

## Gloucestershire Wildlife Trust

### Final comments on the Cinderford Northern Quarter Hybrid Planning Application P0663/14/OUT

7<sup>th</sup> November, 2014

#### Background

The Trust made its last comments on this application on 19<sup>th</sup> August, 2014 having reviewed additional information submitted by the applicant. We have since met with the applicant and discussed the matter on a number of occasions with the District Council and can now provide our final opinion on this application.

The Trust was originally opposed to the concept of development on this site because of the extremely rich diversity of wildlife it supports. We objected to its allocation as a development site in the Core Strategy and were of the view that the Area Action Plan could not be delivered without significant impact on the ecological value of the site. Although we remained of that view, the Trust decided to work with the applicant and the local authority after the strategic plans were approved and adopted and survived legal challenge in order to try to ensure as far as possible that the final scheme had minimal impact on the ecology of this site and delivered significant enhancement which might possibly compensate for the impact in the long term.

There is no doubt that the Cinderford Northern Quarter is the most important site for wildlife ever to come forward for development in Gloucestershire, and the Planning Committee needs to be very aware that they will soon determine an application which threatens to damage one of the most important natural assets in the Forest of Dean District. Committee members need to be completely confident, therefore, that the inevitable negative impact caused will be adequately mitigated against and that the planned mitigation will work.

#### Mitigation

The complexity of the site and the sometimes conflicting requirements of the species present have meant that the mitigation has been extremely challenging and this has been compounded by the tight times scales to which the scheme is subject. This is extremely regrettable given that a meeting was held between the Trust, English Nature (as they were then) and regeneration representatives from FODDC over 10 years ago to highlight the presence of protected species on this site. The recent rushed licence application and relocation of great crested newts out of the development site did not follow best practice and was entirely avoidable, and it sends a clear message that biodiversity was not given the attention it needed early enough by the Regeneration Board when they started to develop this scheme.

The Trust remains of the view that the mitigation for bats has not fully considered all the relevant factors and has failed to take into account local knowledge. **If the local authority is minded to grant this application there needs to be scope for the bat mitigation strategy to be discussed with local experts to refine and improve outcomes for bats.**

Translocations of amphibians (in this case great crested newts) are notoriously difficult to verify as having been successful, especially where good baseline data is lacking. On top of

that the receptor site is, in our view, too small. Routinely we would expect a receptor site to be at least 3 times the size of the donor site in order to account for parts of it which might be sub-optimal and to give leeway for other issues arising from the stress of translocating creatures which are extremely sensitive to environmental change. The fact that the receptor site already supports a population of great crested newts raises additional concerns about carrying capacity and competition.

Despite concerns about the adequacy of the mitigation for bats and great crested newts we acknowledge that Natural England has conceded that the scheme meets minimal mitigation guidelines and therefore that the local authority will feel able to consent it.

Unfortunately, the focus on protected species (a short-coming in current wildlife legislation) has meant that insufficient attention has been given to other species present on site, notably invertebrates, which is an omission given the value of the site for a number of priority species of butterflies and moths. The government is currently trialling a number of "Biodiversity Offsetting" pilot projects which aim to confirm a metric which could be applied to a given site and used to calculate the area of land which should be subject to compensatory measures to offset the damage caused by a new development. Although the pilots are yet to report it is becoming apparent that the Government-preferred option is set to recommend compensatory areas of significant size relative to those being impacted. There appears little doubt that if the government's own metric were to be applied to the current application the areas required for mitigation and compensation would be significantly greater than is being proposed here.

**Our overall view is that the mitigation for protected species will struggle to deliver its objectives due to an unrealistic timeframe and areas of land of insufficient size being identified for mitigation. In addition there is a very real risk that a significant component of the biodiversity of the site will be negatively impacted because it has never been adequately assessed and therefore considered in the mitigation plans.**

### **Habitat Enhancement**

The Biodiversity Strategy prepared by the local authority for the Cinderford Northern Quarter identifies clear areas which could be brought forward as enhancement (as required by new developments to be NPPF-compliant) in tandem with the different phases of development. If implemented, the strategy could result in substantial areas of open habitat being created south of the linear park towards Crabtree Hill which in the long term could develop significant wildlife interest.

However, the Trust has been concerned for some time that the application has failed to identify any significant enhancement in this first phase, which given the value of the site being impacted, is unacceptable. We raised this in our representations in both May and August 2014. Furthermore, looking to the future there is concern that many of the proposals in the Biodiversity Strategy may never happen at all as they rely on developers coming forward with new development proposals for subsequent phases.

The aspiration of the applicant was that the Cinderford Northern Quarter development would be an exemplar; an example of sustainable development which took account of, and enhanced, the local environment. Unfortunately, because of the uncertainty and limitations of the proposed mitigation, the scheme will struggle to claim that accolade with regard to best

practice mitigation, but it is possible that a major enhancement proposal could still make a positive contribution to the conservation of the special wildlife of the Forest of Dean.

The Trust met with the applicant to discuss this matter and understands that a contribution to an enhancement fund, to be held by the District Council, may now be made purely to deliver enhancement associated with the current application. The Trust welcomes this move although the final details will be agreed via the S.106 agreement and are not available for public comment at this stage. The Planning Committee will need to be confident that the contribution being offered is sufficient to deliver real enhancement to match the significance of this keystone development and make a major contribution to the delivery of the adopted Biodiversity Strategy.

**It is critical therefore that stand alone enhancement should be a condition of the current application. We would expect such enhancement to be of a quality to match the keystone proposal of a regeneration plan of this stature and to make a positive statement about the applicant's commitment to enhancing the natural environment of the Forest of Dean.**