

MAIDS MORETON & FOSCOTE ACTION GROUP

Second Objection to Planning Application 16/00151/AOP

1. Summary

- 1.1 Notwithstanding the further documentation submitted by the Applicant since our first objection, planning permission for this development should still be REFUSED because the development remains in breach of AVDLP saved policies GP.8, GP.35, GP.45, GP53, RA.2 and RA.36.
- 1.2 The proposed development also remains in breach of VALP policies S2, T3, T5, NE1, NE4, NE7, BE1, BE3 and I5, to the extent that these can be given weight under NPPF para 48.
- 1.3 VALP policy D-MOO006 VALP remains a subject of extensive Examination by the Inspector so cannot be given due consideration in this planning decision (NPPF para 48). Notwithstanding this, the proposed development remains in breach of criteria (f) and (e) under policy D-MOO006, and therefore in breach of this policy as a whole.
- 1.4 The proposed development remains in conflict with NPPF paras 72, 122, 170 and 189.

2. Factors to be taken into consideration when determining the benefits and impacts of the proposed development, reassessed in the light of additional evidence submitted by the Applicant

SUSTAINABLE LOCATION

- 2.1 Since our first objection, we have received further confirmation from the VALP Programme Officer that the Inspector has requested a response from the Council to Examination Documents 186 [A-S], 197, 198, 220, 221, 227 and 228. In relation to the application site, these documents call into question the soundness of the Settlement Hierarchy, the HELAA v4 and the allocation of this site in the VALP. They also highlight the conclusions in the Sustainability Appraisal, pointing out that the Council has allocated the 'least sustainable' site in Maids Moreton for development. The Settlement Hierarchy, HELAA v4 and VALP therefore cannot be relied on as evidence of 'sustainable location'.

DELIVERING A SUFFICIENT SUPPLY OF HOMES

- 2.2 As per our first objection.

BUILDING A STRONG COMPETITIVE ECONOMY

- 2.3 As per our first objection.

PROMOTING HEALTHY AND SAFE COMMUNITIES

- 2.4 As per our first objection.

PROMOTING SUSTAINABLE TRANSPORT

- 2.5 As per our first objection, with the additional points as follows:

- 2.6 The Council has now responded to the independent highways review submitted with our first objection ('the TTC Review') by way of letter dated 28th October 2020 ('the Council's response').
- 2.7 With regard to the proposed mini roundabout at Main Street and Walnut Drive, we note Mr Maw's objection which disputes the Council's response that the safety issues have been considered in detail - particularly in light of advice from Thames Valley Police that, for safety reasons, residents should use alternative on-street parking. We also note Buckingham Town Council's further objection which strongly calls into question points made in the Council's response.
- 2.8 The Council's response to Foscote Parish Meeting's objections claims that all routes to and from the site have been considered in terms of likely impact resulting from the development. However, there is no evidence anywhere that the route via Foscote Road and Foscote Lane has been considered. As it stands, this is merely conjecture.
- 2.9 The Council's response states that AVDLP saved policy RA.36 and VALP policy T5 have been dealt with in consultation responses submitted in relation to this application. These policies have not been dealt with in any other consultation responses, and neither are they dealt with in the Council's response. The development therefore remains in breach of both these policies.
- 2.10 The Council's response does not address VALP policy T3. The integrity of the Buckingham "*protected and supported*" transport schemes listed in Policy T3 would be diminished by the increased traffic flow through the centre of Buckingham resulting from the proposed mitigation measures deterring traffic use of the College Farm junction. As a result, granting planning permission for the proposed development remains in breach of VALP policy T3.
- 2.11 The Transportation Consultancy has reviewed the Council's response on our behalf and their reply is by way of letter dated 4th November 2020 which is attached to this objection as **Appendix I**. The outstanding unresolved issues include: -
- The proposed footway and cycle connections only address the basic access requirements to link the development with the wider existing networks. It should be noted that neither the distance nor the topography to and from the application site are suitable for walking or cycling for daily access to services or employment.
 - The public bus contribution which supposedly addresses one issue of accessibility is limited with no clear indication of what this will cover and whether it is sufficient to improve the site's sustainability. In any event, the draft s106 Agreement does not specifically ringfence the Public Transport Contribution for the funding of an improved hourly bus service to Maids Moreton.
 - NPPF para 72 states that new development should "*b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself...or in larger towns to which there is good access.*" It remains the case that daily access to services and facilities from the proposed development is heavily reliant on use of the car. There is no hourly bus service, no regular facilities or services in reasonable walking distance, no rail link and limited suitability for cycle usage. The development therefore breaches criteria (b) of NPPF para 72.
 - The Council's response acknowledges that the modelling work conducted at the College Farm Road junction in support of the application is unreliable. The proposed mitigation measures to divert this severe traffic impact from Mill Lane (referred to as 'College Farm Road' by the Council) through Buckingham town centre are contrary to the Buckingham Transport Strategy which explicitly seeks to reduce such 'through traffic' already using the congested town centre.
 - The Council's response claims that the proposed footway on Foscote Road is acceptable in principle whilst acknowledging that there are potentially insurmountable challenges of deliverability due to the proximity of neighbouring properties.

2.12 Given the outstanding issues of accessibility and breaches of NPPF para 72, AVDLP saved policy RA.36 and VALP policies T5 and T3 which have not been addressed, it remains unclear why a car-dependent development situated on the periphery of a small village, with limited access to local services, facilities and employment opportunities, continues to be supported by the Council.

CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

- Agriculture and woodland

2.13 As per our first objection.

- Landscape

2.14 As per our first objection.

- Biodiversity

2.15 As per our first objection, with the additional points as follows:

2.16 The Applicant has submitted a revised Ecology Report ('the FPCR Report') and Biodiversity Impact Calculations in response to our objection and Professor Shreeve's independent assessment of the Applicant's original calculations. It is noted that this is the third set of biodiversity metrics submitted by the Applicant, somewhat undermining the reliability of their data.

2.17 It is also noted that in response to Professor Shreeve's assessment, the Council's ecology officer emailed the Applicant's ecologist to arrange drafting a rebuttal to Professor Shreeve's assessment. The email, which was made publicly available, read as follows: -

"The developer is keen to progress this as are the council. It's key we get this information in readiness for a possible JR of the application if approved which may well come from the residents group after a decision has been made. This is by no means a certainty but both the council and the developer seem to be accounting for all possibilities.....Even if we can produce a draft rebuttal for Friday and work on a more robust statement for full committee on the 19th would be better than nothing.....I'll leave it with you and catch on Thursday to see where we are with this. Kind regards, P"

Council Officers are under a duty to work with developers, but ultimately must provide an independent assessment of the evidence in order to ensure that Members are able to make an informed decision. The email exchange calls into question the position of the Council's ecology officer and his ability to give impartial consideration to the issues being raised.

2.18 We hereby submit a further response from our independent expert, Professor Shreeve, who incidentally is not being paid for his expert advice and nor is he a local resident. His assessment, which is therefore wholly impartial, is attached at **Appendix II** and highlights a number of ongoing concerns in addition to the concerns set out in his original assessment.

2.19 In particular, Professor Shreeve notes that within the space of 12 working days described existing habitat areas have changed, hedgerow lengths have changed, quality scores of the hedges have changed and an additional hedge is now included. None of these changes are accompanied by any

explanation and should be treated with extreme caution. The basis of the revised calculations remains unknown.

- 2.20 The mitigation hierarchy has not been applied in relation of S41 Priority Habitat hedgerows and the metrics are now so uncertain with changes of areas and lengths of linear features and the enhancement plan differing from the developer's Masterplan that there is no clarity in the supplied figures for unit enhancement and loss. In effect, there is no coherent information to demonstrate claimed changes of biodiversity value so the planning permission, if granted remains in breach of NPPF para 170 and VALP Policy NE1.
- 2.21 The FPCR Report acknowledges the existence of four ponds within 500m of the application site, one of which lies within 250m of the application site. The Council have also been made aware of three additional unmapped ponds immediately adjacent to the application site (see objection from Mr J Bloss attached as **Appendix III**) .
- 2.22 We reiterate Natural England's Standing Advice that an applicant must survey for Great Crested Newts if *"there's a pond within 500 metres of the development, even if it only holds water some of the year"*. Despite this clear instruction, the FPCR Report fails to acknowledge the existence of the unmapped ponds and fails to advise that further surveys for Great Crested Newts are required. Without such surveys, planning permission if granted remains in breach of VALP policy NE1(g).
- 2.23 Equally, it remains the case that there is potential for protected species to be found on the application site which will require the applicant to obtain a NEPS Licence. Natural England can only issue a NEPS Licence *"for the purposes of preserving public health or public safety or other imperative reasons of overriding public benefit including those of a social and economic nature"* (Regulation 55(2)(e), The Conservation of Habitats and Species Regulations 2017). As per our first objection, the circumstances of this planning application are such that it will not be possible for the Applicant to obtain a NEPS Licence.

- Pollution

- 2.24 As per our first objection, with the additional points as follows:
- 2.25 With regard to the points made in our first objection, we note an email from the Applicant to the Council dated 27th October 2020 in which the Applicant says:
- "On the point of Anglian Water, the emerging policy asks for an assessment of waste water capacity and a surface water drainage scheme.....I have reservations on providing this information at this stage due to the cost implications of this."*
- 2.26 We reiterate the Council's Sustainability Appraisal Report Addendum (Oct 2019, prepared as part of the VALP Main Modifications) which concludes *"the matter of 'wastewater services' is a key 'pollution' issue of relevance to the spatial strategy. In particular, there is a need to direct growth to locations where there is capacity at Wastewater Treatment Works (WwTWs), or where there is confidence regarding the potential to generate capacity through upgrade works. Breach of capacity at a WwTW can result in **significant** pollution to the water environment. A recent Water Cycle Study (2017) concluded that capacity at Buckingham WwTW could be a constraint to growth at Buckingham **and Maids Moreton**"* (emphasis added).
- 2.27 Anglian Water has since confirmed in their Consultee response *"The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not*

have capacity to treat the flows from the development site.” Whilst Anglian Water cannot formally object to a site on the basis of insufficient capacity, the Applicant’s reluctance to address this issue renders planning permission, if granted, in breach of VALP Policy I5 which states that “(c) Planning applications must demonstrate that adequate capacity is available or can be provided within the foul sewerage network and at wastewater treatment works in time to serve the development”.

ACHIEVING WELL DESIGNED PLACES

2.28 As per our first objection.

MAKING EFFECTIVE USE OF LAND

2.29 As per our first objection.

MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

2.30 As per our first objection, with the additional points as follows:

2.31 We note confirmation from Anglian Water in their consultee response that the *“development will lead to an unacceptable risk of flooding downstream.”* And that *“a full assessment cannot be made due to lack of information, the applicant has not identified a discharge rate or connection point”*. We refer again to the Applicant’s unwillingness to address this very serious issue due to the cost implication.

2.32 We also note confirmation from Anglian Water that *“From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such we are unable to provide comments in the suitability of the surface water management. The LPA should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.”* Whilst advice has been taken from the Lead Local Flood Authority, this advice does not address the unacceptable risk of flooding downstream.

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

2.33 As per our first objection.

SUPPORTING HIGH QUALITY COMMUNICATIONS

2.34 As per our first objection.

IMPACT ON EXISTING RESIDENTIAL AMENITY

2.35 As per our first objection.

3. Conclusion

We therefore maintain our strong objection to this planning application because it still conflicts with a number of statutory development plan policies such that it cannot be considered to be in accordance with the development plan when considered as a whole. It furthermore conflicts with a number of NPPF policies and any such conflict must be given significant negative weight in the planning balance. It also conflicts with a number of emerging plan policies.

APPENDIX I

The Highways and Transportation Response

**prepared by
The Transportation
Consultancy (November
2020)**



Date: 09 November 2020
Our Ref: 210410-03 Letter

The Transportation Consultancy Limited
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Leamington Spa,
Warwickshire,
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United Kingdom
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For the attention of: Mr Tim Thurley, Buckinghamshire Council

Dear Tim,

Subject: Planning Application 16/00151/AOP for the construction of up to 170 dwellings, public open space and associated infrastructure on land off Walnut Drive and Foscoote Road, Maids Moreton, Buckinghamshire, MK18 1QQ.

We write on behalf of the Maids Moreton & Foscoote Action Group (MMFAG) in response to your recent correspondence (dated 28/10/20) regarding the Technical Note prepared by The Transportation Consultancy ('ttc'), which was commissioned as an independent audit of the highways related works submitted in support of the planning application outlined above.

Your response to the aforementioned Technical Note is greatly appreciated, but there are several outstanding concerns that require further consideration/clarification, which are considered to be fundamental in determining the planning application.

The structure of our response parallels your correspondence and is set out in the following paragraphs.

Transport Assessment

Proposed Access

The Council's comments in this regard are noted, although further commentary on some of the items, which feature under other headings, have been referenced below where appropriate.

Accessibility by Non-Car Modes

Comments from the Council on this matter are noted and it is fully acknowledged that the applicant proposes improvements to the existing PRow, linking the site with Main Street, alongside footway connections on Foscoote Road and a contribution towards a public bus service.

Notwithstanding the fact that the proposed footway connections only address the basic access requirements to link the development with the wider footway network, the principal issue raised within this section of the Technical Note relates to the site's general sustainability, given the lack of local services, facilities, local cycle connections, bus services, rail services and employment opportunities within walking distance and the likelihood that future residents will be heavily reliant on owning a private car.

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The public bus service contribution, which addresses one of these issues, is considered to be limited, with no clear indication of what this will cover and whether it will be sufficient to improve the site's sustainability. The latter is based on the content of the Draft Section 106 and as such, any updates in this regard would be welcomed.

As you are no doubt aware, a key consideration within NPPF is development location, with extensions to villages, referenced within Para 72 of the aforementioned, which states that new development should: *'b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access'*. It is self-evident that access to such service and employment opportunities would require use of a private car, unless significant improvements to the site's accessibility are secured. As it stands, it remains our view that the development cannot be deemed to be sustainable.

This assertion is also supported by the VALP Sustainability Appraisal, which concluded that the application site was identified as being the least sustainable in comparison to other draft designated sites within Maids Moreton, which is again contrary to NPPF.

Finally, the VALP is not an adopted document and the allocation of this site remains the subject of continued examination so cannot be relied on as evidence of an acceptable sustainable location.

Traffic Impact Analysis

The Council's comments in this regard are duly noted, although further commentary on some of the items, which feature under other headings, have been referenced where appropriate.

Consultation Response and Report Iterations

Main Street and Walnut Drive Mini Roundabout

The assessment of the junction presented within the Technical Note related to Drawing 1158 01L, which showed the visibility splays from Walnut Drive oversailing the garden of No. 1 Walnut Drive. It is acknowledged that this has been rectified within the latest iteration of the drawing and that the approach widths could be resolved at detailed design, though given the design is overlaid onto a topographical survey base, it is unclear why these issues could not be resolved at this stage to determine whether departures from the prescribed standards are required and whether such departures can be justified from a highway safety perspective.

We also acknowledge that the junction has been discussed onsite with the adjacent property owners and Thames Valley Police and that, in the Council's opinion, the matter has been resolved to the satisfaction of all parties. However, this apparent resolution does not accord with recent comments submitted by the property owner (dated 5th November 2020), who maintains his objection to the roundabout and the impact it will have on his private driveway. It has also been implied that the Thames Valley Police Officer would seek an alternative parking arrangement, as oppose to using the existing driveway, though this cannot be verified.

Stratford Road (A422)/College Farm Road Junction

It is acknowledged that this junction has been subject to extensive consultation, which has culminated in a solution that seeks to suppress demand along College Farm Road through the use of traffic calming features, since the Council consider that any meaningful increases in capacity at the College Farm Road/ A422 junction could be contrary to highway safety.

The effect of the traffic calming solution will be subject to a Monitor and Manage Strategy, which will determine how much development traffic makes use of College Farm Road and whether mitigation is required. A proposed junction mitigation scheme has already been identified and takes the form of widening along College Farm Road to increase the flare on approach to the junction, enabling 6 cars to stack. If the initial traffic calming solution successfully diverts traffic elsewhere, then the funds provided by the applicant for the carriageway widening will be reallocated to support the delivery of the Buckingham Transport Strategy.

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In the event that the traffic calming features are successful, then traffic seeking to access the A422 will naturally divert along Foscoote Road/Lane to the north or more likely through the town centre via Moreton Road. It is noted that Council has confirmed that use of Foscoote Road/Lane was considered by the applicant and it was determined that very few development vehicles would make use of this route, however, there is no evidence of this in any of the submission material and so this assertion cannot be verified.

Notwithstanding the above, and to ensure Foscoote Road/Lane is not unduly impacted by the development proposals, a Monitor and Manage Strategy will be included in the S106 agreement, to allow suitable mitigation to be identified if necessary. This in turn would ultimately lead to development traffic, and potentially existing traffic, diverting from College Farm Road and Foscoote Road/Lane, along Moreton Road and through the town centre to access the A422. The Council has acknowledged that the Buckingham Transport Strategy:

'.....seek[s] to remove traffic from the town centre and this is focused on removing those trips that do not need to be there such as traffic with an origin and destination through or around Buckingham. Removing through or around Buckingham trips would improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites including this site to be offset.'

Since the applicant's Transport Assessment has established that the majority of work-based trips will travel from the site towards Aylesbury, the development trips would constitute the very trips the Council is seeking to deter and therefore contrary to the strategy.

Furthermore, it should be noted that the application site was not explicitly included within the modelling work conducted to inform and support the content of the Buckingham Transport Strategy, which was based on the Aylesbury Vale District Council Housing and Economic Land Availability Assessment, dated 2015, which shows the application site to be 'unsuitable'.

As a result and with reference to the points made under the 'Accessibility by Non-Car Modes' subheading, it is unclear why a car dependent development situated on the periphery of a small village, with limited access to local services, facilities and employment opportunities, continues to be supported by the Council. This view is also shared by Buckingham Town Council, who have also objected to the application, citing impacts on the town centre junctions, sustainability and lack of any local services and facilities within Maids Moreton that would support a development of this scale.

Foscoote Road Footway and Carriageway Improvements

It is fully appreciated that the proposed widening and footway improvements along Foscoote Road have been subject to extensive consultation and that the proposals have been based on topographical survey to ensure they are as accurate as possible. The Council have deemed the level of detail submitted to be sufficient to support the principle of the proposals and note that the *'applicant will be aware of the potential challenges in delivering the improvements due to existing level changes and space available but is confident that the improvements can be delivered.'*

Notwithstanding this assertion, the Council should themselves be fully apprised of the challenges in delivering the retaining wall to ensure the proposals can be conditioned. In the event that the neighbouring properties are affected, or the existing boundary fences are removed to facilitate construction, new boundary fences will need to be provided along the top of the retaining wall. This obligation requires planning permission, which could ultimately be refused and therefore the condition could not be satisfactorily discharged.

It is reasonable for the Local Highway Authority to request further details in this regard to ensure the proposed footway improvements can be delivered.

Moreton Road junction with the High Street (old Gaol)

The Council's views on this matter are duly noted and whilst it is still not clear whether the improvements to the junction, mitigate the impact of the development, it is accepted that in general, the proposed improvements would be beneficial to non-motorised and public transport users, but it has been established that the development itself will not generate non-motorised and public transport users.

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Crossing on the A422 Stratford Road

The benefits of providing a crossing on the A422 are self-evident, however, the route between the site and the A422 is convoluted and heavily reliant on cyclists using public footpaths, which in accordance with the Highway Code is explicitly forbidden.

Other routes include estate roads or the potential use of Moreton Road and none of these routes are helpful in promoting cycling from the site to the nearest secondary school. As such, it would be expected that a more comprehensive set of improvements designed to encourage cycling from the site to the town centre and beyond would have been requested by the Council, rather than focussing on restricting vehicle route choice and funnelling development traffic through the town centre.

It is acknowledged that the applicant is making a contribution towards the Buckingham Transport Strategy and any details on how these funds will support the delivery of a sustainable development at the application site would be welcomed.

Summary

In summary:

- The sustainability of the site's location is still considered to be questionable and the proposed improvements will not reduce the likelihood that future occupants will be car reliant.
- The solution to the local junction capacity issues effectively leads to development traffic 'funnelling' through the town centre by deterring development traffic and potentially existing traffic from using local alternatives, which have been widely acknowledged as being unsuitable. This approach is considered to be contrary to the Buckingham Transport Strategy.
- It has been acknowledged that the applicant is contributing towards the Buckingham Transport Strategy, but with no details on what schemes the funds will support and what benefits could be derived for future occupants of the site. Further information on this would be welcomed.

It is acknowledged that the Local Highway Authority has worked collaboratively with the applicant to resolve the technical issues in delivering this site and is satisfied with the outcomes, but it is considered that too much emphasis has been placed on delivery at the expense of suitability and sustainability and we would respectfully request that the Local Highway Authority carefully consider whether the site fully conforms with NPPF.

Yours faithfully

James McGavin BA (Hons) MSc (Eng) MCIHT
Director

APPENDIX II

Expert Evaluation of the Revised Ecological Assessment and Biodiversity Offset Calculator

**prepared by
Prof. Tim Shreeve
(November 2020)**

16/00151/AOP Assessment of the application of the Biodiversity Metric 2.0 –Calculation Tool –Beta Test December 2019 to demonstrate Biodiversity net gain Revisions to Metrics *uploaded on 3 November 2020.*

This is the third set of biodiversity metrics submitted by the applicant and these comments are on this third set, uploaded on the 3 November.

Within the space of 12 working days all habitat unit and hedgerow calculations have changed. These encompass major changes of described existing habitat areas and areas enhanced and created, with resultant changes to the extent of habitat unit changes. Hedgerow lengths have been revised, an additional hedge included and the quality scores of the hedges changed. None of these changes made to the values input into the Biodiversity Metric Calculator 2.0 are accompanied by any explanation. Such a large disparity between the results of the two sets of data resulting indicate that anything that has been calculated should be treated with extreme caution and no confidence should be attributed to the revised calculations. The basis of these revised calculations remains unknown.

Additionally, the correspondence between Buckinghamshire Council and the developer may raise questions about the ethical position of the council. Given this correspondence it could be questioned if the council can provide any impartial judgement.

Linear features - Hedgerows

The newly presented data indicates that there are now 4.48 exiting hedgerow units (down from 5.58 in the previous use of the Biodiversity Metric). After hedgerow loss this is now presented as a reduction to 4.14 units (previously 5.72 units) with a change of **-7.53%** (previously 1.44%). This is despite adding another hedgerow to the metrics (H5), with no basal information being supplied about its condition and distinctiveness. H5 was previously described as scrub and woodland. In the new data the lengths of H1-H4 have been reduced, but the new values also conflict with the original ecological report of September 2016. Lengths are part of the unit calculations in the Biodiversity metric, so the conflicting reports do not allow the calculation of hedgerow units to be tested for reliability.

Despite the addition of H5, and a line of trees to the new calculations, the existing value of the hedges has declined, this is because the combinations of conditions and distinctiveness have changed. Furthermore, the apparent reduction of H4 length means that the units lost from this hedge are now less than previously reported, and the gaps in H2 (net loss) to allow two access roads through the hedge has been reduced, representing a downplaying of the loss of hedgerow developments.

More fundamentally the status of hedges identified as S41 Priority habitats has not been addressed. The condition of these S41 hedges remains misreported in the metrics, negating the reported enhancement unit uplifts in the metrics.

Whilst the loss of -7.53% hedgerow units is given, changes to the data used in the calculation to provide less favourable unit calculations for existing hedgerow units, despite the addition of H5, indicates that the actual loss of hedgerow units will likely exceed 7.53%. However, the basis on which revised calculations should be made is now very uncertain as 3 sets of length estimates are presented, with condition and distinctiveness values for individual hedges that are not appropriate. Therefore, the actual hedgerow unit loss is most likely to approach around 12% as previously reported (29 October report of TGS).

New calculations are presented for habitat units. In this new set of calculations, the areas of all existing, enhanced and created habitat units have been changed. There is no explanation

for this. These new area calculations and resultant number of habitat units currently and post development are not reported in the Headline Results (Zero units are presented). The new assessment does however indicate a larger gain in habitat units with a described gain of 11.4%. The veracity of this is dependent on the new area calculations being correct; the reasons for these changes needs to be documented.

However, what can be delivered on the site is in question, the developer's Masterplan and the Habitat enhancement map are different. The decision should be made on the developer's Masterplan, which is presumably the definitive document. Of significance to the habitat metrics is the provision of swales next to H1. The Masterplan does not give space for these. Additionally, some of the units delivered by newly created amenity grassland is actually occupied by a LEAP, with an artificial surface and the other large area of this habitat type (NE of the LEAP) is occupied by housing. Thus, the delivered biodiversity units are going to be less than the declared figure off 11.4%, but confirmed areas need to be given for a reliable estimate.

With the revised metrics, previous comments about the time to deliver habitat and hedgerow units still apply (see 29 October report of TGS). There will be net loss of habitat units for about 10 years, with final delivery after 30 years, and hedgerow unit loss reaches its minimum value only after 20 years.

In summary the mitigation hierarchy has not been applied in relation to S41 hedgerows and the metrics are now so uncertain with changes of areas and lengths of linear features and the enhancement plan differing from the developer's Masterplan that there is no clarity in the supplied figures for unit enhancement and loss. Thus, there is no coherent information to demonstrate claimed changes of biodiversity value.

Buckinghamshire Council's ecologist states in an email to fcpr (27 October 2020) :

"Its not in the councils or the developers interest for this to fall down at committee stage based on ecology reasons alone."

However, what has been produced is ineffective as a finalised set of metrics. The Technical Note – AG Objection Review and Response of fcpr (30 October 2020) states that:

"The update BIA assessment undertaken by FPCR has demonstrated the updated scheme is capable of delivering a >10% net gain as detailed within the submitted report and metric."

Given the Outline nature of the application a condition can be attached requiring the final scheme to demonstrate a net gain for both hedgerows and habitats."

The stated delivery of >10% net gain ignores the hedgerow unit loss (it is far from minor) and timeliness in delivery, whilst different types of units (habitat and hedgerow) need to be addressed separately. The NPPF also requires that biodiversity considerations should be taken into account at the decision stage. Demonstrating a net gain for both hedgerows and habitats as a condition is contrary to policy, it has to be demonstrated first.

There remain issues about the lack of protected species surveys, further undermining any case that the ecological component has been properly addressed by both the developer and the council when considering this application.

Professor T G Shreeve
3 November 2020

APPENDIX III

Objection from Mr Jeremy Bloss

**submitted
to the Council**

October 2018

Comments for Planning Application 16/00151/AOP

Application Summary

Application Number: 16/00151/AOP

Address: Land Off Walnut Drive And Foscode Road Maids Moreton Buckinghamshire MK18 1QQ

Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Case Officer: Mrs Sue Pilcher

Customer Details

Name: Mr Jeremy Bloss

Address: 13 Manor Park Maids Moreton Buckingham

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: I wanted to flag up based on the recent news that AVDC now has access to a Newt officer that if there are ponds with newts in within 500m of a proposed development that a survey should be performed. I do not believe any such survey(s) have been performed in the case of this application. I have a pond within my garden that is home to many amphibians - newts, frogs and my neighbours have more than one pond. We are right next to the proposed site. I suspect there will be many other ponds within this 500m range (even Foscode reservoir!) so want to raise this as an objection.