

Phillip Snell Proof Summary

1 Qualifications

- 1.1 My name is Phillip Snell I hold a BSc Hon in Ecology and Agricultural Biology; Diploma in Agroforestry and MA in Landscape Architecture and I am an Accredited Member of the Countryside Management Association. I have over 20 years' experience in ecology and countryside management and have been employed in both the public and private sector.

Reasons for refusal

- 1.2 The Proposal was refused for three reasons, two of these refer to highway and transport matters and archaeology and so are not relevant to this Proof but Reason for Refusal concerns ecology and states that:

“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 unacceptable impact on biodiversity assets within the application site, contrary to NPPF paragraph 170 (d), 174 (b) and 175 and Plan; MK, NE2 and NE3 and Planning Guidance / Natural Environment paragraph: 024. The LPA do not agree that the Milton Keynes Wildlife Corridors associated with the site would not be significantly adversely affected.”

Assessment

- 1.3 The Councils refusal is expanded upon in the statement of case which sets out the main issues. It flows from the failure of the Appellant to demonstrate a process as to how the mitigation hierarchy has been followed and what consideration has been given to this. As a result, significant ecological harm will follow, and proposed compensation measures lack a location or other detail to judge efficacy in meeting Policy.

1.4 The site contains a number Priority Habitats:

- Hedgerow (not all, but also covered by the Hedgerow Regulations 1997)
- Mixed deciduous woodlands
- Orchard
- Unimproved grassland

Protected species include;

- Bats and their roost
- Common Lizard
- Slow worms
- Badgers

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. All these Priority Habitats and Species would be lost as a result of the Proposal

1.5 Of the greatest importance within this list of Priority Habitats is the unimproved grassland known under the National Vegetation Classification (NVC) system, as MG5. MG5 is a type of old meadow and pasture found in English lowlands and were once widespread, since the late 1960's it has sustained large losses. Its designation as a UK Biological Action Plan (BAP) Priority Habitat is intended as a measure to protect what remains.

1.6 The long continuity of management of the meadow is visible in the ancient ridge and furrow and the earlier Roman archaeology. The biodiversity present and the historical use of the site go hand in hand. Whilst vegetation that approximates to MG5 can be recreated such grasslands should not be confused with long-established grasslands such as MG5.

Mitigation hierarchy

- 1.7 The Mitigation Hierarchy is a methodology which seeks to provide a process for the minimisation of harm from development to ecology interests. The Mitigation Hierarchy sets out a process so that all possible avoidance, mitigation or opportunities for compensation for losses of biodiversity take place on-site before considering any off-site provision, which is the last-resort option.
- 1.8 Following the hierarchy means that genuine attempts must be made to reduce impacts on biodiversity as a result of development, and the scheme is not a means to develop and “just pay” for biodiversity gains elsewhere. Appropriate approaches to demonstrate accordance with the Hierarchy are detailed in: *Biodiversity. Code of practice for planning and development* (BS 42020:20130) and *Biodiversity Net Gain Good Practice Principles for Development*: Chartered Institute of Ecology and Environmental. No evidence of consideration has been shown for:
- avoidance of any Priority Habitat
 - mitigation measures to protect existing habitats from the impact of the Proposal
 - restoration of existing habitats on site
- 1.9 The Appellant has not evidenced in ecological terms how the Mitigation Hierarchy has been followed and as a result the Proposal will cause unacceptable harm, with a loss of 99.9% of the extant biodiversity. As such the Proposal is not compliant with NPPF paragraph 174 (b) and/or Planning Practice Guidance paragraph 024 and development plan policies set out in Plan: MK Policy NE1,NE2,NE3.

Wildlife Corridors

- 1.10 Wildlife Corridors are treated in the same way as Local Wildlife Sites in Plan MK. Local Wildlife Sites are those wildlife-rich sites selected for their local nature conservation value and protected through the planning system. The Proposal would

destroy the Wildlife Corridor and its ecological assets including hedgerow, trees, grassland and soil and is therefore considered ecologically unacceptable.

- 1.11 The proposed buffer strip will be impacted by proposed car parking on the boundary causing disturbance from the movement of the cars, headlights and engine noise further reducing its suitability. The movement of the existing stream with natural meanders into buffer strip will reduce wildlife value as will the proposed footpath.
- 1.12 The Wildlife Corridor which currently exists will therefore cease to be and its character will be lost. The character and features that are recreated will take many years to re-establish. Not only will this be a loss to the biodiversity on site it will also reduce function as a conduit for species to move through and in to the wider network of Wildlife Corridors and associated habitats The Proposals are contrary to NPPF paragraph 170(d) or comply with development plan policies set out in Plan:MK Policy NE1,NE2,NE3,NE4

Biodiversity Accounting

- 1.13 Policy NE3 of Plan: Mk requires a net gain for biodiversity to be demonstrated. The Biodiversity Metric 2.0 submitted by the Appellant provides a way of measuring and accounting for biodiversity losses and gains resulting from the Proposal.
- 1.14 The location of any offset should be in line with good ecological principle. The proposed habitat creation should contribute to enhancing ecological networks, adding to existing sites with biological diversity and making connections them species, or their genes, to move. The Buckinghamshire and Milton Keynes Biodiversity Action Plan advocates a landscape-scale approach which means effort should be focused on areas already identified as being of high value for biodiversity, referred to as Biodiversity Opportunity Areas.

1.15 The Appellant has provided no agreement with a landowner regarding the location of the offset. Consequently, the DEFRA calculation remains incomplete. It is therefore unclear whether the habitats could be created or whether the location could meet the objectives set out in the conservation objectives of the NPPF paragraph 170 (d), 174 (b) and 175 and does not comply with the development plan policies set out in Plan:MK Policy NE1,NE2

Conclusion

1.16 Overall, the Proposal is considered unacceptable in ecological terms due to the lack of a clear and convincing assessment of the significance of the affected ecology,

- Loss of the existing Wildlife Corridor
- Loss of Priority Habitats including the national scarce MG5 Lowland Meadow
- a failure to demonstrate the Mitigation Hierarchy, and
- the near total loss of extant vegetation and soils and an incomplete DEFRA Metric makes.