**Ecology SoCG**

Project: South Caldecotte

PINS Ref: APP/Y0435/W/20/3251121

**Ecology Statement of Common Ground (SoCG) for the Appeal**

**DRAFT**

Between:

***For the Appellant***

Mr Alistair Baxter BA(Hons), MA(Oxon), MSc,MCIEEM, CEnv, CEcol

Director, Aspect Ecology

***For Milton Keynes Council***

Mr Phillip Snell BA(Hons), PGDip, MA, MCMA

Strategic Landscape & Countryside Manager

Date: 26th June 2020

Appeal Scheme

1. This subject based section will be appended into a single Statement of Common Ground (SoCG) as now agreed by the parties. This section relates to ecology and biodiversity matters in connection with the proposed planning application (the Scheme) refused on 26th February 2020 by Milton Keynes Council (MKC) in respect of Outline Application ref. 19/01818/OUT, and should be read in conjunction with other sections of the SoCG. This section is a jointly agreed statement that identifies where there is agreement and disagreement between both parties in relation to ecology and biodiversity.
2. The development was refused for the following reason relating to ecology (“the Ecology RfR”):

*The proposal, by reason of the loss of a significant extent of Priority Habitats and other ecological assets, and a failure to demonstrate an acceptable mitigation of biodiversity impacts on site, would result in an unacceptable impact on biodiversity assets within the application site, contrary to NPPF policies 170 (d), 174 (b) and 175 and Plan: MK policies, NE2 and NE3 and Planning Practice Guidance/ Natural Environment Guidance Paragraph: 024.*

1. In regard to the policies quoted within the reason for refusal above, these incorporate general national planning policies that promote the consideration of ecology/biodiversity in plan making and decisions on planning applications; and Local Plan policies that seek to avoid a negative impact on statutorily protected species and their habitat, and wherever possible promote the preservation, restoration, expansion and/or recreation of Priority Habitats/Species and secure a net gain in biodiversity. These policies also incorporate the mitigation hierarchy which states that, where significant harm to biodiversity resulting from a development cannot be avoided, should be adequately mitigated or only as a last resort, be compensated for.

**It is hereby AGREED that:**

Planning Policies

1. The policies quoted in the Ecology RfR (reproduced above) are relevant to ecology/biodiversity within the local authority of Milton Keynes.

Ecological Designations

1. The only ecological non-statutory designations associated with the Site are two Milton Keynes Wildlife Corridors; one of which partially lies within the site at the western boundary, whilst the other lies adjacent to the northern boundary.
2. The Site is not located within a Biodiversity Opportunity Area or other area of regional strategic significance for biodiversity.

Flora, Habitats and Fauna

1. The Site does not contain any irreplaceable natural habitat, such as ancient woodland. In addition, no veteran trees are present.
2. The Scheme affects various habitat features of nature conservation value, including Priority Habitats (Habitats of Principal Importance under the NERC Act 2006) and hedgerows likely to qualify as ‘important’ in accordance with the 1997 Hedgerows Regulations.
3. The survey and assessments in regard to flora and habitats at the site, as set out in Aspect Ecology’s report entitled ‘Ecological Appraisal’ dated June 2019, are appropriate and satisfactory.
4. The survey and assessments in regard to protected and other species, as set out in Aspect Ecology’s report entitled ‘Ecological Appraisal’ dated June 2019, are appropriate and satisfactory.
5. The mitigation/compensation measures relating to Protected and/or Priority Species identified within the site, as set out in Aspect Ecology’s report entitled `Ecological Appraisal` dated June 2019, are appropriate and satisfactory.

Statutory consultees

1. The LPA consulted Natural England, who did not object to the Scheme.

**Areas of Disagreement:**

1. The LPA do not agree that the Milton Keynes wildlife corridors associated with the site would not be significantly adversely affected.
2. The LPA do not agree that mitigation/compensation measures relating to the loss of Priority Habitats, identified within the site are appropriate and satisfactory.
3. LPA do not agree that the approach undertaken to determine ‘no net loss’ / ‘net gain’ of biodiversity, as set out in the Aspect Ecology’s note entitled `Biodiversity Impact Assessment` dated January 2020, is appropriate and satisfactory.
4. LPA do not agree that the Scheme is compliant with relevant national and local policies concerning the protection of biodiversity, in particular as to whether the mitigation hierarchy has been demonstrated to have been followed.

Signed: 

Name: Mr Alistair Baxter

Date: 01/07/2020

For and on behalf of Hampton Brook

Signed: 

Name: Mr Phillip Snell

Date: 01/07/2020

For and on behalf of Milton Keynes Council