentrating sites for new housing within the existing urban area. The Council's officer report acknowledges the policy conflict but affords it no weight in the decision making process, deeming the policies out of date by virtue of the shortfall in 5YHLS.

66. However, in seeking to focus development in the more sustainable urban areas and protect the wider open landscape, the aims of both these policies are broadly consistent with the sustainable development objectives of the Framework including in relation to prioritising the use of suitable brownfield land within settlements for homes, and contributing to and enhancing the natural and local environment including by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, including trees and woodland. Therefore, the BAP policy CG6AP conflict attracts moderate weight.
67. There would be loss or deterioration of ATI veteran trees. The proposal would be unsympathetic development in the LNRS opportunity areas next to an SBI core site, and without demonstrable improvement to the LNRS. Collectively, the local plan policy conflict in these regards weighs significantly against the proposal. The conflict with the Framework in relation to the adverse effects on irreplaceable habitats also weighs against the proposal.
68. The benefits, these being primarily the contribution to housing supply and the affordable homes, do not appear to constitute exceptional reasons and do not demonstrably outweigh the harm and the policy conflict that I have found.

#### Conclusion

69. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
70. Therefore, I conclude that the appeal should be dismissed.



