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ECOLOGYSOLUTIONS
Part of the EB Group

Statement of Common Ground between Wokingham Borough Council and the Appellants

Ecology and Nature Conservation

LAND EAST OF LODGE ROAD, HURST

PINS APPEAL REFERENCE:
APP/X0360/W/22/3309202

PLANNING REFERENCE:
220458

07 December 2022

This Statement of Common Ground (SoCG) has been jointly prepared by Tim Goodwin (Ecology Solutions Limited) and Duncan Fisher (Wokingham Borough Council). It reflects the outcome of on-going discussions up to and including 06 December 2022.

Matters in Agreement:

Designated Sites

1. There are no statutory or non-statutory designated sites of nature conservation interest located within or immediately adjacent to the Appeal site.
2. The nearest statutory designated site is Lodge Wood and Sandford Mill Site of Special Scientific Interest (SSSI) located approximately 0.6km west of the Appeal site, at its closest point.
3. There will not be any significant adverse impacts on this SSSI, or any other statutory designated sites located further afield, as a result of the Appeal proposals. This is a position agreed with Natural England who confirmed as such in their recent June 2022 consultation response.
4. The nearest non-statutory designated site is Loddon River Berkshire Local Wildlife Site (LWS) located approximately 0.5km west of the Appeal site.

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5. There will not be any significant adverse impacts on this non-statutory site, or any other non-statutory sites located further afield, as a result of the proposed development. Notwithstanding this, a suite of precautionary measures to be undertaken during both the construction and operational phase have been implemented / recommended for detailed project design. Full details of which can be secured via way of a suitably worded planning condition, such as a Construction and Environmental Management Plan (CEMP), or similar.
6. The Appeal site itself is not designated in anyway, on the basis of nature conservation.

Protected Species

7. It is agreed a suitable level of protected species surveys has been undertaken across the Appeal site, to the appropriate methodology, between 2021 and 2022. These include surveys undertaken by AAE Environmental Limited (AAE) and Ecology Solutions Limited (ES).
8. These surveys provide an appropriate baseline in order to assess the proposed development at the Appeal site. It
9. The detailed survey work undertaken across the Appeal site has recorded the use of the site by the following protected and notable species:
 - Bats – foraging and commuting;
 - Birds; and,
 - Invertebrates – a predominantly common assemblage.
10. The Appeal site is not assessed to be of any significant or overriding value for any other notable or protected faunal species or groups.
11. **Bats.** It is agreed that, subject to the adoption of appropriate planning conditions, the proposals will not likely impact the Favourable Conservation Status (FCS) of the local bat population.
12. **Birds.** It is agreed, subject to the adoption of appropriate planning Conditions, potential adverse impacts on this species group may be adequately avoided / mitigated as part of the Appeal proposals.
13. **Invertebrates.** It is agreed, subject to the adoption of appropriate planning Conditions, potential adverse impacts on this species may be adequately avoided / mitigated as part of the Appeal proposals.
14. **Badgers.** Whilst a single Badger *Meles meles* hair was recorded on the boundary of the site during 2021, no other evidence of Badger (whether that be breeding, foraging, commuting) has been recorded in the Appeal site since then. Whilst it is impossible to conclude Badgers do not use the site even if only on a rare occasion, it is agreed that there is no current evidence to suggest they rely on the site. Therefore, It is agreed, subject to the adoption of appropriate planning Conditions, potential adverse impacts on this species may be adequately avoided / mitigated as part of the Appeal proposals.

15. **GCN.** It is agreed that, subject to the adoption of precautionary measures, potential adverse impacts on this species can be adequately mitigated / avoided as part of the Appeal proposals.
16. **Other species.** It is agreed that there will be no other significant adverse impacts on any other notable or protected species arising as a result of the Appeal proposals.

Habitats

Onsite (Appeal site)

17. The Appeal site has been subject to detailed site surveys, it is agreed that the following main habitat / vegetation types are present within the boundaries of the Appeal site:
 - Grassland;
 - Modified Grassland
 - Other Neutral Grassland
 - Ruderal / Ephemeral;
 - Scattered Scrub;
 - Bare ground;
 - Hedgerows / Treelines;
 - Developed land / sealed surface.
18. The majority of the Appeal site is comprised of Modified Grassland in a 'fairly good' condition (in the context of a BNG assessment). The habitats of comparatively better value include linear features located on the boundaries of the site.
19. The habitat evaluation set out in the Updated Ecology Assessment (November 2022) provides a realistic interpretation of the sites ecological baseline, in the context of habitats.
20. The majority of the habitat baseline of the site will be lost to development.
21. It is also agreed that the development proposals do include for the provision of realistic new habitats which have been adequately quantified following agreed BNG analysis. Full details and specification of which can be provided at a more detailed stage, in response to a suitably worded planning condition.

Offsite (Mitigation site)

22. The mitigation site has been subject to a detailed habitat survey. The following main habitat / vegetation types are present within the boundaries of the mitigation site.
 - Grassland;
 - Modified Grassland
 - Other Neutral Grassland
23. The majority of the mitigation site is comprised of temporary agricultural grassland (identified as 'modified grassland' on a precautionary basis), in a 'poor' condition (in the context of a BNG assessment).
24. It is agreed that the location of the mitigation site and its proximity to the Appeal site, make it a suitable candidate for the provision of offsite BNG, associated with the main Appeal site.

Biodiversity Net Gain

25. The National Planning Policy Framework paragraph 174 sets out that: 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.
26. The National Planning Policy Framework paragraph 180 sets out that: 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.
27. The Environment Act attained Royal Assent in November 2021, although the anticipated requirement of a net gain of +10% is not mandated until such time as the Secretary of State (SoS) publishes by regulations.
28. Currently there is no local policy which requires a development to achieve a +10% net gain.
29. The Biodiversity Net Gain (BNG) Assessment was submitted to Wokingham Borough Council (WBC) on 18 November 2022. This included for species lists and condition assessments.
30. Further consultation was held between WBC and Ecology Solutions on 05 December 2022.
31. It is agreed that the BNG modelling for the site shows that a circa. +32.30% BNG for area based habitats, and a circa +93.53% BNG for hedgerow based habitats can be delivered, when considering both the onsite and offsite habitat proposals.
32. It is agreed that this is an accurate representation of both the onsite and offsite proposals.
33. The use of off-site mitigation land as a source to deliver BNG is considered an acceptable solution and remains in alignment with emerging national / local policy and legislation.
34. The only means by which BNG can be secured on off-site mitigation land at the moment is via a planning obligation tied to the associated development. This obligation must provide for detailed design of the off-site habitat intervention, implementation of the intervention, ongoing management to maintain the target condition for a minimum period of 30 years and monitoring and reporting against the target condition.

Drainage Strategy

35. Full details of the onsite drainage strategy can be provided at a detailed stage, in response to a suitably worded planning condition. This will include details on how the created ponds / swales (etc.) will provide effective ecological habitats as well as facilitating the required hydrological requirements.

Summary

36. In principle, in relation to securing the necessary mitigation and enhancement measures for habitats, including BNG, and protected species, planning Conditions or a legal agreement would be appropriate.

37. In light of the additional information provided, it is now agreed, subject to the imposition of Conditions and the entering into a Section 106 Agreement to secure appropriate mitigation, Reason for Refusal 7 can be withdrawn and would then not be a matter for the Inquiry.



Signed on behalf the appellant:

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Tim Goodwin

Position:

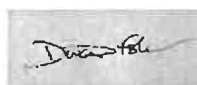
Director
Ecology Solutions Limited

Date:

07 December 2022

08/12/2022

X



Duncan Fisher

Mr

Signed by: Duncan Fisher

Signed on behalf of the LPA:

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Duncan Fisher

Position:

Ecology Officer
Wokingham Borough Council

Date:

07 December 2022