JOHN WENMAN
ecological consultancy

Ms Holly Dutton – Case Officer
(Holly.Dutto@planninginspectorate.gov.uk)
The Planning Inspectorate

Date 17 December 2024

Dear Ms Dutton,

APP/K0425/W/24/3351904 - Land Adjacent South Side Marlow Road and A404 Junction, Little Marlow

John Wenman Ecological Consultancy LLP has been commissioned by Wild Marlow to comment on the ecological impacts of the proposed Marlow Film Studios development.

I am a professional ecologist with 25 years' experience and a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). Alongside the points detailed in our statement below, I strongly urge you to consider the material ecological objections raised by recognised expert consultees that include Natural England, National Trust, Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust, Bisham Barn Owl Group, The Chilterns Conservation Board, The Chiltern Society and Buckinghamshire Bird Club. The collective voices of these consultees who are recognised experts in the ecological field should carry weight in the decision-making process.

I am concerned that the following issues previously raised by local groups and consultees, remain insufficiently resolved for the above planning appeal and they are summarised as follows:

1) Local and national planning policies

The proposal conflicts with existing planning policies within the approved Local Plan adopted in 2019 that are detrimental to biodiversity as follows:

- The proposals are in conflict with Policy RUR4 (Little Marlow Lakes Country Park), which seeks to limit development to those connected with sport and recreation; the film studios would not meet these policy requirements. In addition to other matters to be considered at the appeal, not meeting the requirements of RUR4 would have associated adverse impacts habitats of wildlife importance e.g. the Marlow Gravel Pits Biological Notification Site, protected and notable species impacts and loss of habitats characteristic of Priority Habitat, as a consequence of the construction and operational impacts of the scheme.
- Policy BE2 allocates the Hollands Farm for housing development. The viability of the site allocation, and its implementation through current outline planning applications, is dependent on the provision of adequate SANG at Little Marlow Lakes Country Park (LMLCP) to avoid adverse impacts on Burnham Beeches Special Area of Conservation (SAC). The SANG provision at LMLCP has been agreed with Natural England. The grant of planning consent for Marlow Film Studios would jeopardise the implementation of Policy BE2, without adequate alternative provision and currently the proposed use of the land at Spade Oak Lake Nature Reserve by the appellants has not been approved by Natural England as a suitable alternative and not yet secured by an appropriate legal agreement, and as such there is insufficient information to allow the conclusion that the Film Studios would not be detrimental to Burnham Beeches SAC.
- The proposed site contains Marlow Gravel Pits Biological Notification Site (BNS), which according to the documents provided will suffer at least a 15% loss from the development. Policy DM 13 of the Wycombe District Local Plan (2019) states:

  "Development proposals which would harm directly or indirectly other designated sites of nature conservation or geological interest or protected species including those shown on the Policies Map will only be permitted where it has been demonstrated that:
  a. *there is no suitable alternative site for the proposed development, and*
  b. the impact can be mitigated or compensated to achieve a net overall gain in biodiversity or geodiversity, and
  c. it has been clearly demonstrated that the benefits of the development outweigh the harm to the biodiversity or geological conservation interests."

1 Diesel House, Honey Hill, Wokingham, Berkshire RG40 3BL
Telephone: 0118 3271810 Mobile: 07979403099 E-mail: john@wenman-ecology.co.uk
www.wenman-ecology.co.uk

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The direct loss of part of the BNS would have a detrimental impact on the site's ecological value, and adverse impacts, during construction and operation, on species, particularly breeding and wintering birds, and the mitigation and compensation measures i.e. onsite and offisite habitat creation would not adequately compensate for the impacts, and therefore not accord with Policy DM13.

2) Biodiversity Net Gain

The habitat descriptions and associated BNG calculations do not adequately consider the ecological value of the site, or the biodiversity changes that would occur if consent for the development proposals were granted. These concerns are summarised as follows:

- The comments from the Buckinghamshire Council Ecologist (published September 2023) notes that plots 4 and 5 meet most of the criteria of Open Mosaic Habitat on Previously Developed Land (OMHPDL) which is a Priority Habitat/Habitat of Principle Importance, and therefore a habitat that would require application of the more stringent tests set out in Local Plan Policy DM13, whereby adequate compensation will be needed to account for loss to development. Currently, the BNG calculations show a net loss of biodiversity units will occur onsite, and it is not feasible to deliver the proposed onsite and offsite habitat creation through creation and management of OMHPDL that would be of equal value to that lost on site. The Buckinghamshire Council Ecologist has highlighted that it is not feasible to deliver sufficient compensation onsite as follows: '*The loss of features on site which are akin to OMHPDL is to be partially compensated for through the enhancement of some less distinctive habitats to create OMHPDL. However, I do not consider that this is the full compensation that would be required by tests in policy DM13 and therefore, OMHPDL features will need to be included on the offset site to meet the policy requirement*'. The creation of OMHPDL on current arable land at Spade Oak is not viable in a currently uniform and nutrient rich habitat, and therefore it is my view that loss of priority habitat will occur. Furthermore, securing habitat management measures through a S106 agreement would not adequately secure the gains predicted because of the difficulties of recreating OMHPDL. Therefore, the proposals do not meet the tests set out in Policy DM13.
- A River Condition Assessment forms part of the BNG calculation must be undertaken by a suitably qualified ecologist with RCA accreditation. This has not been stated in the report and therefore puts into doubt the validity of the assessment.

3) Lighting, noise and vibrations

The 'temporary' impacts of lighting, noise and vibrations have not been adequately considered for the operational phase of filming, which will be a regular impact to local wildlife on site. Points of particular concern are outlined as follows:

- Artificial lighting, noise and vibrations from both the construction phase and operational phase of this development will have an adverse effect on bats and birds. It is stated within the Environmental Statement that night lighting during the construction phase will adversely affect commuting bats adjacent to the construction area (plus dust arisings and surface run-off resulting in a decrease in prey abundance), but that such impacts are only temporary and therefore the magnitude is low and likely effects only significant at the local level. However, the production lighting for night shooting that has been identified to have the potential to result in negative impacts on bats will be necessary for night filming (for the filming itself and general operations for those working at night) and there are also concerns over the permanent security lighting which is associated with all film studios. Furthermore, the noise and vibrations from pyrotechnics used will also cause great disturbance to wildlife on site in addition to potential effects on breeding and overwintering birds at the adjacent Marlow Gravel Pits Biological Notification Site.
- There needs to be a strict monitoring regime or individual assessment of the lighting, noise and vibrations used for every filming event on site because they are highly likely to result in disturbance of notable and protected species on site and on adjacent sites, and the practicalities of delivering such measures by way of planning condition or agreement for example local authority resource to monitor delivery, puts into doubt that impacts on notable and protected species can be adequately mitigated.

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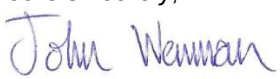
4) Detailed monitoring of mitigation requirements

A project of the scale proposed, will result in the loss of extensive areas of habitat on site, including habitat meeting the characteristics of a OMHPDL Priority Habitat, and requires detailed monitoring stipulations that have clear repercussions if criteria and conditions are not met, particularly with post-development condition assumptions being optimistic, e.g. good condition other neutral grassland. I have significant concerns that detailed monitoring and management operations will not be delivered, and because of this, and inherent difficulties recreating mosaic habitats offsite, that proposals will not adequately compensate for onsite loss and impacts, and therefore will not deliver the gains predicted.

Yours sincerely,



John Wenman BSc (Hons), Msc MCIEEM
Partner

1 Diesel House, Honey Hill, Wokingham, Berkshire RG40 3BL
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