

Biodiversity Statement

Residential Development, Land Adjacent To
59 Kennel Lane, Witherley

November 2024

Project	Residential Development, Land Adjacent To 59 Kennel Lane, Witherley – Biodiversity Statement
Client	Daniel Swift
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Executive Summary

Background

CW Ecology Ltd was commissioned by Daniel Swift to undertake a biodiversity net gain assessment (BNG) in support of a planning application for the construction of two dwellings on a car park.

The site covers approximately 0.08ha and the proposals affect more than the *de minimis* threshold of 25sqm of habitat when accounting for degradation. The application is therefore considered subject to the general biodiversity gain condition.

Site Survey

A UK Habitat Classification survey was undertaken on the 29th of October 2024 to collect habitat condition assessment information in accordance with the statutory metric condition assessment sheets. The information collected was entered into the main statutory metric to determine baseline and proposed biodiversity values.

No irreplaceable habitats were recorded during the habitat survey. Review of satellite imagery compared to survey conditions identified that the site has been degraded since January 2020. A previous planning permission covers construction of a car park for part of the site. Degradation is present where the red line extends beyond this previously granted permission. An inferred baseline has been used to represent the habitat pre-degradation.

Outcome

The metric calculation results in a 19.25% gain or 0.01 unit increase for area habitat between the baseline and post-development habitat values. All habitat enhancement proposals fall within the red line boundary.

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1. Introduction

1.1 Background

- 1.1.1 CW Ecology was commissioned by Daniel Swift to undertake a biodiversity net gain assessment for the Land Adjacent to 59 Kennel Lane, Witherley.
- 1.1.2 The assessment is in relation to a planning application for the construction of two residential dwellings. To inform this design stage report, a site visit was undertaken to collect information for a UKHab survey and habitat condition assessment.
- 1.1.3 The site has a central grid reference of SP 3276 9719
- 1.1.4 The site is located to the east of Atherstone in the village of Witherley, with residential streets to the west and agricultural and pasture land to the north, east and south. The nearest main road is the A5 which pass 250 metres to the south. The River Anker passes the site on the other side of housing estate 200 metres to the west.

1.2 Proposed project

- 1.2.1 The proposals include construction of two residential dwellings, associated gardens, landscaping and hardstanding for parking and entry/egress.
- 1.2.2 The proposals for attaining biodiversity net gain have been fully established, and will be met through on-site enhancements.

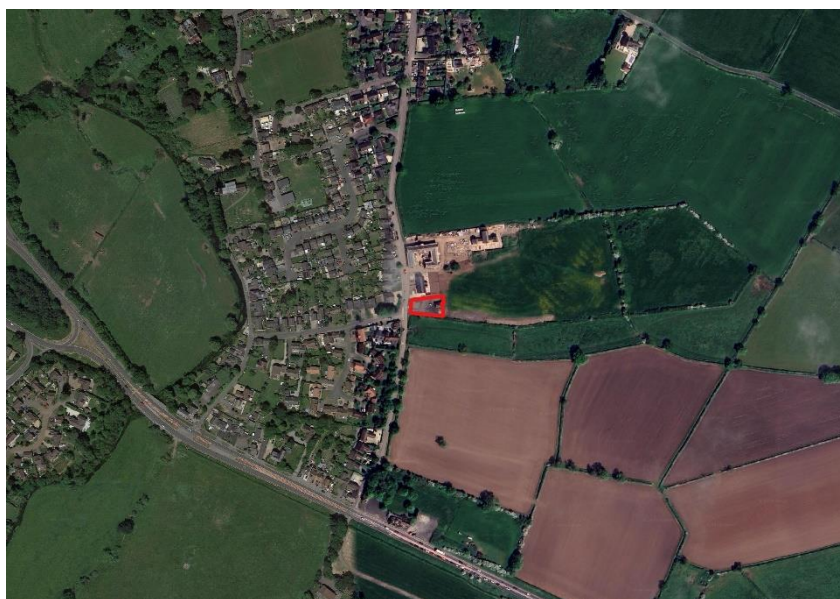


Figure 1: Red line site boundary illustrating surrounding area.

1.3 Aims and Objectives

- 1.3.1 The author is not aware of any previous habitat survey for the site in relation to this application. The aims of this biodiversity statement are, therefore, to:
- establish the baseline habitat unit value, using UKHab and habitat condition assessment;
 - calculate changes to onsite biodiversity units as a result of the proposed development;
 - outline proposed mitigation measures (as far as reasonably possible and where suitable identify enhancement opportunities to demonstrate an overall minimum 10% net gain for biodiversity;
 - satisfy the minimum information requirements at the planning stage for applications subject to the biodiversity planning condition.

1.4 Planning Policy and Legislation

- 1.4.1 The premise of biodiversity net gain is that developments contribute to an overall increase in biodiversity. This is underpinned by the National Planning and Policy Framework 2023 and the Environment Act 2021.
- 1.4.2 Mandatory biodiversity net gain was introduced in February 2024 for large sites and April 2024 for small sites. A summary of relevant legislation is provided in Appendix 3.

2. Methodology

2.1 Desk Study

- 2.1.1 A data search was undertaken as part of the preparation of this report. This included a search of MAGIC Maps for statutory sites and priority habitats within 2km of the site. Previous aerial imagery was screened to identify potential degradation that may have occurred prior to survey.
- 2.1.2 In addition to the information gathered above, local nature recovery policies have been reviewed to provide information about local priorities and strategic significance, specifically:
- Local Development Framework Core Strategy, adopted December 2009. Hinckley and Bosworth Borough Council.
 - Space for Wildlife. Leicester, Leicestershire and Rutland Biodiversity Action Plan 2016 – 2026.
 - Biodiversity Net-gain and Local Wildlife Site Habitat Surveys and Assessment. Planning Ecology Service, August 2022, Leicestershire County Council.
- 2.1.3 This desk study has been used to inform the biodiversity calculation, and considerations for habitat enhancement and creation in terms of complementing the wider landscape and contributing to local species recovery measures.

2.2 BNG Assessment

Site Survey

- 2.2.1 The baseline UKHab survey and habitat condition assessment were conducted on 29th of October 2024 by Hazel Crossley, BSc, MSc (Conservation Biology), who has eight years' experience in ecological consultancy and habitat survey.
- 2.2.2 The weather was overcast, with temperatures of 15°C and light winds.

Baseline Habitat Assessment

- 2.2.3 Habitat data was collected using the UK Habitat classification scheme version 2.0 (UK Habitat Classification, Habitat Definitions V2.0). Each habitat parcel was mapped using the fine scale mapping unit.
- 2.2.4 Habitat condition assessments were completed for each habitat parcel, using the relevant condition assessment sheet associated with the Statutory Metric (The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment Sheets and Methodology, July 2024). This assessment assigns a condition (poor, moderate, good) to each habitat parcel by considering a set of a standard

criteria such as the presence of invasive species, the structure of the vegetation and species richness.

- 2.2.5 A baseline habitat map was produced in QGIS 3.34.4 to determine the areas associated with each habitat parcel. Habitat information was then translated into the metric.

Metric Calculation

- 2.2.6 Biodiversity value was determined using the Main Statutory Metric (released July 2024) and calculated by a competent person as defined in BS8683:2021 namely: Hazel Crossley. Hazel has undertaken training in UKHab Classification and Biodiversity Metric 4.0.
- 2.2.7 Mapped habitat areas were calculated in meters squared using the area values generated from the QGIS template (released 28/11/2023) provided by Natural England as an additional tool to support the Statutory Metric.
- 2.2.8 The Metric automatically assigns the level of habitat distinctiveness, based on a national dataset of instances of the habitat and the level of rarity. The strategic significance was determined by reviewing local policies including interim guidance.
- 2.2.9 The calculations presented in this report have been based on red line boundary and architectural drawings provided by Bailey Design Limited on the 28th of October 2024. The cad drawings were transformed to create a georeferenced shapefile using an affine transformation and defined ground control points.

Iterative Design

- 2.2.10 The proposed habitats and final metric calculation has been established through an iterative design process considering the priorities of the biodiversity gain hierarchy.

2.3 Limitations

- 2.3.1 The areas calculated for the habitat assessment have been based on drawings provided by the Bailey Design Limited. There may be a discrepancy between the cad drawing file areas and the QGIS shapefile areas due differences between software packages. It is not considered that this would result in values that would significantly affect the output of the metric.
- 2.3.2 For this assessment, habitat areas have been calculated to the nearest square metre and lengths to the nearest metre. Resultant values have been input into the metric as hectares or kilometres to the equivalent decimal places.

- 2.3.3 It is not possible to compare different versions of the Metric. Future comparisons should be made using the same metric or reinput the equivalent habitat if a newer version is available.

3. Baseline Biodiversity Value

3.1 Desk Study

Designates Sites (statutory)

- 3.1.1 No statutory sites were returned within 2km of the site.

Designated sites (non-statutory)

- 3.1.2 No non-statutory sites were identified within 2km of the site. Magic Maps does not, however, provide reliable information on local wildlife sites.

Habitats

- 3.1.3 Two notable habitats occur within 500 metres of the site. There are floodplain grazing marsh present to the south of the A5, associated with the River Anker and deciduous woodland which occurs roughly 430m to west on a road island of the A5. Additional habitats are present within 2km including further floodplain grazing marsh, good quality semi-improved grassland and lowland meadow. An area of ancient and semi-natural woodland, along with ancient replanted woodland is present 1.8km to the southwest. Traditional orchard occurs as a 0.72 hectare parcel that lies beyond Drayton lane 1.8km to the east. An area of open mosaic habitat is present next to the Covery Canal 1.7km to the south of the site.

3.2 Baseline Conditions

- 3.2.1 The desk study identified that the land use has changed since the 30th of January 2020. A planning application, 22/00660/FUL, for extension of house numbers 57 and 59 Kennel Lane, was granted in September 2022. This permission was for a two-storey rear extension and conversion of the field to the south of these dwellings to a car park with eight spaces. A variation of condition application, 22/01232/CONDIT, which was granted in March 2023, included relocation of the parking bays to the front and side of these properties.
- 3.2.2 Habitat degradation refers to an activity that lowers the value of the onsite habitat baseline. Degradation is considered for unauthorised activity occurring between the 30th of January 2020 and the relevant date, or activity undertaken in connection with a planning permission carried out after the 25th of August 2023. As the permission for the car park was granted and likely implemented prior to August 2023, construction of the car park is not considered degradation.

- 3.2.3 The red line boundary for the current application, however, extends beyond that granted in the previous consent. The additional land included within the present application, which is at the east of the site, to the north and south of the building, has been converted to artificial surface. This area is considered degraded and has been inferred as grassland in the baseline.
- 3.2.4 The 'relevant date' for onsite pre-development biodiversity value is taken to be the date prior to the identified degradation. This is estimated to be around September 2022.
- 3.2.5 No irreplaceable habitats were identified within the red line boundary. A description of the habitats recorded during the site visit is presented below with UKHab classification in brackets.

Urban Land

- 3.2.6 The site is a gravel car park (u1c 804) with tarmac accessway (u1b6), and existing brick building (u1b5 833).

3.3 Baseline Metric

- 3.3.1 The full metric calculation has been provided in a separate accompanying document. Table 1 below details the pre-development area-based habitats and their corresponding biodiversity value. Condition assessments for the habitats are presented in Appendix 3.

Table 1 - Baseline distinctiveness, condition and strategic significance for non-linear features including their habitat value.

Habitat Type	Area (ha)	Distinctiveness	Condition	Strategic Significance	Biodiversity Value
Artificial unvegetated; unsealed surface	0.0505	Very Low	N/A	Area not in local strategy	0.00
Developed land; sealed surface	0.0085	Very Low	N/A	Area not in local strategy	0.00
Modified grassland	0.0112	Low	Poor	Area not in local strategy	0.02
Modified grassland	0.0127	Low	Moderate	Area not in local strategy	0.05

- 3.3.2 The total area baseline biodiversity value for the site is 0.07 units.

- 3.3.3 A local nature recovery strategy (LNRS) is under development for Leicestershire with an anticipated publications date of July 2025. In the interim, strategic significance has been determined using professional judgement and existing biodiversity policies such as the Leicestershire Biodiversity Action Plan. The strategic significance of all habitats has been classified as low or not within the local strategy on the basis that planning permission has been granted for the car park and the inferred habitat would not have offered significant connectivity to the wider landscape.
- 3.3.4 No hedgerow habitat or watercourse habitat was present within the baseline.

4. Post-development Biodiversity Value

4.1 Proposed Habitats

Urban land

- 4.1.1 An overall increase of 78 sqm of developed land will be generated as compared to the baseline through the construction of the new building, parking area and paving. When considering the habitat present at the time of survey, an increase of 310sqm of habitat is generated in the form of vegetated garden. The existing field access is retained.
- 4.1.2 Developed land does not have an associated biodiversity value and the condition is set by default. Vegetated garden has a fixed value and condition.

Urban Trees

- 4.1.3 Two small native trees will be planted to the east of the site to compensate for loss of the former grassland. The target condition for the new trees has been set to 'moderate' and a two-year delay has been applied to reflect the time between habitat loss and planting.

4.2 Proposed Biodiversity Value

- 4.2.1 Table 2 below details the proposed development area-based habitats and their corresponding biodiversity value.

Table 2 - Proposed distinctiveness, condition and strategic significance for area features including their habitat value.

Habitat Type	Status	Area (ha)	Distinctiveness	Condition	Biodiversity Value
Artificial unvegetated, unsealed surface	Retained	0.0115	Very Low	N/A	0.00
Developed land; sealed surface	Retained	0.0071	Very Low	N/A	0.00
Modified grassland	Retained	0.0022	Low	Poor	0.02
Artificial unvegetated, unsealed surface	Created	0.0075	Very Low	N/A	0.00
Developed land; sealed surface	Created	0.0236	Very Low	N/A	0.00
Vegetated garden	Created	0.0310	Low	N/A	0.06
Urban tree	Created	0.0081	Medium	Moderate	0.02

4.2.2 The strategic significance of all of the habitat parcels post development has been left as low or not within the local strategy.

4.2.3 The total post-development biodiversity value for area habitats is 0.09 units. This is equivalent to a 0.01 unit increase or gain of 19.25%. The mandatory 10% gain can be met on site and there is no requirement for off-site units.

4.3 Application of the Biodiversity Gain Hierarchy

4.3.1 The biodiversity gain hierarchy is a process which first considers minimising the loss of ecologically valuable habitat through iterative design. If loss cannot be avoided, on-site enhancement is then prioritised, with off-site solutions being considered as a last resort.

4.3.2 In line with the hierarchy, several potential solutions for delivering biodiversity net gain have been considered for these proposals. The main element of biodiversity loss is generated through the removal of modified grassland not covered by a previous planning consent. This loss has already occurred as degradation and cannot be limited. Enhancements in the form of tree planting has been proposed to account for this loss. The proposals achieve the required gain onsite and there is no need for off-site units.

5. Project Implementation

5.1 Construction, Management and Monitoring

- 5.1.1 It is recommended that a landscape plan is produced which details the proposed tree species. It is strongly recommended that this is made a condition if planning is granted to ensure the hedgerow is planted.
- 5.1.2 If the application is successful, a biodiversity gain plan will need to be submitted to discharge the general biodiversity gain condition. Construction will not commence until the gain plan has been approved. A finalised metric will need to be submitted alongside the biodiversity gain plan.
- 5.1.3 If there is a delay to the construction programme or design change, an updated assessment must take place, to remodel for any changes that may have taken place, either on the ground or through the proposed plans.
- 5.1.4 The initial habitat creation and long-term management and monitoring will be funded by the applicant.

References

Baker, J., Hoskin, R., & Butterworth, T. (2019). *Biodiversity net gain. Good practice principles for development. A practical guide*. London: CIRIA.

CIEEM. (2019). *Advice note of the lifespan of ecological reports and surveys*.

CIEEM. (2021). *Biodiversity Net Gain Report and Audit Templates*. Winchester, UK: Chartered Institute of Ecology and Environmental Management.

UKHab Ltd. (2023). *UK Habitat Classification Version 2.0*. Cheshire: UKHab Ltd.

Appendix 1 – Plans



BASELINE HABITATS

- red line boundary
- blue line boundary
- building
- artificial unvegetated, unsealed surface
- modified grassland

Outline drawing provided by Bailey Design Limited.

DRAWING TITLE	Baseline Biodiversity Value		
DRAWING REFERENCE	BL-BNG-24-057-05		
SITE	Land Adjacent to 59 Kennel Lane, Whitherley SP 3276 9719		
DRAWING DATE	27/11/24	REVISION	v1.0
DRAWN BY	HC	SCALE	1 : 150 @ A3
SURVEY DATE	29/10/24	SURVEYOR/S	HC



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PROPOSED HABITATS

- red line boundary
- blue line boundary
- building
- artificial unvegetated, unsealed surface
- developed land with a sealed surface
- modified grassland
- vegetated garden
- proposed small urban tree

Outline drawing provided by Bailey Design Limited.

DRAWING TITLE	Proposed Biodiversity Value		
DRAWING REFERENCE	PR-BNG-24-057-06		
SITE	Land Adjacent to 59 Kennel Lane, Whitherley SP 3276 9719		
DRAWING DATE	27/11/24	REVISION	v1.0
DRAWN BY	HC	SCALE	1 : 150 @ A3
SURVEY DATE	29/10/24	SURVEYOR/S	HC



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Appendix 2 – Site Photographs



Image 1: Existing car park with artificial unvegetated, unsealed surface.



Image 2: Location of former grassland and extended red line boundary



Image 3: Location of former grassland and extended red line boundary



Image 4: Boundary with adjacent land.



Image 5: Frontage.



Image 6: Blue line land.



Image 7: Satellite image from 16th of June 2021 showing former site habitats.



Image 8: Plan for car park from previous planning consent.

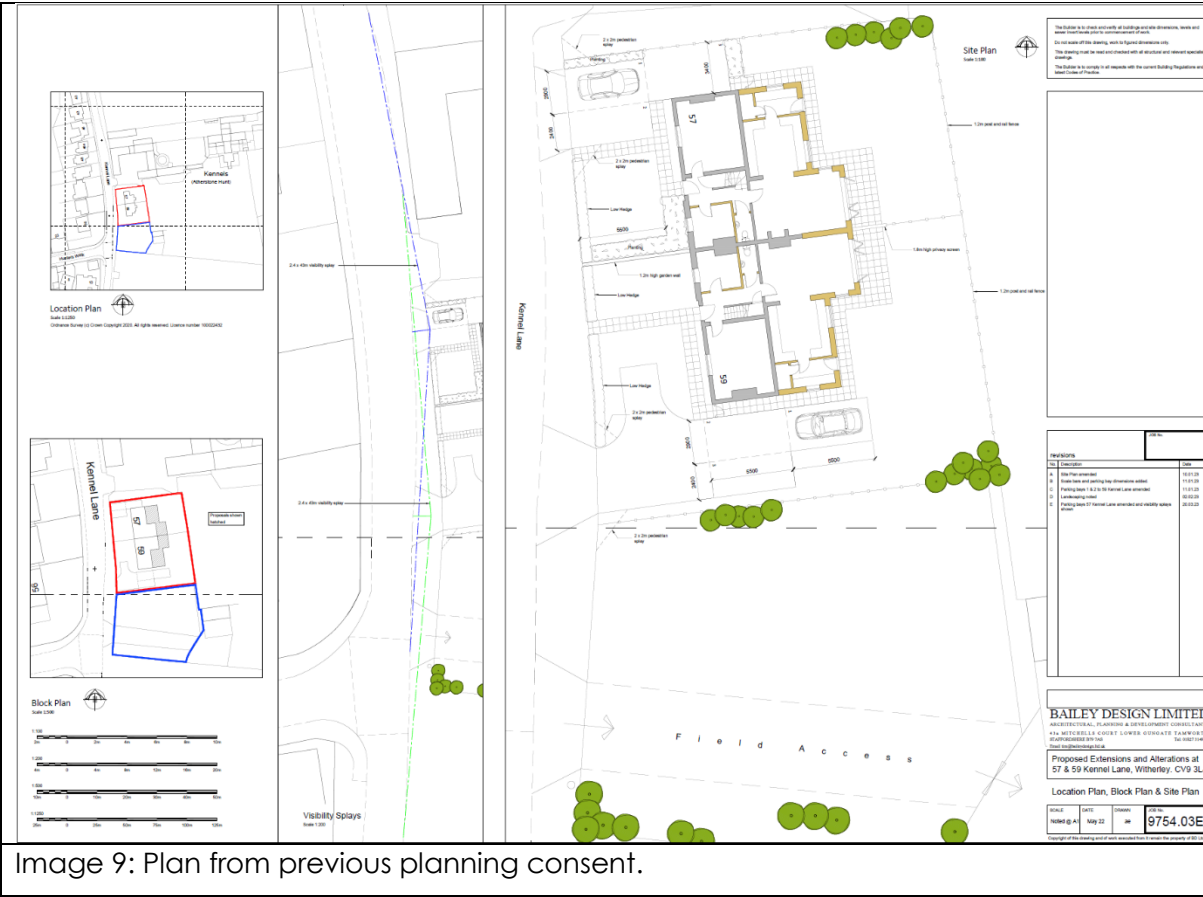


Image 9: Plan from previous planning consent.

Appendix 3 – Condition Assessments

Grassland Low

Habitat Description			
Grazed field of modified grassland with condition inferred due to degradation. The area has been split into two parts to reflect different conditions shown on aerial imagery.			
Condition Assessment Criteria	Criterion passed		Assessors Comments
	A1	A2	
There are 6-8 vascular plant species per m2 present, including at least 2 forbs. Note – this criterion is essential for achieving Moderate or Good condition.	N	Y	It is unlikely that A1 would have passed this criterion due to the high proportion of bare ground visible from the aerial image. It is assumed that A2 would meet this criteria as the majority of grasslands have 6-8 vascular plant species.
Sward height is varied (at least 20% of the sward is less than 7cm and at least 20 % is more than 7cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.	N	Y	A1 is unlikely to have to variation in sward height due to the high level of bare ground. It is possible that A2 could have achieved his category, therefore it is considered to pass.
Any scrub present accounts for less than 20% of the total grassland area. (Some scattered scrub such as bramble <i>Rubus fruticosus agg.</i> may be present).	Y	N	It is unlikely that A1 would have had scattered scrub in excess of 20%. The aerial imagery of A2 does appear to show scrub and there's a reasonable likelihood of it exceeding this threshold.
Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use of storage, erosion caused by high levels or access, or any other damaging management activities.	N	Y	It is likely that A1 would have failed this criterion based on the damage visible from satellite. A2 is likely to have passed this criterion.
Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens).	N	N	A1 appears to have had significant bare ground. A2 is unlikely to have met this threshold due to limited bare ground.
Cover of bracken <i>Pteridium aquilinum</i> is less than 20%.	Y	Y	It is likely that this criterion would pass for both areas.
There is an absence of invasive non-native plant species (as listed on Schedule 9 of WCA).	Y	Y	There is no indication that invasive species would have been present within either area.
Criteria Passed	3	5	
Suggested enhancement interventions			

Adapted from Statutory Metric – Technical Annex 1 Condition Assessment Sheets.

Appendix 4 – Legislation and Status

Environment Act 2021

The environment Act 2021 sets out the key components of mandatory biodiversity gain, under schedule 14:

- It amends **Town & Country Planning Act 1990 (TCPA)**, namely section 90A, where the provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met as detailed below.

(1) The biodiversity net gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of

- a. The post-development biodiversity value of the onsite habitat,
- b. The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
- c. The biodiversity value of any biodiversity credits purchase for the development

(3) the relevant percentage is 10%

The Environment Act 2021, also makes the follow recommendations;

- A minimum of 10% gain is required, calculated by using the Biodiversity Metric along with the approval of a biodiversity gain plan;
- Habitat must be secured for a minimum of 30 years via planning obligations or conservation covenants;
- Net gain can be delivered either on-site, off-site or via a new statutory biodiversity credits scheme; and
- There will be national register for net gain delivery sites

National Planning Policy Framework 2023

The National Planning Policy Framework (NPPF) 2023, covers multiple areas of interest, however, those which concern biodiversity are highlighted below:

174: Planning policies and decisions should contribute to and enhance the natural and local environment by:

d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

179: To protect and enhance biodiversity and geodiversity, plans should:

b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180: When determining planning applications, local planning authorities should apply the following principles:

a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists: and

d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Natural Environment and Rural Communities Act (2006)

Section 40: public bodies, including Local and Regional Planning Authorities, have a duty to 'have regard' to the conservation of biodiversity in England when carrying out their normal functions, which includes consideration of planning applications. In compliance with Section 41 of the Act, the Secretary of State has published a list of species considered to be of principal importance for conserving biodiversity in England.