

Rebuttal to Rule 6 Expert Evidence (ECOLOGY)

Francis Hesketh BSc(Hons) MCIEEM CEnv CMLI MICFor

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TEP
Genesis Centre
Birchwood Science Park
Warrington
WA3 7BH

Tel: 01925 844004
Email: tep@tep.uk.com

Offices in Warrington, Market Harborough, Gateshead, London and Cornwall

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Prepared by:	The Environment Partnership Ltd
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1.0 Scope of Evidence

- 1.1 The evidence within this document is in addition to my proof of evidence (Francis Hesketh, January 2023 TEP Ref 7507.43.003, CD12.3 (main proof) and CD12.5 (drawings and appendices)).
- 1.2 It provides a rebuttal to the evidence from Mr Mark Ashdown (CD14.1), acting as expert witness for ecology on behalf of the Rule 6 parties.
- 1.3 Mr Ashdown makes a number of points on biodiversity net gain (BNG), which I respond to in turn. I do not address each point in Mr Ashdown's evidence, rather I focus on the matters that I consider rebuttal evidence would most assist the inquiry. The fact that I have not responded on a particular point should not be taken as a concession or acceptance of that evidence.

2.0 Rebuttal

Strategic Significance (R6 paragraphs 5-9)

- 2.1 My Evidence (CD12.3) at paragraph 3.14 to 3.23 (page 9) summarises the BNG metric calculation, based on the majority of the Appeal Site remaining as SNCI. Details are at my Appendix C (CD12.5).

Hedgerow Habitats (R6 paragraphs 9-12 & Table 1)

- 2.2 I find there are inaccuracies in the R6 hedgerow metric due to:
 - Some hedgerows are wrongly included; instead they should be assessed as area habitats;
 - Differences in classification between the R6 Table 1 and my evidence on species-richness and presence of trees and banks.
- 2.3 Chapter 3 of my evidence explains the differences in hedgerow referencing used by Bristol Tree Forum (BTF) and TEP's surveys (paragraphs 3.40 to 3.46, pages 14-16). My Drawing 2 (CD12.5)

consolidates these referencing systems and provides hedgerow measurements.

- 2.4 Chapter 6 of my proof provides a detailed classification of hedges and evidences that, following Defra Hedgerow Survey guidance and the UKBAP definitions, some boundaries do not qualify as linear habitats (i.e. they are not hedgerows under the metric), and that all hedgerows present are species poor and none are associated with banks (refer to paragraph 6.63 at page 46, onwards).
- 2.5 Chapter 10 of my proof compares the hedgerow classification used by TEP and R6 for the purposes of treatment in the Biodiversity Metric (see Table 3 and paragraphs 10.13 to 10.16, page 83).

Urban Tree and Woodland Habitats (R6 paragraphs 13-14)

- 2.6 R6 insert measurements of urban trees into the scheme's metric 3.0, using methods and definitions used in metric 3.1. Regardless of the appropriateness of mixing metrics, I find there are inaccuracies in the R6 insertions of urban trees into the site habitat baseline and site habitat creation:
- Some trees in their baseline appear double-counted (because they are already recorded in area or linear habitat types)
 - Some trees in their baseline lie beyond the application boundary;
 - Their assignation of 'poor' condition to proposed urban trees is unduly harsh, given the commitments in the Design Code. Choice of native or wildlife-friendly species, detailed planting plans and long-term management plans mean that new trees can achieve at least 'moderate' condition.
- 2.7 I contend that the appellant's commitment to 10% BNG, which is beyond policy requirement, along with delivery of tree planting under the Bristol Tree Replacement Standard, provides sufficient "insurance" to address any concerns that urban trees may not properly dealt with through the parameters of Metric 3.0.

The BNG 3.0 Trading Rules (R6 paragraphs 15-31)

- 2.8 I confirm that the appellant has committed to securing 10% BNG and that this would include compliance with trading rules in the metric. I disagree with the statement that the Appellant has not complied with trading rules (paragraph 24) and summarise my position as follows:
- 2.9 My Evidence shows the off-site requirements, in accordance with trading rules (CD12.3, see paragraph 7.7 – page 59).
- 2.10 R6 contends (para 18, 22, 23) there are “irreplaceable” habitats based on a proposition that “Native species-rich hedgerow with trees – associated with ditch or bank” is classed in metric 3.0 as “V.High Distinctiveness”. My evidence is that such hedgerows are not present on the appeal site, so would not be lost. In any case, these are not the same as irreplaceable habitats whose loss or deterioration would engage NPPF 180c.
- 2.11 R6 classification of hedges and of tree habitats is not agreed, as noted above.

Metric Position

- 2.12 During the period allowed for rebuttals, TEP has been working with Mark Ashdown to run the metric under various scenarios and reach an agreed position on the results it generates.
- 2.13 I have produced a position paper at Annex A which shows our understanding of the current differences between the headline results of the Appellant’s and Rule 6’s metrics in terms of on-site performance of the scheme and the off-site requirements. Discussion is ongoing to agree this position.
- 2.14 Regardless of disagreements between me and Mr Ashdown on the application of the BNG metric, I do not consider differences in terms of area habitats to be material to the conclusions of the Outline BNGA:
- The Appellant proposes offsetting to deliver 10% BNG and trading rule compliance, using grassland, scrub and woodland units;

- At least partial offsetting would be delivered within the adjacent areas of the SNCI, with agreement of the Council. In my rebuttal evidence to the Council's ecologist I have provided more evidence that almost all the required units could be delivered here;
 - Any remaining shortfall (or, indeed all offset units) would be delivered within another suitable offset location agreed with the council or with an alternative biodiversity offset provider. I have provided evidence of delivery capacity (Belmont Estate and Wanderlands) in my rebuttal to the Council's evidence.
- 2.15 Neither TEP or the Council anticipate off-site hedgerow offsetting. However, in the event the Inspector agrees with the R6 position on hedgerows within the BNG metric, there is no reason why hedgerow creation cannot also be delivered through the offsetting options identified.

3.0 Conclusions

- 3.1 All ecological issues raised by the Rule 6 parties, limited to matters around the BNGA, are addressed above, or with my proof of evidence, or may be further addressed through cross examination at Inquiry.

Annex A

BNG Metric Calculator Position Note 24/01/23 (to be agreed)

Brislington Meadows

Position Note – BNG Metric Calculator

Project	Brislington Meadows	Author	Dr Rachel Roberts
Date	24/01/2023	Checked	Francis Hesketh
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Version	1.0	Purpose	Sets out position between Appellant and Rule 6 parties regarding BNG Metric

1.0 Introduction

- 1.1 This position note sets out the headline results from the BNG metric calculator (v3.0) as applied by the Appellant and Rule 6 parties.
- 1.2 Table 1 summarises the current positions as of the time of writing (24th January 2023). Details are provided at Sections 2 and 3.

Table 1: Summary of Net Gain Requirements

		Appellant		R6 party	
On-Site net position post-development	Habitat Area Units / %	-16.88 units		-15.78 units	
		-27.37%		-24.86%	
Offsetting requirements	Hedgerow Units / %	+5.64 units		-3.09 units	
		+122.08%		-13.42%	
	Grassland Units	14.61 units	<i>Required to meet +10% targets</i>	35.20 units	<i>Delivers +34.13%</i>
	Scrub Units	8.37 units		1.50 units	
	Woodland Units	0.07 units		0.62 units	<i>Delivers +37.44%</i>
	Hedgerow Units	N/A		11.22 units	

2.0 Appellant

- 2.1 The Appellant's revised Outline BNGA is presented in Appendix C of Francis Hesketh's proof of evidence (CD12.5). This accounts for the SNCI designation remaining in force on the appeal site. In light of this position, the 'strategic significance' of all baseline habitats located within the SNCI area which overlaps with the allocation area was upgraded from medium to high strategic significance. Post-intervention strategic significance was not elevated however, as explained in the revised Outline BNGA (Appendix C of my proof, CD12.5). A screengrab of the headline results from the metric is shown below.

On Site Headline Results (Appellant):

On-site baseline	Habitat units	61.66
	Hedgerow units	4.62
	River units	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	44.85
	Hedgerow units	10.34
	River units	0.00
On-site net % change (Including habitat retention, creation & enhancement)	Habitat units	-27.27%
	Hedgerow units	123.59%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-16.82
	Hedgerow units	5.71
	River units	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-27.27%
	Hedgerow units	123.59%
	River units	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

- 2.2 The headline result must be manually adjusted downwards slightly because post-development the site is assumed to not be SNCI, including retained habitats as well as those created and enhanced. This is explained in Appendix C of my proof.
- 2.3 This lowers the 'post-intervention' biodiversity scores for the proposed scheme, to 44.78 habitat units and 10.26 hedgerow units. It lowers the 'on-site net % change' headline results to -27.37% for habitats and +122.08% for hedgerows.

Off-Site Offsetting Position:

- 2.4 Off-site offsetting is required to achieve 10% net gain targets and comply with the metric's "trading rules".
- 2.5 23.05 habitat units are required in total, comprising the following broad habitats of medium distinctiveness or greater:
- Grassland – 14.61 units (est. 63% of net unit delivery)
 - Heathland and shrub – 8.37 units (est. 36% of net unit delivery)
 - Woodland and forest – 0.07 units (est. 1% of net unit delivery)
- 2.6 No offsetting for hedgerows is required.

3.0 Rule 6

3.1 The Rule 6 metric includes the following key differences:

- 'urban trees' (0.1969ha) of 'moderate' condition are added into the 'site habitat baseline';
- 'urban trees' in the site habitat creation amended to 'poor' condition with a total net area of 1.01736ha;
- Several additional boundary features inputted as hedgerows (HH1, HH2, HH7, HH8 and HH9), all assigned as species-rich with trees except HH1 which is assigned as a species-rich hedgerow, several of which (mostly those boundaries parallel with the slope contours) are assigned as being 'associated with a ditch or bank';
- Enhancement is shown for HH2, whereas enhancement within the Appellant's metric is proposed for H3 (hedge length identified for enhancement remains unchanged).

Headline Results

On-site baseline	<i>Habitat units</i>	63.47
	<i>Hedgerow units</i>	23.03
	<i>River units</i>	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	47.83
	<i>Hedgerow units</i>	20.44
	<i>River units</i>	0.00
On-site net % change (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	-24.65%
	<i>Hedgerow units</i>	-11.22%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-15.65
	<i>Hedgerow units</i>	-2.58
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-24.65%
	<i>Hedgerow units</i>	-11.22%
	<i>River units</i>	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

3.2 Applying the same method whereby the Appellant's metric is adjusted (paragraphs 2.2-2.4), the Rule 6 headline result should be

manually adjusted downwards slightly because post-development all habitats in the site (not limited to those created or enhanced, but including those retained) are assumed to not be SNCI. This is explained in Appendix C of my proof.

- 3.3 This is estimated to lower the Rule 6 'post-intervention' biodiversity scores for the proposed scheme, to 47.69 habitat units and 19.94 hedgerow units.
- 3.4 This lowers the 'on-site net % change' headline results to -24.86% for habitats and -13.42% for hedgerows.

Offsetting Position:

- 3.5 Offsetting is required to achieve 10% net gain targets.
- 3.6 The revised Rule 6 metric analysis spreadsheet (BNG Tree Analysis Model v3.1 received 24/01/23 17:59) presents offsetting estimates of 37.32 habitat units and 11.09 hedgerow units – delivery of which would deliver net gains of approximately +34% for habitats and +37% for hedgerows.
- 3.7 Based on the Rule 6 baseline scores and the adjusted post-intervention scores for the Rule 6 metric (as summarised above and in Table 1), the shortfalls required to achieve the 10% BNG targets would be estimated as 22.13 habitat units and 5.39 hedgerow units.



HEAD OFFICE

Genesis Centre,
Birchwood Science Park,
Warrington
WA3 7BH

Tel: 01925 844004
E-mail: tep@tep.uk.com

**MARKET
HARBOROUGH**

The Reynard Suite,
Bowden Business Village,
Market Harborough,
Leicestershire,
LE16 7SA

Tel: 01858 383120
E-mail: mh@tep.uk.com

GATESHEAD

Office 26, Gateshead
International Business
Centre,
Mulgrave Terrace,
Gateshead
NE8 1AN

Tel: 0191 605 3340
E-mail: gateshead@tep.uk.com

LONDON

8 Trinity Street,
London
SE1 1DB

Tel: 020 3096 6050
E-mail: london@tep.uk.com

CORNWALL

4 Park Noweth,
Churchtown,
Cury,
Helston
Cornwall
TR12 7BW

Tel: 01326 240081
E-mail: cornwall@tep.uk.com
