

Ms Emma Pickernell
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29th July 2020

Our ref: SW20/E1986/EPL1

Planning application ref: 20/00683/OUT

Dear Ms Pickernell,

Land off Oakhurst Rise, Cheltenham – Review of Submitted Ecological Appraisal

Following receipt of the ecological appraisal report produced by Aspect Ecology in support of the recently re-submitted planning application for the above site, I have been instructed by the Charlton Kings Friends (CKF) to comment on the likely ecological impacts of the revised scheme.

Biodiversity loss

You may be familiar with my involvement in this site as part of the 2019 planning appeal at which I presented evidence to the Inquiry that led, in part, to the Inspector's dismissal of the appeal. A particular focus of the Inspectors deliberations regarding ecology, was the assessment I undertook of the net effect of the proposal on biodiversity based on the application of a recognised biodiversity metric¹. Ultimately the Inspector in his decision found that "*the net effect of the proposed development on biodiversity is likely to be either neutral or negative to some degree and certainly not an enhancement as sought by the thrust of current national and local policy*".

Shortly before the close of the Inquiry, Natural England published a beta version (i.e. consultation draft) of their new metric (Metric 2.0) for review by the industry. Despite reference to this being made in oral evidence at the Inquiry, the applicant's ecologists have once again elected not to apply any form of metric to the conclusions in their current ecological appraisal in respect of the revised scheme. Given the current direction of travel of Government policy (towards mandating use of such metrics to demonstrate delivery of at least 10% 'Net Gain'), and the prominence of this issue at the previous appeal, at best, this seems an oversight.

It has therefore fallen to us, on behalf of CKF, to repeat this exercise for the revised scheme now before you. The attached Figures 1 and 2 show the pre and post construction habitats which I have entered into the new metric. The output from inputting these data into the metric is provided in Tables 1 and 2 below. In summary, based on the Metric 2.0, the development would result in a loss of 10.95 biodiversity units (from 34.32 to 23.37), or a loss of 31.90%. By this measure the revised scheme provides no greater protection of biodiversity on the site than the previous scheme and, as the Inspector found previously, continues to fly in the face of national planning policy and guidance which requires development to not

¹ <https://www.warwickshire.gov.uk/biodiversityoffsetting>

only protect biodiversity but to go further and deliver “net gains for biodiversity”². It is similarly not compliant with local planning policies such as policy SD9 of the Joint Core Strategy³, which also require the protection and enhancement of biodiversity as part of development proposals. Relevant parts of this state (emphasis added):

- “1. The biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interests
- ...
5. Development within locally-designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated
6. Harm to the biodiversity or geodiversity of an undesignated site or asset should be avoided where possible. Where there is a risk of harm as a consequence of development, this should be mitigated by integrating enhancements into the scheme that are appropriate to the location and satisfactory to the Local Planning Authority. If harm cannot be mitigated”

Habitat assessment

As part of my evidence to the Inquiry, reference was made to the Gloucestershire Key Wildlife Sites (KWS) selection criteria. At that time, 14 ‘key species’⁴ had been identified in the grassland, close to the threshold of 20 needed for the site to be of sufficient diversity to be designated as KWS. As part of my current appointment by CKF I have revisited the site in 2020 in order to continue to catalogue the ecological interest present, focusing in particular on the floral diversity of the grassland. A further seven species have been recorded in the grassland in 2020 (see table 3) bringing the total to a minimum of 21. On the basis of this, not only has the site recently been formally put forward to the KWS selection panel for designation as a KWS, but, moreover, it is clear that the appellants ecological consultants have once again failed to accurately represent the true ecological value of this site. Indeed, they have now failed in both 2019 and 2020 to record many of the floral species present, and as a direct consequence, have materially undervalued the diversity and therefore value of the grassland. On the facts, the site clearly has significant ecological value and certainly well above the “site context” frame of geographical reference that is suggested by Aspect in their report.

Conclusion

The revised scheme does not overcome the inescapable fact, as previously found by the appeal inspector, that the site is of higher valued than the appellant’s ecologists claim, and that as a consequence the proposed development would, notwithstanding the revisions made, still result in a demonstrable and significant loss of biodiversity, contrary to a raft of national and local planning policies. It has fallen to CKF, via ourselves, to document the value of the site in an accurate and properly representative manner and to expose omissions made by the appellant’s ecologists and on which flawed assessments have been made. In

² Paragraph 170 of the National Planning Policy Framework

³ Other polices include NE2 and NE3 of the adopted Local Plan (2006).

⁴ As listed on Table H5c of assessment criteria H5.2.

the process of doing so, it has become apparent that the site in fact exceeds the qualification criteria for designation as a Key Wildlife Site, underlining that the impact of the scheme should be assessed in the context of the site being of at least District and more likely County (i.e. Gloucestershire) value for biodiversity. In light of these matters, there can be no other conclusion than significant harm to biodiversity would occur due to the proposed development, and with the backdrop of the previous Inspectors comments, it is clear that this planning application should be refused.








Regards

FOR AND ON BEHALF OF BIOSCAN (UK) LTD

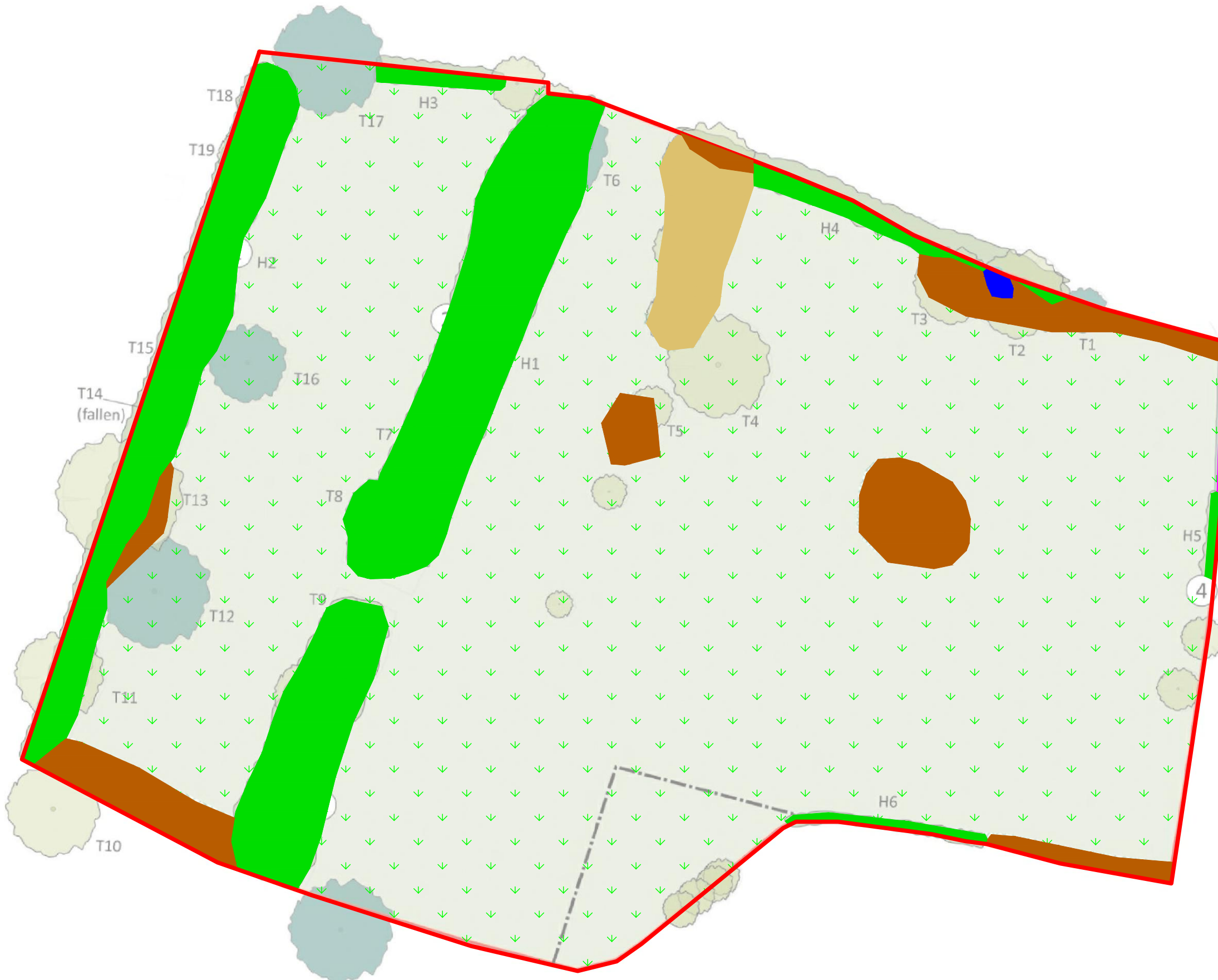


Samuel Watson MCIEEM
Principal Ecologist

Key

-  Site boundary
-  Semi-improved, neutral grassland - 3.42ha
-  Dense, continuous scrub - 0.21ha
-  Scattered scrub 0.08ha
-  Hedgerows - 0.58ha
-  Pond - 0.003ha
-  Wall - 0.004ha

Base mapping is from Aspect - Habitats and Ecological Features, drawing ref: 5487/ECO2 dated April 2020



DO NOT SCALE

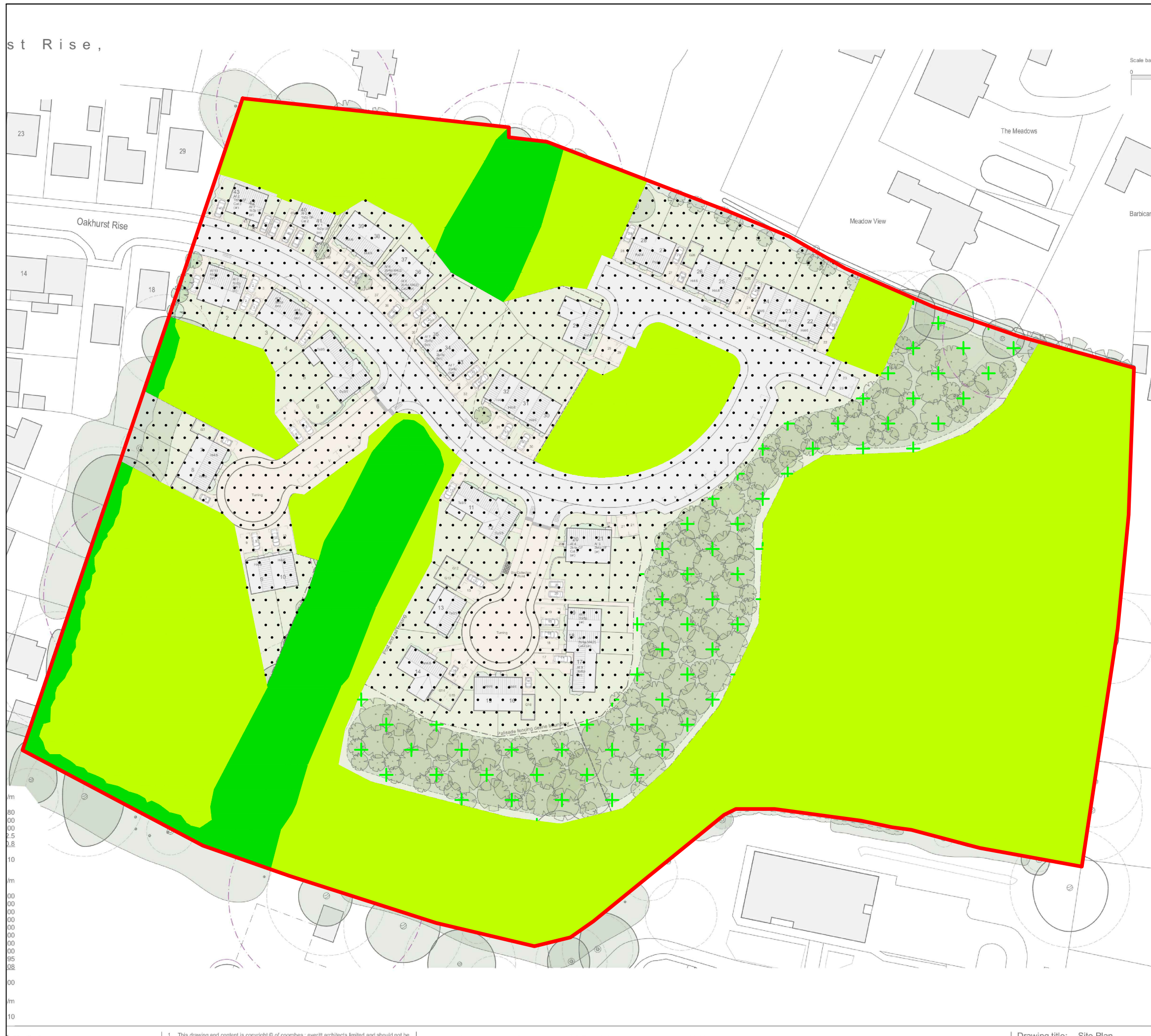
Title		
Existing habitats		
Project	Client	
Land off Oakhurst Rise	Charton Kings Friends	
Drawing No.	Revision	Project No.
Figure 1	A	E1986
Drawn	Checked	Date
SW	SW	July 2020

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Key

-  Site boundary
-  Neutral grassland - 2.16ha
-  Development - 1.29ha
-  Scrub/young tree planting - 0.49ha
-  Retained trees - 0.35ha



DO NOT SCALE

Title
Post development habitats

Project	Client
Land off Oakhurst Rise	Charlton Kings Friends

Drawing No.	Revision	Project No.
Figure 2	A	E1986

Drawn	Checked	Date
SW	SW	July 2020

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Table 1 - Pre-development baseline

Ref	Habitats and areas			Habitat distinctiveness		Habitat condition		Ecological connectivity			Strategic significance			Suggested action to address habitat losses	Ecological baseline Total habitat units	
	Broad Habitat	Habitat type	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier			
1	Grassland	Grassland - Other neutral grassland	3.42	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	27.36	
2	Heathland and shrub	Heathland and shrub - Bramble scrub	0.21	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	1.68	
3	Woodland and forest	Woodland and forest - Other woodland; mixed	0.08	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	0.64	
4	Woodland and forest	Woodland and forest - Other woodland; broadleaved	0.58	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	4.64	
Total site area ha			4.29												Total Site baseline	34.32

Table 2 – Post-development baseline

Post development/ post intervention habitats																	
Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity			Strategic significance			Temporal multiplier		Difficulty multipliers		Habitat units delivered	
						Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier	Time to target condition /years	Time to target multiplier	Difficulty of creation category	Difficulty of creation multiplier		
Grassland - Other neutral grassland	2.16	Medium	4	Good	3	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	15	0.586	Low	1	15.19	
Urban - Suburban/ mosaic of developed/ natural surface	1.29	Low	2	Good	3	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	5	0.837	Low	1	6.48	
Woodland and forest - Other woodland; Young Trees planted	0.49	Medium	4	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	25	0.410	Low	1	0.80	
Woodland and forest - Other woodland; broadleaved	0.35	Medium	4	Good	3	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	32+	0.320	Medium	0.67	0.90	
Totals	4.29												Total Units	23.37			

Table 3 – Cumulative KWS species list

Scientific name	Common name
Species recorded in 2019	
<i>Carex spicata</i>	Spiked sedge
<i>Centaurea nigra</i>	Lesser knapweed
<i>Conopodium majus</i>	Pignut
<i>Galium verum</i>	Lady's bedstraw
<i>Lathyrus pratensis</i>	Meadow vetchling
<i>Leontodon hispidus</i>	Rough hawkbit
<i>Leucanthemum vulgare</i>	Oxeye daisy
<i>Lotus corniculatus</i>	Common bird's-foot-trefoil
<i>Lotus pedunculatus</i>	Greater birds-foot-trefoil
<i>Luzula campestris</i>	Field wood-rush
<i>Potentilla sterilis</i>	Barren strawberry
<i>Primula veris</i>	Cowslip
<i>Tragopogon pratense</i>	Goat's beard
<i>Trisetum flavescens</i>	Yellow oat-grass
Species recorded in 2020	
<i>Carex flacca</i>	Glaucous sedge
<i>Hyacinthoides non-scripta</i>	Bluebell
<i>Hypochaeris radicata</i>	Cats-ear
<i>Primula vulgaris</i>	Primrose
<i>Ranunculus bulbosus</i>	Bulbous buttercup
<i>Rhinanthus minor</i>	Yellow rattle
<i>Viola riviniana</i>	Common dog violet