Wild Marlow

Saltings Barn

Pound Lane

Little Marlow SL7 3SR

Emma Crotty – Principal Development Management Officer

Planning, Growth & Sustainability,

Buckinghamshire Council

4th August 2023

Ref: 22/06443/FULEA | Full planning permission for production space and supporting buildings for screen-based media and associated services/industries. The development of approximately 168,718 sqm GEA total floorspace comprising : sound stages, workshops , office accommodation, studio hub associated outdoor space such as backlots and unit bases; entrance structures and reception; security infrastructure, mobility hub; cafes; parking; bridge; incidental supporting buildings; associated infrastructure; public art; upgraded vehicular access onto Marlow Road; new cycle and pedestrian accesses; a new cultural/educational/recreational building; a new community building and associated landscaping, publicly accessible recreational land and ecological and environmental enhancements/habitat creation | Land Adjacent South Side Marlow Road And A404 Junction Westhorpe Park Little Marlow Buckinghamshire

Dear Emma Crotty

Wild Marlow is a volunteer charity, concerned with the wildlife and biodiversity in and around Marlow. Following additional documents submitted by Dido Property Ltd. we still **strongly object** to the above planning application. Our original reasons sent 21st July 2022 still stand and our additional comments sent 6th April 2023 still stand and are below in *red*. Additional further comments are below in *green,* however none of the documents submitted in this latest addendum alleviate any of our very serious concerns.

1) **Contravening Local and National Planning Policies**

- The application runs contrary to the following policies in the current Local Plan, adopted in 2019:
    - Policy RUR4 erosion of designated Country Park
        - *4. Planning permission will not be granted for development within the Country Park that that has an adverse effect upon the amenities or setting the River Thames, watercourses, lakes, wet woodlands, adjoining conservation areas, or listed buildings, or which prejudices the function of the area for the purposes of a Country Park.*
        - *6. Any development close to an existing waterbody or other wetland feature should protect and enhance that feature's ecological value, biodiversity, and its natural setting within the Country Park.*
    - Policy CP8 protecting the greenbelt from inappropriate development
    - Policy CP10 Green infrastructure and the natural environment protection
        - specifically, habitat fragmentation caused by the development.
        - the buffers detailed between the construction zone and Westhorpe Lake are totally unsatisfactory.

        - Plots 4 & 5 fall within the Green Infrastructure Network (GIN) designation identified in the Local Plan and therefore the development of these areas contravenes policy.
    - Policy BE2 undermines the proposed mitigation site for the development at Hollands Farm and therefore subsequent negative impacts on Burnham Beeches Special Area of Conservation (refer to objection details by Natural England consultee). *We have major concerns regarding the strategy of altering mitigation for other unrelated developments that have been scrutinised through the planning process to be able to achieve further development. Ecological mitigation should not be allowed to be moved from site to site after planning consents have been granted with legally binding conditions attached as it makes a mockery of the system. We do not believe that Spade Oak Lake Nature Reserve is a suitable SANG for multiple large developments with limited footpath length for public to utilise and will be subject to adverse negative impacts from this increased recreational pressure.*
    - Policy DM20 Matters to be determined in accordance with the NPPF
        - specifically, air, noise & light pollution
    - Policy DM30 the Chilterns AONB, impact on the natural beauty. *Furthermore, the site falls withing the Chilterns AONB expansion zone currently under consideration, submitted to Natural England by the Chilterns Conservation board.*
    - Policy DM32 Landscape character and settlement patterns
    - Policy DM34 Delivering green infrastructure and biodiversity in development
    - Policy DM42 Managing development within the greenbelt
    - *The site falls within the 5km SSSI impact zone for four separate sites.*
- The application contravenes the National Planning Policy Framework regarding protection for Areas of Natural Beauty (see paras 176 and 177), providing the highest status for the protection of landscape and scenic beauty.

- The application contravenes the National Planning Policy Framework, regarding protection for designated Greenbelt, as it does not demonstrate adequate 'very special circumstances'.

- The proposed site contains a Biological Notification Site, which according to the documents provided will suffer at least a 15% loss from the development.

2) <u>Agreement with objections raised by expert consultees</u>

- We fully support the ecological and protection policy objections raised by the expert consultees Natural England, National Trust, Berks, Buck & Oxon Wildlife Trust, Bisham Barn Owl Group, The Chilterns Conservation Board and The Chiltern Society, as well as the Buckinghamshire Council ecologist.
- *We fully support the additional comments submitted by The Chiltern Society and the Buckinghamshire Council ecologist.*

3) <u>Insufficient Biodiversity Net Gain onsite</u>

- The proposed development can only achieve the emerging national requirement of +10% biodiversity net gain score by a combination of managing off-site habitats, purchasing biodiversity units from the Habitat Bank or vendors and a financial contribution as a Section 106 agreement (Document 25; Biodiversity Net Gain; Waterman May 2022). None of these options adequately compensate for local habitat loss essential in sustaining viable local wildlife populations. A minimum of 10% biodiversity net gain should be achieved on site and provide like-for-like habitat compensation to protect the existing species assemblage.
- The largest contribution of habitat creation proposed is green roofs which in reality will be fragmented parcels of habitat at a height that can only benefit invertebrates, birds and bats

(if managed appropriately and not negatively impacted by artificial lighting) and does not take into account non-flying species such as mammals (other than bats), reptiles and amphibians.

- The proportion of ground-level habitat proposed for protection, enhancement and creation is shockingly small for such an extensive development and looks to be designed around the newly developed land. Therefore, the desired achievement of 20% biodiversity net gain that has been stated by the applicant clearly was not taken into account at the design stages but subsequently fitted in around maximising development potential and not taking responsibility for the habitat loss that the development will cause and could be mitigated for on-site.
- *Any off-site management needs to be put forward prior to planning decision to ensure that it is actually achievable and the advertisement by the developer of a 20% biodiversity net gain cannot be justified and is highly misleading without this additional information. The updated UKHab to feed into the BNG has altered the condition assessments of several habitat parcels and despite the greater loss of trees and loss of habitats to the north for the new proposed roundabout, the BNG loss is somehow less than the previous calculation. The UKHab survey was carried out at a sub-optimal time of year outside of the flowering season and we do not agree with the habitat assessments, particularly plot 4 which has yet again missed the orchid assemblage.*
- *The claims of 20% BNG remain vague and suggested, rather than a guaranteed commitment or condition. The relentless PR campaign downplaying the existing value of the site and the proposal to change an off-site single arable field, which already has an important local ecological value is wholly unsatisfactory and inappropriate without establishing accurate baseline data through extensive surveying, to ensure existing habitats and species population are not negatively impacted by box ticking actions.*

4) <u>Adverse impacts from lighting, noise and vibrations</u>

- 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 EIA 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 we also have 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.
- We are concerned that there will be no monitoring or individual assessments of the lighting, noise and vibrations used for every filming event on site and they are highly likely to result in disturbance of notable and protected species on site and on adjacent sites.
- There are concerns that the proposed habitat buffers for mitigation are not extensive enough to prevent the identified negative impacts on commuting and foraging bats.
- *There is no additional information included regarding the ecological impacts of outdoor filming activities which could be severely detrimental to species assemblages on site. Temporary activities is not an argument for it not needing to be assessed because the impact on the wildlife would still be the same whether it is temporary or permanent.*

5) <u>Further information on species-specific surveys</u>

Following a review of the species-specific surveys carried out by Waterman Group we are concerned that the following ecological constraints have not been covered adequately and mitigation is completely lacking in some cases:

- A large proportion of barn owl foraging habitat used by known and successful local breeding pairs will be lost, potentially resulting in the area being less viable for breeding barn owls. There is an absence of mitigation for this loss. *No additional information has been put forward and a dusk breeding bird survey should have been completed to capture the use of the site by crepuscular species such as the barn owl.*
- The presence of otter was considered unlikely, but we are in disagreement and know that the site does offer suitable habitat. The site is directly linked via waterbodies, watercourses and suitable terrestrial habitat to the River Thames and Spade Oak Local Nature Reserve that have verified and anecdotal records of otter. This species must be considered with appropriate mitigation recommended. *An absence of evidence of otters does not necessarily mean an absence of the species on site. The River Thames acts as a perfect corridor for otters and taking into account local sightings of otters in the river very close to the site, their presence in this optimal habitat of waterbody networks should have been assessed as highly likely and appropriate mitigation put forward.*
- *The presence of water vole was considered unlikely, but we are in disagreement and know that the site does offer suitable habitat. The site is directly linked via waterbodies, watercourses and suitable terrestrial habitat to the River Thames and Spade Oak Local Nature Reserve that have anecdotal records of water vole activity. This species must be considered with appropriate mitigation recommended.*
- A large population of pyramidal orchids and bee orchids are present on site and yet these have not been recorded in the PEA and subsequent NVC survey. These notable species and the numbers present are indicative of a more unimproved habitat and represent a habitat of higher conservation importance than shown in the NVC. It also adds concern that these species have not been identified during a June survey visit when they are both in flower and very distinctive. These species must be considered with appropriate mitigation recommended and a re-assessment of the habitat distinctiveness in this area is needed. *The subsequent UKHab survey carried out in a sub-optimal time of year for vegetative surveys yet again did not fine the extensive area of orchids in plot 4 confirming our previous concerns regarding the robustness of the vegetative surveys carried out. The interspersed scrub and ephemeral vegetation in plot 4 has ecological importance and the lack of grasses, which is correctly noted for this area, has allowed a good diversity of plant species to establish such as the orchids.*
- The site has a relatively high diversity of bats which we are concerned is downgraded due to the low frequency of calls despite recording rarer species such as the barbastelle and Nathusius' pipistrelle. The barbastelle bat receives higher protection under Conservation of Habitats and Species Regulations 2017 (as amended) as an Annex II species and the Nathusius' pipistrelle has a restricted distribution and the local records search confirms that they are not recorded locally. The barbastelle bat records are concentrated in the area between Parcels 4 & 5 which are proposed to be a culture and skills academy and a principal backlot respectively and also recorded in Parcel 1 by the existing access road. The access route between Parcels 4 & 5 and the access road in Parcel 1 will likely be widened and artificially lit for security reasons and this would adversely impact the area in which barbastelle bats have been recorded. Barbastelle are extremely averse to artificially lit areas and therefore any lighting in these areas (in the absence of appropriate mitigation) is likely to have a large negative impact on the use of these areas by this species. This may also impact roost sites if these are present on or adjacent to the site. There is an absence of suitable and appropriate mitigation for bats on site. *The updated bat survey again recorded the barbastelle and the lower number of calls compared to common species such as the soprano pipistrelle will be in part to numbers of bats using the site as stated but also due to*

the directional type of call used by a barbastelle which will not produce as many recordings on detectors in comparison to the pipistrelle bats. The mitigation is deemed to still not be appropriate for the species assemblage on site.

- *The emergence and re-entry survey of T43 was done late in the year at a sub-optimal time for finding maternity roosts and the completion of just one roost emergence survey on this large site with such high numbers of soprano pipistrelle bat calls may have missed roost sites and overall the findings have not appropriately assessed important foraging/commuting routes that need to be protected.*
- Five species of stonewort (including one nationally scarce and one nationally rare species) in Westhorpe Lake/Marlow Ski Pit qualifies the site as an 'Important Stonewort Area' (Stewart, 2004) and the presence of European eel increases the conservation importance of the lake. The proposed outfall from the Marlow Film Studios into this lake throughout its operation has the potential to negatively impact the lake conditions and important species assemblage. Water pollution and changes in nutrient levels that are detrimental to these species are very difficult to reverse once they have happened. We therefore request that no outfall occurs in the waterbodies on site. *There is still insufficient information to assess the ecological impacts on Westhorpe Lake which is disregarded as just a fishing lake with a lack of emergent and submergent vegetation, yet surveys have been done and confirmed stonewort species in the lake contradicting their response. The protection of the waterbody from water pollution has not been considered and a simple enhancement of floating habitat mats does not answer our concerns.*
- A main badger sett and annex badger sett was found in Parcel 5 proposed for a principal backlot which will 'require occasional construction activity to build and dismantle film sets during production'. Any filming that also requires artificial lighting or pyrotechnics in close proximity to any of the sett entrances is highly likely to cause disturbance of a badger sett and contravene the legislation that protects badgers. No vibrations, noise or lighting should be used within at least 10-15 metres of any sett entrance and any digging of trenches could result in badgers getting trapped. Therefore, it is recommended that the entire sett and all entrances are protected with a buffer of at least 20 metres; an area in which no-one can access. If the sett cannot be avoided, closure of the sett is a potential scenario that will be explored however, no detailed compensation for the potential loss of these setts is discussed in the ES Chapter. Preferably Parcel 5 would be entirely protected and designated for ecological mitigation as a minimum. *The additional information regarding badgers confirms the implementation of a 30 metre buffer. There is no public detail on how this will be done practically on the ground to ensure that film sets and associated personnel do not encroach in this area. Also there are concerns regarding the reduction of foraging habitat for these badgers and the blocking of access to the retained foraging habitat by security fencing and film activities, therefore reducing the chance of the group expanding and being sustained.*
- *A foraging badger was spotted at grid ref SU 86555 87465. Insufficient mitigation has been considered for the loss of suitable foraging habitat and free movement across the site.*
- *A reptile survey was carried out in April and May covering only two months with two of the visits starting at temperatures lower than the recommended survey guidelines. The justification of these surveys recording one and two slow worms respectively shows low numbers likely due to the cold temperatures reducing animal movements. The surveys should have been spread out and undertaken in more suitable weather conditions when reptiles are more mobile. Due to the size of the site and resulting habitat loss, a more robust survey should have been conducted, not just the minimum required in sub-optimal conditions.*
- An Ecological Mitigation and Enhancement Strategy has been recommended to be secured by condition and proposed mitigation to be included within a CEMP but with minimal details currently set out in the ES Chapter. Detailed mitigation strategies should be scrutinised at the planning application stage and agreed by the Council Biodiversity Officer as it is a material consideration for determining the validity of the application and informing a

decision. It is unsuitable to be conditioned, particularly for a development site of this size when the potential impacts on biodiversity will be significant in the absence of mitigation.

We are very disappointed to see that although in most cases the survey guidelines have been adhered to, we have not seen robust surveys going above and beyond to assess the baseline ecological importance of the site, particularly on such a large site with a developer advertising its provision of 20% biodiversity net gain.

We are again disappointed to see that the additional addendum documents continue to try to justify previous criticism, inaccuracies, insufficient baseline data gathering and unguaranteed biodiversity enhancing claims, without actually providing appropriate solutions and sufficient proposals.

We *again* urge the Buckinghamshire Council Planning Committee or Strategic Sites Committee, to refuse this totally inappropriate development proposed on this site, as it will have a huge detrimental impact on the existing wildlife rich habitats supporting many priority and protected species as detailed above.

Yours sincerely

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