ECOLOGY PROOF OF EVIDENCE

LAND AT MODEL FARM, PORT ROAD, RHOOSE, VALE OF GLAMORGAN

Prepared on behalf of Legal and General (Strategic Land) Ltd by
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Contents

1 INTRODUCTION

1.1.1 This document comprises the **ecology proof of evidence**, prepared on behalf of the appellant Legal and General (Strategic Land) Ltd, in support of the appeal against non-determination for the proposed development of a business park on land at Model Farm, Port Road, Rhoose, in the Vale of Glamorgan (planning ref. 2019/00871/OUT; appeal ref. CAS-02641-G8G7M5).

1.2 Qualifications and Experience

1.2.1 I am Tim Oliver and I hold a Bachelors degree in Biological Science (Ecology) from UEA, awarded in 1990 and a Masters degree in Landscape Ecology, Design and Management from Wye College, University of London 1995. I am a Full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM). I have more than 30 years of professional experience in the ecology and biodiversity sector, working primarily as a consultant ecologist.

1.2.2 I am Technical Director (Ecology) at RPS where I have led the Bristol ecology team since joining in October 2007. In my work for RPS I specialise in ecological impact assessment, biodiversity enhancement and ecological mitigation design.

1.3 Statement of Truth

1.3.1 The evidence which I have prepared and provide in this proof of evidence is true and is given in accordance with the guidance of the professional institutions of which I am a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). I confirm that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.

1.4 Purpose of this Proof of Evidence

1.4.1 Application 2019/00871/OUT was presented at the VoGC Planning Committee on the 1st March 2023. The case officer's report presented to the Planning Committee recommended that the application be approved subject to conditions and a Section 106 Agreement. The Planning Committee voted against the officer's recommendation. The application, however, was not refused since Members of the Committee were unable to provide reasons for refusal in order for the application to be determined. Therefore no decision notice was issued and appeal was made against non-determination under s.78 Town and Country Planning Act 1990.

1.4.2 Following the making of the appeal, two putative reasons for refusal were presented in relation to the scheme. The first related to biodiversity assets:

In the absence of an up to date preliminary ecological appraisal, the proposed development fails to appraise the biodiversity interests at this site. The proposed development does not incorporate, conserve or enhance biodiversity interests, as those biodiversity interests have not been quantified in the first instance.

As a result, the development is contrary to the requirements of Policies MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European importance) of the Vale of Glamorgan Local Development Plan 2011 – 2026, guidance within the Biodiversity and Development SPG; National guidance contained within Planning Policy Wales (Edition

11, 2021), Policy 9 of the Future Wales National Plan 2040 and the Sustainable Development Principle No.2 of the Well-being of Future Generations (Wales) Act 2015.

1.4.3 Following a committee meeting dated 12 December 2024, Vale of Glamorgan Council withdrew both reasons for refusal. Nevertheless the Planning Inspector has indicated that nature conservation is an issue which should be considered at the inquiry.

1.4.4 In this proof of evidence, I assess the development proposal compliance with the section 6 duty imposed by Environment (Wales) Act 2016 ("the 2016 Act")), adoption of the mitigation hierarchy and consistency with planning policies relating to biodiversity.

1.4.5 The key biodiversity assets have been identified to enable an informed decision to be reached with regard to the scheme's impact on designated sites, habitats and species, with reference to the mitigation and enhancement measures included within the outline planning application and through detailed design and long term management to be secured and implemented through planning conditions and the Section 106 agreement.

1.5 Project Involvement and Role

1.5.1 I have been involved in the project since spring 2019. The baseline surveys in 2018 and 2019 were undertaken by the RPS ecology team in Cardiff led by Mike Shrewring and Kate Davies. I provided technical support to the Cardiff team and approved baseline ecology reports including the Outline Biodiversity Strategy in 2019 and Precautionary Dormouse Strategy.

1.5.2 In 2019, the Proposed Additional Mitigation and Wildlife Enhancement Plan were drafted in consultation with the VoGC Ecologist with a site walkover of parts of Area B undertaken with VoGC at that time.

1.5.3 In 2023/2024, the programme of surveys was led by my colleague Lloyd Richards MCIEEM. Lloyd defined the survey scope, and prepared the baseline survey reports. I retained oversight of the surveys, findings and assessments over this period and reviewed and approved the ecology reports.

1.5.4 I have visited the Model Farm site during ecological surveys on three occasions, most recently in spring 2023.

1.5.5 This proof should be read in conjunction with Chapter 9 (Ecology) of the Environmental Statement (ES), prepared in August 2024 (RPS 2024) including the Preliminary Ecological Appraisal (PEA) prepared in August 2024, and Protected Species Survey Report, and Green Infrastructure Statement included as appendices to the ES chapter.

2 MAIN ISSUES

2.1 The adequacy of the environmental statement.

2.1.1 PEDW issued an Environmental Statement Completeness Report on 12 June 2023 which formally requested further information under Regulation 24 of the EIA Regulations including an Ecology Chapter. This was included in the updated Environmental Statement which provided a detailed appraisal of biodiversity interests at the site.

2.1.2 The VoGC has subsequently withdrawn the previously agreed putative reason for refusal (1) in respect of the appraisal of biodiversity interests at the site due to the "submission of new ecological evidence that was not before the council at the time it resolved its putative RfR.

2.1.3 The ES chapter was prepared in August 2024 by Lloyd Richards. The assessment covered defined important ecological receptors, comprising sites of importance for nature conservation (SINCs), priority habitats, European Protected Species and priority species.

2.1.4 It brought together survey data collected between spring 2018 and autumn 2019 and the updated surveys undertaken in summer/autumn 2023 and spring/summer 2024 in 2023/2024 to provide up to date baseline information.

2.1.5 Relevant best practice survey guidance was followed during the surveys. Some changes in the ecological baseline were recorded in 2023/2024 as would be expected for mobile species and changes in agricultural management. A precautionary approach has been adopted in the impact assessment to allow for further change in advance of the commencement of each separate phase of construction.

2.1.6 Embedded mitigation and additional mitigation measures as set out in the ES chapter include the preparation of a Detailed Biodiversity Strategy, habitat creation specifications within the soft landscape scheme, a Construction Environment Management Plan with environmental controls on construction works, and an external lighting strategy to protect green corridors.

2.1.7 The residual impacts, as defined in Table 9.10 of the ES biodiversity chapter, have been derived in this context and provide a realistic assessment of the effects and predicted outcomes following detailed design and the successful implementation of the defined measures. The ES chapter is consistent with the most recent best practice guidance at the time of its preparation; Guidelines for Ecological Impact Assessment in the UK and Ireland v1.2 (CIEEM, 2018).

2.2 The effect of the proposed development on nature conservation interests

2.2.1 The proposed development site is referred to as Area A in the Ecology ES Chapter and this proof. The Porthkerry Country Park Extension is referred to as Area B. Both areas form the application site.

European Protected Species (subject to protection under the Habitat Regulations)

2.2.2 The recorded European Protected Species (EPS) within Area A were bats (various species), and hazel dormouse. The bat species and hazel dormouse will also occur in Area B. The local otter population and great created newts are also considered in this section for completeness.

Bats

2.2.1 In the ES chapter the site is classified as having county importance in relation to foraging, commuting and roosting bats. Bats will be affected by the loss of hedgerows in Area A, demolition of the farmhouse and farm buildings and the loss of trees. The cessation of agricultural activity and built development would also have the potential to adversely affect bat foraging behaviour for some species in Area A.

Activity

2.2.2 The proposed development will change the context of retained hedgerows and the internal spine road will create gaps in corridors within the green infrastructure provision.

2.2.3 Mitigation for commuting and foraging bats will be through extensive replacement hedgerow planting, existing hedgerow infill planting, and the creation of new woodland and scrub habitat. The proposed Green Infrastructure includes buffers alongside the

majority of retained habitats. The detailed habitat creation specifications would be controlled through planning condition. External lighting will also be controlled through planning condition with a requirement to avoid elevated light spill onto sensitive habitats including road and pedestrian route intersections of the green infrastructure.

Roosts

2.2.4 Individual soprano pipistrelle and common pipistrelle were recorded roosting in several features in the farmhouse / barn complex during surveys in 2018/19 and 2023/2024. Two day roosts used by individual male noctule bats and one day roost used by a common pipistrelle were recorded in trees.

2.2.5 The BCT classify both pipistrelle species as common and widespread in Wales and define the noctule bat as '*widespread in many geographies but not abundant in all in south-west England and Wales'* (Reason, P. F. and Wray, 2023).

2.2.6 Day roosts of these species (when used by very small numbers of non-breeding bats during the active season) classify as low status bat roosts and have importance in the context of the site.

2.2.7 Tree dwelling bats frequently switch between roosts and will use features in many different trees over an active season. Consistent with this behaviour, each of three identified tree roosts recorded were only being used by bats during one of the survey visits and will be using different roost features in the locality.

2.2.8 Mitigation/compensation for the loss of bat roosts would comprise the installation of a range of bat boxes on trees located on flightlines on the boundary of Area A and within the country park extension. The incorporation of integrated bat boxes into new buildings and built structures within the development would also be adopted where practical. The type and nature of buildings would inform where bat boxes could be installed. Should operational buildings be unsuitable for integrated bat box installation, or if their context is sub-optimal (minimum operational lighting requirements for example), the provision of tree mounted bat boxes would be increased.

2.2.9 The specifications of bat box provision (number and box types) would form part of detailed design for each phase of development. The measures would be secured through the EPS licence (mitigation for loss) and through planning condition (enhancement). Based on the status of roosts recorded in 2023/2024 a minimum of 28 bat boxes would be installed in woodland and woodland edge habitat, primarily within the country park extension.

2.2.10 The planning committee report 1 March 2023 confirmed that VoGC had consulted with Natural Resources Wales (NRW) on the presence of bat roosts during the determination process. It states that NRW advised that, subject to the mitigation measures recommended in the ecological report being carried out, the development would not be detrimental to the maintenance of the population of the protected species. NRW were reconsulted by VoGC prior to the committee meeting confirmed their position remained the same in December 2022. The number, nature and status of the roosts recorded in the 2023/2024 surveys was equivalent to those recorded in 2018/2019.

2.2.11 The need for EPS species mitigation licences for bats is fully recognised. All measures required under the licence would be formally agreed with NRW. Engagement will be through the Discretionary Advice Service and a draft/ghost licence would be prepared ahead of detailed EPS bat mitigation licence applications. There has never been any

indication that appropriate licences would not be forthcoming, if planning permission were granted. The Officer's Report addresses the legal tests and I have nothing to add here[1].

2.2.12 It is recognised that bat roost status can change over time. The site and country park extension provide flexible options for the bat roost provision. Area A and Area B combined provide the scope to implement all necessary measures to fully mitigate the loss of roost features, through bat box provision on trees, integrated bat boxes on buildings and, if necessary, a purpose-built bat house in the event of the establishment of a high status roost. The licensing controls and scope to increase the bat mitigation provision in the event of a change in roost status provide assurance that the phases of development would not be detrimental to the maintenance of bat populations.

Hazel Dormouse

2.2.13 The dormouse presence/absence survey covering the habitats in Area A, recorded a nest on the north-eastern boundary hedgerow which connects two areas of woodland. The survey confirmed the presence of a local population which has been classified in the Ecology ES Chapter as having county importance. The woodland and existing hedgerow network in Areas A and B will be contributing to the status of the local population.

2.2.14 The development would impact on this species through reducing connectivity in the network in Area A. The internal spine roads would cross green corridors within Area A with further potential fragmentation. Lighting and indirect effects from construction could also adversely affect dormice activity.

2.2.15 Dormice generally occur at low densities. In optimal habitat-diverse deciduous woodland with an abundant shrub layer, the mean density of adults in spring is between 4 - 10 per ha (Bright, P. et al, 2006). Woodland and scrub provide the core dormouse habitat with hedgerow habitats typically forming additional habitat and facilitating the movement of individuals through a landscape.

2.2.16 Across Area A and B there are 9km of intact hedgerow and 0.5km of gappy hedgerows, equating to at least 2.7ha of habitat.

2.2.17 Within Area A the majority of the agricultural and pasture field boundaries were primarily lined by native species-rich or species-poor hedgerows. The managed hedgerows were no wider than 2 m, and up to 2.5 m in height. Under a precautionary approach only a relatively low number of dormice are anticipated to be present in the sections of the hedgerow network in Area A that would be subject to loss 2km in total. A hedgerow network with an average width of 2m wide would be broadly equivalent to 0.4ha of dormouse habitat.

2.2.18 Mitigation would take the form of protection buffers, replacement hedgerows, hedgerow enhancement, woodland/scrub expansion, sensitive vegetation clearance, installation of dormouse boxes and woodland management.

2.2.19 The carrying capacity of woodland /scrub is considered to be on average 50 dormice per nine hectares of suitable habitat. The extent of existing woodland habitats in the country park extension would be greater than 9 ha with good connection to the hedgerow network.

2.2.20 New woodland planting (1.25ha), new hazel scrub (0.96ha), new mixed scrub (0.17ha), and new mixed species hedgerows (2,324m) would create many areas of new dormouse

[1] CD no…… pp.102-3

habitat connected to retained habitats increasing the carrying capacity. Management in retained woodland would include provision breeding, and hibernation features and would maintain the mixed range of food sources over time. Phasing hedgerow cutting over a 3 year rotation would significantly increase sources of food compared to hedgerows that are flailed annually. These measures would be defined in the Detailed Biodiversity Management Strategy and controlled through planning conditions and the Section 106.

2.2.21 It is anticipated that a single NRW dormice mitigation licence would be obtained covering all the phases of development with compensation planting to be brought forward as part of the first phase of construction. Importantly the design of the new shrub, woodland and hedgerow planting would reinforce connections between woodland habitats creating a continuous corridor on the southern side of the proposed Development Area A.

2.2.22 Hazel dormouse species protection, mitigation and habitat compensation measures would be subject to review and revision, in consultation with NRW through the Discretionary Advice Service. NRW raised no objection to the LDP allocation or the planning application. Direct engagement with NRW licensing has been initiated through their Discretionary Advice Service. The outline measures would be subject to detailed review and revision, in consultation with NRW through this process. It is proposed that the EPS mitigation licence method statement would be agreed with NRW in principle, prior to the final licence submission. At the earlier stage, the precautionary assumption was made that dormice were present in Area A, as explained in the Committee Report and licensing was considered in relation to this species as well as bats. As in the case of bats, I have nothing to add by way of update to the assessment at the March 2023 Committee stage.

Otter

2.2.23 There is a total of 12 records of otter from within 2km of the application site including from Whitelands Brook adjacent to the site boundary, together with an historic record of a dead otter on Port Road. No fields signs of otter were recorded in the sections of Whitelands Brook or Bullhouse Brook during the targeted otter surveys in 2019, 2023 and 2024. Periodic use the brooks by the local otter population has been assumed. No dens or resting places were found within Area A or the immediate vicinity but the watercourse are corridors through which they can move through the landscape. Features within the application site will have value to the local otter population which is classified in the Ecology ES chapter as having county importance.

2.2.24 Potential effects on otter relate to construction noise, vibration, visual disturbance and lighting. With otters being generally less active during the day, there is reduced potential for impacts on individual otters moving along the watercourses within the application site.

2.2.25 Habitat creation, enhancement and management measures in woodland and close to watercourses could result in temporary disturbance of otter.

2.2.26 The protection zones incorporated into the site layout would be detailed in the CEMP and their maintenance would be secured by condition.

2.2.27 Pre-construction surveys would reassess status prior to start of activities that could disturb otter. No site clearance would take place until the results of the survey, and proposed mitigation measures, had been submitted to and approved in writing by VoCG. Should a higher value feature (resting place/den) be established prior to construction, the appropriate mitigation would be controlled through planning condition and if impacts could not be avoided an EPS otter mitigation licence.

Great Crested Newt

2.2.28 Surveys of the on-site pond in 2019 and 2024 returned results confirming the absence of great crested newt DNA in the water samples collected. The pond habitat is a sub-optimal habitat for this species and breeding populations are considered to be absent.

Priority Habitats

2.2.29 Habitats listed in Section 7 of the Environment (Wales) Act 2016 are referred to as' Priority Habitats.

2.2.30 The three priority habitats within the application site are broadleaved woodland including ancient woodland (county importance), watercourses (local importance) and hedgerows (district importance).

2.2.31 Three areas of ancient woodland are located within the application site. All are non-statutory designated sites namely; North West Bullhouse Brook SINC, North Bullhouse Brook SINC and West of Old Rectory SINC. A further non-statutory designated site, South West of Church Farm SINC, supports semi-improved grassland but this habitat type does not classify as a priority habitat.

Broadleaved Woodland and Watercourses

2.2.32 All the areas of ancient woodland and the watercourses are located outside the development areas and are principally located in Area B.

2.2.33 Potential effects during construction relate to dust, surface water management, and pollution events. During operation impacts could arise from lighting or pollution.

2.2.34 The buffer zones alongside retained woodland and watercourses create stand offs between site activities and these priority habitats, although in one location the potential development footprint adjoins a small 0.07ha block of priority woodland habitat connected to the eastern boundary.

2.2.35 Environmental protection measures during construction related activities would be detailed in the CEMP. The design and implementation of these measures would be secured through condition.

2.2.36 The hazel and mixed species shrub planting in buffer zones alongside woodlands is consistent with the NRW recommendation stated in the planning committee report in 2023 to help protect woodland habitat.

2.2.37 In Area B, 6.95ha of ancient woodland and 4.44ha of semi-natural broadleaved woodland would be subject to targeted low intervention management. Broad objectives in the Outline Biodiversity Strategy include maintaining deadwood habitats and protecting/increasing the diversity of ancient woodland ground flora.

2.2.38 Watercourse enhancement would be achieved through the exclusion of grazing livestock and management of dense bramble to promote the establishment of marginal vegetation communities that are currently absent.

2.2.39 Full details and specifications would be included in the Detailed Biodiversity Management Strategy and secured under planning condition and the Section 106 agreement.

2.2.40 There are no anticipated residual adverse effect on the conservation value of the broadleaved woodland and watercourse habitats during construction, with management having the potential to result in benefits to woodland habitats in a district context.

Hedgerows

2.2.41 The hedgerow network across the application site is classified in the Ecology ES Chapter as of District value providing links between woodland and forming part of the local habitat network linking features within the site to habitats in the wider area.

2.2.42 The development would result in the partial loss of the hedgerow network in Area A. The context of retained hedgerows in Area A would also change.

2.2.43 Retained sections of hedgerow in Area A would be crossed by the internal roads increasing their fragmentation and their context will be altered once the proposed development is operational.

2.2.44 The loss of hedgerow in Area A would be approximately 2000m, (comprising 1600 m of species-rich hedgerow and 400 m of species-poor hedgerow) but there would be potential for the length of loss to be reduced at the detailed design stage.

2.2.45 Over 3km of new hedgerow planting would be undertaken as mitigation. In Area A, new hedgerow planting would reinstate connections to North of Bullhouse Brook SINC and Bullhouse Brook SINC, including new sections of hedgerow along the southern margin of Area A. The hedgerow to be lost on the western boundary (due to the Rapid Transport Corridor) would be replaced on the boundary of the proposed development. A new boundary hedge would be created on the northern boundary, alongside the new cycleway / footpath. Further replacement hedgerows are located within Area B and have been sited to increase connectivity between woodlands.

2.2.46 Indirect impacts on hedgerows could occur during construction in the absence of protection measures. Minimum buffer zones are to be provided alongside hedgerows (retained and created) and would be subject to environmental protection measures defined in the soft landscape scheme and Detailed Biodiversity Management Strategy and implemented through the CEMP. Each of these would be secured by condition.

Other Habitats

2.2.47 The other main habitats in the proposed development (Area A) are arable fields with cereal crops, arable fields with wildflower crops, and grasslands with species composition the reflect agricultural improvement and nutrient enrichment. Where present in Area A and outside retained buffer zones these habitats would be lost.

2.2.48 Mitigation includes the creation and enhancement of grassland in Area B, creation of a new wetland habitat on low-lying ground adjacent to the watercourses. Mitigation would target the establishment and maintenance of habitats of higher value than improved and poor semi-improved grassland within the connected network of mixed habitat types in Area B.

Priority Species

2.2.49 Species listed in Section 7 of the Environment (Wales) Act 2016 and Birds of Conservation Concern in Wales are referred to as' Priority Species.

Mammals

2.2.50 Two priority mammal species have been confirmed to use the Site. These are: brown hare, and harvest mouse, while a further two - European hedgehog and polecat – are assumed to utilise habitats within the site based on habitat suitability. Whilst arable farmland provides a foraging resource for brown hare, cereal croplands generally provide limited resting places and shelter. The site is classified as having local importance for these species. Effects would be direct through direct loss of habitat and indirect during construction activities. These species would be displaced from Area A and direct injury would be possible in the absence of species protection. Artificial lighting and the change in context of habitats in Area A could also affect use during operation. Buffer habitats and the broader habitat creation proposals would provide mitigation for these species, in the form of scrub planting, new grassland, new hedgerows, and changes in habitat management. Low intensive management of edge habitats adjoining hedgerows, scrub and woodland in the country park extension would provide new opportunities for each of these species.

Birds

2.2.51 The breeding bird assemblage includes a number of farmland bird species that have suffered from historic declines and are classified as being of conservation concern and/or priority species.

2.2.52 The existing breeding bird assemblage would be affected by the partial loss of the hedgerow network, change in context of retained hedgerows in Area A, and the loss of arable fields. Noise and lighting could also affect bird behaviour and the status of species in Area A during construction and operation phases.

2.2.53 New planting of hedgerows and scrub habitat would mitigate for the loss of habitat in Area A losses for most bird species, but the losses are expected to have an adverse effect on some species.

2.2.54 Targeted measures for farmland birds in the country park extension are the management of 8 ha of grassland for breeding skylark and the annual sowing of 6ha of sacrificial cropland which would provide winter food for farmland bird species. In the country park extension the many of the established hedgerows would not be subject to trimming on rotation, instead of annual flailing, which would increase nesting opportunities, increase both fruiting and flowering and provide more food resources for birds. All these measures would be defined in the Detailed Biodiversity Management Strategy which would be secured through planning condition and the Section 106 agreement.

2.3 Consistency with the Development Plan and other relevant policies

2.3.1 The proposed development and country park extension have evolved with reference to biodiversity planning policies.

2.3.2 In line with Local Development Plan Policy MD9, the proposal aims to minimise impacts on biodiversity and avoid residual adverse impacts on biodiversity features through species protection during construction and the establishment and future management of new habitats around Area A and across the country park extension.

2.3.3 Proposed mitigation for Species of European importance is detailed in Section 2.2 of this proof, which sets out the measures that would be adopted to safeguard the conservation

status of bats and dormouse within the application site, consistent with Local Development Plan Policy MG19 and MG20.

2.3.4 The incorporation of SINC designated sites into the country park extension with the introduction of low intervention management and monitoring aligns to Policy MG21.

2.3.5 The proposed Porthkerry Country Park extension, to be managed for biodiversity, closely aligns with targets in The Well-being of Future Generations Act (Wales) 2015. Created and managed habitats would form a coherent ecological network with biodiverse habitats that would be accessible to public and increasing opportunities for positive experiences in a natural environment.

2.3.6 Although the national guidance on biodiversity contained within Planning Policy Wales (Edition 12, 2024), was published several years after the green infrastructure was designed at Model Farm, the approach taken followed a mitigation hierarchy approach referenced in the VoG Biodiversity and Development Special Planning Guidance 2018. The Green Infrastructure Statement included as an appendix to the Ecology ES Chapter expressly responds to the recently updated version of Planning Policy Wales.

Avoidance

2.3.7 The Proposed Development has been designed with ecological input as a key consideration in site design. The Indicative Concept Layout (JCD0064-003-T-210511) has avoided sensitive receptors as far as has been possible. As presented in the Green Infrastructure Statement key biodiversity avoidance measures include:

- Protection of ancient woodland SINCs and buffer zones
- Protection of Bullhouse Brook and Whitelands Brook and the eastern boundary hedgerow
- Incorporation of the northern part of North West Bullhouse Brook SINC into Area A
- Incorporation of the northern part of North West Bullhouse Brook SINC, Southwest of Church Farm SINC and part of West of Old Rectory SINC into Porthkerry Country Park Extension
- Protection of otter habitat.

Minimisation

2.3.8 The potential adverse effects on the hedgerow network within Area A have been reduced with the partial retention and re-creation of existing hedgerows.

2.3.9 The Parameter Plan – Green Infrastructure (JCD0064-006-J-210607) reduces the effects on connectivity through the sections of new green corridors and buffers to maintain functional links around the margins of Area A.

2.3.10 Planting shrub and trees buffers alongside SINC designated woodlands will increase their resilience to environmental pressures.

2.3.11 Retained sections of hedgerow and the buffers are on linear east-west and north-south alignments. Although internal roads would create gaps, the retained and replacement hedgerows, in combination with swales and grassland, would provide ‘stepping stone’ habitats through Area A.

2.3.12 Phased development would delay habitat loss in parts of the site during an extended construction period of multiple phases.

2.3.13 Advanced planting of replacement habitats (woodland, scrub and hedgerows) in Area B which would be created at the outset of the first phase of construction.

2.3.14 This would ensure that, for the later phases of development, the new habitats would be more established at the time when existing habitats are removed. Advanced habitat creation would reduce the time between loss and re-establishment of equivalent habitat structure and condition, especially for hedgerow and grassland.

Mitigation

2.3.15 Overall, the proposals within the business park and country park extension include a range of habitat creation proposals to mitigate the effects of the partial loss of the hedgerow network and grassland as a result of the proposed development. These are defined in Table 9.7 and Table 9.8 of the Biodiversity Ecology ES chapter. Headline measures include:

- Planting of 3.01 km of new hedgerows,
- Planting of 300m of native infilling planting in multiple gaps in existing hedgerows to reinstate continuous boundaries;
- 1.5 hectares of new hazel dominated scrub habitat connected;
- 1 hectare of new mixed species native scrub habitat; and
- 2.5 hectares of new broadleaved woodland planting.

2.3.16 The Detailed Biodiversity Management Strategy would be substantially in accordance with the management objectives and measures presented in the GI statement appended to the Ecology ES chapter and the Outline Biodiversity Strategy (RPS, 2019) which has been informed by the DECCA Framework. These would be refined and formalised in the Detailed Biodiversity Management Strategy, to be approved by the LPA. With the land transferring to VoGC there would be collaborative engagement with the VoG countryside team on the requirements and work specifications in Area B.

2.3.17 Mitigation for the effects of hedgerow loss and fragmentation on bat activity and the dormice population are addressed through the hedgerow and scrub planting, the creation of new blocks of woodland and the additional woodland connectivity that they would be provide additional suitable habitat on the southern limits of Area A and within Area B. All proposed woodland, scrub, grassland and croplands will provide new nesting sites for a range of both common and widespread breeding birds and those that are considered to be notable, such as the farmland bird community (skylark, linnet and yellowhammer). More than 8 ha of grassland and sacrificial cropland will be provided, this will provide benefits for ground nesting birds with 6 ha specifically managed for skylark in the centre of Area B and its southern limits.

Restoration

2.3.18 The Outline Biodiversity Strategy (RPS, 2019) references that targeted management and enhancement would be undertaken in ancient woodland and broadleaved woodland with a focus on increasing deadwood habitat. The Detailed Biodiversity Management Strategy would build on the outline measures. It is anticipated to include rotational coppicing of

hazel to maintain age structure and abundance of hazelnuts, introduction of additional honeysuckle and the management of ash trees suffering from ash dieback disease.

2.3.19 Targeted conservation management in SINC designated ancient woodland would be designed to safeguard and improve their biodiversity value. These measures would be secured by condition and all details will be subject to approval from VoGC.

2.3.20 The new shrub and tree planting between the SINC woodlands would also restore / create connections between blocks of ancient woodland that have become isolated. The woodland within the application site is connected to further blocks of ancient woodland and SINC designated habitats to the east, partly within the existing Porthkerry Country Park.

2.3.21 Whilst the Bullhouse Brook and Whitelands Brook qualify as priority habitats, wooded sections of these watercourses have been heavily modified from agricultural inputs and the banks and margins have been trampled by farm animals. In other sections, strips of bramble overgrow the channel to the exclusion of wetland habitat. Exclusion of livestock from the woodland and control of the bramble would create features where wetland diversity would establish through natural colonisation.

2.3.22 The species diversity in lower value grassland in the country park extension will have been affected by past agricultural improvement and management. Reducing grazing intensity or timing, and/or adopting 'cut and collect' management regimes would enable populations of notable vascular plant species to increase and spread.

2.3.23 A Habitat Management Plan would be prepared for the Country Park Extension. A separate Habitat Management Plan would be prepared for the Green Infrastructure in Area A which includes the northern part of North west Bullhouse SINC. The preparation of both management plans would be secured through planning condition.

2.3.24 Funding for all management and monitoring activities will be secured via the Section 106 agreement.

Net Benefit for Biodiversity

2.3.25 Measures are proposed to secure the future management and maintenance arrangements for the extension to the Porthkerry Country Park. This would be the primary means of achieving a net benefit for biodiversity, through the protection and enhancement of key ecological features. Measures have been designed to achieve benefits for terrestrial fauna, including bats, dormice and breeding birds.

2.3.26 Restoration activities relating to priority habitats would contribute to the biodiversity net benefits that would be delivered alongside the proposed development.

2.3.27 The Detailed Biodiversity Management Strategy and management specifications would fully set out the details of all habitat creation, conservation management specifications and ongoing biodiversity monitoring. These reports would be formally approved by the VoGC prior to the commencement of first phase of construction.

2.3.28 The Parameters Plan – Green Infrastructure (JCD0064-006-J-210607) illustrates how the biodiversity design for the Model Farm development would enhance the area within the Application Site for biodiversity, in keeping with the DECCA framework to support Resilient Ecological Networks.

2.3.29 Successful implementation of the long-term management and monitoring is entirely within the control of VoGC through funding through Legal and General for the first 20 years and entirely being owned and managed by VoGC at the end of this period.

2.3.30 On successful establishment of the replaced hedgerows within Area A and the additional hedgerows within Area B, there would be a net increase in hedgerow habitat. Residual effects should be beneficial potentially at a local scale.

2.3.31 Successful establishment of the proposed scrub planting and new woodland and the management of existing woodland would lead to a beneficial effect on this habitat, potentially at a district scale.

2.3.32 Management of the banks of the watercourses are likely be beneficial, at least in the context of the Site.

2.3.33 The expected biodiversity value of all the habitats being retained, created and enhanced would be higher than the current biodiversity value of the application site.

2.3.34 Management for biodiversity would be adaptive and aligned to defined targets. The value of all the habitats contributing to the overall net biodiversity benefit would be informed by monitoring. Feedback through the monitoring process would ensure that management actions and specifications achieve the biodiversity objectives and targets.

2.4 Whether planning obligations are necessary for the development to proceed.

2.4.1 The proposed Section 106 agreement requires the 48ha extension to Porthkerry Country Park. In addition to which it secures the funding for provision of mitigation and enhancement. These would be undertaken by the VoGC countryside team. Ongoing management and maintenance , fully funded by L&G over the 20 year period following then transfer of the land. This will all contribute to the delivery of net benefit for biodiversity.

2.4.2 The Section 106 agreement obligations have been agreed.

2.4.3 Commuted sums are being allocated for the capital works in Area B covering all the habitat creation works which will include woodland, shrub and hedgerow planting. The VoGC countryside team have calculated the financial contributions required for the different elements of management and maintenance relating to biodiversity accounting for the costs of the anticipated elements of work associated with habitat creation and management.

2.4.4 Many of the habitat management requirements in the country park extension will be similar in nature to many of the management practices routinely undertaken by the VoGC in the existing Country Park would also be relevant to Area B. Conservation work, habitat creation, and biodiversity recording are core activities of the VoG countryside team alongside projects to restore and enhance grassland for pollinators and wider biodiversity benefit. Consequently allocated costs for management and monitoring defined in consultation with the VoGC countryside team would accurately reflect the funding required.

2.5 Whether any planning permission should be the subject of conditions.

2.5.1 A number of planning conditions would be required to secure the design and implementation of the mitigation and enhancement measures referred to in the Ecology ES chapter and in this proof.

2.5.2 The appellant has committed to the preparation of a Detailed Biodiversity Management Strategy. The document would cover Areas A and B, providing would provide details of

- all habitats (retained and created) and other ecological features and the proposed distribution
- all habitat creation specifications and schedule of works
- the conditions/targets that all habitats (retained and created) are expected to achieve;
- scheduling and timings long-term management, annual and periodic tasks (separate habitat management tasks and work programmes for Area A and Area B)
- monitoring activities and programme
- method of management plan review and update
- aftercare plan cover a 5 year period for new planting and grassland seeding
- all responsibilities for implementation, funding and reporting;

2.5.3 The Detailed Biodiversity Management Strategy would cross-refer to the EPS species mitigation licences for bats and dormouse.

2.5.4 Pre-construction surveys would be undertaken to ensure that the baseline information remains up to date so that prior to the commencement of any phase of the development. These would be secured through a planning condition.

2.5.5 The Construction Environment Management Plan (CEMP) would include species protection method statements with implementation ahead of, and/or alongside, site construction activities. Procedures within the CEMP would include toolbox talks, ecological supervision, nest site protection, control of invasive non-native plant species and biosecurity.

2.5.6 Pre-commencement surveys would define changes in the status of target species and inform the content of the CEMP relevant to each phase of development including the implementation of all precautionary working measures which would be required for legislation compliance and consistency with planning policy.

2.5.7 Further planning conditions of direct relevance to biodiversity and the protection of habitats are:

- Detailed external lighting scheme (demonstrating minimal light spill on the boundary of sensitive areas (ancient semi-natural woodland, retained boundary hedgerows and the main green infrastructure corridors)
- Soft Landscape Scheme with all the elements of habitat creation corresponding with the specifications in the Detailed Biodiversity Management Strategy
- Arboricultural Impact Assessment defining the protection of retained trees and the edge of the woodland edge

3 CONCLUSIONS

3.1.1 The Inspector has requested that the ecology and biodiversity implications of the proposals are considered at the inquiry.

3.1.2 In summary, the proposed development would result in the loss of part of the hedgerow network in Area A.

3.1.3 The proposed development would give rise to temporary negative effects on certain key important ecological features, during the phased development of the site. Impacts relate to habitat loss, fragmentation and indirect effects from construction activities. There are also expected to be effects on the behaviour of species in parts of Area A once operational where there is a change in the context of retained habitats.

3.1.4 None of the important ecological features identified in the Ecology ES Chapter are predicted to be subject to negative effects of high magnitude (e.g. significant in terms of wider local populations) and all are predicted to fully recover as a result of mitigation and enhancement.

3.1.5 The development has integrated the highest value habitat into connected green infrastructure (SINCs, ancient woodland, watercourses). These features would be integrated into the proposed development with enhanced connectivity and maintained links with the wider environment.

3.1.6 Mitigation is provided for impacts on legally protected species, priority habitats/species and birds of conservation concern. EPS Species mitigation licences would be obtained for bats and dormouse.

3.1.7 The Detailed Biodiversity Management Strategy would provide detailed design for all the biodiversity mitigation measures and set out how they would be implemented over the long-term. The strategy and the associated conservation management and monitoring would be secured through planning conditions and a Section 106 agreement.

3.1.8 In my opinion the proposed development can deliver a net benefit for biodiversity with proposals consistent with the DECCA framework and can promote ecosystem resilient networks within the application site.

3.1.9 From the submitted information in the ES Chapter including the Green Infrastructure statement, I conclude that the submitted development proposals would be in accordance with national and local planning policies relevant to biodiversity.

3.1.10 My findings draw on the evidence base established by RPS from 2019 through to 2024, professional opinion, and experience, and are aligned with my professional accreditation.

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