

Land West of Tattenhall Road, Tattenhall

Proof of Evidence - Ecology

Prepared For: Gladman Developments Ltd

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Version 1.0

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1.0 Overview

Introduction

1.1 This Proof of Evidence has been prepared by Elizabeth Seal on behalf of Gladman Developments Ltd (hereafter referred to as "Gladman") ("the Appellant") in respect of ecology matters associated with a proposed development on land west of Tattenhall Road, Tattenhall, Cheshire (hereafter referred to as "the application site").

1.2 This evidence sets out:

- The baseline ecological conditions at the application site and describes predicted changes in habitats and associated effects on species arising from the proposed development.
- An outline of mitigation and compensation proposals, demonstrating how the proposed development meets the mitigation hierarchy, wildlife legislation requirements, planning policy and biodiversity net gain.
- A conclusion that there are no ecological reasons to refuse permission for the appeal scheme.

Qualifications and Personal Statement

1.3 I am Elizabeth Seal, I have been a Director at The Environment Partnership (TEP) Ltd since 2017 and my responsibilities include oversight of TEP's team of c50 ecologists. I have worked as a consultant ecologist since 2004 and have extensive experience advising on ecological matters for development. I hold a BSc in Zoology (1998) from the University of Manchester and a MSc in Behavioural Ecology (2002) from Manchester Metropolitan University. I am a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and a Chartered Environmentalist.

1.4 TEP is a business established in 1997 which employs ecologists, arboriculturists, planners, landscape architects and other environmental professionals. TEP is regularly commissioned by public and private sector clients to provide professional advice on assessment of environmental effects, prepare detailed landscape and ecological designs and support the implementation of developments.

1.5 I confirm that this proof of evidence is true and has been prepared and is given in accordance with the guidance of the professional institution of which I am a member (CIEEM). I further confirm that the opinions expressed in my evidence are my true and professional views.

Background to Inquiry

1.6 An outline planning application (ref: 25/01764/OUT) was submitted on behalf of Gladman Developments Ltd (Gladman), to Cheshire West and Cheshire Council (CWAC) to develop land west of Tattenhall Road, Tattenhall (hereafter referred to as the 'Site').

1.7 The Outline Planning Application was validated by CWAC on 9th July 2025. The application was due to be determined by the 8th October 2025. Since this time a number of Extension of Time (EoT) agreements were made between the Appellant and the Council, the latest EoT was agreed to the 10th July 2026.

1.8 An Appeal for non-determination was submitted in July and an Inquiry (PINS Ref: 6013490) is to be held in November 2026. The Council has since issued a draft refusal of outline planning permission (24th September 2026) and of the two reasons for refusal, one is of relevance to ecology as follows:

1.9 "The failure to provide adequate information in respect of the ecological value of the site and proposed mitigation to be secured by the proposals together with a full and competent assessment in respect of measures in respect of biodiversity net gain. As such, the proposal is contrary to Policy N2 of the National Planning Policy Framework, the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended) where applicable, and Policies ENV4 of the Cheshire West and Chester Local Plan (Part One) and DM44 of the Cheshire West and Chester Local Plan (Part Two)."

1.10 The outline planning application was initially supported in 2025 by a Preliminary Ecological Assessment (PEA) (**CD1.08**), which was informed by an Ecological Desk Study (**CD5.01**), a BNG Feasibility Report (**CD1.09** and **CD1.25**) and an Arboricultural Impact Assessment (**CD1.10**).

1.11 Subsequently on the 1st October 2026 an Ecological Impact Assessment (EcIA) (**CD5.02**), supporting technical reports (Ecological Desk Study (**CD5.01**), Bat Roost Survey (**CD5.03**) and Bat Activity Survey (**CD5.04**)) and updated Biodiversity Net Gain Feasibility Assessments and Metric (**CD5.05** and **CD5.06**) were submitted to the CWAC and accepted into the Inquiry. All these documents were prepared by The Environment Partnership (TEP) Ltd. These submissions provide the updated ecological baseline, assessment of likely effects, proposed mitigation and revised biodiversity net gain calculations relevant to the Council's ecology reason for refusal. They have been presented to the Council and accepted into the Inquiry.

1.12 Following review of the additional information by CWAC, an Ecology Statement of Common Ground was agreed with CWAC and now confirms that matters relating to

ecology considerations are not capable of forming a reason for refusal and that the proposals meet the aims and objectives of LP1 Policy ENV4 and DM44.

1.13 The Tattenhall and District Parish Council (TDPC) has been granted Rule 6 status. The TDPC Statement of Case does not include any ecological reasons for objection.

2.0 Ecological Background to the Planning Application

Consultees

2.1 The responses from the Canal and Rivers Trust (**CD3.01** and **CD3.12**), the Environment Agency (**CD3.05**, **CD3.14** and **CD3.21**), Tattenhall Parish Council (**CD3.13**), and Hargrave and Huxley Parish Council (**CD3.17** and **CD3.24**) did not raise ecological concerns.

2.2 Cheshire Wildlife Trust (**CD3.04**) required that the recommendations in the PEA in relation to Keys Brook be undertaken, namely survey for water vole and otter and a river condition assessment (RCA) to be undertaken with the BNG updated accordingly. This work has been completed and the 2026 water vole and otter surveys are reported in the EcIA (**CD5.02**) and the RCA in the updated BNG feasibility assessment (**CD5.04**).

2.3 The CWAC Biodiversity Team (**CD3.15**) concluded it was unlikely any designated sites would be impacted as a result of the Proposed Development. They required that the recommendations in the PEA be undertaken, namely the bat roost surveys of trees and buildings and surveys of badger, otter and water vole. This work has been completed and the 2026 bat roost surveys are reported in **CD5.03** and the 2026 badger, water vole and otter surveys are reported in the EcIA (**CD5.02**) In addition great crested newt surveys were required or alternatively to register the site with the GCN District Level Licensing (DLL), providing an Impact Assessment and Conservation Payment Certificate (IACPC) as confirmation. The Appellant has taken the DLL route and the IACPC has been received and signed by Gladman and countersigned by Natural England (NE Ref: DLL-ENG-CHES-00300) (**CD5.09**).

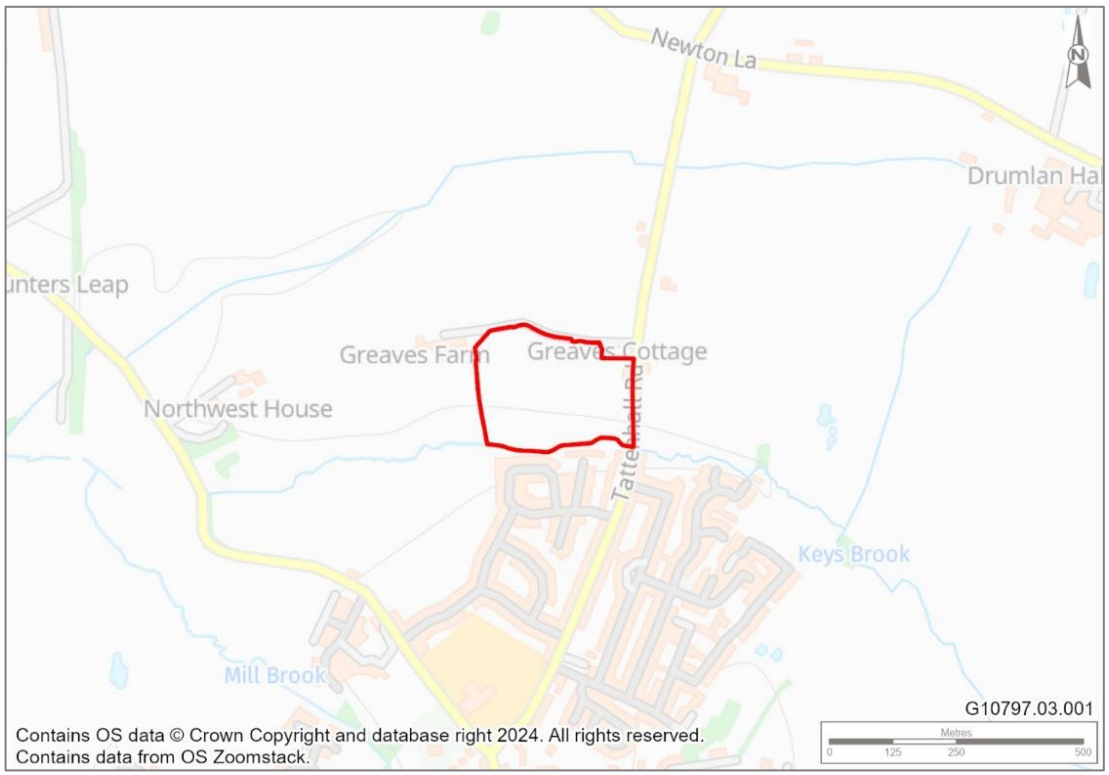
2.4 CWAC also required updates to the BNG, namely inclusion of a River Condition Assessment (RCA) and updates to strategic significance. The RCA has been completed and alongside review of strategic significance, included in the updated BNG (**CD5.05** and **CD5.06**).

2.5 Other comments relate to measures that should be conditioned including enhancement measures for biodiversity and reasonable avoidance measures in respect of brown hare, hedgehog and polecat. Such measures are included within the EcIA (**CD5.02**) with the exception of brown hare and polecat as the updated habitat survey in 2026 concluded the development of the site no longer poses a risk for these species due to absence of optimal habitats on Site. A CEMP was also requested via condition to include measures to protect Keys Brook and biosecurity measures.

The Site

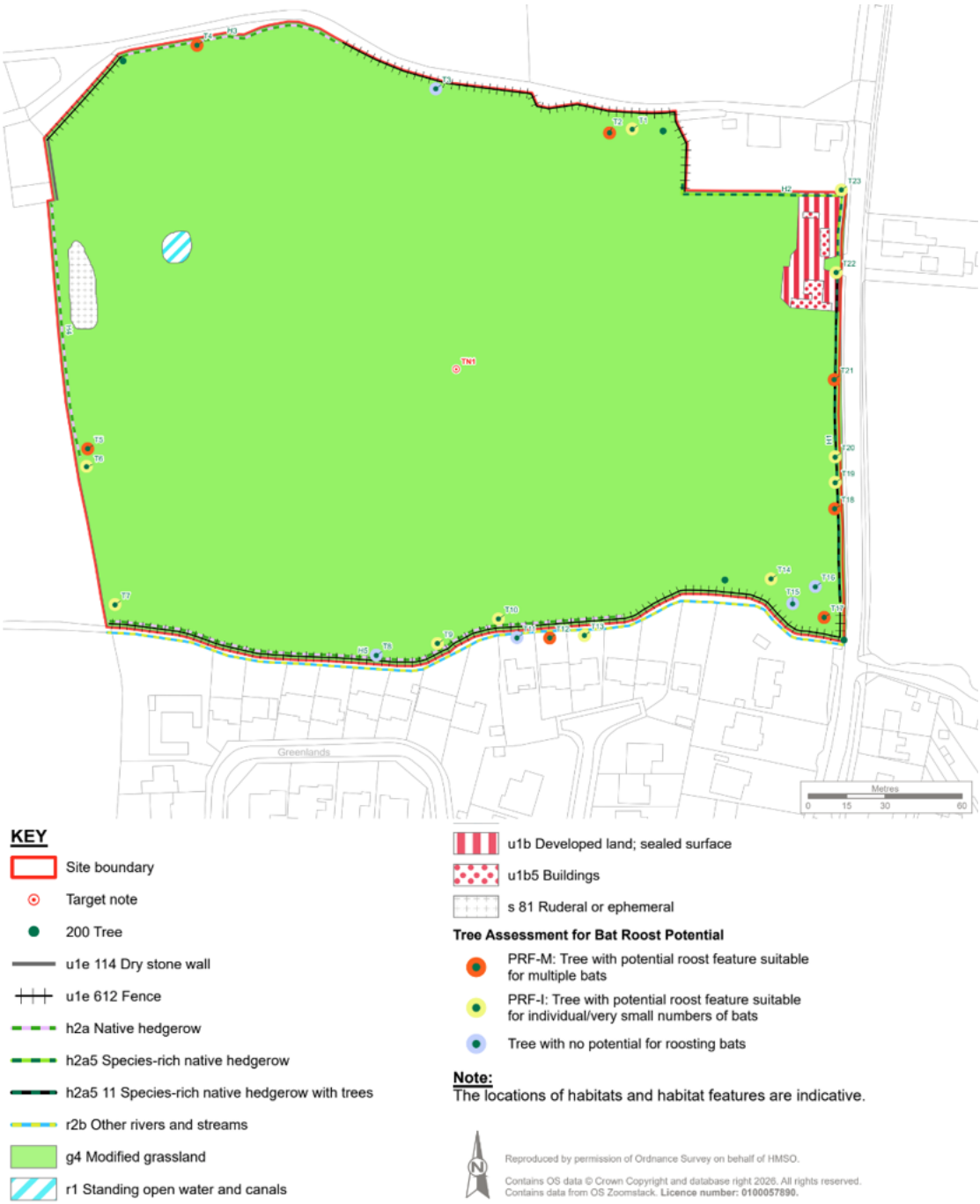
2.6 The site is located in Tattenhall, Cheshire. The central grid reference of the site is SJ 48887 59319. The site area measures approximately 6.32ha (Figure 1).

Figure1: Site Location



2.7 The site comprises an area of modified grassland which is in use as a grazing paddock for horses, with an ephemeral pond in the northwest of the site. The site is bounded by hedgerows and trees with Keys Brook directly to the south of the site (Figure 2). The wider area is predominantly rural comprising arable and grazing fields to the north, east and west. The outskirts of Tattenhall village lie immediately south with residential gardens adjoining Keys Brook.

Figure 2: Baseline UK Habitats (within CD5.02)



Proposed Development

2.8 The proposed development includes for the construction of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access). Construction is to be focused in the

centre of the Site with landscape buffers around the perimeter and the greatest provision along the southern boundary with Keys Brook (Figure 3).

Figure 3: Development Framework Plan (within CD2.02)



Policies, Legislation and Initiatives

2.9 The following list summarises the legislation which may have key relevance to biodiversity and the Site.

- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[1] (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981[2];
- Environment Act 2021[3];
- Countryside and Rights of Way Act (CROW) 2000[4];
- Natural Environment and Rural Communities (NERC) Act 2006[5];
- Hedgerow Regulations 1997[6]; and
- Protection of Badgers Act (PBA)1992[7].

2.10 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act (TCPA) 1990 (as inserted by Schedule 14 of the Environment Act 2021)[8]. A 10% net biodiversity gain requirement is mandatory for major and minor developments made under the TCPA 1990, subject to the confirmed exemptions. National Planning Practice Guidance for BNG[9] details the statutory framework for net gain and advises how BNG should be applied through the planning process.

2.11 Under the National Planning Policy Framework 2026[10] (NPPF) Chapter 19: Conserving and enhancing the natural environment, development proposals should contribute positively to the natural environment and support nature's recovery. Measures to do this include:

- Identifying opportunities to conserve and enhance the natural environment, including through requirements for biodiversity net gain where these apply.
- Taking opportunities to connect to and strengthen ecological networks, including with reference to Local Nature Recovery Strategies.
- Conserve and enhance existing natural features.
- Use green infrastructure to secure multiple benefits.

[1] Conservation of Habitats and Species Regulations 2019 (SI 2019/579) https://www.legislation.gov.uk/uksi/2019/579/
[2] Wildlife and Countryside Act 1981 c. 69 https://www.legislation.gov.uk/ukpga/1981/69/
[3] Environment Act 2021 c.30 https://www.legislation.gov.uk/ukpga/2021/30/
[4] Countryside and Rights of Way Act 2000 c. 37 https://www.legislation.gov.uk/ukpga/2000/37/
[5] Natural Environment and Rural Communities Act 2006 c. 16 https://www.legislation.gov.uk/ukpga/2006/16/
[6] The Hedgerow Regulations 1997 (SI 1997/1167) https://www.legislation.gov.uk/uksi/1997/1160/
[7] Protection of Badgers Act 1992 c. 51 https://www.legislation.gov.uk/ukpga/1992/51/
[8] Environment Act 2021, 2021 CHAPTER 30 - https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted
[9] **Planning Practice Guidance on Biodiversity Net Gain Ministry of Housing, Communities and Local Government (2024, updated July 2026). Biodiversity net gain - GOV.UK**
[10] Ministry of Housing, Communities and Local Government (2026). National Planning Policy Framework. Published 17 August 2026.

- Minimise adverse impacts and incorporate features to support priority and protected species.

2.12 Relevant information regarding local planning policy is provided in the Ecological Desk Study (**CD5.01**). The following policies within the Cheshire West and Chester Local Plan Parts 1 & 2 are of relevance to ecology and biodiversity:

- ENV3 – Green Infrastructure
- ENV4 – Biodiversity and Geodiversity
- STRAT 1 – Sustainable development
- DM44 – Protecting and Enhancing the Natural Environment; and
- DM45 – Trees, Woodland and Hedgerows.

2.13 In the period after planning was submitted, Cheshire & Warrington published their Local Nature Recovery Strategy (LNRS) (**CD5.07** and **CD5.08**) and supporting map which build upon the Habitat Network Maps produced by Natural England and referenced in the Ecology Desk Study.

Surveys and Assessments

2.14 Table 1 identifies the surveys and assessments informing this evidence, their dates and the documents in which the methods and findings are reported. The scope and findings of this work are considered in the following sections.

Table 1: Ecological Surveys and Reports

Survey	Document
Ecological records search (Nov 2024)	Ecology Desk Study TEP Ref. 10797.03.001 (**CD5.01**)
Extended Phase 1 habitat survey (Oct 2024), updated to UK habitat Classification (May 2026)	Ecological Impact Assessment TEP Ref. 11425.005 (**CD5.01**)
Great crested newt HSI survey of pond P1 (Oct 2024 and updated May 2026)	
Water vole and otter survey of Key Brook (May and September 2026)	
Badger walkover survey (Oct 2024 and May 2026)	
Preliminary Roost Assessment (PRA) of buildings (March 2026) Ground Level Tree Assessment for roost suitability (March 2026) Nocturnal roost emergence surveys on buildings B1 and B2 (one visit July 2026) Nocturnal roost emergence surveys on trees T2, T18 and T21 (three visits July, August and September 2026)	Bat Roost Survey Technical Report TEP Ref. 11425.006 (**CD5.03**)
Bat static monitoring surveys (three visits May to September 2026) Bat Nighttime Bat Walkover (three seasonal visits May, Jul, Sep 2026)	Bat Activity Survey Technical Report TEP Ref. 11425.004 (**CD5.04**)
Habitat surveys and condition assessments (Oct 2024 and updated May 2026) River Condition Assessment (May 2026)	BNG Feasibility Assessment and Metric Original (TEP Ref: 10797.03.003 (**CD1.09**) and TEP Ref: X10797.03.002 (**CD1.25**) Updated (TEP Ref. 11425.001 (**CD5.05**) and TEP Ref. X11425.001 (**CD5.06**)

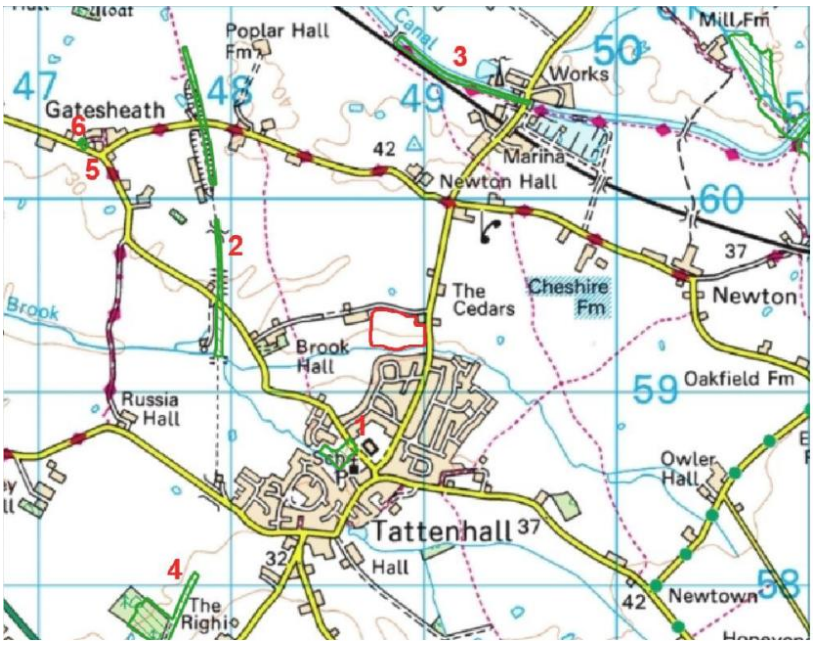
3.0 Ecological Baseline

Designated Sites and LNRS

3.1 There are no statutory or non-statutory designated sites within or adjacent to the Site. Offsite there are two international sites within a 10km radius, two national sites within a 5km radius, no statutory local sites within a 2km radius and six non-statutory local wildlife sites (LWS) within 2km of the Site:

- River Dee and Bala Lake Special Area of Conservation (SAC) (7.3km west at nearest point but SAC present in both England and Wales)
- Midland Meres & Mosses Phase 2 Ramsar (8.7km southeast)
- Peckforton Woods Site of Special Scientific Interest (SSSI) (4.1km southeast)
- Raw Head SSSI (4.5km southeast)
- Glebe Meadow, Tattenhall Local Wildlife Site (LWS) (0.5km south) (Figure 4, location 1)
- Disused Railway at Gateshead Lane LWS (0.8km west) (Figure 4, location 2)
- Nixon's Bridge Meadow and Canal LWS (1.2km north) (Figure 4, location 3)
- Handley Covert LWS (1.4km southwest) (Figure 4, location 4)
- Gatesheath Black Poplar Site LWS (1.7km northwest) (Figure 4, location 5)
- Smithy Green LWS (1.7km northwest) (Figure 4, location 6)

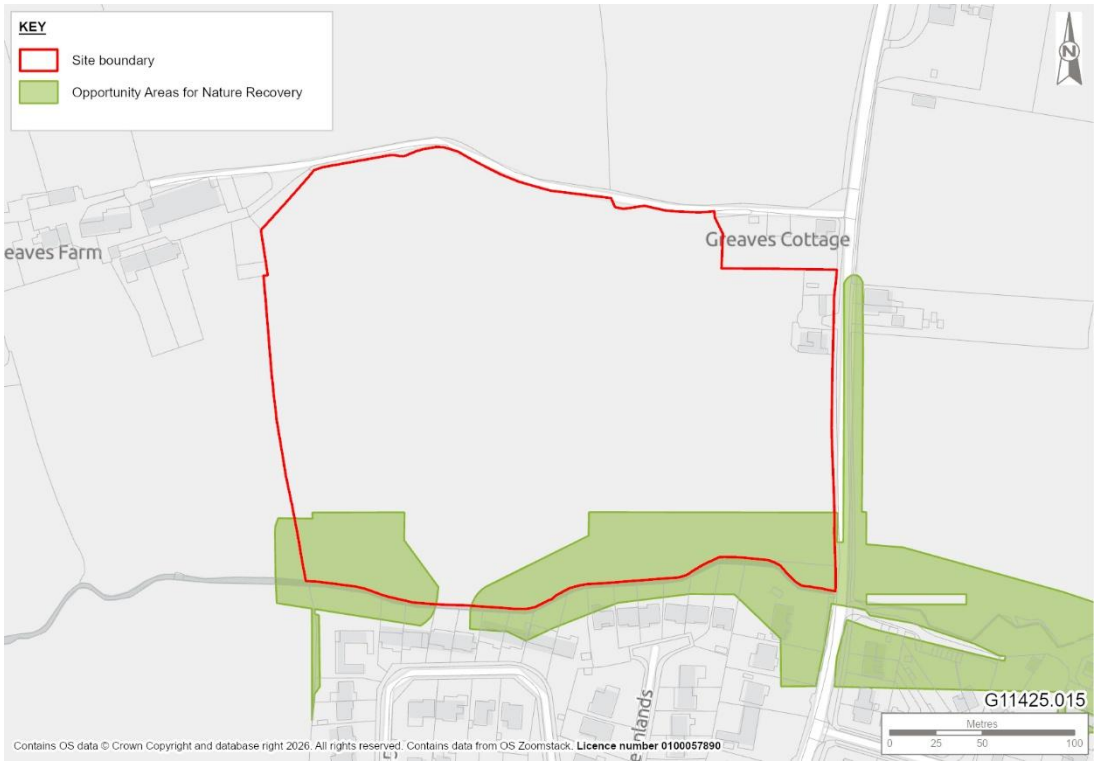
Figure 4: Map of Local Wildlife Sites provided by Cheshire West and Chester Council



3.2 The Site lies within the Impact Risk Zone (IRZ) for Peckforton Woods SSSI. The development proposals do not meet any of the risk parameters identified for this IRZ that would require consultation with Natural England.

3.3 In 2025 the Site was not identified as a location for enhancement or expansion of the habitat network on the Habitat Network map but it was identified in the local plan under DM44 Protection and enhancing the natural environment as a Restoration Area. However, the Local Habitat Map for the Nature Recovery Strategy (**CD5.07** and **CD5.08**) was published in January 2026 and only identifies land in the south of the Site as Opportunity Areas for Nature Recovery (Figure 5).

Figure 5: Cheshire and Warrington LNRS[11]



Protected and Priority Habitats

3.4 All five boundary hedgerows comprise native species and are identified in the EcIA as Habitats of Principal Importance (HPI). H1 and H2 are species-rich, with H1 also supporting frequent trees (Figure 6); H3–H5 are species-poor.

3.5 A small ephemeral pond occurs within the Site. It was waterlogged during the October 2024 survey (Figure 7) and had largely dried out by May 2026. The EcIA records the pond as non-priority habitat for the purposes of its habitat assessment.

[11] Esri, Intermap, NASA, NGA, USGS | Esri Community Maps Contributors, Esri UK, Esri, TomTom, Garmin, GeoTechnologies, Inc, METI/NASA, USGS

However, the ephemeral pond has the potential to be a HPI, should it support great crested newt or common toad. No amphibian field signs were recorded in autumn 2024 or spring 2026.

Figure 6: Photograph of Hedgerow H1



Figure 7: Photograph of Ephemeral Pond



3.6 The arboricultural survey did not identify any ancient or veteran trees or ancient woodland within influencing distance of the site. Three trees and two tree groups are covered by Tree Preservation Orders (TPOs).

Protected and Priority Species

3.7 Protected species and Species of Principal Importance (SPI) confirmed as using land within the Site or precautionarily assessed as present, comprise:

- At least eight species of bat foraging/commuting, however no bat roosting was found in trees likely to be impacted nor in buildings.
- No hedgehog evidence was recorded, but the grassland provides foraging habitat, and boundary vegetation provides shelter and hibernation opportunities. Hedgehog is therefore assumed present as a precaution.
- No evidence of otter was recorded along the surveyed section of Keys Brook adjacent to the Site. No suitable otter holt or couch features were identified. However, given records elsewhere in the catchment and the connectivity provided by the brook, otter passage is assumed for assessment purposes.
- Trees and hedgerows provide nesting opportunities for birds. No features suitable for barn owl nesting were identified in the trees affected by the proposals. No ground-nesting birds were observed during site visits, and the EcIA considers the grazed grassland to have limited nesting suitability.

- 14 great crested newt (GCN) records were returned within 2km, the nearest approximately 370m east of the Site. One ephemeral pond occurs on-site, and six ponds lie within 250m. The on-site pond had a HSI score in October 2024 indicating average suitability, and in May 2026 indicating below-average suitability. Grassland, ruderal vegetation, hedgerows and tree-root habitats provide opportunities for terrestrial amphibians, including GCN. There are no records for common toad within 2km.

3.8 The following species or species groups are assessed as unlikely to be present:

- No evidence of water vole was recorded along the surveyed section of Keys Brook adjacent to the Site. Habitat suitability for water vole ranged from unsuitable to sub-optimal, and the EcIA assessed water vole as likely absent from the reach adjoining the Site.
- No evidence of badger activity was confirmed on Site and no setts were recorded on or adjacent to the Site.
- There were no records of brown hare within 2km of the Site and no observations recorded during either the daytime or nighttime site visits. The short sward and lack of shelter makes the grassland only suitable for nighttime grazing and the presence of horses further reduces suitability.
- Although there are two records for polecat within 2km of the Site, their favoured habitat of woodland edge is absent and there are no woodlands in the surrounding area.
- No reptile records were returned within 2 km. The closely grazed grassland provides limited suitability, although hedgerow margins and ruderal vegetation along Keys Brook offer some potential habitat.

4.0 Impacts and Mitigation

Designated Sites and LNRS

4.1 There are no designated wildlife sites on or adjacent to the Site. Due to the site-specific reasons for designation and distance from the Site, no impacts are anticipated to arise on off-site designations.

4.2 The Warrington and Cheshire LNRS identifies land along the southern boundary of the Site as Opportunity Areas for Nature Recovery. Mapped Actions associated this opportunity area include, the categories Woodlands, Hedgerows & Trees, Grassland & Heathland, Watercourses, Urban and Nature Based Solutions. The Development Framework Plan illustrates the southern boundary will be a semi-natural open space with native tree planting and opportunities for wildlife. Enhancement to existing hedgerows, native tree and woodland planting, meadow grassland habitats and SUDS would all contribute to nature recovery in line with the LNRS (**CD5.07** and **CD5.08**).

Protected and Priority Habitats and BNG

4.3 The native hedgerows are HPIs, only small losses would occur to facilitate access into the Site (up to 40m of H1). The Development Framework Plan identifies provision for c500m of new hedgerow planting, together with protection and enhancement of retained hedgerows this would more than mitigate the predicted losses.

4.4 Although not confirmed as HPI, the ephemeral pond that would be lost to development would be replaced by a wildlife pond of greater size and quality than the current feature.

4.5 Detailed design including species composition, establishment and long-term management of hedgerow and pond habitats would be specified through the detailed landscape proposals and Habitat Management and Monitoring Plan (HMMP).

4.6 One tree would be removed to facilitate access into the Site and a further tree may be removed or managed due to health and safety considerations. All other trees including the trees and tree groups covered by TPOs would be retained and protected from construction activities in accordance with BS5837:2012 ‘Trees in relation to design, demolition and construction Recommendations’.

4.7 Keys Brook and its associated riparian corridor would be retained, with habitat enhancement within the adjoining open space. A surface-water outfall would require localised works to the brook’s northern bank. The EcIA anticipates a working area

of no more than approximately 5m, subject to detailed design. The CEMP would specify measures to control sediment, runoff and accidental pollution during these works and other construction activities. Detailed outfall design would seek to minimise modification of the bank, and the BNG assessment for the reserved matters application would account for the final outfall design.

4.8 The BNG feasibility studies demonstrate that at least 10% gain on habitats, linear features and watercourses can be achieved with all trading rules met. Table 2 provides the headline results of the on-site habitat biodiversity net gain feasibility assessment. Notably, a greater than 39% increase in habitat units, 48% increase in hedgerow units and 33% increase in watercourse units is feasible at this Site. This is a significant uplift on current site conditions and goes beyond the statutory 10% gain.

Table 2: BNG Assessment Results

Description	Units	Value
On-site baseline	Habitat	21.85
	Hedgerow	6.10
	Watercourse	1.62
On-site post-intervention (including habitat retention, creation & enhancement)	Habitat	30.50
	Hedgerow	9.09
	Watercourse	2.16
Total net unit change (including all on-site habitat retention, creation & enhancement)	Habitat	8.65
	Hedgerow	2.99
	Watercourse	0.54
Total on-site net % change (including all on-site habitat retention, creation & enhancement)	**Habitat %**	**39.60%**
	Hedgerow %	**48.96%**
	Watercourse %	**33.40%**

Protected and Priority Species

4.9 Surveys undertaken in 2026 confirmed no bat roosting in the surveyed trees or the onsite buildings. The buildings have low roosting suitability, but potential roosting habitat is present in some of the trees. The Site also provides foraging and commuting habitat for a good range of bat species. Habitats of greatest value to bats (woodland, tree lines, hedgerows) would be largely retained, enhanced and extended. Construction and operational stage lighting plans would be designed to ensure bats are not displaced from key habitat features. Bat roosting habitat would be provided within retained trees and/or new houses.

4.10 Surveys undertaken in 2026 confirmed no otter holts or resting places along the off-site Keys Brook although it may be used by commuting otter. The Development Framework Plan identifies open green space adjacent to the brook in the south of the site creating a buffer to this watercourse. Construction-phase safeguards, including specific measures for the outfall works, alongside new landscaping would maintain opportunities for passage and minimise any potential for disturbance if otter are using Keys Brook.

4.11 Great crested newts have been recorded in the wider area, a DLL would be employed to mitigate any impacts from the proposed development on this species through strategic measures. In October 2026 the DLL IACPC was signed by Gladman and countersigned by Natural England (NE Ref: DLL-ENG-CHES-00300) (**CD5.09**).

4.12 The Site provides suitable commuting, foraging and hibernation habitat for hedgehog. Construction-phase safeguards would minimise the risk of impacts during development activities and new and enhanced habitats would provide alternate resources for these species. Residential developments have the potential to fragment connectivity but provisions for hedgehog access between gardens would be included within the detailed proposals.

4.13 Impacts on nesting birds would be avoided by undertaking vegetation clearance outside of the breeding season or when checks by an ecologist have confirmed no active bird nests are present.

4.14 Protection of retained features (including trees, hedgerows and bankside habitats), sensitive timing of works and pre-commencement inspections would be specified through the tree protection plan and CEMP/PWMS. Alongside the species-specific mitigation described above, these measures would avoid or mitigate impacts on protected and priority species.

Cumulative effects

4.15 Land west of the Site is subject to a planning application for the development of up to 120 dwellings, public open space and landscaping (26/02414/OUT). There is a shared boundary between the northern tip of this proposed development (where it falls north of Keys Brook) and the southwest corner of the Site. The Illustrative Landscape Masterplan submitted with the application identifies this area (and adjoining habitats south of Keys Brook) for habitat provision including wildflower meadow, seasonally-wet wetland, native scrub and trees. These proposals link with habitat proposal within the Site, maintaining and building on east/west connectivity along Keys Brook to the wider landscape. No negative cumulative ecological impacts are anticipated.

5.0 Policy Compliance

5.1 The development proposals accord with Chapter 19 of the **National Planning Policy Framework**[12] (Conserving and enhancing the natural environment) by retaining, protecting and enhancing the most valuable existing natural features of the Site including the boundary hedgerows and trees and the habitat corridor alongside Keys Brook. The latter falls within Opportunity Areas for Nature Recovery of the Local Nature Recovery Strategy (LNRS) and provides value for foraging and commuting wildlife. A pond designed specifically for wildlife and twice the size of the current ephemeral waterbody would be created, in addition to a SUDS basin planted with wetland meadow species. The green infrastructure would also secure multiple benefits not only for wildlife but for residents and flood mitigation. In addition, specific features would be incorporated into the proposals at reserved matters application stage (and secured by condition) to support priority and protected species including bat and bird boxes and hedgehog commuting routes.

5.2 The proposals exceed the mandatory 10% **Biodiversity Net Gain** (BNG) requirements (Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021))[13].

5.3 The applicant's Development Framework Plan accords with **Policy ENV3 Green Infrastructure** by "incorporating new and/or enhanced Green Infrastructure" and by the "planting of trees and woodlands". The Green Infrastructure (GI) would be multifunctional, with benefits for people, wildlife, landscape and flood mitigation.

5.4 The development proposals accord with **Policy ENV4 Biodiversity and Geodiversity**. No designated wildlife sites and no irreplaceable habitats are on Site or within influencing distance of the proposed development. Impacts on priority habitats and species and legally protected species would be avoided and/or mitigated. The proposals would also contribute locally to the borough's biodiversity, primarily due to the landscaping which in part falls within Opportunity Areas for Nature Recovery of the LNRS. Furthermore, there would be a net gain in natural assets as demonstrated through the BNG metric.

5.5 In relation to ecology matters the development proposals accord with **Policy STRAT 1 Sustainable Development** by protecting, enhancing and improving the natural environment through habitat management and habitat creation.

5.6 The BNG Feasibility Assessment confirms that the development proposals would satisfy **Policy DM 44 Protecting and Enhancing the Natural Environment** by providing at least 10% net gain in habitat, hedgerow and watercourse units. Gains

[12] Ministry of Housing, Communities and Local Government (2026). National Planning Policy Framework. Published 17 August 2026.
[13] Environment Act 2021, 2021 CHAPTER 30 - https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted

include habitat enhancement in the south of the Site where proposals fall within locations identified as LNRS Opportunity Areas for Nature Recovery.

5.7 The applicant's Development Framework Plan and BNG Feasibility Assessment accord with **Policy DM45 Trees, Woodland and Hedgerows**. All trees and hedgerows within the Site would be retained and protected save for up to 40m of hedgerow and one tree to facilitate access. The tree is in an advanced state of decline and is not covered by a Tree Preservation Order. Significantly greater than 2 for 1 replacement of lost trees would be achieved. Hedgerow loss would be mitigated through new planting and enhancement of retained hedges resulting in 48.96% gain in hedgerow units.

6.0 Third Party Comments

6.1 A number of third-party comments have been submitted for the Inquiry, these cover comments on incomplete ecology information and impacts on wildlife within the Site and habitats adjacent to the Site.

6.2 Comments on missing information likely arise as updated ecology reports were submitted ahead of the Case Management Conference on the 1st of October when seasonal surveys were completed.

6.3 Concerns are submitted that wildlife using the site will be negatively impacted by the proposals. While any development is likely to change the way wildlife uses an area, key habitat features would be retained and habitat enhancement and creation implemented. The green buffers around the Site would provide good opportunities for increasing the structural and plant diversity of the habitats which in turn increases the wildlife the land can support.

6.4 Concerns about lighting impacts would be addressed through creation of wildlife sensitive lighting proposals secured via condition.

6.5 Owls are mentioned in the objections. No incidental observations of owl were made during any of the bat surveys and no evidence of owls was identified in the trees that would be lost. Owls forage for small mammals over grassland habitats and while the total area of grassland will reduce, the move from a grazed horse paddock (which is sub-optimal for small mammal populations) to the proposed landscaping would increase structural diversity and improve habitat conditions for the small mammal populations which owls predate.

6.6 Representations also refer to mating geese associated with the ephemeral pond. These observations indicate use of the pond by birds, although the species and whether nesting has occurred have not been confirmed. The only geese species that regularly breed within England are Canada goose and greylag goose. The Canada goose breeding population is non-native and is listed as an invasive species under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Greylag goose is an Amber listed Bird of Conservation Concern but only for its winter population. In England breeding populations of greylag goose are feral (releases from wildfowlers). The pond would be lost and a replacement wildlife pond provided within the proposed open space. Pond removal and associated clearance would be subject to the nesting-bird safeguards described in the EcIA.

7.0 Conclusions

7.1 The Council's ecology related reason for refusal concerned the adequacy of the ecological information, the proposed mitigation and the assessment of biodiversity net gain. The EcIA, supporting survey reports and updated BNG assessment submitted on 1st of October 2026 provide the additional evidence relevant to these matters. Having reviewed this information and following confirmation of the GCN District Level Licensing arrangements, I consider that a sufficient ecological baseline and assessment are available to determine the ecological acceptability of the proposed development.

7.2 The development proposals would be in accordance with national and local planning policy and wildlife legislation.

7.3 No designated wildlife sites would be impacted by the proposals. No loss of irreplaceable habitats would arise. The Site predominantly comprises modified grassland managed for horse grazing. Its principal ecological features include the native boundary hedgerows, mature trees and the habitat corridor associated with Keys Brook. The proposals would retain most of these boundary features and provide opportunities to strengthen their ecological function through habitat creation, enhancement and management.

7.4 Impacts on protected and notable species would be avoided and minimised through construction-phase safeguards and through habitat enhancement, creation and management. Potential impacts on great crested newts would be mitigated via the GCN District Level Licencing scheme.

7.5 Habitat loss primarily relates to loss of horse grazed paddock which has low ecological value. Only one tree and up to 40m of hedgerow would also be removed. Approximately 35% of the Site would fall outside the residential housing development area and the Development Framework Plan (**CD2.02**) sets out the approach to green and blue infrastructure provision within these areas. Tree planting would include native species both individual trees and woodland planting. Retained hedgerows would be enhanced by gap-planting and increasing species-richness. Grassland meadow would be created by increasing the diversity of the current horse paddock. A pond designed for wildlife and planted with native species would be created and aspects of the SuDS would also benefit biodiversity. The green buffers around the site boundaries and a wildlife sensitive lighting scheme would allow wildlife including bats, to move into and around the site. Hedgehog highways and bat and bird boxes incorporated into the development would provide further benefits for wildlife across the Site.

7.6 The BNG feasibility assessment demonstrates the capacity to deliver significantly greater than the minimum 10% gain in habitat, linear and watercourse units on the

Site and the proposals can tie in with the aspirations of the LNRS. Furthermore, the BNG habitats would be subject to legal agreement requiring 30 years of management and monitoring to achieve the identified target habitat conditions.

7.7 The scheme adopts the mitigation hierarchy and delivers biodiversity net gain in accordance with best practice principles in that:

- appropriate ecological surveys have been carried out;
- features of ecological interest will be protected (the small loss of hedgerow for access is the exception);
- protected and priority species have been identified and proposals are made for their conservation;
- any unavoidable damage would be minimised and mitigated (i.e. arboricultural method statement, CEMP, wildlife sensitive lighting strategy, RAMS and avoidance of the nesting bird season);
- in respect of general habitats, a biodiversity net gain of significantly greater than 10% will be delivered;
- there is no adverse effect on designated sites; and
- the proposals will provide and enhance wildlife corridors and ecological networks.

7.8 Proposals follow the mitigation hierarchy and mitigation can be secured via a District Level Licence in respect of great crested newts and by condition or S106 agreement through the Reserved Matters application. Draft conditions agreed with the LPA include:

- Tree protection plan and arboricultural method statement (prior to site clearance).
- Statement of precautionary working measures for fauna (prior to development).
- CEMP including pollution prevention, dust control and biosecurity measures (prior to commencement).
- Biodiversity Gain Plan.
- 30 year habitat management and monitoring plan (prior to first occupation).
- Hedgehog commuting route plan (prior to first occupation).
- Bat and bird box scheme (prior to first occupation).

7.9 The Ecology Statement of Common Ground confirms there are no standing objections from the LPA ecologist and the statutory requirement for 10% BNG can be met on site. For these reasons, and subject to the identified mitigation,

management and licensing arrangements, I consider that the ecological concerns underlying the Council's reason for refusal have been addressed. In my opinion, the proposed development accords with the relevant ecological requirements of national policy and Local Plan Policies ENV4 and DM44, and there is no remaining ecological basis for withholding planning permission.

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