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By email only

FAO Laura Bell

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Application: 24/00539/F

**Location: Land To The East Of Stratfield Brake And
West Of Oxford Parkway Railway Station Oxford Road Kidlington**

Proposal: Erection of a stadium (Use Class F2) with flexible commercial and community facilities and uses including for conferences, exhibitions, education, and other events, club shop, public restaurant, bar, health and wellbeing facility/clinic, and gym (Use Class E/Sui Generis), hotel (Use Class C1), external concourse/fan-zone, car and cycle parking, access and highway works, utilities, public realm, landscaping and all associated and ancillary works and structures

Dear Laura,

In relation to the above application we have the following comments on behalf of the Berks, Bucks and Oxon Wildlife Trust. As a wildlife conservation focused organisation, our comments refer specifically to impacts on species and their habitats which may occur as a result of the proposed development.

Whilst we have no in principle objection to the football stadium proposal we do have concerns regarding the impact on wildlife and ask that these concerns are addressed by the application. Those concerns are essentially the same as those we set out in our response to the scoping opinion application 23/02276/SCOP and we refer you to that response (which is also reproduced in Annex 8.2 of the document "ES Volume 3 Appendix 8.1 Ecology Technical Appendix" for the current application). We point out that the response of the Council's in-house Ecology Officer to the scoping opinion application also raised a number of similar concerns and we refer you to that response as well.

We ask you to note though that since the scoping opinion included the woodland to the south, whereas the application has now put that outside of the red line boundary, then the references in our scoping opinion response to the lowland mixed deciduous woodland being on-site are no longer relevant, although there is still concern regarding indirect impact.

Having reviewed the application, we continue to have concerns regarding a number of aspects raised previously. In the interests of conciseness, we refer you to the detail we provided in our Scoping Opinion response as you will have already seen this.

Our response on this application is in the interests of minimising the impacts on wildlife in the



event the proposal goes ahead, and ensuring that these impacts are appropriately compensated for.

We made comments at the Scoping Opinion stage on the following matters, on which we continue to have concerns:

“Cumulative Impacts” and “The need to maintain a green corridor between Oxford and Kidlington”

We refer you to our comments in our scoping opinion response in the sections entitled: “Cumulative Impacts” and “The need to maintain a green corridor between Oxford and Kidlington”

We remain concerned on these matters as mentioned in our scoping opinion response. We asked that the wildlife-rich green space is maximised in all areas where that is possible within the development. Whilst there are some habitats retained within the development proposals and some habitat creation, we consider that more could be done. Bearing in mind the significant value of the on-site wildlife habitats (see below) we also consider that in addition to maximising the value of the on-site habitats created, off-site compensation is also needed. The most logical mechanism to achieve such off-site habitat would be the creation of a nature reserve with managed public access between Kidlington and Oxford, to be retained for wildlife and people in perpetuity and which would also help to avoid further losses in the future to the green gap between the two settlements, which represents an important corridor for wildlife species that are not tolerant of urban development to move from the west of the two settlements to the east and vice versa.

We also consider that if the Council is minded to approve this application then it look again at the site allocations between Kidlington and Oxford and consider how a green corridor could be retained between the settlements.

Avoidance of impact on priority habitat and protected and priority species

We refer you to our comments on the on-site habitats in our scoping opinion response in the section entitled: “Avoidance of impact on priority habitat and protected and priority species”

The site includes willow coppice, other neutral grassland, and scrub habitats, all with significant value to wildlife. From surveys we have seen, that were submitted during the scoping opinion stage, and from material provided with the current application, we understand this value to include significant floral diversity within the grassland and willow coppice in particular, including pyramidal orchids, common spotted orchids and the rare plants corn mint and narrow-leaved bird’s foot trefoil. The wetland nature of parts of the willow coppice also appears to contribute significantly to its diversity, including large areas of rushes and sedges, and wildflowers typical of wetter areas. We also understand there to be significant invertebrate diversity, including brown hairstreak, several invertebrates of conservation importance, a large variety of butterflies and other insects, and numerous species making use of the willow plants themselves and the common fleabane within it.

We are not clear if the applicants have carried out detailed botanical surveys (other than Phase 1) or specialist invertebrates surveys but we consider both are required or that otherwise full

compensation is provided based upon the detailed plant and invertebrate surveys that are available. As stated above we consider that whilst wildlife habitat on-site should be maximised, there is a limit to how much can be realistically achieved and that therefore off-site compensation is needed. Ideally this should be in the Kidlington – Oxford gap and also provide a public nature reserve with managed access, but otherwise some form of off-site compensation is needed.

We also refer you to the comments of the Council’s in-house Ecology Officer to the scoping opinion who stated:

“I would advise a reassessment of the habitats on site, in particular the value of the willow coppice plantation, in light of submitted independent ecological reports. I am in agreement with BBOWT that ‘arable’ is unlikely to be the best assessment of this habitat in terms of its ecological value within a metric or impact assessment.”

Bearing all of this in mind we remain concerned that the willow habitat in particular is of much greater wildlife value than the attribution of “arable” to it suggests. We made that point in our scoping opinion response, as did the Council’s in-house ecologist and are concerned that this has not been acted on.

Hedgerows

We refer you to the comments we made on this matter in our scoping opinion response.

Breeding birds

We refer you to the comments we made on this matter in our scoping opinion response. We consider that off-site compensation may well be required.

Avoidance of impact on designated nature conservation sites

We refer you to our comments in our scoping opinion response in the section entitled: “Avoidance of impact on designated nature conservation sites”

In particular we consider more work is needed to ensure no impact on the adjoining lowland mixed deciduous woodland which is a District Wildlife Site.

Proposals for wildlife management and maintenance

We refer you to our comments in our scoping opinion response in the section entitled: “Proposals for wildlife management and maintenance”

Conservation Target Area

We refer you to our comments in our scoping opinion response in the section entitled: “Conservation Target Area”

Achieving a net gain in biodiversity

We refer you to our comments in our scoping opinion response in the section entitled: “Achieving a net gain in biodiversity”

Whilst we note a case can be theoretically made using the UKHab definitions for the willow coppice to be attributed into the metric as arable, non-cereal crops, we consider that there is a huge risk if such an approach is taken of undervaluing its actual value for wildlife (we mentioned this in our scoping opinion response). The current public declarations being made that the application is leading to a 10% net gain in biodiversity are very much dependent upon the willow coppice, which is by far the largest habitat on the site by area, being able to be scored as arable with a Distinctiveness score of 2 and a Condition score of n/a which becomes 1. And yet this scoring is based on a metric that is suggesting that a rotational willow coppice, with we would suggest much more in common with willow scrub, than with an intensively grazed rye grass dominated grass ley, or a sea of intensive wheat crop, is of no greater value for wildlife than those latter habitats even though from a survey we have seen that was uploaded on the scoping opinion website the willow coppice area appears to have considerable biodiversity, particularly for invertebrates and botanically.

We welcome the fact that the application is seeking to achieve a net gain for biodiversity but we think it needs to be one that is unarguable, so that putting aside the mathematics of the biodiversity net gain metric, anyone who saw the wildlife present before, and the wildlife present after the development was complete, would unequivocally agree that there is more wildlife afterwards. And even with the best efforts to create habitat on-site we are greatly concerned that there is not enough room, after all the urbanising aspects of the development, and even with the best habitats possible, to provide more wildlife on-site post development than there is present now. We therefore consider that unless a very convincing argument can be made for the habitats to be created on-site, and their subsequent management, to lead to an increase in wildlife, then off-site compensation will be needed. We consider that the best way to achieve such off-site compensation is through what we have already stated above, being the provision of an off-site nature reserve with public access to be retained in perpetuity, in the Kidlington-Oxford gap. If that proves impossible to achieve then there are alternatives available for the BNG element of these concerns, for example through approaching an offset broker such as Trust for Oxfordshire's Environment, or other reputable BNG offset brokers.

With regards to the detailed scoring on the metric we would also raise the following points:

Full justification must be provided for distinctiveness and condition scores for both pre-development and post-development scores. For condition scores this must include a table showing pass and fail for each aspect of the criteria for both existing and proposed habitats, and a justification for the pass or fail (this should include quadrat data and/or other data to evidence the pass or fail decisions). A map of distinctiveness and condition scores for both pre and post-development habitat must also be provided.

With respect to baseline scoring:

We have already noted our concern above with the willow coppice being scored as Arable, Non-cereal crops. We also note that the response of the Council's in-house Ecology Officer to the scoping opinion stated: *"I would advise a reassessment of the habitats on site, in particular the value of the willow coppice plantation, in light of submitted independent ecological reports. I am in agreement with BBOWT that 'arable' is unlikely to be the best assessment of this habitat in terms of its ecological value within a metric or impact assessment."* We recommend that the scoring as arable, non-cereal crops is reconsidered. One option would be to score it

as willow scrub. Being the largest habitat by area present on site, the scoring of the willow coppice habitat is particularly influential with respect to whether the application achieves an on-site net loss or net gain according to the metric.

We would also particularly ask that:

a) the scoring of the vast majority of the Other Neutral Grassland as being in Poor condition is reconsidered and if the Poor condition score is retained then a detailed justification for that is needed, and

b) the scoring of the vast majority of the Mixed Scrub as being in Poor condition is reconsidered and if the Poor condition score is retained then a detailed justification for that is needed.

With respect to post-development scoring:

As well as the justification requested above for the scoring of the post development distinctiveness and condition scores, there is also a clear need for management plans at this stage of the planning process to demonstrate how the suggested condition scores can be achieved, particularly details of the creation techniques and on-going management after that.

We would particularly welcome further explanation of how even though the proposed scrub and other neutral grassland present after the development will be more ecologically isolated, through the urbanisation of much of the land around it, and likely subject to greater disturbance, it will have greater value for wildlife (which is what the condition scoring e.g. Poor condition for the vast majority of these habitats pre-development, and Moderate condition for the vast majority of these habitats post-development, is currently suggesting would be the case).

Whilst we welcome the proposals for tree planting, we consider that further explanation of the urban trees scoring is required. It is currently recorded as delivering 4.81 units, which is a considerable number of units. We have two areas of concern:

- a) We have looked at the “Tree Helper” table on the Main Menu and compared it to the Creation tab and note that in the Tree Helper the proposed condition for the Urban Trees (except for one) is Poor condition, whereas in the Creation tab it is indicated as Moderate condition. This appears to be a discrepancy unless we have misunderstood and needs either amending or justifying.
- b) We note that in the Tree Helper whilst 62 trees are indicated as Small size, 82 are considered as Medium size. We assume this is implying that 82 newly planted trees are being scored as Medium but please do clarify if that is a misunderstanding. The User Guide for the metric states on page 52:

“Forecasting post-development area of individual trees

You should use the tree helper to calculate the area for created trees.

You should categorise most newly planted individual trees as ‘small’, unless the tree is medium sized or above at the time of planting.”

To be at medium size at planting a newly planted tree would need to be 30cm or more in diameter at planting (see Table 13 of the metric User Guide) – note that the 30cm refers to diameter and not to girth which can cause confusion. This is a huge tree to plant, as its girth at planting would need to be greater than 94 cm (e.g. 30 x Pi). Since a commonly held view is

that girth increases by about 2.5 cm a year then that would require the planting of a tree that is maybe over 35 years old prior to planting. Hence why the User Guide suggests Small is usually used. We are not sure if this is the intention or if there has been an error or we have misunderstood something, but we suggest this either needs amending, with a consequent impact on the metric score, or justifying as to how it can be achieved.

Lighting

We refer you to our comments in our scoping opinion response in the section entitled: "Lighting"

Biodiversity in built development

We refer you to our comments in our scoping opinion response in the section entitled: "Biodiversity in built development"

In conclusion, we re-iterate that we have no in principle objection to the stadium proposal. However, we consider that in its current form there is significant concern regarding its impact on wildlife, and as such that significant amendments are needed to address this.

Please contact us if you have any queries on this response.

Yours sincerely,

Matthew Stanton,
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Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust
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