



OBJ-23-W3/1

Proof of evidence relating to 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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behalf of Cambridge City Council (OBJ23)

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PROOF OF EVIDENCE

1.0 INTRODUCTION

- 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 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 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.

2. SCOPE OF EVIDENCE

- 2.1 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:
- 2.2 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).
- 2.3 The application has not adequately considered the 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 policy 70, and NPPF paragraph 180.

3. REASONS FOR OBJECTIONS

Biodiversity Net Gain (BNG)

- 3.1 The applicant is proposing that the scheme deliver an overall 10% BNG in compliance with the statutory minimum BNG prescribed within the Environment Act.
- 3.2 Cambridge City Council and Cambridgeshire County Council have separately proposed that a minimum 20% BNG be applied. This reflects commitments prescribed in 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.

- 3.3 Network Rail have to date not provided a reason as to why 20% BNG is not being sought.
- 3.4 Whilst the Council 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.
- 3.5 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. The Council has requested further detail from the Applicant in this respect, but none has been forthcoming.
- 3.6 Biodiversity enhancements have been indicated on the proposed public open space exchange land to the south of Addenbrooke's Road. However details of creation, management and recreational access are not provided. Further detail is required to provide the requisite level of assurance about the assumptions made in respect of habitat extent and condition when using the Defra metric to determine the BNG requirement.
- 3.7 The application is reliant on any shortfall in onsite 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.
- 3.8 Further and in any event, even if it were the case that offsite provision could be justified, the information submitted in respect of such provision is also inadequate. 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 have been 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 the Council will review the Agreement if and when it is provided.

3.9 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 has been provided of the exact BNG requirement, the timescale for delivery and governance 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 legal mechanism, prior to determination to be satisfied on this matter.

3.10 Officers agree the proposed BNG condition would be necessary to ensure the required BNG is specified, delivered, and monitored, if sufficient information in respect of the above matters were provided. However, the imposition of the condition would not of itself demonstrate compliance with the BNG requirement. The application documents must demonstrate that BNG proposals, including details of offsite delivery mechanism are achievable in advance of determining the application. The Council therefore maintains its objection but will keep the position under review pending the submission of any further evidence.

Farmland Birds

3.11 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, the ES 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.

- 3.12 The potential permanent displacement of corn buntings due to disturbance has also been highlighted by Cambridgeshire County Council. In response to these representations 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”

- 3.13 The Council does not agree that this is an acceptable approach to the protection of species during construction, having regard to the precautionary principle. Assessment of the remaining habitat area and condition, including recreational, construction and farming impacts, is required to adequately assess the likely impacts and agree appropriate mitigation.

- 3.14 The application has not adequately considered the potential construction impacts on the breeding population of Corn Bunting. Breeding territories occur along the rail track construction route and within Hobson’s Park and therefore birds 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.

- 3.15 Network Rail have proposed that mitigation during construction can be included within the agreed Construction Ecological Method condition. However, there is no evidence to demonstrate that 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.
- 3.16 Since the application was first made, the Applicant has proposed a reduction in size of the site compound on Hobson's Park (NR-22) and committed to no permanent or temporary placement of spoil on the existing grassland, to be secured through the draft planning conditions. The Council considers these amendments to be an improvement by comparison with the original scheme, but they do not resolve the Council's objection. The proposed compound still significantly reduces the availability of breeding habitat for both skylark and corn bunting within Hobsons Park. 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 the fencing of further areas from recreational use for undisturbed nesting cover, it would have implications to park users that may undermine construction conditions in relation to the retention of open space provision.
- 3.17 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 in principle; however, further details are required to determine how such provision might impact on the proposed recreational use of the exchange land both during and post construction. The Council would suggest that this area might be suitable for mitigation to alleviate the concerns of impacts during the construction stage.

4. CONCLUSION

- 4.1 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 Council to be satisfied 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.
- 4.2 The 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 and NPPF paragraph 180. The Council requires further evidence that suitable retained or new habitats will be available and maintained for breeding corn bunting and skylark
- 4.3 Cambridge City Council retains their objection on these two matters unless or until the further requested detail is provided.

Document Ends