DfT Reference: TWA/24/APP/03

Document Reference: CD26-01-W13-5

The Cambourne to Cambridge Order

Cambridgeshire County Council

Transport and Works Act 1992

Transport and Works (Inquiries Procedure) Rules 2004

Inquiry into:

THE CAMBOURNE TO CAMBRIDGE ORDER

REBUTTAL IN RELATION TO CPPF (ECOLOGY AND NATURE CONSERVATION MATTERS)

of

Ian Ellis Bsc(Hons), MRes, MCIEEM

of WSP

On behalf of Cambridgeshire County Council

5 August 2025

Planning Inspectorate Reference: DPI/E0535/25/1

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1. INTRODUCTION

1.1.1 This rebuttal has been prepared in response to the Proof of Evidence of Dominic Woodfield for Cambridge Past Present and Future **[CD26-10-W4-1]** in relation ecology and nature conservation matters.

1.1.2 My name is Ian Ellis. I am a Technical Director in Nature Services at WSP. Details of my qualifications, professional career and key project experience are contained in my Proof of Evidence **[CD26-01-APP-W3-13]**.

1.1.3 This rebuttal has been prepared with the expectation that it will assist the Inspectors with consideration of the issues raised.

1.1.4 The fact that a point has not been responded to should not be taken as indicating that it is accepted.

2. SCOPE OF REBUTTAL

2.1.1 The scope of my rebuttal is specifically in response to matters raised in the Proof of Evidence of Dominic Woodfield **[CD26-10-W4-1]** entitled Ecology & Nature Conservation Matters.

3. REBUTTAL

3.1 Rebuttal in relation to the BNG calculation of habitats within Coton Orchard

3.1.1 The following presents my rebuttal in relation to the Dominic Woodfield's Proof of Evidence [**CD26-10-W4-1, pdf page 27, paragraph 5.2.4 – 5.2.5**] where it is stated that:

> '**..***and then on the other hand mapping and scoring a mere 0.52ha of the c2.5ha area (around one fifth) of the orchard within the proposed order limits as the Priority Habitat type in its BNG calculation.*
>
> *in my opinion, and with specific reference to the detailed description in Appendix DW5, there is no scientific or other basis not to classify most of this c2.5ha as the Priority Habitat, particularly as a) any intensive management practices have long since ceased and b) there is recognition by the applicant that "the site fulfils many of the ecological niches of a traditional orchard. There may have been a period of intensive management of the field layer in the past, but that is certainly not the case now, nor has it been recently. In the face of the available evidence and having visited the site to attempt to verify its BNG input score, it is clear in my mind that the applicant's assessment significantly supresses the true value and BNG score of this habitat.*

3.1.2 Furthermore, paragraph 1.1.4 of Appendix DW6 [**CD26-10-W4-1, Appendix DW6]** states:

> *The primary determinant for identifying Traditional Orchard Priority Habitat is land-use history and management:*
>
> *"Traditional orchards are defined, for priority habitat purposes, as groups of fruit and nut trees planted on vigorous rootstocks at low densities in permanent grassland; and managed in a low intensity way. Cobnut plats are also included".*

3.1.3 The statement that land-use and management is the defining feature of traditional orchard is evidently wrong. The JNCC document UK Biodiversity Action Plan Priority Habitat Descriptions: Traditional Orchards [**CD25-31**] actually states that:

> *'Habitat structure rather than vegetation type, topography or soils, is the defining feature of the habitat.*

3.1.4 The key defining features of traditional orchard from the habitat description are quoted *in full* below.

'Traditional orchards are defined for priority habitat purposes as orchards managed in a low intensity way, in contrast with orchards managed intensively for fruit production by the input of chemicals such as pesticides and inorganic fertilisers, frequent mowing of the orchard floor rather than grazing or cutting for hay, and planting of short-lived, high-density, dwarf or bush fruit trees.'

'Traditional orchards contrast with orchards managed intensively for fruit production, where there are inputs of chemicals such as pesticides and inorganic fertilisers, frequent mowing of the orchard floor rather than grazing or cutting for hay, and planting of short-lived, high density, dwarf or bush fruit trees (stems generally 75cm or less).'

'Traditional Orchards: UK HAP Definition

Traditional orchards are defined, for priority habitat purposes, as groups of fruit and nut trees planted on vigorous rootstocks at low densities in permanent grassland; and managed in a low intensity way.

3.1.5 A total 0.42ha of traditional orchard habitat is located within the Scheme boundary [**Technical Report 5 CD1-11.05, page 57, Table TR5-6-2**]**,** not 0.52 as quoted by Mr Woodfield. This habitat is located within Coton Orchard which contains a mix of hedgerows, lines of trees (including the poplar shelterbelt at the eastern boundary), scrub, traditional orchard and a larger expanse of formerly intensive orchard (referred to as 'other orchard' habitat). Intensive orchard is not present within Coton Orchard as it is considered unlikely that any of the habitats meet this definition. Mr Woodfield appears to be of the opinion that any orchard that is not managed intensively must be traditional orchard, but this is demonstrably incorrect.

3.1.6 In line with the JNCC definition, the two defining features used to classify traditional orchard are:

- **Low intensity management** – grazing or cutting for hay, rather than application of pesticides and herbicides or frequent mowing; and
- **Fruit a nut trees on vigorous rootstocks**, rather than short-lived, high density, dwarf or bush fruit trees.

3.1.7 The areas of Coton Orchard that contain grassland understorey have been managed through an intensive mowing regime. This grassland understorey has been mapped as other neutral grassland. The grassland areas therefore did not meet the characteristic management practices (hay cutting and grazing) of traditional orchard. Although Coton Orchard does not meet this part of the habitat definition, there has been no recent application of chemicals such as fertilisers and herbicides. On this basis, Coton Orchard is considered likely to meet the definition of 'low intensity' management within the habitat description of traditional orchard, even though no traditional management practices are carried out at the site.

3.1.8 On the basis that the majority of Coton Orchard is managed in a low intensive way, the 'other orchard habitat' is distinguished from the traditional orchard by the presence of trees on dwarf rootstocks and /or densely planted trees (in contrast to traditional orchard which involves fruit trees on vigorous root stocks that are less densely planted).

3.1.9 Section 1.1.5 of Mr Woodfield's Appendix DW6 **[CD26-10-W4-1, Appendix DW6]** states:

At Coton, all the areas in Image 2 below form part of one contiguous land-use parcel within which management as traditional orchard is the dominant land-use currently, and has evidently been so for decades. A case can certainly be made for localised

exclusions where there are pockets of grassland without fruit trees, as well as internal and external linear boundaries defined by lines of non-orchard trees. In the east of the site (mainly outside the area covered by Image 2) there are also more arguable areas where former orchard has been subsumed within (or is in the process of being subsumed within) dense self-sown and/or suckering scrub. Even excluding all such areas, however, the majority of the site logically and comfortably falls within the Priority habitat description.

***Image 2**. Satellite view of the western area of Coton Orchard that falls within the Order Limits. The two areas outline red have been mapped by WSP as Traditional Orchard, but the remainder has been mapped as grassland.*

3.1.10 As described above, the management of Coton Orchard is likely to meet the definition of 'low intensity' management described in the JNCC definition, despite a history of intensive mowing.

3.1.11 Areas of open grassland without fruit or nut trees do not meet the JNCC definition of traditional orchard. Areas where there are boundary lines of non-orchard trees also do not meet the JNCC definition and hedgerows meet a separate Priority Habitat Definition so are not double counted. Areas in the east of Coton Orchard (outside of Image 2) include areas of orchard that have been cleared in the past and succeeded to scrub. The clearance is evidenced in historic aerial imagery. In addition, there are areas in the east of Coton Orchard that have succeeded to woodland, with lines of vigorous rootstock trees still present, and self-set ash trees forming a closed canopy. Whilst these areas are no longer maintained as an orchard, the presence of lines of fruit trees on vigorous rootstocks and low intensity management qualify these areas under the priority habitat definition.

3.1.12 Section 1.1.6 of Mr Woodfields Appendix DW6 [**CD26-10-W4-1, Appendix DW6]** states:

One explanation for the approach taken by WSP is that a fixation on tree size and/or age has played a part in decisions as to whether to map the habitat as Traditional Orchard or a lower scoring habitat. For example, the presence of veteran trees in the western (left hand red box) area on Image 2 appears to have led WSP to accept the presence of the Priority Habitat here. However, this doesn't readily explain why the right-hand red box on Image 2 encompasses tree size and spacing that is little different from adjacent areas.

3.1.13 The left-hand parcel meets the definition of traditional orchard as the veteran apple trees in this part of the orchard are clearly standard or high vigour rootstock trees. The right-hand red box contains fruit trees that are evidently not dwarf trees and both areas are mapped as traditional orchard accordingly.

3.1.14 Photograph 1 below displays the west boundary of the left-hand parcel looking north. The higher vigour rootstock trees (traditional orchard) are on the right of view and dwarf trees in the centre of the image (other orchard). They are not small, young trees and this is evidenced by rot features and decay. They are also short-lived trees, as displayed in Image 2 where these lines of trees have begun to thin out as specimens have died off.

Photograph 1

3.1.15 This image also contradicts the Mr Woodfield's statement that 'the right-hand red box on Image 2 encompasses tree size and spacing that is little different from adjacent areas'.

3.1.16 Section 1.1.7 of Mr Woodfield's Appendix DW6 [**CD26-10-W4-1, Appendix DW6**] states:

> *It is also possible that WSP have decided that the orchard is intensively managed. If so, that is also a flawed assessment by reference to the JNCC criteria at Appendix DW5 and is self-evidently erroneous on the site in the lack of dominance of dwarf (<75cm trees), the varied age structure including fully mature and young trees, and the lack of herbicide use. The photos below provide a comparison of a typical intensive apple orchard in Kent (upper photo) and a photo taken on Bioscan's visit of 30th July 2025 of an area of the Coton Orchard that has been mapped by WSP as 'other neutral grassland' (lower). On any sensible analysis, Coton Orchard does not sit within the description of an intensive orchard, nor can the trees simply be ignored to arrive at a classification of 'other neutral grassland'.*

3.1.17 As described in Section 3.1.5, the reference to '<75cm trees' above relates to the JNCC definition whereby short-lived, high density, dwarf or bush fruit trees generally have a stem (the section between the root/ground and where it branches into the canopy) size of 75cm or less. Dwarf trees are dominant across large areas of Coton Orchard and this is evidenced by areas such as the one displayed in Photograph 1. As such, these areas cannot meet the definition of traditional orchard.

3.1.18 Intensive orchard is not present within Coton Orchard and if input into the Statutory Metric calculation tool, would be a cropland habitat (a low distinctiveness habitat). Other neutral grassland has therefore been selected as a medium distinctiveness habitat which better represents the grassland understory habitat present. It is noted that individual orchard trees are not mapped and this is discussed further in section 3.4.

3.2 Rebuttal in relation to impacts on three non-statutory designated sites

3.2.1 The following presents my rebuttal in relation to the statement made on impacts on three non-statutory designated sites in Dominic Woodfield's Proof of Evidence [**CD26-10-W4-1, pdf page 28, paragraphs 5.2.7 – 5.2.9**] where it is stated that:

> *In terms of the three other designated sites, para 8.3.7 of the ES Main Report CD1-10.01 goes on to suggest that "There will be no significant effects on the other three [designated, non-statutory] sites" (i.e. Coton Path Hedgerow County Wildlife Site, and Scrub East of the M11 Verge and Bin Brook (both city wildlife sites)).*
>
> *I disagree. Paras 8.3.8 and 8.3.9 of the ES Main Report specify that "a little under 5% of the Coton Path hedgerow" and "approximately 0.4ha of the M11 scrub" (from a total site area of 2.3ha – i.e. 17.4%) will be removed due to the GCP scheme. The principle of a 1% loss threshold for significance, a long-established tenet in EIA Habitats Regulations Assessment, is relevant here, and this significance threshold is substantially exceeded in both these cases.*
>
> *It is suggested in the ES Main Report that these substantial losses of habitat from these two designated sites should not be regarded as of importance on the basis that "no rare or notable plant species were recorded in the affected part", and because compensation is proposed (CD1-10.01 paras 8.3.8-8.3.10). In my view this quantum of loss of a designated site is significant notwithstanding the particular plant species on the site and regardless of the fact that compensation is proposed. One would not, for example, consider a 5% or 17.4% loss of a SSSI as non-significant. In my view such a significant quantum of loss clearly engages relevant national and local policy that seeks to protect such sites from harm (as discussed further in Section 8 of this proof).*

3.2.2 The ES Technical Report 5 [**CD1-11.05, pdf pages 56-57, paragraphs 6.2.11- 6.2.15**] characterises the impacts upon non-statutory designated sites (Coton Orchard CWS, Scrubland east of the M11 CiWS, Coton Path Hedgerow CWS and Bin Brook CiWS) *in the absence of any mitigation measures*. It is concluded that impacts would lead to permanent adverse effects that would be significant at a county scale on all four sites.

3.2.3 In line with the mitigation hierarchy, mitigation measures have been developed to reduce impacts where possible. Habitat creation measures are then provided within landscaping proposals that compensate for the loss of scrub and hedgerow habitat from the proposed scheme. Whilst impacts will still occur at these designated sites, the features of those sites that are impacted by the scheme are compensated for. The effect of these impacts is therefore not considered significant.

3.2.4 In summary, the level of loss to each site is therefore characterised and recognised. The determination of impact significance is determined not on the limited quantum of loss but in the application of mitigation and compensation. It is further noted that Habitat Regulations Assessment is not relevant in this case as that process involves the determination of adverse effects on site integrity of European / international designated sites not those of local designation. There is no guidance that applies an arbitrary percentage as an absolute determination of significant effect on such ecological features.

3.3 Rebuttal in relation to adequacy of botanical baseline information

3.3.1 The following presents my rebuttal in relation to the statement made on adequacy of botanical baseline information in Dominic Woodfield's Proof of Evidence [**CD26-10-W4-1, pdf page 28, paragraphs 5.2.10]** where it is stated that:

> '*However, I believe it is relevant to re-state here my concerns about the adequacy of the habitat and botanical survey information underpinning the ES more generally, and as exemplified by the errors noted in footnote 6 above….'*

3.3.2 Footnote 6 reads as follows:

> *is a striking feature of the habitat and botanical surveys carried out for GCP, as reported in (e.g. CD1-11.05 TR5.04: Botanical Survey Report and CD1-11.05 TR5.10: Hedgerow Survey Report) and relied upon in the ES, that no attempt is made to differentiate between various microspecies of elm, nor even to recognise the local genetic diversity within that genus, despite this part of Cambridgeshire being a well-known hotspot. It is further striking how few plant species worthy of comment were noted generally, something which (along with startling errors such as records for the North American species Hordeum brachyantherum rather than the native Hordeum secalinum – see Table TR5-5-5-1 at page 8 of CD1-11.05) I consider points to a lack of rigour and/or expertise being applied to the habitat and botanical surveys, rather than a wholesale absence of anything noteworthy being an accurate representation of the baseline.*

3.3.3 In an attempt to demonstrate apparent adequacy issues with botanical and habitat baseline information collected by the Applicant, Mr Woodfield has provided two examples which are trivial and inconsequential. The botanical survey work presented in the Botanical Survey Report were led by an experienced and qualified botanical surveyor who holds a Level 4 Field Identification Skills Certificate [**CD1-11.05 TR5.04, pdf page 10, paragraph 3.4.1**]. The scientific name of native 'Meadow Barley' is indeed *Hordeum secalinum* however this has no implications beyond a simple clarification. IT is noted that the North American *Hordeum brachyantherum* is also often referred to as Meadow Barley.

3.3.4 The identification of 'micro species' of Elm requires specialist skills relevant to this group. It is not proportionate to undertake a botanical survey to this level. It is highlighted that such 'micro species' are not afforded any specific protection and it is noted that they do not appear in the County Wildlife Site Criteria for Cambridgeshire [**CD18-04].** Furthermore, these varieties of Elm are predominantly not listed on the Botanical Society of Britain and Ireland Atlas[1]. It is therefore, considered that the categorisation of Elms to species level is fully appropriate to inform the assessment of the Scheme.

3.4 Rebuttal in relation to Biodiversity Net Gain calculations

3.4.1 The following presents my rebuttal in relation to the statement made on adequacy of botanical baseline information in Dominic Woodfield's Summary Proof of Evidence [**CD26-10-W4-2, pdf page 28, paragraphs 5.5**] where it is stated that:

> *My review of the BNG calculations exposed a number of methodological errors and omissions, all of which have the effect of significantly suppressing the baseline value of the affected habitats. Additionally, the calculation as a whole is based on very optimistic to the point of questionable assumptions about the future condition of the habitats likely to develop alongside the GCP scheme.*

3.4.2 Biodiversity Net Gain is not a mandatory requirement for the project as outlined in South Cambridgeshire District Councils Statement of Case [**CD23-18-01, pdf page 17, paragraph 5.17**]. Nevertheless, the Applicant proposes a planning condition to provide that a Biodiversity Net Gain (BNG) Plan is submitted to and approved in writing by the relevant local planning authority. The BNG plan will achieve no less than 10% BNG.

3.4.3 It is recognised that individual trees will need to be included in the final BNG calculation, alongside the river condition assessment surveys to inform the watercourse assessment of the Statutory Biodiversity Metric. This will include an update to the baseline habitat

[1] BSBI Online Plant Atlas 2020

surveys and condition assessment across the scheme that will identify any changes to the baseline habitat.

3.4.4 The BNG calculation submitted by the Applicant is not a final assessment. The final assessment will be included in the BNG Plan upon completion of the detailed design of the Scheme. Mr Woodfield's view that the post-development habitat condition is optimistic is predicated on the view that other natural grassland in good condition may be difficult to achieve adjacent to a busway. The Applicant has been ambitious with the targeted habitat type and condition of this habitat type. If for any reason it is deemed that this habitat type and condition is not achievable on site through the detailed design of the scheme, offsite habitat creation will be relied upon to achieve the 10% BNG commitment. The balance of onsite and offsite habitat creation measures will be detailed in the BNG Plan.

4. STATEMENT OF TRUTH

4.1.1 The rebuttal which I have prepared and provide is true and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.