

Note of Susan Deakin, Liz Lake Associates, on behalf of the Council dated 19.5.2021

In response to Revision v.3 Biodiversity Net Gain Assessment submitted by David West

The Council accepts the corrections made to Figures 2 and 3 of the Biodiversity Net Gain Assessment (now provided in Revision V3), ie to include Slockett's Copse West and an area of Purple Moor Grass and Rush Pasture (HPI), which were previously omitted. Whilst Mr West states that the inclusion of these areas makes 'no material impact on the outcome of the assessment' it is considered by the Council that the proposals as submitted and set out on the SLGIP, indicate loss of Purple Moor Grass and Rush Pasture HPI due to i). construction impacts of the Main Valley Crossing (which overlies part of the northern sector of HPI), ii). SuDS basin and conveyance channel resulting in direct loss and construction impacts (due to associated earthworks on sloping land) to both the northern and southern sectors of HPI (on various iterations of the SuDS proposals) and iii). pathways impacting on both the northern southern sectors of HPI. This loss is not included in the metric.

With respect 3.0, whilst the Council does not agree with the Appellant's view '*that there will be no significant loss or deterioration of irreplaceable habitat*', we are content that Mr West now agrees with the Council's interpretation that irreplaceable habitat should be excluded from the BNG calculations in all cases. It is clear in the User Guide to the Biodiversity Metric 2.0 (2019) (ID 23) that Ancient Woodland must be excluded from the assessment as '*The metric focuses on widespread species and typical habitats....impacts on....irreplaceable habitats are not adequately measured by this metric*'. In a similar way, protected and locally important species needs are not covered by the metric.

The rationale for not including higher value species and habitats in the calculations is because they must fall outside the assessment and be assessed separately, in the case of ancient woodland, under para 175 c) of the NPPF. Any loss or deterioration of irreplaceable habitat cannot be compensated and the Council is of the opinion (as reflected in the reasons for omitting ancient woodland from the BNG metric) that this is separate and over-rides the BNG achievable for remaining habitats.

It is acknowledged that by correctly excluding the areas of AW from the calculations the % of BNG for the remainder of the site in Revision V3 has increased to 49% in comparison to 28% as calculated in Revision V2. This may be considered misleading but is easily explained because, in simple terms, on a site of this scale the loss of arable land of low value with semi-natural grassland of considerably higher value (albeit a widespread and typical habitat, that is readily created) is easy to achieve.

The Council remain unconvinced that the level of BNG that is theoretically achievable in the retained and new habitats on site, will be achieved in practice, due to the extent and degree of physical degradation of these habitats due to human recreational use, which is the prime purpose of the Country Park provision, along with substantive displacement of species. Thus, there is an expectation that the scale of BNG as calculated is inflated.