ECOLOGY STATEMENT OF COMMON GROUND

Land South of Eccleshall Rd, Loggerheads, Staffordshire, January 2024

This Statement of Common Ground (SoCG) has been prepared by CSA Environmental (herein referred to as 'CSA') on behalf of Gladman Developments Ltd (herein referred to as 'the Appellant') and Staffordshire Wildlife Trust (namely David Cadman herein referred to as the 'Consultee')on behalf of Newcastle-under-Lyme Borough Council (herein referred to as the 'NuLBC' or 'the Council').

APPLICATION REFERENCE: 24/00162/OUT

PINS REFERENCE: APP/P3420/W/24/3354312

SITE ADDRESS AND DESCRIPTION OF DEVELOPMENT:

Land South of Eccleshall Road, Loggerheads, Staffordshire, TF9 4FP

"Outline planning application for the erection of up to 150 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access."

1.0 Introduction

1.1 The Statement concerns an appeal made pursuant to the non-determination of planning application ref. 24/00162/OUT by the Council at land south of Eccleshall Road, Loggerheads (herein referred to as 'the Site' or the Appeal Site'). The application was validated by Newcastle-under-Lyme Borough Council (NuLBC) on 20 March 2024.

1.2 The Statement sets out the agreed matter of fact positions between the Council and the Appellant in respect of planning matters relating specifically to Ecology and Biodiversity Net Gain and identifies the specific areas of agreement or disagreement.

2.0 Background

2.1 The Application was supported an initial Ecological Appraisal (CSA/6680/02, December 2023, **CD1.06**), which included:

- Habitats Plan (CSA/6680/100 Appendix A)
- Information on relevant legislation and planning policies (Appendix B)
- Designated sites and nearby species records (Appendix C)
- Photosheet (Appendix D)
- Habitats and flora species lists (Appendix E)

- Bat Survey Report (Appendix F)
- Badger Survey Report (Appendix G)
- Great Crested Newt Survey Report (Appendix H)

2.2 The application was also supported by a BNG Design Stage Report (CSA/6680/05, February 2024, **CD1.07**) and appendices:

- Habitats Plan (Appendix A)
- Proposed Habitats Plan (CSA/6680/103 Appendix B)
- Statutory Biodiversity Metric (Headline Results Appendix C)
- Condition Assessment Results (Appendix D)
- River Condition Assessment Results (Appendix E)

2.3 Additional documents submitted post validation include an Interim Ecological Impact Assessment (CSA/6680/08 Rev A, July 2024, **CD2.06**) which included the results and assessment of protected species up to that date.

2.4 David Cadman, Head of Nature Recovery Networks at Staffordshire Wildlife Trust (SWT) is the consultee representing NuLBC on matters of ecology. A formal written response was received from SWT (14 August 2024, **CD 4,20**) via NuLBC, identifying a 'holding objection' regarding further information required in relation to the Interim Ecological Impact Assessment (**CD 2.06**); Bat Surveys; and, Biodiversity Net Gain.

2.5 In September 2024, CSA issued an Ecological Technical Note (CSA/6680/10/TN **CD2.09**) in order to address the points raised in the SWT holding response (14 August 2024 **CD 4.20**). No Further communication was received from SWT in relation to the Ecological Technical Note.

2.6 Within the Council's report to Planning Committee (prepared on 27th November 2024) they have identified four putative Reasons for Refusal (RfR) and this SoCG and sets out the relevant evidence relating to RfR 3 in the specific areas below, which stated:

> *"3. Insufficient information has been provided to enable a full assessment of the impact of the development on dormice and bats and therefore, it cannot be concluded that the development would be acceptable in terms of its impact on protected species and their habitats. The development is therefore contrary to Policy CSP4 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy (2006-2026), Policies N3 and N4 of the Newcastle-under-Lyme Local Plan (2011) and the aims and objectives of the National Planning Policy Framework (2023)."*

2.7 On completion of all ecological surveys in October 2024, CSA compiled and issued a full EcIA report (CSA/6680/11/Rev A **CD 2,11**) which was submitted to the Council and to SWT. On 19 December 2024, David Cadman acknowledger the receipt of the EcIA and having reviewed

the updated information and full survey results and comprehensive assessment of impacts, removed the holding objection.

3.0 Matters on Which the Parties Agree - Ecology

Background

3.1 The submitted EcIA was informed by a suitably comprehensive and up to date suite of ecological survey work, giving a robust characterisation of the baseline ecological conditions at the Appeal Site and a basis for assessment of the potential ecological impacts and effects which could occur as a result of the Appeal Scheme. The scope of the submitted assessment was appropriate to the scale, location and nature of the Appeal Scheme. The supporting evidence is summarised below.

3.2 The Appeal Site, Land south of Eccleshall Road, occupies an area of c. 9.11ha and comprises habitats that are generally common and widespread, with the greatest ecological interest associated with the on-site LWS, Leightons Drumble (designated for its woodland, grassland and pond habitats); native species boundary hedgerows and the riparian strip of grassland at the south of the Site along the Tadgedale Brook. The Site is located around central grid reference SJ 73254 36288, to the west of the village of Loggerheads, Staffordshire.

3.3 The wider landscape context of the Site is dominated by a mixture of pasture and arable fields generally with boundary hedgerows, together with scattered parcels of semi-natural woodland. Recent residential developments are adjacent to the Site on the eastern boundary and on the opposite side of Eccleshall Road to the north.

3.4 CSA Environmental have been involved from the inception of the project and have completed extensive ecological surveys and subsequent reports, culminating in the preparation of an updated Ecological Impact Assessment (CSA/6680/11/Rev A issued in December 2024 **CD2.10**) with associated appendices.

Overview of Ecology Work Completed

3.5 The initial ecological site assessment for Appeal Site was undertaken in August 2023, with UK Habitat Classification ('UKHab') survey completed to evaluate the habitats on site and identify any further surveys which required to inform development proposals. Detailed surveys were carried out in 2023 and 2024. This early attention to ecological investigations allowed the proposed scheme to be developed with reference to ecological constraints and opportunities.

3.6 The dates, methods and results of these surveys are set out within the updated Ecological Impact Assessment and associated appendices (**CD 2.10**) submitted to the Borough Council 10 December 2024.

3.7 The month/year that the protected species survey work was conducted are below in Table 1:

Table 1: Survey work conducted.

Survey Description	**Appeal Site and wider survey area**
Nighttime Bat Walkover (Bat Transect) Surveys	June, July, Sep 2022, May 2023
Bat Static Detector Surveys	April - October 2024
Ground-Based Tree Assessment for Bats	November 2023
Badger Survey	October 2023
Dormouse Survey	May – October 2024
Breeding Bird Survey	March – June 2024
Great Crested Newt (Habitat Suitability Index assessment of ponds and eDNA testing)	October 2023 – May 2024

3.8 The findings of the combined ecological survey work are summarised as follows:

3.9 The Site is considered to be of 'moderate' suitability for potential bat flightpaths and foraging habitats. A total of at least six species of bats have been recorded on-site during activity surveys to date. Activity was dominated by common pipistrelle, followed by soprano pipistrelle and thirdly Myotis species. As expected, the activity was associated with the vegetated site boundaries and woodland edge habitat.

3.10 A single, recently excavated active badger hole was found, located on-site along the southern boundary, on the margin of the arable field and woodland belt. This is considered to be an outlier sett to an off-site main badger sett (comprising c. 11 visible holes) located on the opposite bank of the Tadgedale Brook (viewed from the Site).

3.11 No evidence of dormouse were found during targeted surveys in 2024, hence dormouse have been determined to be to be likely absent from the Site.

3.12 Breeding bird surveys were undertaken, and the results show a limited range of generalist and farmland bird species being recorded as present.

3.13 The presence of breeding great crested newts has been ruled out on-site, with both on-site ponds resulting in negative environmental DNA (eDNA) samples. There is one record of a great crested newt on the Multi-Agency Geographic Information for the Countryside MAGIC website c. 0.66km south of the Site. Any terrestrial on-site habitat suitable for the species will be retained and protected under the current proposals, such as the grassland, woodland and hedgerow bases. The development is proposed as an appropriate candidate for participation within the District Level Licensing (DLL) scheme. An enquiry to NatureSpace was submitted in August 2024, via the 'Upfront

Assessment'[1] route, a response was returned 24 October 2024, which will be valid until 24 April 2025.

3.14 The findings of the initial surveys protected species surveys were used to inform the Development Framework Plan for the scheme, which includes the provision of a substantial landscape buffer and open space in the southern part of the site, along the Tadgedale Brook and Leightons Drumble LWS, as discussed below.

Approach to Scheme Design

3.15 The scheme has been designed to retain and protect the most ecologically valuable habitats on-site, primarily comprising Leightons Drumble LWS, grassland, wooded stream corridor along the southern boundary and native species hedgerows. Buffer zones have been provided to help protect key habitats and to maintain green corridors for wildlife as follows: -

- The entire length (0.5km) of the Tadgedale Brook along the southern boundary will be retained alongside the development
- A large area of Public Open Space (POS) between the new development and the watercourse will provide at least a 25m wide buffer
- In addition, areas of thicket planting will be implemented to discourage access to the watercourse
- There will be no public access to the stream and stream corridor, achieved by dense planting and knee-rail fencing to safeguard the ecologically valuable area
- Both on-site ponds of non-priority habitat are to be retained alongside the development proposals, and recreational use of these areas will be discouraged by dense thicket planting
- In addition, a permanently wet core is proposed in the new attenuation basin in the south-west of the Site which will increase the pond resource in the local landscape

3.16 The scheme promotes connectivity by enhancing the strong green corridor along the south of the Site, including the broadleaved woodland of Leightons Drumble and the Tadgedale Brook. Built development has been almost exclusively focused on areas within the arable habitat, of low ecological value.

3.17 Within the development proposals, a 30m vegetated buffer has been designed to protect the single badger hole (classified as an active outlier sett). Adjacent to this is open space, with new grassland foraging opportunities for badgers, which will supplement existing habitat.

3.18 In developing the scheme as described above, the mitigation hierarchy has been applied, with the highest value habitats being retained;

[1] https://naturespaceuk.com/update-on-free-assessment-process/

impacts to retained habitats and species have then been reduced by the use of buffer zones and appropriate proposals for future management have been set out within the BNG Design Stage Report (**CD1.07**) discussed below.

Staffordshire Wildlife Trust (SWT) Initial Consultation Response (Aug 2024)

3.19 Further to the submission of the planning application in March 2024, David Cadman MCIEEM, Head of Nature Recovery Networks SWT, provided a consultation response on 14 August 2024 (**CD4.20**) as follows:

> *"Having reviewed the information provided we have a **holding objection**, further information required".*

3.20 The concerns raised were addressed by CSA in an Ecological Technical Note (**CD 2.09**). The subject of the SWT comments were in response to:

- The Interim Ecological Impact Assessment (July 2024), further information required regarding protected species (badgers)
- Bat Surveys, more specifically referring to a lighting scheme
- and, Biodiversity Net Gain, seeking more clarity regarding off-site habitat creation/compensation

CSA Response – Summary Points of Ecological Technical Note (Sept 2024)

3.21 The full EcIA report will be issued once all survey work is completed (late Autumn 2024). The badger report appendix will be sent to SWT immediately as an unredacted version.

3.22 A Lighting Strategy has been designed by DFL Lighting consultants and follows industry standard guidance GN08: 2023 Bats and Artificial Lighting in the UK – Bat Conservation Trust and Institution of Lighting Professionals.

3.23 This strategy highlights the potential ecological receptors of the brook corridor in the south of the Site and the native hedgerow along the western boundaries that could be used by commuting and foraging bats. It identifies how to keep these area as dark corridors with lux level below 0.2 lux and use of warm white LED lighting with warm white colour temperature light of 2700 Kelvin (or less). A Lighting Scheme will be submitted with the main planning application. Surveys, Protected Habitats and Species

3.24 The need for additional survey work for protected and priority species at the Appeal Site was identified during the initial Ecological Appraisal of the Site in August 2023. The requirement for the additional survey work was identified from the desk study and initial walkover survey at the preliminary stage.

Desk Study

3.25 An ecological desk study was undertaken in August 2023 comprising a review of online resources and biological records centre data as detailed below.

3.26 The Multi-Agency Geographic Information for the Countryside (MAGIC) online database was reviewed to identify the following ecological features (based on the Site's likely 'zone of influence' in respect of such features):

- Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites within 10km of the Site (including possible/proposed sites)
- Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Local Nature Reserves (LNR) within 3km of the Site
- Other relevant data e.g. Ancient Woodland Inventory within 1km of the Site
- Granted Protected Species licences.

3.27 A review was undertaken of the location of any such designations, their distance from and connectivity with the Site, and the reasons for their designation. This information was used to determine whether they may be within the proposed development's Zone of Influence (ZoI).

3.28 Staffordshire Ecological Record (SER) was contacted for details of any non-statutory nature conservation designations and records of protected/notable habitats and species. This information was requested for an area encompassing the Site and adjacent land within c. 2km of its central grid reference. This search area was selected to include the likely zone of influence of effects upon non-statutory designations and protected or notable habitats and species.

3.29 It should be noted that there is a Local Wildlife Site (LWS) Leighton's Drumble partially on Site adjacent to the brook on the southern edge of the Appeal site. which is a recognised Grade 1[2] Site of Biological Importance (SBI), associated with the riparian habitat. Full consideration for retaining and effectively protecting the LWS has been made within the proposals, including a significant buffer; enhancements to improve the area will be included within the Landscape and Ecology Management Plan (LEMP) for the site and Habitat Monitoring Management Plan (HMMP) which will form part of the Biodiversity Net Gain legally binding agreement with SWT and NuLBC.

Bats – Desk Study

3.30 The desk study revealed a total of 42 bat records were identified within the search area, dating from 1975 to 2010. These include the following species: common pipistrelle, brown long-eared bat, whiskered bat

[2] https://staffs-ecology.org.uk/partners/sbi-guidelines/sbi-guidelines-introduction/

(identified in hand) and several records of unidentified bat species. The closest records are auditory records of common pipistrelle c. 0.3km east of the Site within Loggerheads village between 2006 and 2010.

3.31 As detailed on the MAGIC website, the nearest Protected Species licence is c. 0.75km east of the Site that was granted in 2021, for the lawful damage of common pipistrelle and brown long eared bat non-breeding roosts.

3.32 The following bat survey work, including methodology, survey design, data analysis and interpretation was undertaken at the Appeal Site with due consideration of the recently published Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th Edition (Collins, 2023).

Daytime Bat Walkover

3.33 As part of the initial preliminary Ecological Appraisal (**CD 1.06**) August 2023), a daytime visit was made to the Site. As part of the walkover, the Appeal Site was assessed for potential to support bats in the form of opportunities for roosting (structures and trees, commuting and foraging both on site and in the surrounding area for connectivity within the wider landscape.

3.34 Potential opportunities for roosting bats within mature trees at the Site within the wooded stream corridor were identified during the preliminary Ecological Appraisal and Daytime Bat Walkover (DBW). Foraging opportunities present include the riparian corridor of the Tadgedale Brook with its wooded edges, grassland and boundary hedgerow, which are also likely to act as flightlines for commuting bats.

3.35 The guidelines for assessing the potential suitability of a development site for bats was followed (Table 4.1; Bat Survey Guidelines), based on the presence of habitat features within the landscape and using professional judgement.

3.36 The Site was assessed against the guidance has being of 'moderate' suitability for potential flight lines and foraging habitats, with 'continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub' and 'habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water'.

3.37 The DBW then determined the survey effort going forward with the Site. The level of survey effort was decided following Table 8.3 Minimum recommended number of repeats for activity surveys in the Bat Survey Guidelines. The Nightime Bat Walkover (NBW) surveys for sites of moderate or high suitability for bats required one survey visit per season (spring – April/ May, summer – June/ July/ August, autumn – September/ October).

3.38 Automated/ static bat detector surveys for sites of moderate or high suitability for bats required data to be collected for a minimum of five consecutive nights per month (April to October) in appropriate (or the best available) weather conditions for bats.

Ground Level Tree Assessment – Trees

3.39 A detailed Ground Level Tree Assessment (GLTA) of the trees present at the Site was undertaken on the 23 November 2023 by Rhiannon Taylor (Natural England Class Licence WML-CL17, Registration Number 2022-10363-CL17-BAT) and Charlie Morgan.

3.40 A total of 11 trees and one woodland were included in the assessment. The trees are mainly set within boundary hedgerows, with four present within the woodland at the south-east corner of the Site.

3.41 Two trees, a veteran oak (T3) and a semi-mature oak (W1c) were found to have suitable Potential Roosting Features (PRFs) to support multiple bats (PRF-M). Three trees were assessed as having potential roosting features that had potential to support individual or low numbers of bats (PRF-I).

3.42 The remainder of the woodland was assessed as having 'no' potential to support roosting bats due to a lack of suitable roosting features. The woodland is comprised of self-seeded saplings and semi-mature trees and appears to be unmanaged.

3.43 No confirmed bat roosts have been identified at the Appeal Site. There are roosting opportunities within some of the mature individual trees within the woodland at the south of the Site.

Bat Activity Surveys

3.44 The bat activity surveys at the Site recorded at least six species of bat including, common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, pipistrelle species, brown long-eared, noctule, and Myotis species bats. Activity at the site was dominated by common pipistrelle and soprano pipistrelle accounting for 63.8% and 25.7 % of the total calls respectively. Myotis bat contacts accounted for 9.8% of the total calls to date. As expected, the majority of the bat activity was strongly associated with hedgerow boundaries and woodland edge habitat.

3.45 An assessment of the bat assemblage at the Site has been undertaken in line with the guidelines set out in Reason and Wray (2023) for Central England and the Midlands. This values the bat assemblage at below County importance and therefore the bats at the Site are assessed to be important at the Local level.

3.46 The Appeal Site is considered to be of 'moderate' suitability for potential bat flightpaths and foraging habitats. A total of at least six species of bat were recorded.

Bat Mitigation

3.47 A sensitive lighting strategy has been designed to have minimal impact on potentially sensitive receptors, such as bats foraging or commuting on or within the Site. It aims to keep any lighting spill to a minimum on vegetated corridors around the periphery of the Site, particularly the retained boundaries hedgerows and woodland of Leightons Drumble and the Tadgedale Brook corridor at the south of the Site.

3.48 Lighting Strategy has been designed by DFL Lighting consultants and follows industry standard guidance GN08: 2023 Bats and Artificial Lighting in the UK – Bat Conservation Trust and Institution of Lighting Professionals.

3.49 This strategy highlights the potential ecological receptors of the brook corridor in the south of the Site and the native hedgerow along the western boundaries that could be used by commuting and foraging bats. It set out the strategy to keep these area as dark corridors with lux level below 0.2 lux as shown on the lighting spill diagram in Appendix A of the report and uses warm white LED lighting with warm white colour temperature light of 2700 Kelvin (or less).

3.50 The compensatory hedgerow planting across the Site will be enough to outweigh the loss of the two short sections of the northern boundary hedgerow, resulting in no residual effects.

3.51 The above mitigation and enhancement measures for bats will be secured through a Landscape Ecological Management Plan (LEMP) and Lighting Strategy secured through a Planning Condition.

Dormice

3.52 The desktop study revealed a total of 41 records of dormouse Muscardinus avellanarius were identified within the search area, dating from 2001 to 2010. The closest record is c. 0.83km south from the Site within Burnt Wood. Records of dormice were also returned from c. 1.1km north from within the Bedded Plantation and c. 1.15km north-east within The Forty Acres Woodland.

3.53 The habitats on-site offer the potential to support dormouse within the outgrown native species hedgerows and woodland. Connectivity to known populations of dormouse also exists through woodland and hedgerow corridors the south-east and north of the Site.

3.54 The records of dormouse within the search area and potential suitability of habitat on-site for the species triggered the need for targeted dormouse nest tube surveys. These have been undertaken at the Site between May and October 2024 and adhered to current best practice survey methodology set out by Bright et al. (2006) in The Dormouse Conservation Handbook.

3.55 No dormouse or evidence of the species has been found at the Site. A single tube had two *Apodemus* (true mice species) within the north-west boundary hedgerow. Dormouse has been confirmed to be likely absent from Site and is not considered further.

Birds

3.56 Surveys for breeding birds were conducted and concluded that the Site is of Local level importance to 32 breeding species. A total of 20 species of conservation significance was recorded, with 14 considered to be part of the breeding assemblage.

3.57 The majority of bird activity was associated with hedgerow and woodland boundaries, which will be retained and protected within the proposed development. It is acknowledged the construction phase of the development has the potential for the illegal destruction of birds nests in the absence of mitigation with the removal of short section of hedgerow for the access and avoidance measures are specified within the EcIA.

Subsequent SWT Consultation Response (December 2024)

3.58 Once the full suite of surveys was completed and results collated, CSA issued the updated Ecological Impact Assessment (**CD 2,10**) on 10 December 2024 to Newcastle-under-Lyme Borough Council (and SWT). Which resulted in a further consultee response from David Cadman of SWT on 19 December 2024 as below: -

> *"Update – Following our previously submitted comments (14th August 2024) we have received and reviewed the revised Ecological Impact Assessment (EcIA) for the application we* ***remove our holding objection****.*

In Conclusion

3.59 Within the SWT response (December 2024) there is a request that planning permission contains specific conditions relating to Biodiversity Net Gain to ensure both on-site and off-site mitigation is appropriate. The proposed condition wording is included the BNG section below.

3.60 It is also agreed with SWT that the LWS (Leighton's Drumble) which is partially on site, is adequately protected in the recommendations set out within the EcIA **(C.D. 2.10)** and as shown within the Scheme Design and the DFP **(CD 1. 03)** and no development will go in this area, and it is appropriately designed to take account of protected species and the LWS. It is acknowledged that the Council has requested that this is identified within the Section 106 agreement.

All previous concerns or comment relating to Ecology from SWT on behalf of NuLBC are confirmed to have been satisfactorily addressed.

4.0 Matters on Which the Parties Agree - Biodiversity Net Gain

Background

4.1 The revised EcIA acknowledges the need for off-site mitigation to satisfy the Statutory Biodiversity Metric for Biodiversity Net Gain (BNG). The Application was supported by a Biodiversity Metric calculation undertaken by CSA Environmental and presented within the BNG Design Stage Report (February 2024 CSA/6680/05b/BNG **CD1,07**) and updated EcIA (**CD 2.10**). David Cadman of SWT on behalf of NuLBC withdrew the holding objection as a result of further information being received and provided suggested wording for a BNG planning condition which is acceptable to CSA and the Appellant. Potential suitable off-site solutions will be explored and agreed in principle with SWT and finalised through via the relevant legal agreement at detailed planning stage.

Site Specific BNG

4.2 The planning application was subject to a Biodiversity Net Gain assessment by CSA, the results of which used to inform scheme design and led by the Biodiversity Gain Hierarchy. The results of which are reported in a BNG Design Stage Report (**CD: 1,07**) using the Statutory Biodiversity Metric (published November 2023) and Biodiversity Net Gain Statement providing a quantified projection of the net change in biodiversity which could be expected to result from the outline proposals.

4.3 Planning permission sought for the development, if granted, would be subject to the Biodiversity Gain Condition as set out within Schedule 14 of the Environment Act (2021) given that planning permission is applied for after 12 February 2024 and the proposals do not meet the criteria of development types exempt from BNG requirements.

Statutory Biodiversity Metric

4.4 Based on the Statutory Biodiversity Metric calculation, the proposal could be expected to result in an on-site net gain of +2.47 habitat units, (7.32%), +2.24 hedgerow units (+29.82%) and a no net loss of watercourse units (0.00%) through retention and creation of habitats on-site shown in Table 2 below.

Table 2. Quantitative assessment of biodiversity impact

Factor	Habitats (ha/units)	Hedgerows (km/units)	Watercourse (km/units)
Baseline area/length	9.44	0.76	0.50
Baseline units	33.68	7.50	6.90
Area/length retained	1.49	0.63	0.50
Units retained	16.20	6.72	6.90
Area/length enhanced	0.00	0.00	0.00
Units enhanced	0.00	0.00	0.00
Area/length lost	7.95	0.13	0.00

Units lost	17.48	0.78	0.00
Area/length created	8.57	0.42	0.00
Units created	19.95	3.02	0.00
Post-intervention* units	**36.15**	**9.74**	**6.90**
Total net unit change	**2.47**	**2.24**	**0.00**
Total project biodiversity % change	**7.32**	**29.82**	**0.00**

4.5 Although based on illustrative layout and landscaping proposals on the Development Framework Plan the proposals have been developed in line with the Biodiversity Gain Hierarchy whereby impacts to medium or higher distinctiveness habitats have first been sought to be avoided as far as possible, with opportunities to achieve the mandatory 10% net gain in biodiversity on-site through habitat enhancement and creation explored.

4.6 On-site opportunities to achieve the 10% net gain requirements have been maximised alongside the development and while a net gain in habitat units has been identified, it falls short of the 10% target. A net gain of hedgerow units in excess of 10% has been identified. No net change in watercourse units has been identified (further information provided below), which does not achieve the 10% net gain requirement for this unit type. Following the Biodiversity Gain Hierarchy, where 10% net gains cannot be achieved on-site, registered off-site gains should be sought. In the event that registered off-site gains are not available, then the purchase of biodiversity credits would be undertaken.

Watercourse Units

4.7 A 500m section of watercourse runs adjacent to the south of the Site. A River Condition Assessment was undertaken which included the assessment of two MoRPh5 sub-reaches. The assessment categorised the watercourse as being in 'fairly good' condition (scoring 1.291 and 1.255). The river shape was 0.618 and 1.328 respectively for the two MoRPH5 sub-reaches and if the shape has a value of < 2 the river is highly likely to be overdeep (Gurnell et al., 2024). Based on the river shape and ecological experience the watercourse was assessed to be overdeep and has therefore been reduced by one condition category to 'moderate' condition.

4.8 The post development scenario was assessed by Rhiannon Taylor ACIEEM and Tom Preece ACIEEM both RCA accredited surveyors to identify any positive or negative interventions that would occur to the watercourse, and any resultant change in its condition score that would occur. The proposals do not include any interventions that will impact upon the watercourse, and it will be retained in its entirety.

4.9 Consideration was made to potential improvements that could be made to the watercourse the enhance its biodiversity value alongside the development. Such enhancement measures that could feasibly be achieved included management of the invasive Himalayan balsam and the improvement of bank top management from arable cropland to grassland. These interventions were assessed and were confirmed to result in an increase in the watercourse condition score to 1.49. While these measures would enhance the watercourse, they would not be significant enough to increase the condition score of the watercourse. As a result, the interventions would not result in an increase in the biodiversity value of the watercourse that would be reflected in the metric. It became clear that to increase the condition of the watercourse this would require much more significant interventions such as structural works to the bank face and bed of the watercourse to solve some of the overdeep issues and human influences.

4.10 The southern bank of the watercourse is off-site and under separate land ownership, therefore nothing can be legally secured for this. Given the habitats already present on the northern bank of the watercourse; including woodland, other neutral grassland part of the LWS (and the off-site veteran tree T3); it is considered to be ecologically detrimental to undertake interventions within this area in order to enhance the watercourse. It is likely that these habitats would be severely impacted by such enhancements. As a result, an off-site solution is recommended to secure watercourse units and would be more beneficial in this instance.

Off-site Measures

4.11 In line with the Biodiversity Net Gain Hierarchy, it is proposed that the 10% BNG requirement will be achieved through a combination of on-site and off-site measures. Off-site units would be secured through either purchasing registered off-site biodiversity units (e.g. from a Habitat Bank such as the Environment Bank) or through improvements within off-site land within ownership of the developer or a third party.

4.12 Because planning proposals submitted are for outline planning, the development layout and landscaping proposals are indicative and not fixed at this stage. The BNG assessment undertaken for the proposals provides an accurate representation of the net change in biodiversity value that will occur, based on current drawings, however, in the event that planning permission is granted, a further BNG assessment would be undertaken at the detailed design stage of the final, fixed development proposals. This BNG assessment would identify the final value for the net change in biodiversity value that would occur as a result of the development, which is likely to differ from the current score identified at this outline stage. Due to this likely change in value, it would not be appropriate to attempt to identify and secure off-site biodiversity units at this stage in the application process.

4.13 A range of providers are available for off-site biodiversity units, with the Biodiversity Net Gain register available to search for such units. At the appropriate time, providers would be contacted to understand unit availability and registered units would be secured to ensure the development proposals result in a 10% net gain for all unit types. Evidence that registered units have been secured is only required as part of the Biodiversity Gain Plan, which is submitted to discharge the BNG condition following planning permission being granted.

4.14 In the event that off-site units are not available, following the BNG hierarchy, statutory biodiversity credits would be secured to achieve the 10% BNG requirement. In line with guidance, such credits could only be used if evidence is provided that three local or national suppliers, habitat banks or trading websites have been approached for off-site units, with insufficient options available in England. This would therefore be the last resort option to achieve a 10% biodiversity net gain.

Summary

4.15 The minimum legal requirements have been satisfied as set out within Biodiversity Net Gain PPG Paragraph: 011 Reference ID: 74-011-20240214 with the BNG Design Stage Report setting out the Biodiversity Net Gain statement within Box 1 and reiterated within the Biodiversity Net Gain Statement briefing note. The submission of the statutory metric with the pre-development biodiversity value of the Site supported with detailed habitat condition assessment undertaken in June 2024.

4.16 In addition to the minimum requirements the post development scenario has also been calculated using the Development Framework Plan by Iceni Projects Ltd (**CD: 1.03**). A post development habitats plan has been provided in Appendix B of the BNG Design Stage Report.

4.17 Although there is no net loss in habitats and watercourse units the on-site measures do not achieve the 10% net gain. The mandatory 10% net gain requirement be achieved through off-site measures such as the purchase of registered off-site biodiversity units from a habitat bank. This would be secured though the submission of a Biodiversity Gain Plan following planning approval to discharge the pre-commencement Biodiversity Net Gain condition.

4.18 The most recent SWT consultation response (23 December 2024) provides suggested wording for appropriate planning conditions as follows:

The revised EcIA acknowledges the need for off-site mitigation to satisfy the Statutory Biodiversity Metric for Biodiversity Net Gain (BNG). We would ask that the planning permission contains the following conditions to ensure both on and off-site mitigation is appropriate:

1. No development shall commence until a Biodiversity Gain Plan has been submitted to the planning authority and approved in writing. Development shall be carried out and subsequently maintained in accordance with the approved plan.

Reason: - To comply with paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990

2. The development shall not commence until a Habitat Management and Monitoring Plan (the (HMMP), prepared in accordance with the approved Biodiversity Net Gain plan and including: -

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan with timescale for implementation of such works;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority.

The development shall subsequently proceed in accordance with the agreed HMMP and implementation timescale.

Reason:- To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy NE 2.

<u>In Conclusion</u>

4.19 It is a matter of agreement that new development should secure a measurable net gain in biodiversity. It is also agreed that a suitable target is for a net gain of 10%+ in both habitat and hedgerow units, to be legally and policy compliant.

4.20 It is agreed that Statutory Biodiversity Metric (November 2023) is currently the nationally recognised tool for measuring the projected change in biodiversity units and the overall percentage gain/loss to be achieved by a proposed development.

4.21 The SWT takes no issue with the Appellant's submitted calculations relating to BNG and presented within the BNG Design Stage Report (**CD 1.07)** based on February 2024 Excel file 6680 Statutory Biodiversity Metric Rev A **CD 1.29**).

5.0 Matters on to be addressed at the Inquiry by the Council if necessary

5.1 There are no matters on which the parties disagree and SWT have withdrawn the holding objection. Following the CMC on Monday 16 December, the Council received confirmation from Staffordshire Wildlife Trust that they no longer object to the principle of the proposals, following review of the Appellant's recently submitted December 2024 Ecological Impact Assessment. As a consequence, it is understood that the Council no longer intends to participate or be represented at the inquiry, except as follows.

> *"It will seek to engage with the Appellant to reflect the position stated above within a statement of common ground. There are also outstanding issues regarding the mechanism for securing off-site mitigation; it will seek to agree ecological matters within a specific ecology statement of common ground, and it may if matters remain unresolved need to participate in the ecology roundtable".*

Signed on behalf of the Appellant by:

Katie Critchley, Director (Ecology), CSA Environmental, on behalf of Gladman Developments Ltd.

…… Date……14/01/2025……..

Signed on behalf of Newcastle-under-Lyme Borough Council by:

David Cadman, Head of Nature Recovery Networks, Staffordshire Wildlife Trust

…Date…14/01/2025……..