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Biodiversity Net Gain Assessment May 2024

34 Keats Lane Earl Shilton

**HSSP Architects Ltd
Mr Paul Batson**



Report for

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1. Introduction

1.1 Background

Three Shires Ltd was commissioned by HSSP Architects Ltd on behalf of Mr Paul Batson in December 2023 to undertake a Biodiversity Net Gain (BNG) assessment on land located at 34 Keats Lane, Earl Shilton, LE9 7DR (hereafter known as 'the Site').

Following submission of the initial ecological assessment with the planning application, the LPA ecologist's response requested a BNG assessment to be undertaken and submitted. This was undertaken in January 2024 by Three Shires Ltd ecology team and recorded the presence of autumn hawkbit (*Scorzoneroides autumnalis*). In response to this submission to the LPA, a further survey at a more optimum time of year was requested, as this species was considered to be an indicator of lowland meadow (albeit one of several species that are not 'indicator' species but do form part of the lowland meadow priority habitat suite of species).

Therefore, an additional survey was conducted on 13 May 2024 by Senior Ecologist Hayley Fuller (FISC Level 4) and Assistant Ecologist Sara De Vittoris from Three Shires Ltd, again following the UKHab Classification guidelines¹.

This issue of the report retains the results of the first issue in January 2024 but includes an updated BNG calculation based on the reassessment conducted in May 2024, along with a detailed description of the species composition of the habitats present on site.

1.2 Site Location and Description

The 0.89Ha Site is located approximately 3km northeast of Hinckley, with the city of Leicester about 24km east. It sits within a residential area along Keats Lane and is bordered by extensive arable fields to the north.

The approximate centre of the Site is Ordnance Survey National Grid Reference (SP 46524 98134).

The Site is predominantly grassland bordered by overgrown and unmanaged hedgerows on the northwest and west, with residential properties along the south. It includes various other habitats such as a small broadleaved wood, sparsely vegetated land, areas of scrub, and a line of trees. Additionally, there are outbuildings including a stable block and a field shelter, along with sizable areas of hardstanding. There is a pond located just north of the Site boundary.

For the most part, the Site appears to be used for horse grazing and it is divided into paddocks by electric fencing. Although the Site has a history of equine use, both the activity itself and the land management practices have decreased in recent times. As a result, areas that were previously managed have now been taken over by natural vegetation.

The Site location, Site boundary and surrounding landscape can be seen in **Figures 1** and **2**, below.

¹ UKHab Classification guidelines – Version 2.0 (2018,2023)

Figure 1: Site Location

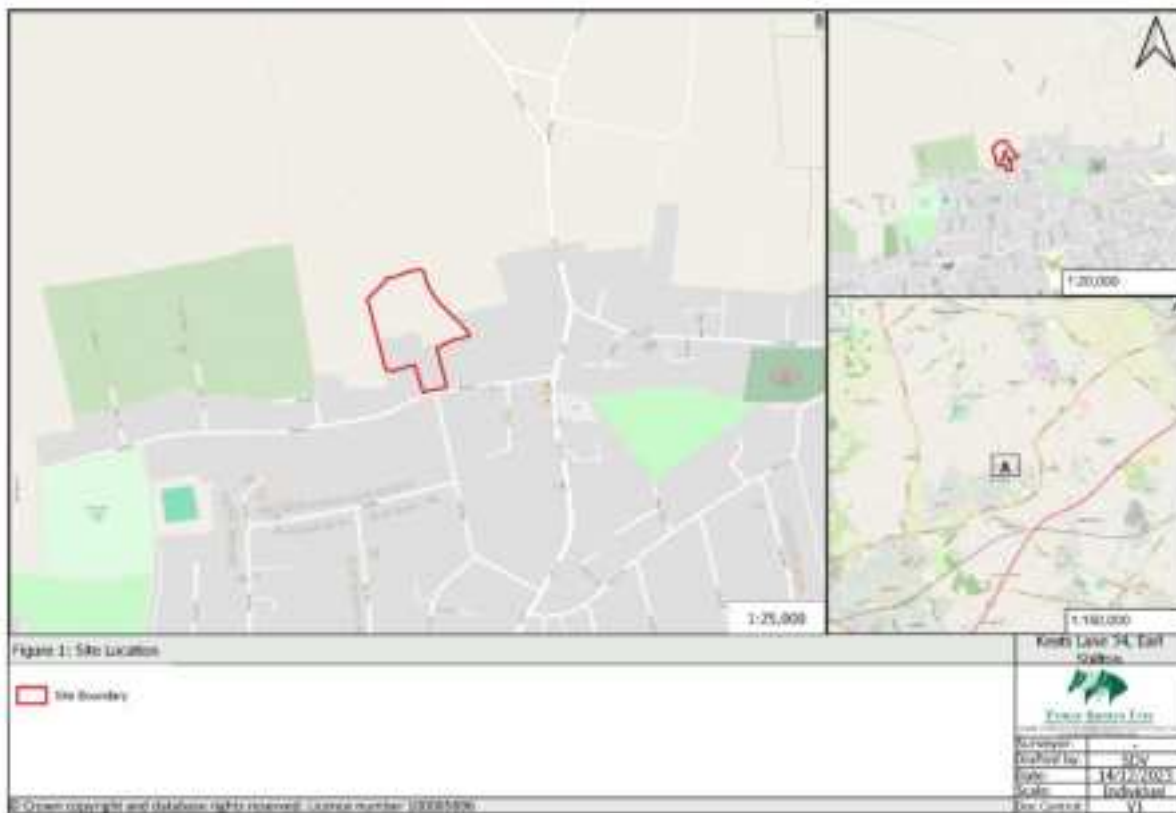


Figure 2: Site Location in the Context with Surrounding Habitats



1.3 Site Proposals

A planning application has been submitted for the development of up to 10 dwellings (some matters reserved except for scale and access). The development plan also includes the construction of block paving, low-level landscape planting, and the establishment of grassland areas and trees. Additionally, the proposal includes hedgerow management to enhance the condition of those present on the Site.

The strategic landscape master plan for the proposed development is presented in **Appendix B**.

1.4 Legislation and Policy

The Scheme must comply with national and local biodiversity policies.

1.4.1 Legislation

The Environment Act 2021² contains provisions that make Biodiversity Net Gain (BNG) a mandatory requirement for developments in England seeking planning permission under the Town & Country Planning Act (1990)³. These provisions were activated on 12 February 2024.

This means Local Authorities across England have a duty to ensure that any plans or projects provide biodiversity net gain, as opposed to the current national planning policy position of 'no net loss'.

BNG and also National Planning Policy require development proposals to demonstrate how the mitigation hierarchy (avoid – mitigate – compensate – enhance) has been applied.

1.4.2 Planning Policy

The most relevant biodiversity policies are the National Planning Policy Framework (NPPF)⁴, and the Hinckley and Bosworth Local Plan Review 2020 - 2039⁵.

1.4.3 National Planning Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied by Local Authorities within their Local Development Frameworks (LDF). The revised NPPF was published in September 2023.

The NPPF states that "planning policies and decisions should "identify and pursue opportunities for securing measurable net gains for biodiversity", with Section 11 requiring Local Authorities in England to take measures to:

- Conserve and enhance biodiversity;
- Protect the habitats of these species from further decline; and
- Protect the species from the adverse effects of development.

The 2021 update to the NPPF includes a requirement for biodiversity improvements and net gains to be integrated into development design from the outset. It strengthens the wording on irreplaceable habitats, and where the public benefit would outweigh the loss or deterioration of irreplaceable habitats will be required

² Environment Act, 2021

³ Town and Country Planning Act, 1990

⁴ Ministry of Housing, Communities & Local Government, National Planning Policy Framework (NPPF), September 2023

⁵ HBBC Local Plan Regulation 19 Consultation February 2022,

https://www.hinckleybosworth.gov.uk/downloads/file/7702/hinckley_and_bosworth_pre-submission_local_plan_regulation_19

to provide detailed justification for the loss of irreplaceable habitats by demonstrating an overriding public need.

1.4.4 Local Planning Policies

The current Local Development Framework, Core Strategy appears to be the current Hinckley and Bosworth planning framework; however it is not possible to find the relevant biodiversity related documents or sections on line. The new Hinckley and Bosworth Local Plan 2020 - 2039 draft is currently being consulted but is not yet adopted as the active working version.

The following policies within the Hinckley and Bosworth Local Plan 2020 - 2039 draft are of relevance for biodiversity and have been given weight in this assessment.

NAT08 Enhancing Biodiversity and Habitat Connectivity

Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management and how the scheme is pollinator friendly. All development should provide a measurable 10% net gain in biodiversity on site in the first instance, through biodiversity enhancement off-site, or through off setting where appropriate. All proposals should be supported by evidence to demonstrate a biodiversity net gain using the recognised biodiversity accounting metric and provide details of the long-term maintenance and management of the net gain. Major developments in particular must include measures to deliver biodiversity gains through opportunities to:

- a) Restore and enhance existing features on site;
- b) Create additional habitats and ecological networks; and
- c) The linking of existing habitats to create links between ecological networks and where possible, with adjoining features.

Biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts on protected local/national BAP priority species. Net Gain can be delivered where there are no losses through development. Proposals where the primary objective is to conserve or enhance biodiversity or geological interest will be permitted where they comply with other relevant policies in the Plan. The retention and enhancement of linear features which enables strong connectivity of biodiversity as part of an integrated habitat network will be supported; this includes networks of hedgerows and ditches; enhanced habitats along the River Sence and Ashby Canal; roadside verges; and (cumulatively) private gardens, disused railway lines or other linear landscape features. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of the hierarchy of international, national and locally designated sites identified in Policy NAT07 is secured. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

2. Biodiversity Net Gain Calculations

This assessment was carried out using the Defra Metric (version 4.0), which is the valid metric for the time of the planning submission.

The condition assessment results are presented in the accompanying spreadsheet.

Biodiversity Net Gain (BNG) calculations require all habitats within the red line boundary of the proposed works to be entered into the calculator, even if it is not impacted by the proposed works. BNG is calculated on three distinct categories of habitats:

- Area based habitats such as grassland, woodland etc measured in hectares.
- Linear habitats such as hedgerows, lines of trees etc measured in km.
- Watercourses such as rivers, streams etc measured in km.

Value of each habitat is measured in biodiversity units (BUs) and broadly based on the three components:

- Distinctiveness – A pre-assigned value by the metric depending on the habitat type.
- Condition – Assessed by the ecologist during the site survey to allow for variation of quality between different parcels of the same habitat type.
- Strategic significance - The local significance of the habitat based on its location and habitat type.

The metric is then be used to calculate the baseline units for each category of the site. To achieve BNG the number of biodiversity units on Site has to be 10% higher than the baseline of each category present on the Site.

This report will present the biodiversity units that are present within the current red line boundary and quantify the impact of the proposals by measuring the value of the habitats post development.

3. Site Baseline Habitats, 5 December 2023

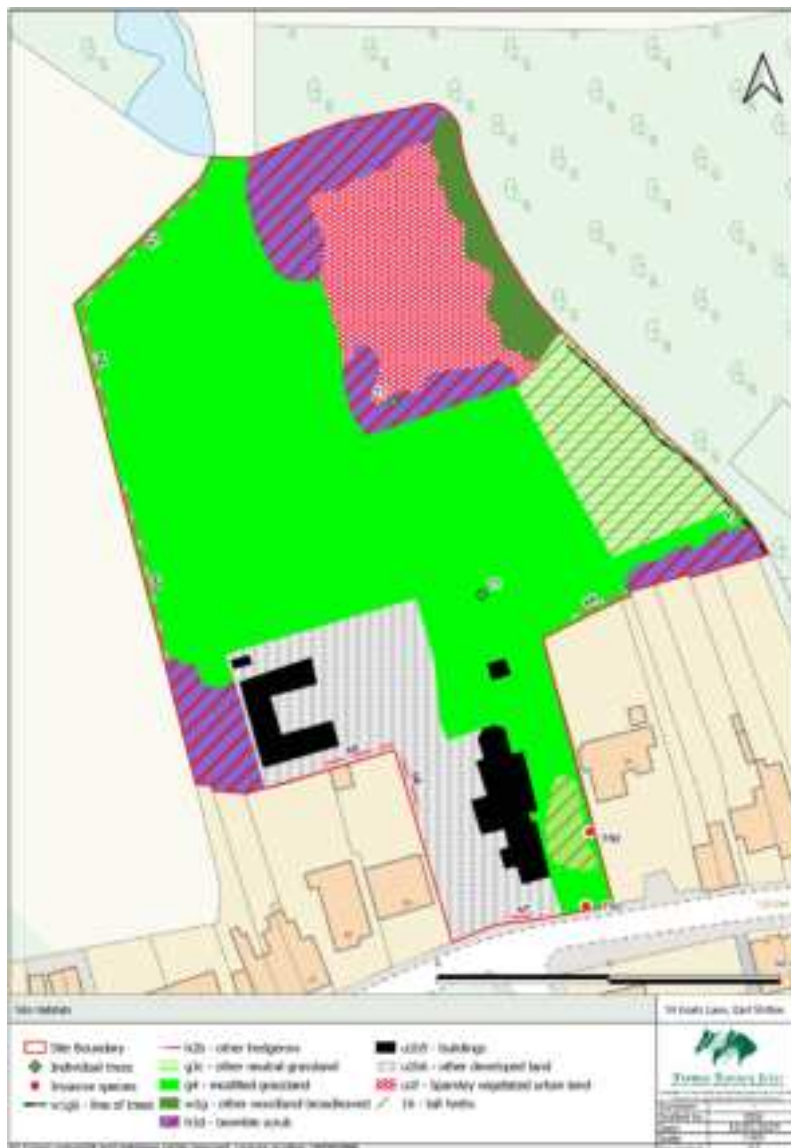
3.1 General Overview

The Site is dominated by grassland areas, bordered by hedgerows to the north-west and west, and is interspersed with scrub areas and a line of trees marking the south-eastern boundary. In the north-east, there is a small section of woodland, with an area of scrub running along the north-east border. The north-eastern area is a former menage which has been out of current use and is being colonised by native plants.

There are four buildings on the Site, all in current use: a residential house (**B1**), a shed (**B2**), a stable block (**B3**), and a field shelter (**B4**). Additionally, extensive hardstanding areas are situated in the southwestern part of the Site.

A description of each habitat is detailed below (along with their UKHab code), with their locations shown in **Figure 3**. An updated version, based on the site visit conducted in May 2024, is presented in **Figure 4**. This map also has an updated red line boundary shown.

Figure 3: Site Habitats Pre-Development



3.2 Grassland

3.2.1 Modified Grassland (g4)

Extensive areas of modified grassland are present in the southern, central, and north-western parts of the Site (**Photographs 1, 2**).

These areas maintain a consistent structure due to frequent grazing by horses. The dominant species is perennial ryegrass (*Lolium perenne*), with occasional presence of cock's foot (*Dactylis glomerata*) and common bent (*Agrostis capillaris*). The plant diversity in this area is minimal, mainly comprising nettle (*Urtica dioica*), common plantain (*Plantago major*), creeping buttercup (*Ranunculus repens*), autumn hawkbit and dandelion (*Taraxacum officinale*).

A multi-stemmed elder (*Sambucus nigra*) (T1) lies in the area of modified grassland. It reaches a height of about 3m and has a main trunk measuring roughly 8 cm in diameter. (**Photograph 7**).



Photograph 1: Modified grassland western area



Photograph 2: Modified grassland centre of the Site

3.2.2 Other Neutral Grassland – Tall Forbs (g3c-16)

An area of other neutral grassland is present in the east part of the Site (**Photographs 3, 4**). Tussocks of grass and forb species characterise this area with a sward of greater height and more tussocky compared to the surrounding grassland areas.

The dominant species is perennial ryegrass with the presence of other grass species such as false oat grass (*Arrhenatherum elatius*), common couch (*Elymus repens*), creeping bent (*Agrostis stolonifera*) and sweet vernal grass (*Anthoxanthum odoratum*). Various forb species were identified, including common nettle, creeping thistle (*Cirsium arvense*), ribwort plantain (*Plantago lanceolata*) and broad-leaved dock (*Rumex obtusifolius*).



Photograph 3: Other neutral grassland to the east of the Site.



Photograph 4: Other neutral grassland northern elevation.

3.2.3 Modified Grassland – Tall Forbs (g4-16)

Located to the south-east of the house is an area of modified grassland with a mound at its centre. (**Photograph 5**). Access to this area was unavailable during the survey.

The mound was dominated by growth of common nettle and was unmanaged, in contrast to the apparently regularly mown surrounding area dominated by perennial ryegrass.

Butterfly bush (*Buddleia davidii*) was discovered in this area on the south and east sides of the Site (**Photograph 6**), as indicated in Target Notes (TN1, TN2).



Photograph 5: Mound dominated by nettle in the south-east area.



Photograph 6: *Buddleia* along the wire fence on the south of the Site.



Photograph 7: Elder located in the south-east of the Site.

3.3 Linear Features – w1g6

3.3.1 Line of Trees (33)

There is one line of trees along the southeastern boundary of the Site (**L1, Photograph 8**).

The line is mostly composed of hawthorn and elder with occasional holly (*Ilex aquifolium*) and English elm (*Ulmus minor*). Most of the trees are semi-mature with no deadwood or hollow areas observed. The composition and structure suggest a former hedgerow, now grown to a height of 10 m and therefore classed as a line of trees.



Photograph 8: Lines of trees along the southeastern boundary.

3.3.2 Native Hedgerow (h2a)

Hedgerows border the north-western and the western Site boundaries (**H1, Photograph 9**; **H2, Photograph 10**). These hedges are mainly composed of hawthorn and bramble, often intertwined with common ivy (*Hedera helix*). While these hedges generally have good height and structure, some sections of hawthorn have grown into small trees, creating gaps at ground level.

Planted hedges are situated within the hardstanding area (H5, H6, H7, **Photographs 12, 13, 14**) and to the south-east of the Site (H4, **Photograph 11**). These hedges appear well-tended and dense, primarily dominated by holly and Leyland cypress (*Cupressus × leylandii*). No visible gaps were observed in these hedges.

The hedge on the south-east of the Site (H4) was dominated by holly and very occasional other species including raspberry (*Rubus idaeus*), bramble, and barberry (*Berberis sp.*).



Photograph 9: Hedgerow 'H1' on the north-west of the Site



Photograph 10: Hedgerow 'H2' along the western boundary



Photograph 11: Hedgerow 'H4' on the south-east of the Site



Photograph 12: Hedgerow 'H5' on the southwest of the Site



Photograph 13: Hedgerow 'H6' on the southwest of the Site



Photograph 14: Hedgerow 'H7' on the south of the Site

3.4 Heathland and Shrub

3.4.1 Dense Bramble Scrub (h3d)

Four distinct areas of dense scrub are located across the Site, with further smaller scattered pockets forming boundaries/edge ecotone habitats. The largest area lies to the north-east of the Site with smaller sections located to the south-east, south-west and centre of the Site (**Photographs 15, 16**).

A single grey willow (*Salix cinerea*) (T2) grows within the bramble scrub section located at the centre of the Site. It stands at a height of around 7m, with the main trunk measuring approximately 15cm in diameter (**Photograph 17**).

All areas are approximately 1.5 – 2m high with species composition dominated by bramble (*Rubus sp.*). Species present at the edges of these scrub areas include nettle, thistle (*Cirsium sp.*), and common dock (*Rumex obtusifolius*).

The north-eastern boundary of the Site consists of a section of unmanaged bramble scrub, resulting in the development of areas of dense, untended vegetation that merge with the adjacent woodland, forming part of its understorey.



Photograph 15: Dense bramble scrub located in the south-west of the Site.



Photograph 16: Dense bramble scrub located in the south-east area of the Site.



Photograph 17: Grey willow located in the north-east of the Site.

3.5 Woodland (w)

3.5.1 Other Woodland - Broadleaved (w1g)

Located in the north-eastern part of the Site is a small woodland area comprising a cluster of planted native tree species (**Photographs 18, 19**). Aerial images indicate that the central part of the woodland existed as early as 1999, whereas the outer section, adjacent to the Site, was planted around 2011. Within the woodland's northern part, there was an abundance of willow saplings.

The area is dominated by grey willow with very occasional hazel (*Corylus avellana*) and silver birch (*Betula pendula*). Due to the time of year, it was not feasible to observe the canopy for space, gaps, or diversity. Nonetheless, the understorey appeared bare with scattered areas of bramble, indicating a generally uniform canopy cover.



Photograph 18: Woodland on the north-east of the Site.



Photograph 19: Mixed woodland, mainly broadleaved.

3.6 Urban (u)

3.6.1 Sparsely Vegetated Urban Land (u1f)

An area of sparsely vegetated urban land is situated in the north-east of the Site and is bordered by woodland to the east, and bramble scrub to the north and south within the Site boundary. This habitat refers to the former menage area and is characterised by a deep sandy substrate dominated by mosses and fungus species, with sporadic tufted plants (**Photographs 20, 21**).

Notably, numerous pixie cup fungi (*Cladonia pyxidata*) were observed, alongside just one greater tussock sedge (*Carex sp.*) plant. The terrain is forming a sandy soil which is beginning to enter into successional vegetation, with these species being early colonisers.



Photograph 20: Ground level of the sparsely vegetated land.



Photograph 21: Sparsely vegetated land northern view.

3.6.2 Buildings (u1b5)

Four structures are located within the Site, being:

B1 - a two-storey residential house made of solid red brick with a tiled roof. It includes a garage to the south and a conservatory to the north (**Photograph 22**). This building has a footprint of approximately 210m² and is not going to be affected by the proposal.

B2 – a wooden shed constructed of tongue and groove boarding with a bitumen felt roof (**Photograph 23**). The building has a footprint of approximately 10m² and is not going to be affected by the proposal.



Photograph 22: Residential house 'B1'



Photograph 23: Shed 'B2'

B3 and B4– Stable Block and Field Shelter: B3 and B4 share a consistent construction style as wooden stables with corrugated metal roofs (**Photographs 24, 25**). Currently in use, they cover an area of 150m² and 10m², respectively. These structures are due to be demolished.



Photograph 24: Stable Block 'B3'



Photograph 25: Field Shelter 'B4'

3.6.3 Urban – Developed Land (u1b6)

The Site comprises a gravel area with planted hedgerows, enabling vehicle entry via the south entrance (**Photograph 26**). This access space extends through the centre of the Site, where there is a second gate leading to the rear part of the residential house where there are larger hardstanding surface areas (**Photograph 27**).



Photograph 26: South entrance gravel driveway



Photograph 25: Hard standing to rear of property

4. Site Baseline Habitats, 13 May 2024

4.1 General Overview

The survey conducted in May identified more species, resulting in the classification of the grassland habitats in the centre, north-west, and west as "other neutral grassland" instead of "modified grassland".

Other habitats on the Site remain unchanged, including modified grassland in the southern part, sparsely vegetated land in the north-east, woodland in the north-east, scattered scrub areas, hedgerows, and line of trees.

The description of the grassland habitat is detailed below (along with its UKHab code), with its location shown in **Figure 4 (Appendix A** for an A3 version).

Figure 4: Site Habitats Pre-Development



4.2 Grassland

4.2.1 Other Neutral Grassland (g3c)

The grassland areas in the north-west, west, and central sections of the Site were reclassified as other neutral grassland instead of modified grassland. These areas encompass approximately 0.525 ha (**Photographs 28, 29**).

The general composition in these areas is dominated by meadow buttercup (*Ranunculus acris*) and sweet vernal grass (*Anthoxanthum odoratum*). Frequent species include cock's-foot (*Dactylis glomerata*), Yorkshire fog (*Holcus lanatus*), and broad-leaved plantain (*Plantago major*). Occasionally, crested dog's-tail (*Cynosurus cristatus*), hoary plantain (*Plantago media*), cat's-ear (*Hypochaeris radicata*), dandelion (*Taraxacum officinale*), broad-leaved dock (*Rumex obtusifolius*), creeping thistle (*Cirsium arvense*), cow parsley (*Anthriscus sylvestris*) common ragwort (*Jacobaea vulgaris*) and hawkweeds (*Hieracium/Pilosella* spp.) were found.

While the species composition was consistent between the north-west, west, and central areas of the Site, the western section exhibited higher moisture levels, as indicated by the presence of abundant field woodrush (*Luzula campestris*). The north-west and central sections also appeared to be more enriched and improved, likely influenced by the local topography, with this being the lowest field leading to a pond located to the north of the Site (**Photographs 30, 31**). This nutrient enrichment was indicated by the presence of nettle, cow parsley and appears to have been improved as it has a higher percentage of perennial ryegrass (*Lolium perenne*).



Photograph 28: Other neutral grassland to the east of the Site.



Photograph 29: Other neutral grassland to the south of the Site.



Photograph 30: Other neutral grassland to the north-west of the Site.



Photograph 31: Other neutral grassland to the centre of the Site.

While autumn hawkbit was occasionally present, it cannot be considered a definitive indicator of lowland meadow. Furthermore, based on the Plantlife rapid assessment criteria⁶, only 4 out of 15 positive indicators (hawkbits, meadow buttercup, crested dog's-tail, and sweet vernal grass) and 4 out of 5 negative indicators (nettle, creeping/spear thistle, docks, and ragwort) were observed.

Although the area retains some remnants of lowland grassland, it currently exhibits clear signs of nutrient enrichment and contains 4 out of 5 negative indicators of lowland grassland/pasture. Consequently, the area was classified as other neutral grassland due to its enriched and improved status.

⁶ [Lowland-Meadow-Rapid-Assessment.xlsx \(live.com\)](#)

5. Post Development Habitats

Figure 5 below shows the Site development plan and **Figure 6** shows the post development habitat mapping based on the Site plan (**Appendix B and C for A3 versions**). The BNG metric assigns the same value to all trees and area habitats associated with gardens. Therefore, areas 'laid to grass' and areas of 'low level landscape planting' from the development plan that are part of the gardens have been grouped as vegetated gardens. The remaining areas 'laid to grass' and 'low level landscape planting' that are not considered to be part of the gardens have been classified as modified grassland areas as no specific planting specifications have been provided. This may be subject to change, however, as they are limited to small areas it will have limited effect on the overall biodiversity value of the Site.

Figure 5. Post Development Site Layout



6. BNG Summary and Recommendations

The baseline BNG value for the Site is:

- Habitat units = **5.26 BU**
- Hedge units = **0.71 BU**

The statutory requirement for Post development BNG is to deliver at least 10% net gain on the baseline BNG unit value calculated for each unit module. Biodiversity unit outputs must not be traded or converted between modules. Compliance with trading rules outlined in the current Defra metric is essential for any habitat creation or enhancement. All enhancements and habitats that contribute to post development units must achieve target conditions within specified timeframes and be maintained for at least 30 years post-development to avoid penalties.

The post development BNG unit value for the Site is:

- Habitat units = **1.36 BU (-74.18%)**
- Hedge units = **0.80 BU (+12.27%)**

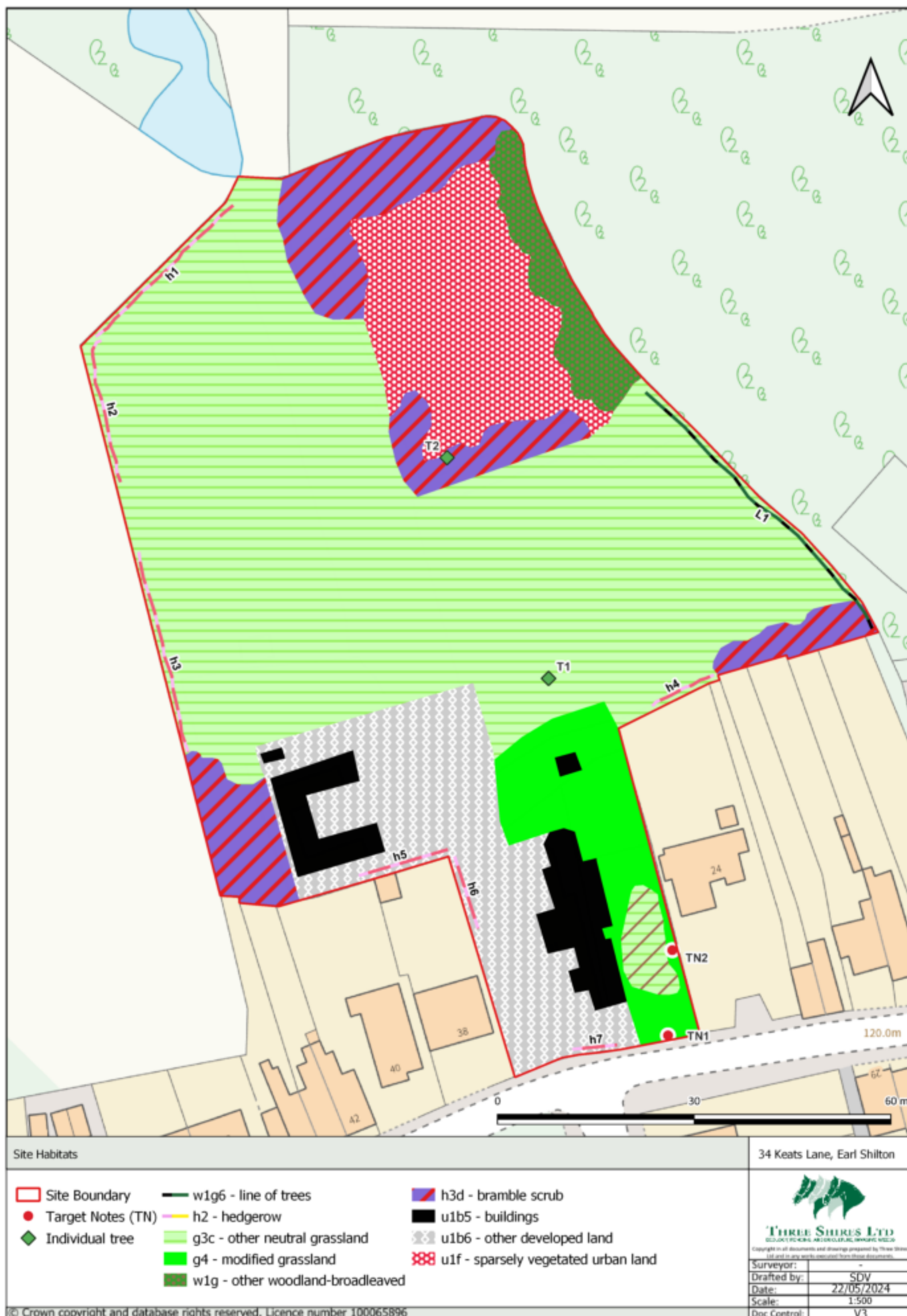
With the current development plans, an additional **4.426 habitat units** will be required to achieve 10% gain on the site. These units will have to adhere to the BNG trading rules by providing units that are the same broad habitat or a higher distinctiveness habitat as the other neutral grassland, woodland and bramble scrub that was lost.

Satisfying the trading rules and achieving no net loss or a net gain on the Site itself will not be possible due to the loss of high value habitats such as the woodland and other neutral grassland.

The development plans should be adjusted to retain and enhance as much of these habitats as possible. This will help to minimise the number of habitat units that will likely be required to be purchased from an off site provider.

All the post development tree and grass planting should use native species.

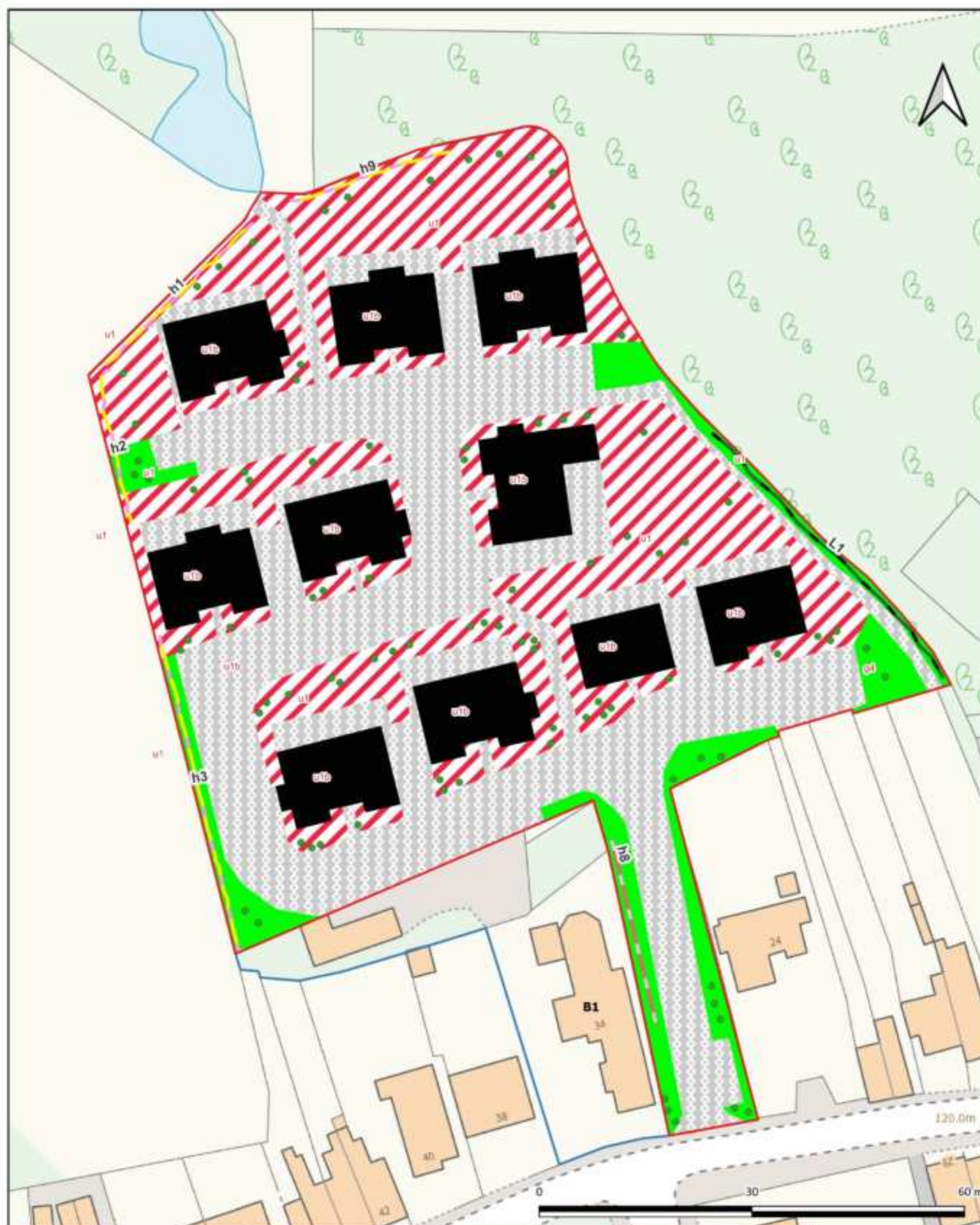
Appendix A: Site Habitats - May 2024



Appendix B: Strategic Landscape Masterplan



Appendix C: Post-Development Habitat Map



Post Development Site Habitats

34 Keats Lane, Earl Shilton

- | | | |
|---|---|---|
|  Land Owned By Applicant |  h2 - hedgerow |  u1b5 - buildings |
|  Site Boundary |  h2b - other hedgerow |  u1b6 - other developed land |
|  Individual trees [90] |  g4 - modified grassland | |
|  w1g6 - line of trees |  u1 - built-up areas and gardens | |



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