



Ms Jenny Barker
Cherwell District Council
Bodicote House
Bodicote

25th March 2014

Dear Jenny,

Objection Re: 14/02121/OUT

Proposed Himley Village North West Bicester Middleton Stoney Road Bicester Oxfordshire

Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)

Thank you for consulting us on the above application. I wish to submit an objection on behalf of the Berks, Bucks and Oxon Wildlife Trust. As a wildlife conservation organisation, our comments refer specifically to impacts on species and their habitats which may occur as a result of the proposed development.

The reasons for my objection are as follows:

- 1. Lack of compensation for impacts on UK priority farmland bird species, contrary to paragraphs 117 and 118 of the NPPF**
- 2. Failure to demonstrate a net-gain in biodiversity, contrary to NPPF paragraphs 9 and 109 and Eco Towns Planning Policy Statement PPS1.**
- 3. Lack of apparent compliance with measures in the Eco Town Masterplan, including standards for buffering of hedgerows and for biodiversity in the built environment.**

This proposed development forms part of an overall Masterplan which is supported by two key documents relevant to biodiversity: the 'NW Bicester Masterplan: GI and Landscape Strategy Report' and the Biodiversity Strategy. These documents have been used to assess the overall impact of the NW Bicester development and to describe the necessary measures to ensure that adverse biodiversity impact is avoided, mitigated or compensated, and that a net gain in biodiversity is achieved. It is very disappointing that this application has been brought forward without including the two above mentioned documents but more specifically it does not appear to be adhering to the commitments made in these documents in terms of:

- off-site compensation for priority farmland bird species;
- use of an accepted biodiversity impact assessment metric to demonstrate a net gain in biodiversity;

- standards for buffering of hedgerows;
- standards for biodiversity in the built environment.

Off-site farmland bird compensation

The document produced for the 'NW Bicester Masterplan: Masterplan GI and Landscape Strategy Report' includes the following statement:

"The development will lead to the loss of arable land and grassland fields that support farmland specialist bird species. Domestic pets associated with new residents may also lead to an increase in predation affecting ground-nesting birds using the adjacent farmland. This will be mitigated through:.....

Offsite habitat compensation to enhance local habitats for farmland birds through appropriate, proven management regimes to increase the carrying capacity of local habitats" and

"Whilst the farmland specialist Species of Principal Importance (NERC Act) like skylark, linnet and yellow hammer would require off site compensation."

This commitment is then taken forward in the Biodiversity Strategy for the Masterplan, which includes a whole section (5.2) detailing the proposed provision for such off-site compensation. Whilst we have concerns over the proposed methods for achieving off-site compensation (which we have detailed in other responses) the principle of off-site compensation being needed is nevertheless established there.

The document "Environmental Statement – Volume 1 - December 2014" supplied with 14-02121-OUT does not make any provision for off-site compensation for farmland birds. **This application should be making a proportionate contribution by area of development towards the proposed sum for off-site compensation so that the Masterplan as a whole can compensate for the loss of breeding territories for linnet, skylark and yellowhammer and other farmland bird species as detailed in the Masterplan.**

Table 7.3 in the Environmental Statement (ES) identifies breeding birds that have been recorded on site, including linnet, as well as wintering birds including yellow hammer. In relation to breeding birds, paragraph 7.94 of the ES states that *'Losses of breeding habitat will reversed by the planting of new hedgerows and gardens.'* However, such measures are not suitable for farmland species which require open habitats for foraging, and undisturbed areas for breeding. Additionally, the ES states that *'losses of over-wintering habitat for birds- arable fields and improved grassland for birds – cannot be avoided'*. The mitigation proposed; creation of species rich wildflower meadows and hedgerow planting within the development will not be suitable for farmland bird species which require open, undisturbed habitats. The ES identifies a moderate adverse long term impact from pets, with the only mitigation proposed being advice to residents on reducing effects. Off-site compensation for farmland birds, as outlined in the Biodiversity Strategy, is the only effective way to address the loss of habitat and impact of domestic pets.

The work for the Eco Town concluded that the impact on farmland birds could not be mitigated within the Eco Town and that therefore offsite compensation was necessary.

In addition, we would also point out that there appear to be significant omissions in Table 7.3 page 12 of the Ecology Chapter of the ES. Reference to the detail of the 2010 and 2011 breeding bird surveys which are included in the application package (see the pdf entitled "EED14995_100_R_3_1_1_ES_VOL3_Tech_Appendix_Part2" and then within that Technical Appendix 7.2, and starting on page 26, the document Technical Appendix 6A to 6I: Ecology Surveys") shows the following:

Paragraph 4.10.1.1 states: “A breeding bird survey was carried out by an experienced surveyor, who undertook three survey visits between 25th May and 29th July 2010.”

Paragraph 4.10.1.6 states: “Access was not available to a parcel of land associated with Himley Farm during 2010. As such, Hyder undertook breeding bird surveys of this area on three occasions during 2011 (12th April, 6th May and 24th June) in accordance with the survey methodology described with one modification regarding the timing. The surveys commenced just after dawn until 9am under optimal weather conditions.”

According to maps of the 2010 surveys (see page 39 of A2 Dominion ARUP Bicester Eco-Town Masterplan Breeding Bird Survey 2010 document - not part of the documentation of this application but previously available) the area not surveyed in 2010 corresponds closely with the red line boundary for this application. Assuming therefore that the 2011 surveys correspond with the area not surveyed in 2010 (no map of the 2011 surveys could be found by us in the documentation) then the 2011 surveys would presumably therefore correspond closely with the red line area for this application.

Paragraph 6.8.1.3 states: “The 2011 surveys of the land around Himley Farm revealed that within this part of the Masterplan site, four species of Birds of Conservation Concern (BOCC Red list) (Ref 6-22) and Section 41 (NERC Act) species were found to be nesting or probable nesting. These were: 13 pairs of skylark; 14 pairs of linnet; one pair of song thrush and 24 pairs of yellowhammer.”

Table 7.3 on page 12 of the Ecology Report in the main ES states the following (Latin names omitted for brevity):

“Surveys in 2011 recorded breeding birds within the NW Bicester area, including song thrush, dunnock, house sparrow, linnet, starling, common bullfinch, whitethroat, marsh tit. Barn owl has been recorded in the area”

Yet there is no mention in this Table of the breeding skylark and yellowhammer (which are both UK priority species (under the NERC Act 2006) and Red listed Birds of Conservation Concern) that appear to have been recorded in the 2011 surveys. Assuming our interpretation of the documentation supplied is correct this appears to be a significant omission. In addition even though the number of confirmed or probable breeding linnets (14 pairs) appears to have been recorded in the 2011 surveys again this has not been recorded in the ES.

As it stands this application is contrary to the NPPF (paragraphs 117 and 118) on the grounds of uncompensated adverse impact on UK priority farmland bird species. The applicant must commit to a proportionate contribution by area to the off-site compensation for farmland bird species for the whole Masterplan area, prior to approval of this application.

Net gain in Biodiversity

The Biodiversity Strategy and ‘NW Bicester Masterplan GI and Landscape Strategy Report’ details a commitment to achieving a net gain in biodiversity, and includes the calculation of a Biodiversity Impact Assessment metric to demonstrate how this net gain in biodiversity is to be achieved. **By not including the Biodiversity Strategy in the application, and not providing any other form of evidence to show net gain, this application is not demonstrating a net gain in biodiversity, as required by the NPPF (paragraphs 9 and 109) and ET16.1 of PPS1 Eco Towns Planning Policy Statement.**

The ES makes a brief reference to the expansion and maturation of the network of gardens, hedgerows, creation of species-rich grasslands and the creation of swales resulting in a minor beneficial effect (paragraph 7.107 Conclusion, on page 28 of the Ecology section of the ES). **Clear evidence of a net gain in biodiversity needs to be submitted prior to any approval of this application.**

Standards for buffering of habitats

The 'NW Bicester Masterplan GI and Landscape Strategy Report' and Biodiversity Strategy provided agreed standards for buffering of hedgerows, woodlands, dark corridors and ponds, and provision of biodiversity in the built environment. The Himley Village application site includes the Great Crested Newt ponds, for which the Biodiversity Strategy states a 50m boundary is required, as well as linkage between the ponds and culverts under roads. By not submitting these documents in connection to the application it is not clear if the developers are following these standards. **Prior to any approval of this application the developers should provide evidence of following the standards outlined in the Biodiversity Strategy and Masterplan.** There is a commitment in the ES (para 7.78) to buffering existing hedgerows but we could not find reference to the width of buffer or dark corridors, or any mention of buffering the ponds. **As part of the Bicester Eco Town development this application should adhere to the Masterplan commitments.**

Details for reserved matters applications:

Management and monitoring

Appropriate management and monitoring of the site is vital to achieving a net gain in biodiversity. **Each reserved matters application must be accompanied by an LHMP (Landscape & Habitat Management Plan) as indicated in Section 9 of the Biodiversity Strategy.** This should include both management and monitoring proposals. The management may need to be modified according to the results of the monitoring work.

The public green space and dedicated biodiversity areas within the site would need to be managed for biodiversity in perpetuity to avoid the loss of potential benefits from the mitigation and enhancement measures. Ecological monitoring is important to ensure that the management is successful in meeting its objectives for biodiversity and to enable remedial action to be identified, if necessary.

Species richness of ecological corridors / buffers

Habitats for ecological corridors, dark corridors and hedgerow buffers in general: **every effort should be taken to maximise the species richness of these corridors and buffers through the use of appropriate species rich seed mixes with a combination of wild flowers as well as grasses.**

Hedgerows

Hedgerow management should consider the differing needs of black, brown and white-letter hairstreak butterflies. These rare butterflies are very important in the local area so a commitment to consider them in the management of the hedgerows is important. **Newly planted hedgerows should include a significant component of blackthorn, the food plant of both black and brown hairstreaks, and disease resistant elm, required by the white letter hairstreak.**

Notwithstanding any specific management for hairstreak butterflies, in general a rotational cutting regime on a three year cycle wherever possible (or a two year cycle where particular reasons justify it) will be of most value to biodiversity. This is for many reasons including allowing the formation of fruit which is a vital winter food source for birds, and allowing butterfly and other invertebrate eggs laid on branches to overwinter. This is an important issue as annual cutting would have a severely detrimental impact on the biodiversity value of the hedgerows. **Further details are needed in the LHMP on the cutting cycles.**

Green Infrastructure and Integrating Biodiversity into the Built Environment

There is an opportunity for a demonstration of high quality implementation of Biodiversity in the Built Environment.

The development should include green infrastructure to retain and create a mosaic of habitats and linear features to ensure that structural diversity and habitat connectivity throughout the site is provided. This should include significant amounts of open space, some of which should be earmarked specifically for biodiversity, and some for biodiversity combined with public access. The biodiversity value of recreational areas should also be maximised, for example by the provision of species-rich grassland with an appropriate infrequent mowing regime on the borders of sports pitches. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the retained green corridors across the site.

Biodiversity enhancements such as hedgerow and tree planting and management, creation of ponds, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design where possible in line with planning policy (NPPF) and the NERC Act, which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas. Proposals should also include:

- Integrated bird nest boxes and bat boxes, in a large number of the selected residential buildings, particularly those bordering open space, as well as public buildings.
- Street trees, and fruit trees in gardens
- Native wildflower meadows and other wildlife habitats within the street environment, ideally within gardens and also within the grounds of any public buildings.
- Green or brown roofs

Green Infrastructure should be designed to provide a network of interconnected habitats, enabling dispersal of species across the wider environment. Open spaces within developments should be linked to biodiversity in the wider countryside, including any designated sites, priority habitats and CTAs. Green Infrastructure should also be designed to provide ecosystem services such as flood protection, microclimate control and filtration of air pollutants.

Further details on some of the above are contained in:

Pages 26 – 29 of the Oxfordshire Biodiversity & Planning Guidance:
<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

“Biodiversity Positive: Eco-Towns Biodiversity Worksheet, produced by the Town and Country Planning Association, Communities and Local Government, and Natural England.” This is downloadable from: <http://www.tcpa.org.uk/data/files/biodiversity.pdf>

Biodiversity benefits from SUDS

As well as providing flood control SUDS can provide significant biodiversity value if biodiversity is taken into account in the design, construction and management of SUDS features. **This**

should be required of any development and details will be needed at the Reserved Matters stage. Examples include:

- **Green and brown roofs;**
- **Detention basins and swales that can be planted with wildflower rich grassland;**
- **Reinforced permeable surface for car parks and drives that can also provide wildflower habitat.**

Should you wish to discuss my comments further, please contact me.

Yours sincerely,

Rebecca Micklem

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