



Proof of evidence relating Biodiversity Net Gain and Breeding Farmland Birds.

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (CAMBRIDGE SOUTH INFRASTRUCTURE ENHANCEMENT) ORDER

Planning Ref: 20/05054/CTY,
21/02957/TWA

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CONTENTS

Part 1: Summary

Part 2: Proof of Evidence

1. Introduction

- Qualifications and Experience
- Statement of Truth

2. Scope of Evidence

3. Reasons for objection

4. Summary and Conclusions

5. Appendices

- i. Shared regional principles for protecting, restoring and enhancing the environment in the Oxford-Cambridge Arc. published by the Environment Working Group, March 2021
- ii. Letter to NR update on CCC position issued 07.12.2021

PART 1: SUMMARY

- 1.1 My name is Guy Belcher, I am a local authority ecologist with twenty-three years professional experience.
- 1.2 I am employed by Cambridge City Council as their Biodiversity Officer, providing ecological expertise on land management, and advising The Greater Cambridge Shared Planning Service on planning policy and development control.
- 1.3 I have been asked to prepare this proof of evidence by my employer, Cambridge City Council (the council) in respect of matters relating to

the impact of the proposed Cambridge South Station on Biodiversity Net Gain (BNG) and breeding farmland birds on Hobson's Park and the wider development site.

1.4 The councils reasons for objection on these matters are:

The application has not provided sufficient Information to demonstrate the minimum 10% biodiversity net gain target is proportionate and achievable and can provide appropriate habitat mitigation on or near to the site, and as a result has not demonstrated compliance with Local Plan 2018 policies 67, 69 and 70, the National Planning Policy Framework 2021 (NPPF) paragraph 174, and the National Planning Practice Guidance (NPPG).

The application has not given sufficient weight to potential construction impacts on the identified County important population of Corn Bunting (*Emberiza calandra*) and Skylark (*Alauda arvensis*) populations within the development boundary, and as a result has not demonstrated compliance with Local Plan 2018 policies 69 and 70, and NPPF paragraph 174.

1.5 Cambridge City Council support in principle the vision and rationale for a new Cambridge South Station. The outline proposals do not however provide sufficient detail in relation to both onsite and offsite BNG for the local planning authority to be confident that BNG will be delivered in accordance with NPPF policy and industry best practice principles.

1.6 Cambridge City Council remain concerned that Red Listed species issues in relation to breeding corn bunting and skylark have not been sufficiently addressed prior to determination to ensure that suitable land is available to accommodate any necessary mitigation.

1.7 Cambridge City Council retains their objection on these two matters until the further requested detail is submitted.

PART 2: PROOF OF EVIDENCE

2.0 INTRODUCTION

- 2.1 My name is Guy Belcher, I am a local authority ecologist with twenty-three years professional experience.
- 2.2 I am employed by Cambridge City Council as their Biodiversity Officer, providing ecological expertise on land management, and advising The Greater Cambridge Shared Planning Service on planning policy and development control.
- 2.3 I have been asked to prepare this proof of evidence by my employer, Cambridge City Council in respect of matters relating to the impact of the proposed Cambridge South Station on Biodiversity Net Gain (BNG) and breeding farmland birds on Hobson's Park and the wider development site.
- 2.4 I confirm and declare that to my knowledge and belief all matters contained in this document are an accurate and true record of all matters put forward. My proof contains facts which I consider as being relevant to the professional opinion I have stated, together with all matters which support and affect the validity of those opinions. I believe that the facts I have stated in this proof are true and that the opinions I have expressed are correct.

3.0 SCOPE OF EVIDENCE

- 3.1 This evidence, which should be read alongside that of Charlotte Burton (Greater Cambridge Shared Planning Service) and Alistair Wilson, (Cambridge City Council), is set out as follows:
- 3.2 The application has not provided sufficient Information to demonstrate the minimum 10% biodiversity net gain target is proportionate and achievable and can provide appropriate habitat mitigation on or near to the site, and as a result has not demonstrated compliance with Local Plan 2018 policies 67, 69 and 70, the National Planning Policy Framework 2021 (NPPF) paragraph 174, and the National Planning Practice Guidance (NPPG).
- 3.3 The application has not given sufficient weight to potential construction impacts on the identified County important population of Corn Bunting

(*Emberiza calandra*) and Skylark (*Alauda arvensis*) populations within the development boundary, and as a result has not demonstrated compliance with Local Plan 2018 policies 69 and 70, and NPPF paragraph 174.

4.0 REASONS FOR OBJECTIONS

- 4.1 Biodiversity Net Gain (BNG) - The applicant is proposing that the scheme deliver an overall 10% BNG. Whilst this is compliant with forthcoming statutory minimum BNG within the Environment Act, in the Councils' view this does not seek to address that the proposed temporary and permanent loss of habitats from Hobson's Park are in essence a loss of habitats already provided as mitigation for the development of adjacent farmland on both the Great Kneighton and Cambridge Biomedical Campus developments (please note these approved mitigations pre-date the use of BNG metrics).
- 4.2 Cambridge City Council and Cambridgeshire County Council have separately proposed that a minimum 20% BNG would provide a sufficient margin of error to compensate for this loss. Cambridge City Council has previously encouraged the applicant to achieve a higher biodiversity net gain target. Whilst we recognise this would be difficult to accommodate on site the offsite BNG option being discussed would appear to be capable of accommodating such an uplift. Network Rail have to date not provided a reason as to why 20% BNG is not being sought in line with the 'Shared regional principles for protecting, restoring and enhancing the environment in the Oxford-Cambridge Arc', published by the OxCam Arc Environment Working Group in March 2021.
- 4.3 The application provides limited information about how the BNG target of 10% will be achieved. The November 2021 technical note update to the metric provides only headline results. No detail, or maps of proposed habitats nor assumptions made by the author with regard habitat condition are provided. This means it is not possible to meaningfully scrutinise the headline results within the report.
- 4.4 Biodiversity enhancements have been indicated on the proposed public open space exchange land to the south of Addenbrooke's Road, however details on creation, management and recreational access are not provided. Further detail is required to provide certainty on

assumptions made of habitat extent and condition when using the DEFRA metric to determine the BNG requirement.

4.5 The application is reliant on any short fall in BNG being mitigated through offsite BNG provision. In line with BNG best practice guidelines the priority must be for BNG to be secured on site and the application must demonstrate that options to achieve this within the application boundary have been exhausted before offsite mitigation should be considered. The indicative landscape plans do not give sufficient detail and assurance that these options have been exhausted.

4.6 The applicant has stated that any shortfall of 10% BNG onsite could be mitigated by securing an Options Agreement with Cambridgeshire County Council for the provision of BNG units at Lower Valley Farm in Fulbourn. Officers are advised that once discussions have progressed further with the County Council, Network Rail will be able to provide confirmation that it has secured the mechanism for delivering the required 10% BNG. It is understood that Network Rail are aiming to secure the Option Agreement with the County Council ahead of the public inquiry and this must be provided.

4.7 The following habitat types and areas have been suggested for offsite provision at Lower Valley Farm through an agreement with Cambridgeshire County Council:

- Grassland: 5.48ha or 38.54 units
- Woodland: 3.45ha or 8.87 units
- Scrub: 0.93ha or 8.70 units
- Ponds: 1.1ha or 9.29 units

Whilst officers are supportive in principle of the habitat types proposed and the strategic location of the potential offsite solution at Lower Valley Farm. Insufficient detail on exact BNG requirement, timescale for delivery and governance has been provided to give clarity and assurance that these offsite provisions are appropriate and achievable. The City Council would expect to see a draft S106, or similar, prior to determination to be satisfied on this matter.

4.8 Officers agree the proposed BNG condition is necessary to ensure the required BNG is specified, delivered, and monitored. However, the applicant cannot rely on this condition to demonstrate compliance with BNG requirement. The application documents must demonstrate that BNG proposals, including details of offsite delivery mechanism are

achievable in advance of determining the application. We therefore maintain our current objection until this evidence has been submitted.

4.9 Farmland Birds – The Environmental Statement Volume 2: Chapter 8, Biodiversity, details breeding bird surveys that have identified populations of County importance for both Corn Bunting (20% of County population) and Skylark populations (7.8% of County population) within the development redline. However, it does not propose any species-specific protection or mitigation to ensure these populations are not negatively impacted during both the construction and operational phase of the proposed development.

4.10 The potential permanent displacement of corn buntings due to disturbance has also been highlighted by Cambridgeshire County Council. In response to this the applicant sets out the following rationale in a response table to Cambridge City Position – letter dated December 2021 (CCiC -SCDC Response table 211208.docx).

“the highest number of corn bunting territories were recorded in the recently created habitats of Hobson’s Park. This area has been established within the past 10 years for recreation and as a nature reserve for the adjacent Great Kneighton development. Therefore, corn buntings have successfully colonised newly created habitats within a short period of time despite extensive construction taking place immediately to the east (Great Kneighton) and the west (the AstraZeneca development), and the construction of Addenbrookes Road and the Guided Busway routes across the park in 2008. Such construction will have created the types and scale of disturbance similar to those likely from the proposed scheme. The recolonisation of the area by corn bunting is testament to their resilience in this location”

The Council argues that this does not provide a robust case or demonstrate a precautionary principle to protection of the species on site.

4.11 Officers question whether the assessment of the potential impact on the breeding population of Corn Bunting is given sufficient weight. Breeding territories occur along the rail track and construction route and therefore may be displaced for one or more breeding seasons during construction. Whilst this species may nest within the adjacent arable crop, they are reliant on song posts and arable weeds along field margins, which may not be available during construction. These birds are largely sedentary and therefore impacts may be permanent if breeding birds are displaced. Consideration of providing temporarily

favourable weed rich habitats, nesting cover and song posts in the adjacent farmland would mitigate this construction impact.

- 4.12 Network Rail have proposed that mitigation during construction can be included within the agreed Construction Ecological Method condition. However, it is unclear if suitable land within the redline would be available to deliver the necessary mitigation. Therefore, this matter needs addressing prior to determination to establish if adjacent offsite provision is required and achievable.
- 4.13 The Council welcomes the reduction in size of the proposed site compound on Hobson's Park (NR-22) and commitment to no permanent or temporary placement of spoil on the existing grassland to be secured through the draft planning conditions. However, the proposed compound still significantly reduces the availability of breeding habitat for both skylark and corn bunting. In addition, the concentration of members of the public using the remaining park areas and proposed exchange land are likely to further increase disturbance to these ground nesting species. It might be that temporary designation, fencing and management of areas for ground nesting birds is required to mitigate during the construction phase. In principle these could come forward within the proposed Construction Ecological Method Conditions. However, if this required fencing further areas from recreational use it would have implications to park users that would undermine conditions in relation to retention of open space provision.
- 4.14 Network Rail have proposed that details to provide Corn Bunting habitat within the final landscape scheme can be included within the design principles. This would state 'Network Rail will include suitable habitat for Corn Buntings within the southern boundary of the proposed exchange land.' This is supported by officers but does not alleviate the concerns of impacts during the construction stage. The Council require further evidence that suitable retained or new habitats will be available and maintained for breeding corn bunting and skylark during construction.

5.0 CONCLUSION

- 5.1 Cambridge City Council support in principle the vision and rationale for a new Cambridge South Station. The outline proposals do not however provide sufficient detail in relation to both onsite and offsite BNG for the local planning authority to be confident that BNG will be delivered in accordance with NPPF policy and industry best practice principles and as a result has not demonstrated compliance with Local Plan 2018 policies 67, 69 and 70, the NPPF paragraph 174, and the NPPG.
- 5.2 Cambridge City Council remain concerned that Red Listed species issues in relation to breeding corn bunting and skylark have not been sufficiently addressed prior to determination to ensure that suitable land is available to accommodate any necessary mitigation in accordance with Local Plan Policy 70.
- 5.3 Cambridge City Council retains their objection on these two matters until the further requested detail is submitted.

Document Ends