Bioscan Letter (with metric) to CBC 29/07/2020

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Tel: +44 (0) 1865 341321 bioscan@bioscanuk.com www.bioscanuk.com

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

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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 <u>protected and enhanced</u> 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. <u>Development within locally-designated sites will not be permitted</u> 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. <u>Harm to the biodiversity or geodiversity of an undesignated site or asset should be avoided where</u> <u>possible</u>. 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 occurr 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

Walson

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



Title Existing habitats Project Client Land off Oakhurst Charton Kings Rise Friends Drawing No. Revision Project No. Figure 1 А E1986 Date Drawn Checked July 2020 SW SW Bioscan (UK) Ltd The Old Parlour, AN Little Baldon Farm, Little Baldon, Oxford, OX44 9PU. 00 T: +44 (0) 1865 341321 bioscan@bioscanuk.com

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Кеу

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 Land off O Rise	akhurst	^{Client} Charlton Kings Friends						
Drawing No.		Revision	Project No.					
Figure 2		А	E1986					
Drawn	Checked	Date						
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Table 1 - Pre-development baseline

	Habitats and areas			Habitat distincti	Habitat condition		Ecological connectivity			Strategic significance				Ecological baseline	
Ref	Broad Habitat	Habitat type	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier	habitat losses	Total habitat units
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																
						Ecc	ological connect	ivity	Strate	gic significance		Temporal	multiplier	Difficulty	multipliers	
Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	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	Habitat units delivered
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 23.3									23.37							

Table 3 – Cumulative KWS species list

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

Bioscan Letter to CBC 11/09/2020

Ecological surveys Environmental Impact Assessment Protected Species Expert Witness Appropriate Assessment Lega I and Policy Compliance Management Planning Environmental Planning Guidance Habitat Creation and Restoration Biodiversity Audit Strategic Ecological Advice Wetland Conservation Sustainable Drainage Systems Integrated Constructed Wetlands Ecosystem Services Species Conservation



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11th September 2020 Our ref: SW20/E1986/EPL2 Planning application ref: 20/00683/OUT

Dear Ms Pickernell,

Land off Oakhurst Rise, Cheltenham – Addendum Ecological Response

Following the submission of my previous report in respect of the above site and planning application (ref: SW20/E1986/EOL1, dated 29th July 2020), I am aware that two further submissions have been made by the applicants ecologist's dated 10th and 17th August 2020, and an online comment has also been submitted by the county ecologist, Gary Kennison, dated 14th August 2020. I have also been made aware of a more recent submission by the Gloucestershire Wildlife Trust (GWT), dated 1st September.

I have been instructed by Charlton King Friends (CKF) to comment on these new submissions, which I do below.

Metric-based assessment of biodiversity loss

Assessment of biodiversity loss using Defra Metric 2.0

I thank the applicant's ecologists Aspect for providing accurate measurements for each habitat type on the site, which CKF were, of course, unable to obtain from the submitted drawings due to their PDF format, although it is noted that the estimates were nevertheless within an acceptable error margin of the actual totals. I see no reason to disagree with the figures that have now been provided, although I note there is a discrepancy between the site area on the application form of 4.29ha and the total reached by Aspect of 4.12ha.

In the light of these area measurements, I have updated the Metric 2.0 assessment and discuss the results below. Several important points of clarification need to be made about the input parameters first, however.

i) I note the comment by Aspect Ecology that in Bioscan's Metric 2.0 assessment *"It is assumed that all habitats will be lost and re-created"*. I have not been party to discussions regarding the development of the landscape strategy or the proposals for enhancement. In keeping with parties that are outside of the application team, I have had to rely upon the information submitted as part of the application, in this instance the ecological mitigation and enhancements drawing (ref: 5487/EC04) included in the submitted ecological appraisal report (ref: 5487 EcoAp2020 vf /DW). In respect of the two largest blocks of grassland on the site, this drawing

states "<u>Creation</u> of new grassland habitats" [underline added]. I concluded (not entirely surprisingly) from this that the existing grassland would be removed and replaced. I thank Aspect Ecology for clarifying the position and note that any suggestion therein that the development would deliver 'new' grassland, cannot, therefore, be correct and any apparent 'benefit' of grassland creation from the scheme should be discounted in the planning balance as a result.

However, in light of the need to create an artificial badger sett in the grassland in the southwest corner of the site, I do question whether in this area any retention of extant resource would be practically achievable, given the ground disturbance required. This means that the only block of grassland that could in reality be retained (rather than recreated) is that on the east side of the development. The result of this is that approximately a quarter (1.06ha) of the existing grassland would actually be retained under the proposals, with some 0.85ha of grassland removed and recreated. I have factored this correction into the revised metric assessment detailed below.

ii) With regard to the suggested re-categorisation of the habitats in the baseline metric assessment, there is little need to debate this point in terms of metric outputs as there is no change in the distinctiveness score between 'other mixed woodland' (Bioscan categorisation) and 'scrub' (Aspect categorisation). In other words, the proposed re-categorisation results in no (zero) change to the assessed unit score. I am content to use either category, noting at the same time that the description in the Ecological Appraisal report¹ refers to scattered scrub (together with 'scrub') as being 'bramble'. The proposed re-categorisation therefore fails to reflect the fact that this area of 'scattered scrub' is in fact a small copse of trees (see Photo 1) and I maintain that 'other mixed woodland' would therefore be more appropriate.

In the absence of an accurate description of this habitat in the ecological appraisal, I have based my assessment of the parameter 'condition' on my own visits to the site. It is clear that the condition of this habitat is being hampered by the extensive badger activity in this area which is restricting the development of the ground flora. As such, based on the combination of these two factors, i.e. the poor ground flora but presence of mature trees, I consider a condition assessment of 'moderate' to be justified.

Even if the 'condition' of this habitat in the Metric is reduced to 'poor' (as Aspect suggest), the result is to only reduce the biodiversity unit value of this area from 0.64 to 0.32 a change of 0.32 units. The need to argue for such a small change is a symptom of the desire by Aspect to achieve every possible fraction of a unit out of disputed tweaks to the input parameters to engineer an output figure that approaches the threshold of acceptability in policy terms. This itself reflects that this is a development proposal that is innately damaging to the on-site biodiversity resource and that inadequate compensation is proposed for such damage. Even if the suggested tweaks are accepted, they have the result of no more than scraping the site's performance over the 'zero' line: the metric calculation Aspect have submitted shows an overall 0.48 unit increase on the site. However the clear direction of travel of national and local planning policy is towards biodiversity net gain being measured as a policy compliant material consideration only where a 10% net increase is demonstrated – indeed this is set to become a national mandatory requirement in the Environment Bill and, pre-empting this, has already been adopted by many

¹ Aspect Ecology ref: 5487 EcoAp2020 vf /DW, dated April 2020

local authorities². At its highest, Aspect Ecology's own assessment shows that the proposed development falls far-short of this target and in fact delivers no meaningful net gain³.

- There has been no error in the assessment by Bioscan of the condition of the hedgerows H1 and H2 – both are assigned a value of 'moderate' in the pre-development (0.58ha) assessment and 'good' in the post-development (0.35ha) assessment.
- iv) The inclusion by Aspect of hedgerows H3 to H6 as 'Native hedgerow' in the metric is patently incorrect and should be amended. These are ornamental hedgerows which have 0 (zero) biodiversity units. Inclusion of these as native hedgerows introduces a 0.338 unit bias that should be discounted. Correcting the overall output for this further exposes the claim of net gain as a fallacy.
- v) There is no native hedgerow planting proposed by the landscape strategy or shown on the ecological enhancement drawing, and thus the inclusion of 0.461km of native hedgerow creation in the Metric should be removed.

A further element of the Metric assessment undertaken by Aspect that requires more detailed scrutiny is the justification for their application of strategic multipliers.

Strategic multipliers

In their assessment, Aspect Ecology have assigned some habitats a 'strategic location' multiplier, the suggestion being, it is assumed, that these habitats are located in an area that has been formally identified as being strategically important for that habitat. The two 'woodland' habitats (i.e. hedgerows H1 and H2), are noted to be assigned the 'within area formally identified in local strategy' assessment. The suggested rationale for this is outlined at 2.8 of Aspects submission⁴, which states –

"Hedgerows H1 and H2 are considered to qualify as Priority Habitat and the local BAP, as such these habitats are considered to be within an area formally identified in local strategy such that they are of high strategic significance."

This appears to be a wilful misconception of the function and purpose of strategic multipliers within the Defra metric. The suggestion being made is that simply because the hedgerows meet the criterion for status as a national priority habitat that they are automatically strategically located. A priority hedgerow is a hedgerow that contains 80% or greater native species, a criterion met by most hedgerows in Britain. Conversely 'strategically located' is a function of the location of the hedgerow, for example as part of a wider network or connecting two designated sites. It is entirely possible, as is the case here, for a hedgerow to be a priority habitat but outside of a strategic location, or indeed in an ecologically isolated setting.

² See for example https://www.cherwell.gov.uk/news/article/624/council-ramps-up-biodiversity-target

³ This is also demonstrably below the 10% currently required by several planning authorities and which is the amount likely to be required under the upcoming Environment Bill.

⁴ Aspect Ecology ref: 1005487/012.let.CBC.ep, dated 10th August 2020. Technical Briefing Note TN10, dated 7th August 2020.

If additional evidence of this was required, the Metric 2.0 user guide⁵, published by Natural England (extract included at Appendix 1) states -

"5.30. The idea of strategic significance works at a landscape scale. It gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives...Strategic significance utilises published local plans and objectives to identify local priorities for targeting biodiversity and nature improvement, such Nature Recovery Areas, local biodiversity plans, National Character Area¹⁴ objectives and green infrastructure strategies".

The guide goes on to state -

"In the absence of a locally or nationally relevant strategic documentation indicating areas of significance for biodiversity, the value of **1** *should be used in pre and post development calculations".*

Aspect provide no evidence for the site being within an area formally identified as strategically important for hedgerows or woodland and a score of 1 (i.e. no multiplier) should therefore have been applied.

There is similarly no evidence provided by Aspect for the existing or proposed ponds being located within a strategically significant location.

Conversely, the comments by the Gloucestershire Wildlife Trust (GWT) (see Appendix 2) confirm that the grassland is in fact strategically located. GWT state *"The site lies within a gap in grassland ecological network connectivity"*. Is it therefore appropriate to assign to the neutral grassland on site a strategic significance of *at least* 1.1 (i.e. location ecologically desirable but not in local strategy).

Metric outcome

Having corrected the above errors, the metric assessment undertaken by Aspect should show a 4.21 loss of biodiversity units, equivalent to a 11.98% reduction (output included at Appendix 3). This is patently in conflict with national and local policy on the avoidance of net less of biodiversity.

Published metric assessment

It is noted that both Aspect Ecology and the County Ecologist raise a query as to the benefit of the metric assessment because it is in the process of beta testing. This fact is highlighted in my original submission⁶ and is not disputed. It is though noted in Aspects submission of 10th August⁷ at 1.3 it states "*It is considered that the most appropriate metric to use for the site is the Defra Biodiversity Metric 2.0 Calculation Tool*". Any suggestion then that this metric is not a recognised and acceptable assessment tool is incorrect. The Defra 2.0 metric is widely and increasingly used to guide planning decisions throughout England and to assess the performance of proposals against the framework of national and local policies that seek to avoid net biodiversity loss and deliver net gain, and is on course to be mandated for such use upon the passing of the Environment Bill into law.

⁵ Ian Crosher, Susannah Gold, Max Heaver, Matt Heydon, Lauren Moore, Stephen Panks, Sarah Scott, Dave Stone & Nick White. 2019. The Biodiversity Metric 2.0: auditing and accounting for biodiversity value. User guide (Beta Version, July 2019). Natural England

⁶ Bioscan letter ref: SW20/E1986/EPL1, dated 20th July 2020

⁷ Aspect Ecology ref: 1005487/012.let.CBC.ep, dated 10th August 2020. Technical Briefing Note TN10, dated 7th August 2020

Neither Aspect nor the County Ecologist have evidenced their assertion that use of the Defra 2.0 metric might give rise to error. One means of testing this might be through the application of an alternative published metric, such as those that preceded the general and widespread adoption of the more recent Defra 2.0 model. For the avoidance of doubt on this point, Bioscan have also, therefore, undertaken this exercise utilising the metric published by Warwickshire County Council⁸ and which was employed as part of the 2019 appeal evidence.

The output from this exercise is attached at Appendix 4 and this shows a 7.33 loss of biodiversity, equivalent to -22.9%. This does not suggest an inconsistent result would be obtained by any other metric and again underlines that the proposals are patently in conflict with national and local policy on the avoidance of net less of biodiversity.

Conclusion

Having applied two established metrics to the proposed development, one of which is planned by Government to form the official and mandated tool for measuring biodiversity net gain in future planning decisions, it is clear that, by either measure, significant and demonstrable net loss of biodiversity would occur on this site. Aspect seek to rebut such conclusions by little more than bland repetition of a wholly subjective and unevidenced position shown to be untenable on the facts. Their case is not to engage with the facts but to sow uncertainty by advising that allowances be made for differences in subjective expert opinion and 'gut feeling' and seeking to discredit the application of what are now well-established quantitative methods.

There are of course cases where subjective opinion and quantitative metric outputs will be at odds with each other, and Bioscan are in the vanguard of advocating that care should be used when applying metric-based systems. In this case, however, the veracity of Aspect's competing assessment has to be viewed in the context of the many errors and inconsistencies that have been exposed in their assessments since the commencement of the planning debates over this site, including before the current application. I can confirm that the metric outputs discussed above align with the expert professional subjective opinion of not just myself, but of other highly experienced ecologists within Bioscan, and those views have consistently been found to be on the right side of the facts. Aspect's efforts to disregard any assessment technique that does not give them the answer they seek falls short of the requirements for rigorous and robust assessment of the impact of development proposals on biodiversity - requirements that are not only required by industry best practice in general but that form the thrust of national planning policy demands. Any suggestion that application of established metrics is not valid for the purposes of assessment of compliance with biodiversity net gain policies runs flat contrary to the direction of travel of government and local planning policy and in that context alone should be rejected if a legally safe planning decision is to be made.

KWS assessment

I have reviewed the submission by Aspect Ecology (dated 17th August 2020) in which they attempt to critique the basis on which the site has been put forward for designation as a Key Wildlife Site (now called Local

⁸ https://www.warwickshire.gov.uk/biodiversityoffsetting

Wildlife Sites LWS). I am also now in receipt of the submission from GWT dated 1st September 2020 which confirms the site was formally designated a LWS at a meeting of the selection panel on 1st September 2020. There can be no further question that the site does meet the criteria for this status, and the attribution of LWS status also puts beyond any doubt that Aspect's assertion that the grassland is of no more than 'site' value is wrong.

The designation of the site as a LWS is welcome confirmation by an independent panel of third parties of what the facts on the ground have consistently pointed towards throughout my involvement in this site, and brings into play an additional raft of policy considerations that are failed to be met by the current proposals. In the event that Aspect continue to dispute the award of LWS status, I make the following points on their claims that the appropriate criteria were exceeded:

Minimum species threshold

To meet one of the criteria for KWS designation, the grassland needs to contain at least 20 species from those listed in the KWS handbook as being representative of semi-natural grassland. To date 22 species have been recorded. In their submission of 17th August 2020, Aspect attempt to discount the inclusion of four of these species in their letter to Dr Juliet Hynes; bluebell, barren strawberry, primrose and common dog violet. The basis for this is that, in their option, these are *"likely closely associated with the hedgerows and marginal woody vegetation…Accordingly, these should be discounted from the list such that number of relevant KWS grassland species"*. Such a statement is erroneous, as Aspect would know if they had spent their time onsite analysing the grasslands in the correct manner, and the very basis for it flawed.

In the first instance, the KWS handbook, published by the GWT, specifically includes these four species in the list of those representative of a semi-natural grassland.

Secondly, and in the event further evidence of the grassland (as well as woodland) affiliation of these species was needed, I need do no more than pick one of a number of sources that confirm this association. The Natural England (formerly English Nature) research report published on the assessment of the condition of lowland grassland Sites of Special Scientific Interest⁹ also lists all but barren strawberry as being indicators of higher quality mesotrophic grassland (extract provided at Appendix 5).

There can be no argument that these species can and should be included in the list of indicator species that confirm that the site meets, indeed, exceeds the threshold for KWS-level interest. Any attempt to discount them artificially and erroneously skews the assessment. The bald fact is that Aspect failed to record these species yet now attempt to present a case for them to somehow be set aside as not valid as grassland species. This cherry picking of the facts and data is indefensible and should be rejected.

Other matters

In addition to several other factual inaccuracies in their correspondence to the GWT regarding the LWS assessment, Aspect also assert that "there is no realistic mechanism", to secure the future and management of the site other than through development. I do not agree with this position. Aspect have not identified any

⁹ Robertson, H & Jefferson, R (2000) *Monitoring the condition of lowland grassland SSSIs* England Nature Research Reports No 315 Part 2.

credible risk to the continued management of the grassland in the absence of development. The land has been in its current form since the early 1800s and there is no record of it having ever been subject to agricultural improvement or chemical treatment. LiDAR imagery also shows relic ridge and furrow through the meadow supporting the case that it has also never been mechanically cultivated. Moreover, and most significantly of all, CKF are fully committed to this site, seeking to secure it as a resource for residents. Crucially, they have ample capability to undertake any necessary targeted management.

Comments by Gary Kennison

Much of the content of the correspondence submitted by the county ecology officer, Gary Kennison, takes a lead from the reports submitted by Aspect Ecology and can therefore be viewed in tandem with the responses above. It is, though, unclear why Mr Kennison, even in his most recent submission disagrees with GWT in respect of the site meeting the criteria for designation as a KWS. He appears to have decided this from a single site visit of unknown duration and thoroughness at a somewhat less than optimal time of year (August). This stands against the clear case on the facts, as confirmed by GWT and their decision to formally designate the site, that the site has significant ecological value and that the impact of the development should be measured against this.

Conclusion

Throughout this and previous applications, Bioscan has acted on behalf of CKF to ensure that the ecological interest of the site is properly and accurately recorded. The process has consistently exposed factual errors and inaccuracies in the work undertaken by the applicant's ecologists, Aspect Ecology. The fund of knowledge now collected by Bioscan (and which ought to have been properly documented by Aspect) has been sufficient to lead to the formal designation of the site as a Local Wildlife Site. Yet, Aspect Ecology seek to undermine this fact by discounting relevant facts on the basis of flawed assumptions.

What is placed beyond dispute by the cumulative evidence is that the current proposal would result in the significant and demonstrable net loss of biodiversity on the site. It would accordingly fail the relevant tests of local and national planning policy and should be rejected.

Regards FOR AND ON BEHALF OF BIOSCAN (UK) LTD

alson

Samuel Watson MCIEEM Principal Ecologist

Photo 1



Appendix 1

The Biodiversity Metric 2.0

auditing and accounting for biodiversity

USER GUIDE

Beta Version

First published 29th July 2019



www.gov.uk/natural-england

The spatial component

5.29. In biodiversity metric 2.0 there are two core spatial components. First, the **strategic significance** of a place for biodiversity, its geography. Second, ecological **connectivity**, the relationship of a habitat in a defined place to its immediate surroundings in respect of biological and ecosystem flows. While these concepts are not completely independent of each other they do represent different qualities of a habitat.

Strategic significance

- 5.30. The idea of strategic significance works at a landscape scale. It gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives. Ideally these aspirations will have been summarised in a local strategic planning document which articulates where biodiversity is of high priority and the places where it is less so. Strategic significance utilises published local plans and objectives to identify local priorities for targeting biodiversity and nature improvement, such Nature Recovery Areas, local biodiversity plans, National Character Area¹⁴ objectives and green infrastructure strategies. Table 5-5 shows the multiplier scores for both impact and compensation sites based on its place in a strategic plan.
- 5.31. In the absence of a locally or nationally relevant strategic documentation indicating areas of significance for biodiversity, the value of **1** should be used in pre and post development calculations. Use of a score of 1 does not penalise a proposal.

Strategic Significance categories										
Category	Score	Point applied to calculation								
		Pre-impact	Post-impact							
High strategic significance High potential & within area formally identified in local policy	1.15	Yes	Yes							
Medium strategic significance Good potential but not in area defined in local policy	1.1	Yes	Yes							
Low Strategic Significance Low potential and not in area defined in local policy	1	Yes	Yes							

TABLE 5-5: Strategic significance categories and scores

Connectivity

5.32. The focus of connectivity in biodiversity metric 2.0 is the relationship of a particular habitat patch to other surrounding **similar** or **related** semi-natural habitats. These help facilitate flows of species and ecosystem services increases habitat resilience.

¹⁴ For more details of National Character Areas see:

https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decisionmaking/national-character-area-profiles

Appendix 2



Gloucestershire Wildlife Trust Robinswood Hill Country Park Reservoir Road Gloucester GL4 6SX

By email to: Emma Pickernell, Cheltenham BC

Gary Kennison, Gloucestershire CC

Alistair Baxter, Aspect Ecology

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Registered charity number: 232580 Registered in England number: 708575

07 Aug 2020

Proposed Local Wildlife Site at St Edwards Prep School, Charlton Kings (Site under planning application 20/00683/OUT)

Dear Sir/Madam

Regarding the proposal for Local Wildlife Site status on land at St Edwards Prep School, Charlton Kings (Site under planning application 20/00683/OUT).

In order to achieve the goal of a balanced and useful Local Sites system, the Gloucestershire Wildlife Sites Partnership uses minimum habitat and species thresholds that fit the unique biodiversity of the county into a wider context, and a set of general criteria based on the DEFRA-recommended version of the Ratcliffe criteria.

The proposed site does meet the criteria set out in the Key Wildlife Sites (now referred to as Local Wildlife Sites [LWS]) handbook (2015), being greater than 0.5 ha (site is approximately 3.5 ha), confirmed as MG1 grassland habitat by NVC survey carried out by Aspect Ecology in July 2019 and Aug 2020 and by Bioscan in July 2019 and recording, through combination of all of the above surveys 22 species from the grassland list. However, MG1 can cover a wide range of grassland condition, from very high grass cover and few herbs through to much lower grass density and significant herb cover. As it stands at the moment, the proposed site is of borderline LWS quality and the LWS process requires it to be examined by the LWS selection panel to determine whether it should be adopted as a LWS or not. The panel may be unable to convene before the planning application goes to committee.





The site lies within a gap in grassland ecological network connectivity. Enhancement to grassland habitat within this area would benefit the ecological network and with appropriate management the quality of the grassland on this site could be enhanced within a relatively short time. Irrespective of the LWS selection panel decision, it is Gloucestershire Wildlife Trusts view that any development on this site should provide a strong commitment to biodiversity net gain and a strong management and maintenance plan for both the grassland and veteran tree features on the site.

Kind regards

Dr Juliet Hynes

Gloucestershire Nature Recovery Network Coordinator

Appendix 3

Headline result

	Habitat units	35,15
On-site baseline	Hedgerow units	0.00
	River units	0.00
	a and the second of the	
On-site post-intervention	Habitat units	31.26
(Including habitat retention, creation, enhancement &	Hedgerow units	0.00
succession)	River units	0.00
	Habitat units	0.00
Off-site baseline	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention	Habitat units	0.00
on-site post-intervention	Hedgerow units	0.00
(Including habitat retention, creation, enhancement &	River units	0.00
Total net unit change	Habitat units	-3,89
i otal net unit change	Hedgerow units	0.00
(including all on-site & off-site habitat retention/creation)	River units	0.00
Total net % change	Habitat units	-11.07%
iotal net 70 change	Hedgerow units	0.00%
(including all on-site & off-site habitat creation + retained habitats)	River units	0.00%

Appendix 3 – Metrix 2.0 output

A-1 Site habitat baseline

	Habitats and areas		Habitat distinctiveness	Habitat condition	Ecological connectivity	Strategic significance	Ecological baseline	gical Retention category biodiversity value				alue		
Broad Habitat	Habitat type	Area (ha)	Distinctiveness	Condition	Ecological connectivity	Strategic significance	Total habitat units	Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Baseline units succession	Area lost	Units lost
Grassland	Grassland - Other neutral grassland	3.3967	Medium	Moderate	Low	Location ecologically desirable but not in local strategy	29.89		1.06	0.00	9.33	0.00	2.34	20.56
Heathland and shrub	Heathland and shrub - Mixed scrub	0.15	Medium	Poor	Low	Area/compensation not in local strategy/ no local strategy	0.60	0.09		0.36	0.00	0.00	0.06	0.24
Woodland and forest	Woodland and forest - Other woodland; broadleaved	0.34	Medium	Moderate	Low	Area/compensation not in local strategy/ no local strategy	2.72		0.26	0.00	2.08	0.00	0.08	0.64
Woodland and forest	Woodland and forest - Other woodland; broadleaved	0.16	Medium	Moderate	Low	Area/compensation not in local strategy/ no local strategy	1.28		0.11	0.00	0.88	0.00	0.05	0.40
Lakes	Lakes - Ponds (Non- Priority Habitat)	0.003	High	Poor	Medium	Area/compensation not in local strategy/ no local strategy	0.02			0.00	0.00	0.00	0.00	0.02
Heathland and shrub	Heathland and shrub - Mixed scrub	0.08	Medium	Moderate	Low	Area/compensation not in local strategy/ no local strategy	0.64			0.00	0.00	0.00	0.08	0.64
	Total site area ha	4.13					35.15	0.09	1.43	0.36	12.29	0.00	2.61	22.50

A-2 Site habitat creation

	_			Ecological connectivity	Strategic significance	Temporal multiplier	Difficulty multipliers	Habitat
Proposed habitat	Area (hectares)	Distinctiveness	Condition	Ecological connectivity	Strategic significance	Time to targetDifficulty of creationcondition/yearscreation category		units delivered
Heathland and shrub - Mixed scrub	0.06	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	7	Low	0.56
Urban - Woodland	0.41	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	32+	Low	1.57
Urban - Suburban/ mosaic of developed/ natural surface	1.28	Low	Good	Low	Area/compensation not in local strategy/ no local strategy	5	Low	6.43
Grassland - Other neutral grassland	0.85	Medium	Good	Low	Location ecologically desirable but not in local strategy	15	Low	6.58
Lakes - Ponds (Non- Priority Habitat)	0.0097	High	Good	Medium	Area/compensation not in local strategy/ no local strategy	5	Low	0.16
Totals	2.61							15.30

A-3 - Site habitat enhancement

Baseline habitats	Change in distinctiveness and condition					Ecological connectivity	Strategic significance	Temporal multiplier	Difficulty multipliers	Habitat	
Baseline habitat	Proposed habitat (Pre-populated but can be overridden)	Distinctiveness change	Condition change	Area (hectares) Distinctiveness Condition Ecolog connec scor		Ecological connectivity score	Strategic significance	Time to target condition/years	Difficulty of enhancement category	units delivered	
Grassland - Other neutral grassland	Grassland - Other neutral grassland	Medium - Medium	Moderate - Good	1.06	Medium	Good	Low	Location ecologically desirable but not in local strategy	15	Low	12.06
Woodland and forest - Other woodland; broadleaved	Woodland and forest - Other woodland; broadleaved	Medium - Medium	Moderate - Good	0.26	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	15	Medium	2.49
Woodland and forest - Other woodland; broadleaved	Woodland and forest - Other woodland; broadleaved	Medium - Medium	Moderate - Good	0.11	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	15	Medium	1.05
			Total area	1.43						Enhancement total	15.60

Appendix 4

Appendix 4 – Warwickshire Metric output

Pre-dev	velopment assessment											
Existing habitats on site Please enter <u>all</u> habitats within the site boundary		Habitat distinctiveness		Habitat condition		Habitats to be <u>retained</u> with no change within development		Habitats to be retained and <u>enhanced</u> within development		Habitats to be <u>lost</u> within development		
code	Phase 1 habitat description	Habitat area (ha)	Distinctiveness	Score	Condition	Score	Area (ha)	Existing value	Area (ha)	Existing value	Area (ha)	Existing value
	Direct Impacts and retained habitats			А		В	С	A x B x C = D	E	A x B x E = F	G	A x B x G = H
B22	Grassland: Semi-improved neutral grassland	3.39	Medium	4	Moderate	2			1.06	8.48	2.33	18.64
A131	Woodland: Mixed semi- natural woodland	0.34	Medium	4	Moderate	2			0.26	2.08	0.08	0.64
A131	Woodland: Mixed semi- natural woodland	0.16	Medium	4	Moderate	2			0.11	0.88	0.05	0.40
A22	Woodland: Scattered scrub	0.23	Medium	4	Poor	1	0.09	0.36			0.14	0.56
	Total	4.12				Total	0.09	0.36	1.43	11.44	2.60	20.24
												ΣD + ΣF + ΣH
										Site habitat biodiversity value		32.04

Post-de	velopment assessment											
	Proposed habitats on site (Onsite mitigation)	9	Target ha distinctiv	bitats eness Target habita		tat condition		Time till targ	et condition	Diffie	Habitat biodiversity value	
code	Phase 1 habitat description	Area (ha)	Distinctiveness	Score	Condition	Score		Time (years)	Score	Difficulty	Score	
	Habitat Creation	N		0		Р			Q		R	(N x O x P) / Q / R
A21	Woodland: Dense continuous scrub	0.06	Medium-Low	3	Good	3		3 Years	1.1	Low	1	0.49
A112	Woodland: Broad-leaved plantation	0.41	Medium	4	Good	3		10 years	1.4	Medium	1.5	2.34
n/a	Built Environment: Gardens (lawn and planting)	1.28	Low	2	Good	3		3 Years	1.1	Low	1	6.98
B22	Grassland: Semi- improved neutral grassland	0.85	Medium	4	Good	3		5 years	1.2	Medium	1.5	5.67
	Total	2.60										
	Habitat Enhancement						Existing value S (= F)					((NxOxP)- S)/Q/R
B22	Grassland: Semi- improved neutral grassland	1.06	Medium	4	Good	3	8.48	3 Years	1.1	Low	1	3.85
A131	Woodland: Mixed semi- natural woodland	0.26	Medium	4	Good	3	2.08	10 years	1.4	Low	1	0.74
A131	Woodland: Mixed semi- natural woodland	0.11	Medium	4	Good	3	0.88	10 years	1.4	Low	1	0.31
	Total	1.43									Trading down correction value	-7.47
											Habitat Mitigation Score (HMS)	12.91
				HBIS =	HMS -				-	1		

Habitat Biodiv

Percentage of biodi

	Loss	Gain
Woodland Habitat	1.60	
Grassland Habitat	18.64	
Wetland Habitat	0.00	
Other Habitat (including Built Environment)	0.00	
Total	20.24	

versity Impact Score	-7.33
iversity impact loss	36.22
	Impact
3.88	2.28
9.52	-9.12
0.00	0.00
6.98	6.98
20.38	0.14
Trading down	-7.47
	-7.33

Appendix 5

Monitoring the condition of lowland grassland SSSIs

Part 2 - A test of the rapid assessment approach

No. 315 - English Nature Research Reports

working today for nature tomorrow

Mesotrophic Grassland Indicator Species

Species name	Mesotrophic Indicator score	6 (G):
Achillea ptarmica	1	Cirsiun
Agrimonia eupatoria	1	Coelog
Agrimonia procera	1	Colchie
Ajuga reptans	1	Conope
Alchemilla filicaulis	4	Crepis
Alchemilla glabra	4	Dactyle
Alchemilla monticola	8	Dactyle
Alchemilla xanthochlora	4	Dactyle
Allium vineale	1	Dactyle
Alopecurus bulbosus	4	Dactyle
Anemone nemorosa	2	Dactyle
Avenula pubescens	1	Dactyle
Blysmus compressus	2	Dantho
Botrychium lunaria	2	Eleocha
Brachypodium sylvaticum	1	Epilobi
Briza media	2	Epilobi
Bromus commutatus	4	Epipaci
Bromus racemosus	4	Equiset
Caltha palustris	1	Equiset
Campanula rotundifolia	2	Equiset
Cardamine pratensis	1	Euphra
Carex acutiformis	1	Euphra
Carex caryophyllea	2	Euphra
Carex demissa	2	Euphra
Carex diandra	2	rostkov
Carex distans	2	Festulo
Carex disticha	2	Filipen
Carex divisa	4	Fritilla
Carex echinata	2	Galium
Carex flacca	2	Galium
Carex hostiana	2	Galium
Carex muricata	4	Genista
Carex nigra	2	Gentiar
Carex ovalis	2	Gerani
Carex pallescens	2	Gerani
Carex panicea	2	Geum r
Carex pilulifera	2	Gymna
Carex pulicaris	2	Hordeu
Carex spicata	2	Hyacin
Carex tomentosa	8	Hydroc
Carex vesicaria	2	Hyperic
Carum verticillatum	2	Hyperic
Centaurea nigra	1	Isolepis
Centaurium erythraea	1	Juncus
Cirsium dissectum	4	

Species name	Mesotrophic Indicator score	
Cirsium heterophyllum	4	
Coeloglossum viride	1	
Colchicum autumnale	4	
Conopodium majus	1	
Crepis paludosa	2	
Dactylorhiza fuchsii	1	
Dactylorhiza incarnata	2	
Dactylorhiza maculata	2	
Dactylorhiza maculata x D. fuchsii	2	
Dactylorhiza majalis	4	
Dactylorhiza purpurella	4	
Dactylorhiza traunsteineri	2	
Danthonia decumbens	2	
Eleocharis palustris	1	
Epilobium palustre	1	
Epilobium parviflorum	1	
Epinootum pur vijior um	2	
Equisatum palustra	1	
Equisetum patenos	2	
Equiserum pratense	1	
Equiserum sylvaticum	2	
Euphrasia anglica	2	
Euphrasia arctica ssp borealis	0	
Euphrasia nemorosa (incl E. curta)	.2	
Euphrasia rostkoviana ssp rostkoviana	8	
Fastulalium Ializaaum	1	
Festuloitum ioitaceum	1	
	2	
Calimana meleagris	0	
Galium palustre	1	
Galium uliginosum		
Galium verum	1	
Genista tinctoria	2	
Gentianella campestris	1	
Geranium pratense	2	
Geranium sylvaticum	4	
Geum rivale	4	
Gymnadenia conopsea	2	
Hordeum secalinum	1	
Hyacinthoides nonscripta	1 .	
Hydrocotyle vulgaris	1	
Hypericum maculatum	1	
Hypericum tetrapterum	1	
Isolepis setacea	2	
Juncus compressus	4	

Species name	Mesotrophic Indicator score	Species name	Mesotrophic Indicator scor
Juncus subnodulosus	1	Primula farinosa	2
Knautia arvensis	1	Primula veris	2
Koeleria macrantha	2	Primula veris x P. vulgaris	2
Lathyrus montanus	1	Primula vulgaris	2
Lathyrus nissolia	4	Pulicaria dysenterica	1
Lathyrus pratensis	1	Ranunculus auricomus	2
Leontodon hispidus	2	Ranunculus bulbosus	- 1
Leontodon saxatilis	2	Ranunculus ficaria	1
Leucanthemum vulgare	1	Ranunculus flammula	1
Linum catharticum	1	Rhinanthus minor	1
Listera ovata	2	Sagina nodosa	1
Lotus corniculatus	1	Sanguisorba minor	1
Lotus tenuis	1	Sanguisorba officinalis	8
Lotus uliginosus	1	Saxifraga granulata	2
Luzula campestris	1	Senecio aquaticus	1
Luzula multiflora	1	Senecio erucifolius	1
Lychnis flos-cuculi	1	Serratula tinctoria	2
Lysimachia nummularia	1	Silaum silaus	8
Meum athamanticum	4	Stachys officinalis	2
Molinia caerulea	1	Stellaria graminea	1
Myosotis discolor	1	Stellaria palustris	1
Myosotis secunda	1	Succisa pratensis	2
Narcissus pseudonarcissus	1	Thalictrum flavum	- 2
Oenanthe fistulosa	1	Thymus polytrichus	2
Oenanthe pimpinelloides	8	Trifolium fragiferum	- 8
Oenanthe silaifolia	8	Trifolium medium	1
Ononis repens	1	Trifolium ochroleucon	8
Ononis spinosa	2	Triglochin palustris	4
Ophioglossum vulgatum	2	Trisetum flavescens	1
Orchis mascula	2	Trollius europaeus	4
Orchis morio	4	Valeriana dioica	4
Oxalis acetosella	1	Valeriana officinalis	1
Parentucillia viscosa	4	Veronica officinalis	1
Parnassia palustris	2	Veronica scutellata	. 2
Pedicularis palustris	1	Vicia orobus	4
Pilosella officinarum	1	Vicia tenuissima	1
Pimpinella saxifraga	2	Vicia tetrasperma	1
Plantago media	1	Viola canina	2
Platanthera bifolia	2	Viola hirta	2
Platanthera chlorantha	2	Viola riviniana	2
Polygala serpyllifolia	2		
Polygala vulgaris	2		
Polygonum bistorta	8		
Polygonum viviparum	2	2 a	
Potentilla anglica	1	£	
Potentilla erecta	1		
Potentilla palustris	2		