Oxford United Football Club

ECOLOGYSOLUTIONS

Part of the ES Group

LAND TO THE EAST OF STRATFIELD BRAKE AND WEST OF OXFORD PARKWAY STATION, KNOWN AS THE TRIANGLE

EIA Environmental Statement – Technical Appendix 8.1 to Chapter 8: Ecology and Nature Conservation

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ecology solutions for planners and developers

PROTECTED SPECIES

This report contains sensitive information
relating to protected species.
The information contained herein
should not be disseminated without the
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8.1 INTRODUCTION

Background

8.1.1 Ecology Solutions was originally commissioned in August 2022 by Ridge and Partners LLP on behalf of Oxford United Football Club ('the Applicant') to undertake an Ecological Assessment of the land east of Stratfield Brake and west of Oxford Parkway Station, known as The Triangle, hereafter referred to as 'the Site'. Ecology Solutions was subsequently commissioned in March 2023 to prepare an Ecology and Nature Conservation chapter as part of an Environmental Statement for the Development within the Site.

8.1.2 This assessment relies on habitat and faunal surveys carried out by Ecology Solutions between August 2022 and November 2023. The habitat surveys were based around extended Phase 1 survey methodology[1], as recommended by Natural England. The habitat types present within the Site have been identified and mapped, providing an inventory of the basic habitat types present and allowing the identification of areas of greater ecological value. Faunal activity, whether visually or by call was recorded during the course of the survey and specific attention was paid to the potential presence of any protected, rare, notable or Priority Species.

8.1.3 Previous surveys have also been conducted by Ecological Planning & Research Ltd (EPR) in August 2021 dedicated surveys carried out by Judith A Webb in 2023. These reports are referenced below wherever relevant.

8.1.4 This technical report sets out any potential impacts arising from the Development, together with any required strategies to minimise or compensate for those potential impacts.

8.1.5 This report also addresses points raised with regard to ecology from scoping responses received by Natural England, the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust, the Friends of Stratfield Brake and the Cherwell District Council's Ecologist. These responses have been taken into account wherever relevant within this document.

Site Characteristics

8.1.6 The main Application Site is located between Kidlington village and Oxford City and forms part of a wider area of land isolated on all sides by main roads (A4260, A34 and A4165). The Site is bounded by the Kidlington roundabout to the north with Frieze Way (A4260) located adjacent to the site's western boundary and Stratfield Brake Sports Ground and open countryside beyond. To the east, the Site is bordered by Oxford Road (A4165) with Oxford Parkway Railway Station and

[1] Joint Nature Conservation Committee (1993). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council, reprinted JNCC, Peterborough.

agricultural fields beyond. The southern boundary is bordered by an isolated strip of woodland with an agricultural field and the A34 beyond.

8.1.7 The Site boundary also includes the highway works within the application, which extends the boundary along Frieze Way, including the verge entrance of Stratfield Brake Sports Ground, and south along Oxford Road which continues over the A34 and a railway line, where it is bordered to the east by Oxford Parkway, and Oxford Golf Club to the west.

8.1.8 The Site itself comprises a willow plantation of relatively recent origin (less than 20 years) bounded by hedgerows and trees, with a strip of neutral grassland located between the boundaries and plantation. A woodland is present off-site along the southern boundary and an area of planted scrub is also present within the northern section of the site. The site was formerly a motorcycle track (conversion from agricultural land permitted by application ref 97/01897/F granted on 19/01/1998).

Proposals

8.1.9 This report is prepared in connection with the proposed full planning application for the erection of a 16,000 capacity stadium (Use Class F2) with associated flexible commercial and community facilities for conferences, exhibitions, education and other events (including club shop, public restaurant, bar, health and wellbeing facility/clinic, and gym) (Use Class E), a 180-bed hotel (Use Class C1), external concourse/fan-zone, car and cycle parking, and associated access, highways, utilities, public realm, landscaping and other supporting infrastructure.

8.2 CONSULTATION RESPONSES

8.2.1 Following the production of a scoping report (dated 21st August 2023), consultation responses were received by Natural England (received 7th September 2023 and shown at Annex 8.1), the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) (received 8th September 2023, Annex 8.2), the Friends of Stratfield Brake (FoSB) (received 12th September 2023, Annex 8.3) and the Cherwell District Council's (CDC) Ecologist (received 26th September 2023, Annex 8.4).

8.2.2 A preliminary pre-application response was received from the CDC on 20th September 2023 (Annex 8.5).

8.2.3 These responses have been addressed wherever relevant below.

Statutory Designated Sites

8.2.4 The consultees specified that the development site may impact particular designated sites and therefore, the ES should thoroughly assess any potential impacts that could arise from the proposals on these nationally and internally designated sites of nature conservation importance. The listed statutory sites are:

- Oxford Meadows Special Area of Conservation (SAC);
- Pixey & Yarnton Meads Site of Special Scientific Interest (SSSI);
- Port Meadow with Wolvercote Common & Green SSSI;
- Hook Meadow & The Trap Grounds SSSI;
- New Marston Meadows SSSI; and
- Iffley Meadows SSSI.

8.2.5 Ecological evaluation and identification of key impacts on designated sites have been addressed within section 8.5. Specifically, potential hydrological, air pollution and recreational impacts on designated sites are assessed and are summarised below.

8.2.6 Hydrological impacts that have the potential to arise from the proposals have been assessed within Chapter 14 of the (Environmental Impact Assessment) EIA (Flood Risk and Drainage). It has been concluded that the drainage design for the proposals will maintain the existing greenfield runoff flow rates from the site. In addition, the drainage design shall result in, at a minimum, the maintaining of the existing water quality of surface water flows from the site. As such, no significant effects on the hydrology of designated sites are anticipated as a result of the proposals.

8.2.7 Regarding air quality impacts on designated sites, a worst-case scenario was applied by the Air Quality consultants which found that no significant effects will occur on any of the designated sites listed above, including Oxford Meadows SAC and it's constituent SSSIs during construction or operation. Further information can be viewed in Chapter 12 (Air Quality) of the EIA.

8.2.8 Recreational impacts are unlikely to occur as a result of the proposals due to the primary nature of the development being a football stadium. The principal reason for the majority of visitors visiting the Site would be for Oxford United matchdays, on-site hospitality events and other non-matchday occasions and it is deemed unlikely that visitors would frequent Oxford Meadows SAC and it's constituent SSSIs, which is based nearly 2km southwest from the Site. Hotel users may utilise local green spaces for recreational use, however based on the distance between the Site and the SAC and the number of alternative recreational resources that are closer to the Site, it is not considered that there would be any likely significant effects on any statutory designated sites as a result of the proposals.

8.2.9 Based on the above, it can be concluded that the proposals adhere to Policy ESD 9: Protection of the Oxford Meadows SAC as outlined within the Cherwell Local Plan (2011 – 2031) and also the legal test laid down in the Conservation of Habitats and Species Regulations 2017 (as amended).

Non-statutory Designated Sites

8.2.10 Both Stratfield Brake District Wildlife Site (DWS) and Meadows West of the Oxford Canal Local Wildlife Site (LWS) have specifically been identified by consultees with BBOWT also referencing: "*a vast number of Local Wildlife Sites (LWSs) too many to mention here".*

8.2.11 The Meadows West of Oxford Canal LWS is separated from the Site by a busy main road (Frieze Way) and Stratfield Brake DWS. As stated above with regard to the Oxford Meadows SAC given the primary function of the development site it is exceptionally unlikely that any significant recreational pressures would arise on any nearby designated sites. Indeed, with regard to Stratfield Brake DWS this is managed by the Woodland Trust who actively promote their sites for informal recreation and seek to improve access provision, and therefore, manage their sites accordingly (with a specific management plan in place for Stratfield Brake DWS[2]), such that potential adverse recreational effects are avoided. Through the implementation of safeguarding measures which include the drainage design for the Site (as detailed above), it is not considered that the development will have a direct or indirect impact this LWS, or any other LWSs within proximity of the Site.

8.2.12 The FoSB stated within their response that the woodland to the south of the Site should be classified as DWS status and considered/treated as ancient woodland. It is agreed that the woodland should be (and will be) treated as a DWS; the data search returned from Thames Valley Environmental Records Centre (TVERC) in October 2022 (see Figure 8.1) identified this woodland as part of the wider Stratfield Brake DWS. However, it is notable that the Stratfield Brake woodland is not described

[2] https://www.woodlandtrust.org.uk/media/50767/4481-stratfield-brake.pdf

as ancient woodland within the DWS citation provided by TVERC nor is it listed as ancient woodland within the MAGIC database (the Natural England Ancient Woodland Inventory).

8.2.13 Historical imagery set out in the Archaeological Desk Assessment includes an 1818 Enclosure Map for Kidlington Parish (see **Chapter 9: Cultural Heritage and Archaeology**) and no woodland is shown as present. As such, this provides evidence that the area to the south has not been wooded continuously since at least 1600 AD, and hence is not ancient woodland (and thus explains why the woodland is not in the ancient woodland inventory). Further review of historical aerial imagery/maps of the Site, illustrates that the woodland first appears on an 1885-1887 Ordnance Survey map where the onsite woodland is connected to the larger Stratfield Brake woodland west of the existing boundary. According to more recent Ordnance Survey maps, this woodland was severed in two by the construction of the Frieze Way (A4260) road around 1981, which resulted in the woodland to the South of the site becoming relatively isolated from the remainder to the west.

8.2.14 Nevertheless, surveys conducted by Ecology Solutions in 2023 also found ancient woodland indicators therein and so it is starting to develop characteristics of such habitat. As such, it is agreed that the woodland does have ecological value, particularly relative to the habitats within the Site itself.

8.2.15 It is understood that the land managed by The Woodland Trust (acquired as part of a long 250-year lease from the Oxfordshire County Council (OCC) in 1997) does not include the land to the south of the Site (i.e. east of the A4260). A member of the development project team conducted a site visit with a member of the Woodland Trust on 25th April 2023**.** At that meeting, the Woodland Trust were offered the opportunity to take on the management of this section of woodland (west of the A4260) and to include it as part of the Stratfield Brake nature reserve. However, the Woodland Trust declined the offer and gave a view that the woodland is too isolated and is best suited to non-intervention management in any event.

8.2.16 OCC purchased the land at Stratfield Brake in 1937[3] and currently leases the Site to Foxcotte Fencing Limited on a short-term basis (with 12 months' notice). The tenant periodically coppices the existing willow plantation, however, the woodland is not part of their lease agreement.

8.2.17 It is understood that the woodland to the south of the Site is owned by OCC and not currently managed in any active manner and is not accessible to the public – it would remain this way post-development if the Proposed Development is consented.

8.2.18 In terms of protecting the onsite woodland from potential impacts from the development, during the meeting between the project team and the

[3] https://mycouncil.oxfordshire.gov.uk/documents/s59017/CA_JAN1822R11%20-%20OUFC%20Stratfield%20Brake%20-%2018%20January%202022%20v6.pdf

Woodland Trust, it was recommended by the Woodland Trust that creating a suitable buffer (e.g. a hedgerow) between the development and woodland would be sufficient to prevent potential impacts on this habitat.

8.2.19 As such, the woodland will be retained and safeguarded during the construction phase with no ground works within the root protection areas of any of the woodland trees. Implementation of standard engineering practices in respect of pollution control and the prevention of damage to boundary trees and the adjacent Stratfield Brake DWS (albeit separated by Frieze Way) will be conducted, and such measures could be secured through the production of a Construction Environmental Management Plan.

8.2.20 As stated above, the woodland would not be accessible post-development and will be protected by a native hedgerow, scrub planting and attenuation features, which will deter people accessing the woodland and will also provide a green corridor along the boundary with the woodland from which a variety of wildlife will benefit. As such, the design of the proposals has sought to ensure no detrimental impacts will occur on the woodland from the proposed development, and thus, its existing ecological value would be unaffected.

8.2.21 Regarding air quality impacts on designated sites, a worst-case scenario was applied by the Air Quality consultants which found that potentially significant effects may occur on Stratfield Brake LWS due to traffic emissions during operation (no effects during construction). Further information can be viewed in Chapter 12 (Air Quality) of the EIA.

8.2.22 However, the air quality assessment identified that Stratfield Brake LWS is already exceeding thresholds for nitrogen deposition (with ammonia) up to a distance of circa 20-30m east of the A4260 Frieze Way (see Table A 12.18 in the Air Quality chapter). Based on the worst-case scenario assessment the thresholds for nitrogen deposition would be exceeded at a distance of 30-40m east and 10-20m west of the A4260 (see Table A 12.22 in the Air Quality chapter). At these points the habitats within the LWS comprises mature woodland. Whilst woodlands are among the more sensitive habitats to nitrogen deposition, the impact of nitrogen deposition on vegetation composition of woodlands is poorly understood, partly due to the strong confounding influence that tree canopy structure places on ground flora species richness, cover and other parameters that might otherwise enable one to discern the effects of nitrogen deposition. The canopy does this through interception of light, rainfall and pollution. The effect of woodland management on tree canopy structure also has a big influence on ground flora. The Air Pollution Information System (APIS) concludes ‘nitrogen deposition is not believed to have a direct, major effect on tree growth in the UK’. Most of the effects of nitrogen deposition on woodlands are on features other than tree growth, such as ground flora diversity/structure, fungi and lichen populations. In this case despite the woodland currently exceeding thresholds for nitrogen deposition there is no apparent detriment to woodland function/ground flora

composition and the small increase predicted at the operational phase (in the worst-case and with the potential for improvement from the predicted worst-case due to technological advancement) is not deemed to be significant for the LWS in that context and given the extent of the wider LWS that would not be affected at all (i.e. not exceed thresholds).

Invertebrate Surveys

8.2.23 Invertebrates have been included in the ecology assessment of the Site and information can be viewed within section 8.6 below. In particular, the Brown Hairstreak butterfly, for which multiple records were returned from the desk study from a 1km grid square overlapping the Site and further west of the Site boundary, has been highlighted. Details of the Brown Hairstreak records overlapping the Site describe the location to be along the adjacent Stratfield Brake nature reserve and not within the site itself; however, it is considered likely that this species would be present on Site given the close proximity of the record, the presence of Blackthorn *Prunus spinosa* within hedgerows (as it lays it's eggs on Blackthorn shoots) and the presence of food plants within the site. In addition, given the habitats present on site, it is considered likely that an assemblage of common invertebrate species would also be present within the Site.

8.2.24 The FoSB response has also brought to light that their ecologist spotted a female Brown Hairstreak within the Site. Although no evidence or date of this finding has been provided, and it is understood that no formal access was granted for any survey by FOSB by OCC, this is a welcome confirmation to the desk study findings as it supports the Ecology Solutions assessment that there are suitable habitats for this species within the relevant habitats on Site. On that basis, it is deemed of little merit to conduct specific Brown Hairstreak surveys as the proposed development has been designed to ensure that appropriate habitats will be maintained on the Site such that Brown Hairstreak can continue to use the Site post-development. Specifically, the landscape proposals include the retention of the western hedgerow where Blackthorn has been recorded (albeit with some losses proposed to accommodate access into the Site), a buffer to the woodland to the south and the inclusion of new scrub planting which will include Blackthorn within the mix of native species. As such, it is considered that opportunities for Brown Hairstreak, as well as a variety of other common invertebrate species likely to be present within the Site, will be retained on Site post-development. Notwithstanding, a winter egg search for Brown Hairstreak was conducted in December 2023.

Botanical Surveys and Habitat Classification

8.2.25 Specific, targeted botanical surveys are not considered necessary given the initial Phase 1 Habitat survey conducted identified the habitats present within the Site as largely dominated by common and widespread flora, albeit there are a small number of more notable plant species present in patches around the edges of the grassland.

8.2.26 This is perhaps not unexpected given the historic uses of the site and the relatively recent origin of the existing willow crop plantation (as stated above this has been in place for less than 20 years). As referenced above, in 1998, permission was also granted to change the use of this land from agricultural land to a motorcycle track in 1998.

8.2.27 The grassland to the margins of the Site is used as an access track for the willow plantation and is mown periodically to facilitate access and prevent the encroachment of scrub. During the initial site visit, the grassland itself had been mown with arisings left. This type of management creates a more nutrient-rich and fertile habitat where widespread species such as Creeping Buttercup can thrive, and where plants of notable conservation value are typically less abundant.

8.2.28 The dedicated surveys carried out by Judith A Webb in 2023 (albeit it is noted that it is understood that no formal access was granted for such survey by OCC) are therefore a welcome addition to the Ecology Solutions' surveys as these provide additional 'snapshots in time' of the flora present (albeit the Webb report is considered to overplay the value of the Site), and therefore, further reduces any need to conduct additional surveys.

8.2.29 It is however not considered that the notable species recorded, such as Narrow-leaved Bird's-foot Trefoil *Lotus tenuis* and Corn Mint *Mentha arvensis,* are in high abundance across the site and nor does their presence automatically convey that the grassland within the Site as a whole is of high botanical value and warrants further survey. The primary concentrations of some of these plants are the adjacent DWS and inevitably there may be spread into the adjacent Site. Indeed some of these plants are confined to small areas and at the edges of the grassland. Nevertheless, it is proposed that areas where these species have been recorded are retained wherever possible on Site and safeguarded during the construction phase. Where retention is not feasible (such as Pyramidal Orchid *Anacamptis pyramidalis* and Common Spotted Orchid *Dactylorhiza fuchsii* recorded by Judith A Webb within the main body of the willow plantation), a transplantation exercise is recommended where the plants will be moved to where these species can be retained on Site post-development. In this circumstance, for example, Narrow-leaved Bird's-foot Trefoil will therefore become part of a more appropriate meadow management scheme as it will involve removing arisings after each cut, which will provide greater opportunity for this species to spread and thrive, potentially resulting in an enhancement over the existing situation.

8.2.30 It should also be noted that there are understood to be no limitations on the cropping of the existing plantation and the entire area could be removed if desired. The cropping involves mechanical lopping and tracking of machinery across the site to harvest and remove the crop. As such, the existing use by its very nature is a limiting factor to the potential ecological value of the Site.

8.2.31 Consultee responses have questioned the classification of willow plantation being that of 'arable habitat'.

8.2.32 To clarify, the UK Habitat Classification (Version 2.0 – July 2023) (UKHab) is a comprehensive habitat classification system that has been produced for habitat survey and assessment. More specifically, UKHab provides a tool to determine the hierarchy of cropland through the Cropland Ecosystem Primary Hierarchy table. This table has been utilised in the classification of the willow plantation and is reproduced with the relevant information in Table 1 below.

Table 1: Willow plantation classification as per the UKHab Cropland Ecosystem Primary Hierarchy (July 2023)

Level 2 code	Level 2 Label	Level 3 code	Level 3 Name	Level 4 code	Level 4 Name	Level 5 code	Level 5 Name
c	Cropland	c1	Arable and horticulture	c1d	Non-cereal crops	c1d6	Short-rotation coppice

8.2.33 The UKHab definition of **c1d6 Short-rotation coppice**:

"Land planted with fast-growing broadleaves, such as Willow Salix spp. And Ash Fraxinus excelsior, for biofuel harvesting on a short rotation – normally <10 years."

8.2.34 As such, the willow plantation fits within the definition detailed above, provided by UKHab. The UK Habitat Classification Working Group involves a network of dedicated experts who have field-tested and reviewed the classification prior to its publication, and as such, is deemed as an appropriate classification tool to use when classifying the onsite cropland. In general, such habitats are agreed by ecologists to hold limited intrinsic value, as evidenced by the biodiversity scoring attributed to such habitats in Biodiversity Net Gain metrics (developed by and the use of which is endorsed by consultees such as Natural England).

8.2.35 The previous ecological consultant (EPR) who conducted a habitat survey within the Site in July 2021 also referred to the Willow plantation as 'Cropland' and stated, "*It is of negligible ecological importance*".

8.2.36 Nevertheless, as detailed above, as orchid plants have been recorded within the plantation it is proposed that these plants should be retained, wherever possible, or translocated to an appropriate area within the Site before the construction phase commences. As such, any existing value within this habitat type would be retained.

Breeding Bird Surveys

8.2.37 Breeding bird surveys were carried out based upon the Common Bird Census (CBC) technique. The CBC approach involves walking transects routes through the area being studied and recording and plotting all bird species observed or heard and their behaviour. The technique applied involves a longer surveying time than the bird survey guidelines

methodology to which the BBOWT consultation refers. As different species vary in their detectability throughout the day the longer survey is deemed to be a more robust approach and provides greater opportunity to pick up a wider variety of species and a more accurate picture of the assemblage of birds that might be using the site.

8.2.38 Given this more intensive survey approach together with the numbers / list of species recorded during the surveys conducted in 2023, it is not considered that the Site supports an assemblage of birds of any particular ornithological note. As such, the completion of three surveys of this type are considered to provide a sufficiently robust assessment of the breeding bird assemblage of the site.

8.2.39 Indeed, it should be highlighted that whilst there may be guidance to suggest the survey effort that is generally deemed to apply, it remains just that: guidance. Such guidance is always subject to professional judgment and need not be blindly followed at all times where appropriate justification is given. In many cases, such justification would be the findings of the surveys as conducted – many pilot surveys are conducted that rule out a need for further work. A clear example of an approach based on professional judgement is clearly set out in the most recent 4th edition of the bat survey guidelines[4] – the survey effort being an iterative process dictated by the findings of the survey work conducted.

Wintering Bird Surveys

8.2.40 Whilst it is suggested that wintering bird surveys could be undertaken completion of such surveys is not deemed to be of merit as the habitats present within the Site are not representative of good quality habitat (i.e. significant wetland habitats) that would be of particular interest for non-breeding priority bird species or assemblages.

8.2.41 The TVERC protected and notable species records returned only two records of bird species from within the site and from a 1km grid square overlapping the Site, which is of the Amber-listed Wren *Troglodytes troglodytes,* recorded in 2015 within 'Stratfield Brake Wood and Fields', and Schedule 1 species Hobby *Falco subbuteo* which was recorded in 2013 (exact location has been deemed confidential). The latter relies on open areas for hunting (not present in the Site) but use trees and open woodland for breeding (albeit the planation trees are not sufficiently robust to provide such breeding habitats). This species is often found close to wetland habitats (which are present in the west of Stratfield Brake) hawking for Dragonflies and damselflies. Given the above it is apparent that this species would not be reliant on habitats within the Site (even if recorded as flying over or roosting therein at some point). Habitat for Wren would also be maintained post development, and this species remains common in the UK. As such, neither of these records would trigger the need for specific wintering (or breeding) surveys.

[4] Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition).* The Bat Conservation Trust, London.

8.2.42 Several notable and protected bird species have also been listed within the Stratfield Brake DWS citation provided by TVERC and noted within the CDC consultee response. It is unclear whether these bird records are from the Stratfield Brake DWS found adjacent to the western boundary. Considering that the Woodland Trust do not access or manage the woodland adjacent to the south of the Site and given that the onsite woodland is inaccessible to the public as it is on private land, it is deemed unlikely that these records would originate from the woodland adjacent to the Site. In any event, as the woodland is to be retained and buffered as part of the proposals specific surveys to establish the assemblage of birds therein is not justified as a general development design to avoid direct/indirect effects has been put forward.

Great Crested Newts

8.2.43 There are no ponds present within the Site or within 250m of the main Application Site boundary. OS maps indicate that there are a total of four ponds located within 500m of the site boundary, however all four ponds are separated from the site by main roads (Frieze Way and A34) which are considered to represent a significant dispersal barrier to Great Crested Newts *Triturus cristatus*. Records received by TVERC of this species are also separated from the Site by multiple dispersal barriers.

8.2.44 Although it is known that Great Crested Newts can disperse up to 500 metres through suitable terrestrial habitat from their breeding pond, it is widely accepted that they tend to utilise suitable terrestrial habitat within a much closer distance. Activity is usually concentrated within 100 metres of breeding ponds and key habitat is located within 50 metres (termed by Natural England as core habitat).

8.2.45 Indeed, English Nature Research Report Number 576 (An assessment of the efficiency of capture techniques and the value of different habitats for the Great Crested Newt by Warren Cresswell and Rhiannon Whitworth) states:

8.2.46 "*The most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also almost always be necessary to actively capture newts 50-100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200-250m, capture operations will hardly ever be appropriate*."

8.2.47 Based on the above, it is considered unlikely that Great Crested Newts would be utilising the main Application Site.

8.2.48 However, the proposed highway works extends the site boundary over the A34 and railway, includes alterations along Oxford Road that will result in minor losses of scrub habitat located adjacent to Oxford Parkway. Due to the separation barriers present, it is deemed unlikely that Great Crested Newts would be present within the southern proposed highway works area. Nevertheless, a precautionary approach with regard to Great Crested Newts is recommended during construction.

Reptile and Bat Surveys

8.2.49 FoSB have questioned whether the reptile and bat surveys went ahead as the tenant of the Triangle had removed the reptile surveying equipment and removed two of the four static bat detectors in August 2022.

8.2.50 Reptile 'tins' were placed on site on 24th August 2022. Where these 'tins' were observed to be missing upon a visit these would be replaced and allowed to bed in again prior to further checks. One period when some 'tins' were observed to be missing coincides with when the tenant had removed two of the four static bat detectors that were left on site to monitor bat activity. The replacement of missing 'tins' was also a reason why checks were continued into October 2022 (albeit the weather conditions were such that reptiles remain active until late into the year in any event).

8.2.51 As such, it can be confirmed that a robust set of reptile surveys were conducted, albeit were subject to some delays as a result of the above.

8.2.52 Whilst the tenant removed two of the four static detectors that were left out in August 2022, the remainder of the bat surveys continued as normal throughout the rest of the year, and the results of these do not indicate that an assessment would be materially affected by the reduction in detectors in that month. Indeed, as alluded to above, there has been a recent publication of new bat survey guidance and this clearly endorses an approach whereby survey effort is an iterative process dictated by the findings of survey work as it is completed at the professional judgement of an appropriately qualified ecologist, i.e. do findings justify a greater survey effort or not (in the same way whether the failure of detectors/missing detectors would warrant additional survey effort or not – in this case deemed not).

Badgers

8.2.53 FoSB have questioned whether Badger surveys have been conducted and query the methodology undertaken.

8.2.54 The dates of surveys and methodology is detailed within section 8.4. No evidence of Badgers was recorded on Site, however regard for this species has been outlined within the mitigation as this species is known from the local area.

Lower Cherwell Valley Conservation Target Area

8.2.55 The consultees have highlighted that the Lower Cherwell Valley Conservation Target Area (CTA) lies in close proximity to the Site, with BBOWT specifically stating:

"We would therefore recommend that the CTA statement is factored in when considering the habitats to be created or managed on the site, although the value of the existing habitats must also be factored in as well."

8.2.56 CTAs are areas within Oxfordshire where efforts and resources can be targeted to protect, enhance and link existing habitats together and is part of an emerging policy CP13 The Lower Cherwell Valley CTA includes a corridor along the Oxford Canal which passes through Kidlington, with the closest point to the Site located approximately 0.5km west. The Oxfordshire Biodiversity Action Plan (BAP) targets that are associated with this CTA are:

- Lowland meadow – management, restoration and creation;
- Floodplain grazing marsh – management, restoration and creation (for breeding waders in particular).
- Lowland Fen (including swamp) – management and restoration.
- Reedbed – management and creation
- Rivers – management and restoration (including management for water vole).

8.2.57 None of these listed habitats are present within the Site, however they are present within the adjacent Stratfield Brake DWS (lowland fen) and Oxford Canals LWS (a remnant lowland meadow and fen), both of which are separated from the Site by the Frieze Way (A4260) road. As detailed within the 'non-statutory sites' response above, appropriate safeguarding measures have been outlined which will prevent any detrimental impacts on these offsite habitats and would not adversely affect the Lower Cherwell Valley CTA.

8.2.58 In addition, a variety of habitats beneficial to the local biodiversity are proposed as part of the development, such as wildflower meadows, a pond and attenuation basins, which can be considered as valuable habitat and will provide an overall enhancement over the existing situation and whilst the Site is not within the CTA itself the development would promote habitats targeted therein. As such, whilst emerging policy CP13 would be given limited weight in any event the proposals accord within and promote the spirit of the policy objectives.

Natural Capital and Ecosystem Services

8.2.59 An emerging policy, Core Policy 14: Natural Capital and Ecosystem Services (CP14) has been included within the Draft Cherwell Local Plan Review 2040. This policy aims to recognise the value of natural capital assets in terms of the ecosystem services they provide to ensure that

planning applications take these assets into account in order for wider benefits of the natural capital to be delivered.

8.2.60 The natural capital and ecosystem services in an ecological context largely focuses on the intrinsic value of biodiversity and green and blue infrastructure. In the context of the Site, the elements of high intrinsic value include the deciduous woodland, which is offsite and will be retained and buffered from the development, and native hedgerows, which will be retained where possible and replaced in a greater extent where any unavoidable losses occur.

8.2.61 The habitats of lesser intrinsic value in the context of ecological natural capital, which will be lost as part of the proposals, will be replaced by habitats of greater diversity and value. This will be shown within the biodiversity net gain assessment which will be carried out on the proposed development, where a minimum of 10% net gain is anticipated to be achieved.

Biodiversity Net Gain

8.2.62 The consultees have specified that a biodiversity net gain of at least 10% should be achieved as part of the proposals. It is considered that with the enhancements agreed, which includes the creation of species-rich wildflower grassland, a pond, the planting of native tree and shrub species across the site, attenuation features and biodiverse green roofs, a net gain of at least 10% can be achieved as part of the proposals. A biodiversity net gain calculation will be submitted as an addendum report.

8.3 ASSESSMENT METHODOLOGY

Identifying the Zone of Influence

8.3.1 The potential ecological impacts of the Development are largely confined to the Site itself but given the continuity of agricultural land and open countryside outside the Site boundaries, consideration has also been given to the following likely significant effects, which may spread beyond the Site:

- Disturbance to populations within hearing range during the construction phase;
- Fragmentation of 'dispersal corridors' utilised by adjacent populations;
- Disruption to habitats / populations within receiving range of dust etc during the construction phase;
- Disturbance to habitats / populations within walking distance during the operation phase; and
- Pollution to watercourses during the construction and operation phases.

Impact Assessment Methodology

8.3.2 The evaluation and impact assessment method has been undertaken with due regard to the guidelines produced by the Chartered Institute of Ecology and Environmental Management[5], which avoids the provision of definitions as to how to assign habitats and species different levels of value and relies on an approach that involves professional judgement and the use of available guidance and information.

8.3.3 The value of each resource is determined within a defined geographical context:

- International;
- UK;
- National (England/Northern Ireland/Scotland/Wales);
- Regional;
- County (or Metropolitan – e.g. in London);
- District (or Unitary Authority, City or Borough);
- Local or Parish; or
- Within Zone of Influence only

8.3.4 A number of other key considerations include:

[5]CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine (Version 1.2 – updated April 2022). Chartered Institute of Ecology and Environmental Management, Winchester

- Designated Sites and Features (e.g. Special Protection Areas, Sites of Special Scientific Interest, important hedgerows etc.);
- Biodiversity Value (Use of Biodiversity Action Plans, development plans and other published documents);
- Potential Value;
- Secondary or Supporting Value;
- Social or Economic Value; and
- Legal Issues

8.3.5 For example, whilst new Frameworks are being developed which will build on the Cherwell and Oxfordshire Biodiversity Action Plans, these documents are still useful tools that have been used to assist in valuing features and developing mitigation strategies, where necessary. Consideration has also been given to policies contained within the Local Plans.

8.3.6 Having identified the ecologically important features likely to be affected by the development, the current guidance promotes a transparent approach in which an impact is determined to be significant or not on the basis of a discussion of the factors that categorise it. This includes characterising the nature of the likely impacts on each important feature in terms of ecological structure and function, by considering the following parameters:

- Positive or negative / beneficial or adverse;
- Extent;
- Magnitude
- Duration;
- Reversibility; and
- Timing and frequency.

8.3.7 Where it is concluded that there would be an impact (positive or negative and including cumulative impacts) on a defined site or ecosystem(s) and / or the conservation status of habitats or species within a given geographical area, it is described as significant in the following terms; major, moderate, minor, negligible and none.

8.4 SURVEY METHODOLOGY

8.4.1 The methodology utilised for the survey work can be split into three areas, namely desk study, habitat survey and faunal survey. These are discussed in more detail below.

Desk Study

8.4.2 In order to compile background information on the site and the surrounding area, Ecology Solutions contacted the Thames Valley Environmental Records Centre (TVERC).

8.4.3 Further information on designated sites from a wider search area was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC)[6] database. This information is reproduced at Annex 8.6 and included, where appropriate, on Figure 8.1.

Habitat Survey Methodology

8.4.4 The Site was subject to initial habitat surveys in August 2022 with subsequent check surveys intermittently during other surveys thereafter until July 2023 to ascertain the general ecological value of the land and to identify the main habitats and associated plant species, with notes taken on fauna utilising the site.

8.4.5 The road verges along Frieze Way and Oxford Road, and the verge adjacent to the Oxford Parkway, which forms part of the proposed highway works, were surveyed in November 2023 to ascertain the general ecological value of the land and to identify the main habitats and associated plant species. Notes were taken on any fauna observed within and near to these areas.

8.4.6 **Extended Phase 1.** Ecology Solutions survey work was based around an extended Phase 1 Survey methodology[7] approved by Natural England, whereby the habitat types present are identified and mapped together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential value, which require further survey. Any such areas identified can then be examined in more detail.

8.4.7 The habitats present within the Site were classified into areas of similar botanical community types with a representative sample of those species present at the time of the site survey being described where necessary.

8.4.8 Ecological Planning & Research Limited (EPR) carried out an ecological appraisal of the Site in July 2021 and Judith A Webb carried out botanical

[6] http://www.magic.gov.uk
[7] Joint Nature Conservation Committee (1993) Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit. Peterborough. 1993.

surveys of the Site between June - August 2023. These reports are referenced below wherever relevant.

Fauna

8.4.9 General faunal activity, such as birds or mammals observed visually or by call during the course of the survey, was recorded. Specific attention was paid to any potential use of the Site by protected species, priority species, or other notable species.

8.4.10 In addition, specific surveys were carried out within the main Triangular Application Site between August 2022 and July 2023 for the presence of Badgers *Meles meles,* bats, birds, reptiles and Brown Hairstreak.

8.4.11 Experienced ecologists undertook the faunal surveys with regard to established best practice and guidance issued by Natural England. Details of the methodologies employed are given below.

Badgers

8.4.12 Specific surveys for Badgers were carried out between August 2022 and July 2023.

8.4.13 The surveys comprised two main elements. Firstly, searching thoroughly for evidence of Badger setts. For any setts encountered each sett entrance was noted and plotted, even if the entrance appeared disused. The following information was recorded:

i) The number and location of well used or very active entrances; these are clear of any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.

ii) The number and location of inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance, or have plants growing in or around the edge of the entrance.

iii) The number of disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be together with the remains of the spoil heap.

8.4.14 Secondly, evidence of Badger activity such as well-worn paths, run-throughs, snagged hair, footprints, latrines and foraging signs was recorded so as to build up a picture of the use of the Site by Badgers.

Bats

8.4.15 Field surveys were undertaken within the main triangular Application Site with regard to best practice guidelines issued by the Joint Nature Conservation Committee (2004[8]) and the Bat Conservation Trust and (2016[9]). A fourth edition of the Bat Conservation Trust guidelines (2023[10]) was published in September 2023 after surveys were completed, however the updated guidelines have been considered within this report.

8.4.16 All standard and hedgerow trees within the Site and Wider Study Area were assessed for their potential to support roosting bats. Features typically favoured by bats were searched for, including:

- Obvious holes, e.g. rot holes and old Woodpecker holes;
- Dark staining on the tree, below the hole;
- Tiny scratch marks around a hole from bat claws;
- Cavities, splits and or loose bark from broken or fallen branches, lightning strikes etc; and
- Very dense covering of mature Ivy over trunk.

8.4.17 Evening activity surveys were conducted by two surveyors within the Site in August, September and October 2022, early June, late June and July 2023, using EchoMeter Touch 2 Pro bat detectors to record the data. This data was subsequently analysed using Kaleidoscope Pro bat sound analysis software. This survey method aimed to identify the level of foraging, and the species present foraging and commuting within the Site and any areas of potentially high importance for foraging / commuting bats. The evening activity surveys commenced 15 minutes prior to sunset and were terminated at least 2 hours after sunset.

8.4.18 SongMeter SM4 bat detectors were also left out for at least five consecutive nights in August, September and October 2022, early June, late June and July 2023.

Birds

8.4.19 Breeding bird surveys were undertaken across the main Application Site in June 2023.

8.4.20 Breeding bird surveys were carried out following the Common Bird Census (CBC) technique. The CBC involves walking transects routes through the area being studied and recording and plotting all bird species observed or heard and their behaviour.

[8] Mitchell-Jones, A.J. & McLeish, A.P. (Eds.) (2004). *Bat Workers' Manual*. 3rd edition. Joint Nature Conservation Committee, Peterborough.
[9] Bat Conservation Trust (2016). *Bat Surveys for Professional Ecologists – Good Practice Guidelines (3rd Edition)*. Bat Conservation Trust, London.
[10] Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition).* The Bat Conservation Trust, London.

8.4.21 The transect routes were chosen so that the entire triangular Site is covered and all features likely to support breeding birds are surveyed. Routes and directions were varied between visits so that there is no tendency to visit a particular part of the plot later or earlier in the day.

Reptiles

8.4.22 Specific surveys for reptiles were carried out between August and October 2022. The methodology utilised principally derived from guidance given in the Herpetofauna Workers Manual.

8.4.23 Areas of suitable habitat (rough grassland margins) were surveyed for the presence of reptiles using artificial refugia ("tins"). 200 0.5m x 0.5m roofing felt tins were placed within areas of suitable reptile habitat in the Site.

8.4.24 The tins provide shelter and heat up quicker than the surroundings in the morning and can remain warmer than the surroundings in the late afternoon. Being ectothermic (cold blooded), reptiles use them to bask under and raise their body temperature which allows them to forage earlier and later in the day.

8.4.25 To determine presence/absence the tins are checked for reptile activity over seven visits at appropriate times of the day (avoiding the middle of the day when the ambient air temperature is at its highest) in accordance with Natural England guidance. Optimum weather conditions for reptile surveying are temperatures between 10°C and 17°C, intermittent or hazy sunshine and little or no wind.

Brown Hairstreak

8.4.26 A specific winter egg search was conducted across all suitable habitat within the site in December 2023.

8.5 BASELINE CONDITIONS

Introduction

8.5.1 The objectives of establishing the ecological baseline are twofold:

- to describe aspects of the natural environment and to identify important and protected habitats and species that could be adversely affected by the Development; and

- to characterise features that could be positively enhanced, created, restored or managed, by establishing the occurrence, distribution and extent of ecological features on site and in the surrounding area; and/or those species that could be positively managed to enhance their conservation status, distribution and abundance.

Context

8.5.2 Unlike the agricultural type habitat which dominates the majority of the Site, natural and semi-natural habitats usually support the greatest diversity of wildlife. Important species are those protected by international or national legislation; those that have been identified in the 'UK Post-2010 Biodiversity Framework'[11] as Priority Species, and those identified as locally distinctive in a local BAP, such as the 'Cherwell Biodiversity Action Plan' or 'Oxfordshire Biodiversity Action Plan' (e.g. 'local keystone', 'flagship' and 'umbrella species'[12]).

8.5.3 National Character Areas are sub-divisions of England, each with a characteristic association of wildlife and natural features defined by Natural England. Each National Character Area has a unique identity resulting from the interaction of wildlife, landforms, geology, land use and human impact.

8.5.4 The Site is located within the Upper Thames Clay Vales National Character Area. This National Character Area comprises a broad belt of open, gently undulating lowland farmland on predominantly Jurassic and Cretaceous clays.

Designated Sites

Statutory Sites

8.5.5 There are no statutory designated sites of nature conservation value located within or immediately adjacent to the Site. The closest statutory site is the Oxford Meadows Special Area of Conservation (SAC), which includes the constituent Site of Special Scientific Interest (SSSI) Pixey

[11] JNCC and Defra (on behalf of the Four Countries' Biodiversity Group) (2012) *UK Post-2010 Biodiversity Framework. July 2012.* http://jncc.defra.gov.uk/page-6189
[12] Developing Naturally. 2000. A Handbook for Incorporating the Natural Environment into Planning and Development.

and Yarnton Meads SSSI, located approximately 1.9km southwest of the Site at its closest point. Other constituent SSSIs nearby include Port Meadow with Wolvercote Common & Green SSSI, which is located approximately 2km south at its closest point, and Wolvercote Meadows SSSI, located approximately 2.1km southwest.

8.5.6 The Natural England scoping response states that full assessment of potential impacts on Oxford Meadows SAC, its constituent SSSIs and also Hook Meadow & Trap Grounds SSSI, New Marston Meadows SSSI and Iffley Meadows SSSI is undertaken.

Oxford Meadows SAC and Constituent SSSIs

<u>The Conservation of Habitats and Species Regulations 2017 (as amended)</u>

8.5.7 The Conservation of Species and Habitats Regulations 2017, commonly referred to as the Habitats Regulations, transpose the requirements of the Habitats Directive into UK legislation. The Habitats Regulations aim to protect a network of sites in the UK that have rare or important habitats and species in order to safeguard biodiversity. The Habitats Regulations 2017 consolidate all of the previous amendments made to the Habitats Regulations 2010.

8.5.8 Under the Habitats Regulations, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the National Site Network (e.g. SPAs). Regulation 63 of the Habitats Regulations requires that:

"63(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project, which:-

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and

(b) is not directly connected with or necessary to the management of the site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

63(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

63(5) In the light of the conclusions of the assessment, and subject to regulation 64, the authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

63(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given."

8.5.9 Regulation 63 of the Habitats Regulations therefore sets out a two-stage process. The first test is to determine whether the plan / project is likely to have a significant effect on the European site. The second test (if applicable) is to determine whether the plan / project will affect the integrity of the European site.

8.5.10 Some key concepts of the Habitats Directive and Habitats Regulations have been clarified through case law. The most pertinent cases in relation to the development proposals are the *Waddenzee* Judgement, the *Sweetman* Cases, the *Holohan* Judgement and the Dutch Nitrogen Cases. These are considered in chronological order and discussed below.

8.5.11 It is noted that Section 6(3) of the EU (Withdrawal) Act 2018 (as amended) requires retained EU law to be interpreted in line with "retained caselaw" which includes retained EU caselaw. As such, whilst the UK left the European Union on 31 January 2020, EU case law prior to this date will continue to be relevant for the purposes of assessment pursuant to the Habitats Regulations. However, cases in the EU after this date will not be relevant to the UK.

Waddenzee Judgement

8.5.12 In the '*Waddenzee'* case (C-127/02) [2004] the European Court of Justice considered the trigger for Appropriate Assessment. It decided that an appropriate assessment is required for a plan or project where there is a probability or a risk that it will have a significant effect on the SPA. The Judgement states (at paragraph 3(a)) that:

"…any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects."

8.5.13 Hence, the need for an Appropriate Assessment should be determined on a precautionary basis. It is noted that this has been incorporated into the National Planning Practice Guidance (NPPG) on Appropriate Assessment[13].

[13] Ministry of Housing, Communities and Local Government. *Guidance – Appropriate Assessment.* Available at: http://www.gov.uk/guidance/appropriate-assessment (published 22 July 2019)

8.5.14 The Judgement gives clarity that the test of 'likely significant effect' should also be undertaken in view of the relevant Conservation Objectives of the European site. It is stated at paragraph 3(b) that:

"where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site."

8.5.15 Paragraph 4 of the Judgement emphasises the requirement for the appropriate assessment to rely on objective scientific information:

"…an appropriate assessment…implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the appropriate assessment of the implications…for the site concerned in the light of the site's conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects."

Sweetman Case

8.5.16 Further guidance in relation to the consideration of impacts in the light of the Habitats Regulations is provided in the '*Sweetman'* case (*Sweetman* v *An Bord Pleanala* (C-258/11) [2014]). The case as set out by the Advocate General considered in detail the test for likely significant effect in paragraphs 50 and 51:

"50. The test which that expert assessment must determine is whether the plan or project in question has 'an adverse effect on the integrity of the site', since that is the basis on which the competent national authorities must reach their decision. The threshold at this (the second) stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not 'should we bother to check' (the question at the first stage) but rather 'what will happen to the site if this plan or project goes ahead; and is that consistent with "maintaining or restoring the favourable conservation status" of the habitat or species concerned'…

51. It is plain, however, that the threshold laid down at this stage of Article 6(3) may not be set too high, since the assessment must be undertaken having rigorous regard to the precautionary principle. That principle applies where there is uncertainty as to the existence or extent of risks. The competent national authorities may grant authorisation to a plan or project only if they are convinced that it will not adversely affect the integrity of the site concerned. If doubt remains as to the absence of adverse effects, they must refuse authorisation."

8.5.17 The Court of Justice of the European Union (CJEU) agreed with the Advocate General's conclusions, and held:

"40. Authorisation for a plan or project, as referred to in Article 6(3) of the Habitats Directive, may therefore be given only on condition that the competent authorities – once all aspects of the plan or project have been identified which can, by themselves or in combination with other plans or projects, affect the conservation objectives of the site concerned, and in the light of the best scientific knowledge in the field – are certain that the plan or project will not have lasting adverse effects on the integrity of that site. That is so where no reasonable scientific doubt remains as to the absence of such effects."

8.5.18 Hence a plan or project may be authorised only if no reasonable scientific doubt remains as to the absence of effects. Reasonable scientific doubt will exist if the evidence is not sufficiently conclusive, or if there are gaps in the information.

People over Wind Case (Sweetman II)

8.5.19 The CJEU in *People over Wind v Coillte Teoranta* (C-323/17) [2018], commonly referred to as '*People over Wind*' or Sweetman II, has reversed the position adopted under the *Dilly Lane* Decision that it was right and proper for mitigation or avoidance measures, which formed a feature of a plan / project, to be viewed as integral to the plan / project and not excluded when considering the likely significance test at Regulation 63(1).

8.5.20 The decision by the CJEU ruled that:

"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."

8.5.21 In accordance with this ruling, avoidance or mitigation measures cannot be considered at the first stage of the test at Regulation 63(1) (the 'Likely Significant Effect' stage), and that these can only be considered at the Appropriate Assessment stage. The *People over Wind* ruling therefore conflicts with and overrules domestic case law in this regard. It is noted that this is also addressed in the NPPG[14].

ESB Wind Developments (Sweetman III)

8.5.22 In this case, a request for a preliminary ruling was made to the CJEU concerning the interpretation of Articles 6(3) and 6(4) of the Habitats

[14] Ministry of Housing, Communities and Local Government. *Guidance – Appropriate Assessment.* Available at: http://www.gov.uk/guidance/appropriate-assessment (published 22 July 2019)

Directive. The request was made in relation to proceedings brought by Mr Peter Sweetman and Edel Grace against the decision of An Bord Pleanala concerning the latter's decision to grant ESB Wind Developments Ltd and Coillte permission for a wind farm project within an SPA. The ruling was handed down on 25th July 2018 (C-164/17).

8.5.23 This ruling distinguishes between, for the purpose of the application of Articles 6(3) and 6(4) of the Directive, 'mitigation' that consists of measures intended to avoid or reduce harm to the protected site, and measures intended to compensate for any harm (Compensatory measures). It is stated:

"Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, where it is intended to carry out a project on a site designated for the protection and conservation of certain species, of which the area suitable for providing for the needs of a protected species fluctuates over time, and the temporary or permanent effect of that project will be that some parts of the site will no longer be able to provide a suitable habitat for the species in question, the fact that the project includes measures to ensure that, after an appropriate assessment of the implications of the project has been carried out and throughout the lifetime of the project, the part of the site that is in fact likely to provide a suitable habitat will not be reduced and indeed may be enhanced may not be taken into account for the purpose of the assessment that must be carried out in accordance with Article 6(3) of the directive to ensure that the project in question will not adversely affect the integrity of the site concerned; that fact falls to be considered, if need be, under Article 6(4) of the directive."

8.5.24 The ruling clarifies (in the context of the specifics of that project, which concerned development *on* a designated site) what constitutes mitigation and what should correctly be termed compensation. It confirms that mitigation should be subject to Appropriate Assessment under article 6(3) but that measures designed to compensate for any harm rather than prevent it, cannot be considered under article 6(3) (Appropriate Assessment). In such instances, the proposal must be considered under article 6(4) and thus it cannot be permitted unless there are "Imperative Reasons of Overriding Public Interest".

<u>Holohan Judgement</u>

8.5.25 In the case of *Holohan v An Bord Pleanala* (C-461/17) [2018] the CJEU considered the appropriate assessment procedure to be adopted when considering potential impacts on a European Site. In considering this case, the CJEU ruled, amongst other matters:

8.5.26 An appropriate assessment must catalogue the entirety of the habitat types and species for which a site is protected.

8.5.27 It must also identify and examine the implications of the proposed project for the species present on that site and for which that site has not been listed. Additionally, it must examine the implications for habitat types and species outside the boundaries of the protected site, insofar as those implications are liable to affect the site's Conservation Objectives.

8.5.28 Where the competent authority rejects findings of an expert that additional information must be obtained, the Appropriate Assessment must include a detailed statement dispelling all reasonable scientific doubt concerning effects on the protected site.

8.5.29 This assessment document seeks to comply with the relevant parts of the Holohan Judgment. The qualifying interest features are referred to wherever appropriate in Section 4 below. The relevant information, as submitted to Europe, is included as relevant Annexes to this assessment and referenced where appropriate. Consideration has been given to implications for habitats and species located outside of the international / European designated sites, with reference to the site's Conservation Objectives and the possibility that an adverse effect on the integrity of the site could arise.

The Dutch Nitrogen Cases

8.5.30 On 7th November 2018 the Judgment of the CJEU was handed down pursuant to a reference for a Preliminary Ruling relating to the application of Article 6 of Directive 92/43/EEC (the Habitats Directive) in joined cases C-293/17 and C-294/17.

8.5.31 The cases concerned authorisation schemes for agricultural activities which cause nitrogen deposition on Natura 2000 (European) sites in the Netherlands.

8.5.32 Key parts of the ruling (insofar as they are relevant to this assessment) are discussed below.

8.5.33 In line with preceding case law (Waddenzee and Sweetman, discussed above) the need for scientific rigour and firm conclusions as to the absence of effects are a pre-requisite for authorisation of a plan / project. Ruling 3 in the case states:

"Article 6(3) of Directive 92/43 must be interpreted as not precluding national programmatic legislation which allows the competent authorities to authorise projects on the basis of an 'appropriate assessment' within the meaning of that provision, carried out in advance and in which a specific overall amount of nitrogen deposition has been deemed compatible with that legislation's objectives of protection. That is so, however, only in so far as a thorough and in-depth examination of the scientific soundness of that assessment makes it possible to ensure that there is no reasonable scientific doubt as to the absence of adverse effects of each plan or project on the integrity of the site concerned, which it is for the national court to ascertain."

[*emphasis added*]

8.5.34 Ruling 4 in the case states:

"Article 6(3) of Directive 92/43 must be interpreted as not precluding national programmatic legislation, such as that at issue in the main proceedings, exempting certain projects which do not exceed a certain threshold value or a certain limit value in terms of nitrogen deposition from the requirement for individual approval, if the national court is satisfied that the 'appropriate assessment' within the meaning of that provision, carried out in advance, meets the criterion that there is no reasonable scientific doubt as to the lack of adverse effects of those plans or projects on the integrity of the sites concerned."

[*emphasis added*]

8.5.35 Ruling 5 in the case states:

"Article 6(3) of Directive 92/43 must be interpreted as precluding national programmatic legislation, such as that at issue in the main proceedings, which allows a certain category of projects, in the present case the application of fertilisers on the surface of land or below its surface and the grazing of cattle, to be implemented without being subject to a permit requirement and, accordingly, to an individualised appropriate assessment of its implications for the sites concerned, unless the objective circumstances make it possible to rule out with certainty any possibility that those projects, individually or in combination with other projects, may significantly affect those sites, which it is for the referring court to ascertain."

[*emphasis added*]

8.5.36 Ruling 6 in the case confirms that any measures which are relied upon to mitigate or avoid adverse effects on the integrity of the European site in question, must be certain at the time of assessment. It is stated:

"Article 6(3) of Directive 92/43 must be interpreted as meaning that an 'appropriate assessment' within the meaning of that provision may not take into account the existence of 'conservation measures' within the meaning of paragraph 1 of that article, 'preventive measures' within the meaning of paragraph 2 of that article, measures specifically adopted for a programme such as that at issue in the main proceedings or 'autonomous' measures, in so far as those measures are not part of that programme, if the expected benefits of those measures are not certain at the time of that assessment."

[*emphasis added*]

Conservation Objectives

8.5.37 Natural England has produced a document that sets out the Conservation Objectives for the Oxford Meadows SAC (dated 27th November 2018 [Version 3]). This document sets out that the Conservation Objectives for the SAC are to *"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving*

the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site."*

8.5.38 The qualifying features of the SAC are set out as being:

"H6510. Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)
S1614. Apium repens; Creeping marshwort"

8.5.39 This SAC is underpinned by a number of SSSIs; the Pixey and Yarnton Meads SSSI which is designated for its unimproved floodplain meadows on alluvium over calcareous gravel bordering the River Thames. Port Meadow with Wolvercote Common & Green SSSI is designated for its lowland wet neutral grassland and its population of Schedule 8 plant species Creeping Marshwort. Wolvercote Meadows SSSI is designated for its lowland neutral grassland which is managed traditionally for hay and pasture and shares characteristics of the ancient meadowland of Pixey Mead. These SSSIs are well separated from the site by major and minor roads, a canal and large bodies of water, as well as open countryside.

Other Statutory Designated Sites

8.5.40 Additional SSSIs that have been identified within the search radius and highlighted within consultee responses include the Hook Meadow & Trap Grounds SSSI, located approximately 2.7km south of the Site, which is designated for its series of unimproved neutral meadows which since have become increasingly rare. This SSSI runs along a railway and is separated from the Site by major and minor roads and an existing residential development.

8.5.41 New Marston Meadows SSSI is located approximately 3.9 km southwest of the Site and is designated for its series of agriculturally unimproved neutral meadows on the flood plain of the River Cherwell which forms a natural corridor through the centre of Oxford. This SSSI is also separated from the Site by major and minor roads and an existing residential development.

8.5.42 The Iffley Meadows SSSI, which is located 7.6km southwest of the Site, is designated for its alluvial flood meadows which are traditionally managed as hay meadow and permanent pasture. This SSSI is located

south of Oxford City and is well separated from the Site by the major and minor roads and existing residential developments.

8.5.43 To the north, the Site also lies within proximity to Rushy Meadows SSSI, which is designated for its lowland mire grassland and rush pasture. However, this SSSI is located 2.3km northwest and is separated from the site by the Stratfield Brake Sports Ground, existing residential development and the Oxford Canal.

8.5.44 There are a number of other SSSIs within the search radius identified on Figure 8.1, of which are well separated from the Site by existing urban developments, major and minor transport channels and extensive open countryside.

SSSI Impact Risk Zones

8.5.45 The SSSI Impact Risk Zones[15] (IRZs) highlight that adverse impacts to the nearby SSSIs could arise from "*Any discharge of water or liquid waste of more than 5m^3/day to ground (ie to seep away) or to surface water, such as a beck or stream".*

8.5.46 The IRZs also highlight the following:

Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 750m², manure stores > 3500t).

Non-Statutory Sites

8.5.47 The woodland located off-site adjacent to the southern boundary, is listed on the MAGIC database as a Priority Deciduous Woodland which also forms part of the Stratfield Brake Cherwell District Wildlife Site (DWS). It is noted it does not form part of the Stratfield Brake Woodland Trust Reserve (which is also designated as part of the DWS) located to the west of the Site (it is isolated from the Reserve by the Frieze Way A4620 road). Stratfield Brake DWS is designated for its range of habitats including woodland, grassland, ponds and scrub.

8.5.48 The Meadows West of the Oxford Canal is an Oxfordshire Local Wildlife Site (LWS) which lies approximately 0.6km west of the site and is designated for lowland meadow habitats on the ridges, fen in the furrows that are bordered by species-rich hedges. This LWS is separated from the Site by Frieze Way, Stratfield Brake DWS and Oxford Canal.

8.5.49 A number of additional statutory and non-statutory sites are located in the vicinity and these are identified on Figure 8.1.

[15] The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.

Habitats

8.5.50 The following main habitat / vegetation types were identified within the Site:

- Arable - Willow Plantation;
- Other Neutral Grassland;
- Modified Grassland;
- Hardstanding;
- Trees;
- Mixed Scrub; and
- Hedgerows.

8.5.51 An area of Broad-leaved woodland is also located adjacent to the south of the main Site (off-site).

Arable – Willow Plantation

8.5.52 The majority of the Site comprises an active Willow *Salix* sp. plantation of relatively recent origin that is coppiced on rotation. The ground flora recorded include occasional Common Fleabane *Pulicaria dysenterica*, Bramble *Rubus fruticosus agg*., Cock's-foot *Dactylis glomerata*, Tufted Hair-grass *Deschampsia cespitosa* and Pendulous Sedge *Carex pendula*.

8.5.53 During surveys conducted by Judith A Webb in 2023, Pyramidal Orchid, Common Spotted Orchid and the Red Listed Corn Mint was also recorded within the plantation.

Other Neutral Grassland

8.5.54 The Willow plantation is surrounded by a strip of neutral grassland which is seen to be mown periodically to facilitate access around the plantation, with arisings left. Species present within the sward include Perennial Rye-grass *Lolium perenne*, Cock's-foot, Yorkshire Fog *Holcus lanatus,* Red Fescue *Festuca rubra*, Tufted Hair-grass*,* while herbaceous species include Hoary Ragwort *Senecio erucifolius*, Creeping Buttercup *Ranunculus repens*, Dandelion *Taraxacum officinale agg*., Red Clover *Trifolium pratense*, Common Fleabane, Bristly Oxtongue *Picris echioides*, Common Daisy *Bellis perennis,* Ribwort Plantain *Plantago lanceolata*, Greater Plantain *Plantago major*, Yarrow *Achillea millefolium*, Common Fleabane *Pulicaria dysenterica*, Broad-leaved Dock *Rumex obtusifolius*, Stone Parsley *Sison amomum*, Field Horsetail *Equisetum arvense*, Creeping Thistle *Cirsium arvense*, Wild Carrot *Daucus carota subsp. carota*, Curled Dock *Rumex crispus*, Michaelmas-daisy *Aster sp.*, Teasel *Dipsacus fullonum,* with Pendulous Sedge, Hard Rush *Juncus inflexus,* Soft Rush *Juncus effusus,* Bramble and Hawthorn *Crataegus monogyna* saplings also recorded.

8.5.55 During surveys conducted by Judith A Webb in 2023, five Narrow-leaved Bird's-foot Trefoil plants, which is Scarce in Oxfordshire, was recorded along the southern grassland ride within the Triangle.

8.5.56 Another area of neutral grassland was recorded within the proposed highway works area between Oxford Road and the Oxford Parkway. This area appeared to be recently established using a seed mix, presumably as part of the Oxford Parkway scheme. The sward was observed to be relatively short at the time of survey, however is likely subject to infrequent management. Rubbish was recorded amongst the grassland, and evidence of trampling/damage from people navigating through the grassland to reach the road and vice versa. Species present within the sward include Bentgrass *Agrostis* sp., Fescues *Festuca* sp., while herbaceous species include Black Knapweed *Centaurea nigra*, Oxeye Daisy *Leucanthemum vulgare*, Lady's Bedstraw *Galium verum*, Meadow Buttercup *Ranunculus acris*, Wild Carrot, Field Scabious *Knautia arvensis*, Red Clover, Yarrow, Ribwort Plantain, Common Vetch *Vicia sativa*, Bush Vetch *Vicia sepium*, White Campion *Silene latifolia*, Common Mallow *Malva sylvestris*, Black Medic *Medicago lupulina*, Ivy, Common Ragwort *Jacobaea vulgaris*, Common Nettle, Hogweed *Heracleum sphondylium*, Mugwort *Artemisia vulgaris*, Bristly Ox-tongue *Picris echioides*, Bittersweet *Solanum dulcamara*, Cow Parsley *Anthriscus sylvestris*, Burdock *Arctium minus* and Goats Rue *Galega officinalis*.

Modified Grassland

8.5.57 Multiple areas of modified grassland are present along the grass verges of Frieze Way and Oxford Road which appear to be mown frequently to a short sward, with the exception of the central reservation verge of Frieze Way, which could not be surveyed as it would put the safety of surveyors at risk.

8.5.58 Species recorded along the grassland triangle at the Stratfield Brake Sports Ground entrance include Yarrow, Bristly Oxtongue, Red Clover, Creeping Buttercup, Creeping Cinquefoil *Potentilla reptans*, Hogweed, Broad-leaved Dock, Dandelion, Tufted Vetch *Vicia cracca*, Common Ragwort and Redshank *Persicaria maculosa*. Very occasional Hawthorn saplings also observed.

8.5.59 An area of modified grassland is present along the western side of Oxford Road which appeared to be frequently mown, with areas of bare ground due to the tree shade. Species present include Bent sp., Fescue sp., Cock's-foot, False Oat-grass, Common Ragwort, Wild Carrot, White Clover, Red Clover, Dandelion, Creeping Buttercup, Yarrow, Creeping Thistle, Cow Parsley, Lesser Celandine *Ficaria verna*, Bristly Ox-tongue and rarely found Oxeye Daisy.

8.5.60 Grass verges located along the eastern side of Oxford Road also appeared to be mown frequently and at a short sward, with species

recorded including Cock's-foot, False Oat-grass, Common Nettle, Creeping Thistle, Cleavers *Galium aparine*, Dove's-foot Cranesbill *Geranium molle*, Broad-leaved Dock, Cow Parsley, Spear Thistle *Cirsium vulgare* and Ribwort Plantain.

Hardstanding

8.5.61 Areas of hardstanding in the form of main roads (Frieze Way and Oxford Road) and footpaths are present along the eastern and western boundaries of the Site.

Trees

8.5.62 Two standing trees fall within the red line boundary, located adjacent to H2 along the verge of Oxford Road and consist of Oak and Sycamore *Acer pseudoplatanus*.

Mixed Scrub

8.5.63 An area of mixed scrub is present toward the northern tip of the Site. The scrub is separated from the Willow plantation by a fence and is relatively dense in places and was not able to be wholly accessed. It is understood that the scrub had been planted within recent years as a number of the bases had tree tubes present. Species recorded was predominately Hawthorn, with other species present such as Willow sp., Guelder Rose *Viburnum opulus,* Rose *Rosa sp.*, and occasional young Silver Birch *Betula pendula*, Ash *Fraxinus excelsior*, Hazel *Corylus avellana* and Elm *Ulmus* sp., with Bramble recorded throughout. The scrub is bordered to the north by off-site Poplar *Populus sp.* trees.

8.5.64 Another area of mixed scrub is present within the southern proposed highway works area between Oxford Road and the Oxford Parkway. This area had recently been planted as protected plastic covers were still present on young woody plants, and with rubbish was recorded amongst. Bramble and Dog-rose were recorded frequently trailing throughout amongst the following species: Hawthorn, Blackthorn, Hazel, Field Maple, Hornbeam *Carpinus betulus*, Oak and Elder.

Hedgerows

8.5.65 There are two hedgerows with trees at the boundaries of the Site (**H1** and **H2**), and one hedgerow (**H3**) located along Oxford Road, adjacent to the Oxford Parkway area, all of which are described individually below.

8.5.66 **H1** is an unmanaged, species-rich hedgerow with a ditch present (dry at the time of recording) and is located along the western boundary of the Site. The majority of this hedgerow is listed as 'Deciduous Woodland Priority Habitat' on the MAGIC database. The hedgerow varies between 4-5m in height as the southern end of the hedgerow, which connects to the woodland, becomes more gappy in nature, with predominately mature / semi-mature trees present. Species present include Blackthorn *Prunus*

spinosa, Hawthorn and Dog-Rose and these were recorded to be encroaching into the Site, and tree species including Ash, Elm, Elder *Sambucus nigra,* English Oak *Quercus robur* and Crack Willow *Salix* × *fragilis*. Dense Bramble was also recorded throughout H1, whilst Black Bryony *Tamus communis* and Honeysuckle *Lonicera periclymenum* were recorded trailing throughout. Ground flora recorded on the roadside verge of the hedge include Wild Carrot, Black Knapweed, Yarrow, Creeping Buttercup and Oxeye Daisy.

8.5.67 **H2** is also unmanaged with varying height between 2-5m and comprises Hawthorn, Field Maple *Acer campestre*, Elm., Dog-rose and mature Oak trees. Hedge Bindweed *Calystegia sepium*, Bramble and Dog-rose were recorded throughout. The middle section of this hedgerow is also classed as 'Deciduous Woodland Priority Habitat' on the MAGIC database. This hedgerow is subjected to street lighting from Oxford Road.

8.5.68 **H3** is a gappy native hedgerow with a height of approximately 2-3m and approximately 1m width. This hedgerow is dominated by Hawthorn, with Blackthorn and Dog-rose present, and Elm found at it's northern end. Ground flora includes Common Nettle, Garlic Mustard *Alliaria petiolata*, Cow Parsley and Common Mallow, and Ivy is frequently trailing throughout. This hedgerow is also subjected to street lighting from Oxford Road.

Broad-leaved Woodland

8.5.69 There is one area of broad-leaved woodland located offsite to the south of the Site which is separated from the Willow plantation by a ditch and stock fence. Fallen and standing deadwood was recorded throughout the woodland and ditches are present along all boundaries, which were recorded as dry at the time of surveying. The woodland species observed within the woodland include predominately mature English Oak and Ash trees with Willow, Hawthorn, Elder, Blackthorn, Elm, Crab Apple *Malus sylvestris* and occasional Horse Chestnut *Aesculus hippocastanum* also present. Bramble, Dog-rose, Ground-ivy *Glechoma hederacea,* Cleavers *Galium aparine*, Honeysuckle, Ivy *Hedera helix*, Wood Meadow-grass *Poa nemoralis,* Wood Sedge *Carex sylvatica*, Dog's Mercury *Mercurialis perennis*, Garlic Mustard, Male-fern *Dryopteris filix-mas*, Common Nettle *Urtica dioica* and Herb Robert *Geranium robertianum* were also recorded among the ground flora.

8.5.70 This woodland is listed as Lowland Deciduous Woodland Priority Habitat on the MAGIC database.

Background Records

8.5.71 The TVERC returned a record of the Schedule 8 species (sale only) Bluebell *Hyacinthoides non-scripta* from within the onsite woodland in 2015. Other plant species were returned outside of the site boundary, between 0.01km to 0.2km west within the Stratfield Brake Wood and Fields, adjacent to the Frieze Way road. These include the Nationally

Rare Jacob's-ladder *Polemonium caeruleum* and Red Listed Ragged Robin *Silene flos-cuculi* in 2015, and Nationally Scarce Large-leaved Lime *Tilia platyphyllos,* Locally Scarce Narrow-leaved Bird's-foot-trefoil *Lotus tenuis*, Red Listed and Locally Rare Pale St John's-wort *Hypericum montanum,* and Red Listed Spiny Restharrow *Ononis spinosa* in 2011.

8.5.72 Narrow-leaved Bird's-foot-trefoil was recorded along the southern margin of the triangle by Judith A Webb in 2023, who also recorded remnants of Bluebell within the woodland. None of the other listed species above were recorded within the Site during the habitat surveys.

Wildlife Use of the Site

8.5.73 General observations were made during Ecology Solutions' surveys of any faunal use of the Site, with attention paid to the potential presence of protected species. In addition, specific surveys were carried out between August 2022 and July 2023 for the presence of Badgers, bats, breeding birds and reptiles.

Badgers

8.5.74 Specific surveys for Badgers were undertaken in October 2022, with updated surveys undertaken in June and July 2023. No evidence of Badgers was recorded within the Site.

8.5.75 **Background Records**. A record of a Badger sett was returned from a 1km grid square overlapping the site in 2017. There are also two separate records of an individual returned within the same grid square from 2016. The next closest record of a Badger sett is 0.7km northwest of the site, returned in 2019.

8.5.76 EPR recorded no evidence of Badger within their survey in 2021 however noted that this species may utilise the Site for foraging.

8.5.77 It is considered that the scrub, hedgerows and trees, adjacent woodland and to a lesser extent the Willow plantation, offer suitable foraging opportunities for Badgers.

Bats

Tree Surveys

8.5.78 There are two trees (**T1-T2**) within the Site and a further three trees in the woodland off site to the south (**T3–T5**) recorded as having developed features suitable to support roosting bats (see Figure 8.3).

8.5.79 Trees **T1** and **T2** are mature Crack Willow and were observed to have cracks and woodpecker holes present. Both trees are considered to have moderate potential to support roosting bats.

8.5.80 Three trees along the boundaries of the woodland are also considered to have moderate potential to support roosting bats. **T3** and **T4** are mature Oaks with woodpecker holes and cracks present and **T5** is a mature Ash tree, also with woodpecker holes present. It is likely that other trees within the off-site woodland to the south have potential to support roosting bats as well and it should be clarified that a check of every tree within the woodland was not conducted.

8.5.81 The hedgerows, scrub and adjacent woodland are considered to offer suitable foraging and navigational opportunities for bats.

Activity Surveys

8.5.82 Evening activity surveys were carried out across the Site by two surveyors in August, September and October 2022, and early June, late June and July 2023. The results of these surveys are discussed in full below. The weather conditions for these surveys can be seen at Annex 8.7.

8.5.83 In summary, the vast majority of activity recorded within the site during these surveys was recorded from Soprano Pipistrelle *Pipistrellus pygmaeus* bats, with lower levels of activity from Common Pipistrelle *Pipistrellus pipistrellus.* Low levels of Noctule *Nyctalus noctule* and *Myotis sp.* sp. were recorded, and very low levels of Leisler *Nyctalus leisleri*, Barbastelle *Barbastella barbastellus* and Serotine *Eptesicus serotinus* were also recorded.

8.5.84 **August 2022**. During the survey carried out on 24th August 2022, low levels of bat activity were recorded within the Site. The vast majority of activity recorded was from Soprano Pipistrelle (a total of 38 registrations) and Common Pipistrelle bats (a total of 37 registrations), with 11 registrations from Noctule, 4 registrations from Barbastelle and 4 registrations from *Myotis sp.* sp.

8.5.85 **September 2022.** During the survey carried out on 27th September 2022, very low levels of bat activity was recorded within the Site, with only 6 registrations of Noctule and one registration of Soprano Pipistrelle. The GPS technology malfunctioned during this survey so the locations of registrations could not be retrieved. However, the surveyors note that the Pipistrelle registration was observed to occur along the southern boundary of the Site.

8.5.86 **October 2022.** During the survey carried out on 25th October 2022, moderate levels of bat activity was recorded within the Site, specifically from Soprano Pipistrelle (a total of 124 registrations). Very low activity was recorded by Common Pipistrelle (2 registrations) and Noctule (2 registrations). The GPS data again could not be retrieved, however the surveyors note that the majority of the activity was observed to occur along the southern and southwestern boundary of the Site. Highlighted areas of Soprano Pipistrelle activity is shown on Figure 8.5.

8.5.87 **Early June 2023**. During the survey carried out on 8th June 2023, low levels of bat activity were recorded within the Site. The majority of the activity recorded came from Common Pipistrelle with a total of 50 registrations. Two registrations of Leisler and two registrations of Noctule were also recorded along with a single registration of Common Pipistrelle.

8.5.88 **Late June 2023**. During the survey carried out on 26th June 2023, low to moderate levels of bat activity were recorded within the Site. Much of the activity recorded was from Soprano Pipistrelle bats (a total of 108 registrations), with 53 registrations of Common Pipistrelle, 17 registrations *Myotis sp.* sp. and of 14 registrations of Noctule also recorded.

8.5.89 **July 2023.** During the survey carried out on 10th July 2023, low to moderate levels of activity were recorded within the site. The majority of activity recorded was again from Soprano Pipistrelle (a total of 168 registrations), while Common Pipistrelle had 68 registrations along with 19 registrations of Noctule, three registrations of *Myotis sp.* and a single registration from Serotine.

8.5.90 The majority of this activity from Soprano Pipistrelle, Common Pipistrelle and Noctule was spread out across all of the boundaries of the Site, with *Myotis sp.* sp. more frequently found along H1 and the woodland edge in the south. Barbastelle was recorded in August only along the woodland edge and H2, whilst Leisler was recorded in early June 2023 along the woodland edge only. The results of these surveys can be seen on Figures 8.4-8.9.

Automated Surveys

8.5.91 Between two and four bat detectors were left out for a minimum of five consecutive nights within the Site in August, September and October 2022, early June, late June and July 2023. The locations where the automated detectors were placed can be seen on Figures 8.3-8.8, while the weather conditions for these surveys can be seen at Annex 8.7. The results from these surveys are shown in Tables 8.1-8.20 below.

Table 8.1 Automated bat survey results August 2022 – Location 1.

Species	Number of registrations - Location 1								Avg. no. registrations
	24/08/22	25/08/22	26/08/22	27/08/22	28/08/22	29/08/22	30/08/22	31/08/22	
Barbastelle	0	0	1	1	1	0	1	0	**0.5**
Serotine	1	0	0	0	0	1	0	0	**0.25**
Myotis sp.	1	0	**3**	2	0	0	0	0	**0.75**
Leisler	4	4	1	5	13	10	**54**	25	**14.5**
Noctule	23	4	5	7	**74**	14	23	15	**20.625**
Common Pipistrelle	**25**	5	19	10	7	5	8	3	**10.25**
Soprano Pipistrelle	**21**	11	19	10	13	10	13	4	**12.625**

Table 8.2 Automated bat survey results August 2022 – Location 2.

Species	Number of registrations - Location 2								Avg. no. registrations
	24/08/22	25/08/22	26/08/22	27/08/22	28/08/22	29/08/22	30/08/22	31/08/22	
Barbastelle	0	0	**1**	0	**2**	**1**	**1**	0	**0.625**
Serotine	0	0	0	**2**	**1**	**1**	0	**4**	**1**
Myotis sp.	**5**	**1**	**8**	**6**	**1**	**2**	0	**7**	**3.75**
Leisler	**4**	**3**	**1**	**4**	**14**	**32**	**55**	**19**	**16.5**
Noctule	**32**	**10**	**18**	**9**	**16**	**10**	**22**	**12**	**16.125**
Common Pipistrelle	**159**	**5**	**39**	**15**	**14**	**8**	**10**	**5**	**31.875**
Soprano Pipistrelle	**25**	**12**	**25**	**31**	**38**	**20**	**21**	**11**	**22.875**
Brown Long-eared	**1**	0	**1**	**1**	0	0	0	0	**0.375**

Table 8.3 Automated bat survey results August 2022 – Location 3.

Species	Number of registrations - Location 3	Avg. no. registrations
	24/08/22 - 31/08/22	
Static detector removed by tenant		

Table 8.4 Automated bat survey results August 2022 – Location 4.

Species	Number of registrations - Location 4	Avg. no. registrations
	24/08/22 - 31/08/22	
Static detector removed by tenant		

Table 8.5 Automated bat survey results September 2022 – Location 1.

Species	Number of registrations - Location 1					Avg. no. registrations
	29/09/22	30/09/22	01/10/22	02/10/22	03/10/22	
Barbastelle	3	**6**	4	1	4	**3.6**
Myotis sp.	11	1	0	8	**24**	**8.8**
Leisler	0	5	3	1	**26**	**7**
Noctule	7	2	11	3	**13**	**7.2**
Common Pipistrelle	5	3	7	3	1	**3.8**
Soprano Pipistrelle	61	**878**	689	9	536	**434.6**
Brown Long-eared	0	1	1	**2**	1	**1**

Table 8.6 Automated bat survey results September 2022 – Location 2.

Species	Number of registrations - Location 2					Avg. no. registrations
	29/09/22	30/09/22	01/10/22	02/10/22	03/10/22	
Myotis sp.	2	0	0	**6**	3	**2.2**
Leisler	**12**	0	3	3	6	**4.8**
Noctule	21	1	**16**	9	14	**12.2**
Common Pipistrelle	10	0	5	**38**	10	**12.6**
Soprano Pipistrelle	16	0	**37**	29	13	**19**

Table 8.7 Automated bat survey results September 2022 – Location 3.

Species	Number of registrations - Location 3					Avg. no. registrations
	29/09/22	30/09/22	01/10/22	02/10/22	03/10/22	
Serotine	0	0	**1**	0	0	**0.2**
Myotis sp.	1	0	0	1	**5**	**1.4**
Leisler	**517**	1	220	159	295	**238.4**
Noctule	**238**	0	38	67	134	**95.4**
Nathusius' Pipistrelle	0	0	0	**1**	1	**0.4**
Common Pipistrelle	3	0	1	**41**	24	**13.8**
Soprano Pipistrelle	3	0	5	**28**	8	**8.8**
Brown Long-eared	0	0	**1**	0	0	**0.2**

Table 8.8 Automated bat survey results September 2022 – Location 4.

Species	Number of registrations - Location 4					Avg. no. registrations
	29/09/22	30/09/22	01/10/22	02/10/22	03/10/22	
Barbastelle	0	0	0	**1**	1	**0.4**
Myotis sp.	5	0	0	**7**	4	**3.2**
Leisler	**10**	1	6	3	2	**4.4**

Noctule	16	1	8	3	**17**	**9**
Common Pipistrelle	3	0	1	3	**4**	**2.2**
Soprano Pipistrelle	7	1	4	5	**11**	**5.6**
Brown Long-eared	**5**	0	1	1	1	**1.6**

Table 8.9 Automated bat survey results October 2022 – Location 1.

Species	Number of registrations - Location 1						Avg. no. registrations
	25/10/22	26/10/22	27/10/22	28/10/22	29/10/22	30/10/22	
Barbastelle	4	2	0	0	**8**	0	**2.33**
Myotis sp.	5	8	5	2	**9**	2	**5.17**
Leislers	0	0	**1**	0	0	0	**0.17**
Noctule	2	1	**9**	0	0	0	**2.00**
Common Pipistrelle	10	5	**93**	7	9	0	**20.67**
Soprano Pipistrelle	51	**111**	92	66	111	16	**74.50**
Brown Long-eared	0	1	0	0	0	0	**0.17**

Table 8.10 Automated bat survey results October 2022 – Location 2.

Species	Number of registrations - Location 2						Avg. no. registrations
	25/10/22	26/10/22	27/10/22	28/10/22	29/10/22	30/10/22	
Barbastelle	**1**	0	1	0	0	0	**0.33**
Myotis sp.	0	1	**2**	1	0	0	**0.67**
Leislers	1	0	0	1	0	0	**0.33**
Noctule	0	0	0	**1**	0	0	**0.17**
Common Pipistrelle	1	2	2	**4**	0	0	**1.50**
Soprano Pipistrelle	**3**	0	1	0	1	0	**0.83**

Table 8.11 Automated bat survey results October 2022 – Location 3.

Species	Number of registrations - Location 3						Avg. no. registrations
	25/10/22	26/10/22	27/10/22	28/10/22	29/10/22	30/10/22	
Barbastelle	0	**2**	0	0	0	0	**0.33**
Myotis sp.	2	**5**	5	5	1	3	**3.50**
Leislers	0	2	2	**4**	0	0	**1.33**
Noctule	1	0	0	1	0	0	**0.33**
Common Pipistrelle	0	1	**8**	1	1	0	**1.83**
Soprano Pipistrelle	**57**	4	3	4	1	1	**11.67**

Table 8.12 Automated bat survey results October 2022 – Location 4.

Species	Number of registrations - Location 4						Avg. no. registrations
	25/10/22	26/10/22	27/10/22	28/10/22	29/10/22	30/10/22	
Barbastelle	40	3	0	4	**53**	4	**17.33**
Myotis sp.	44	13	10	15	37	**47**	**27.67**
Leislers	0	0	**1**	0	0	1	**0.33**
Noctule	0	0	**1**	0	0	0	**0.17**
Nathusius' Pipistrelle	**1**	0	0	0	0	0	**0.17**
Common Pipistrelle	175	1035	**1788**	168	435	0	**600.17**
Soprano Pipistrelle	523	**1268**	1055	920	600	612	**829.67**
Brown Long-eared	**2**	0	1	0	1	0	**0.67**

Table 8.13 Automated bat survey results early June 2023 – Location 1.

Species	Number of registrations - Location 1	Avg. no. registrations
	08/06/23 - 13/06/23	
Technical malfunction (began recording initially and stopped)		

Table 8.14 Automated bat survey results early June 2023 – Location 2.

Species	Number of registrations - Location 2						Avg. no. registrations
	08/06/23	09/06/23	10/06/23	11/06/23	12/06/23	13/06/23	
Barbastelle	**1**	0	0	0	1	0	**0.33**
Myotis sp.	6	6	**9**	0	2	0	**3.83**
Leislers	3	8	**24**	2	12	1	**8.33**
Noctule	4	8	**88**	5	23	0	**21.33**
Common Pipistrelle	236	275	606	48	**641**	0	**301**
Soprano Pipistrelle	**408**	233	241	3	109	0	**165.67**

Table 8.15 Automated bat survey results early June 2023 – Location 3.

Species	Number of registrations - Location 3						Avg. no. registrations
	08/06/23	09/06/23	10/06/23	11/06/23	12/06/23	13/06/23	
Barbastelle	**1**	1	1	0	0	0	**0.5**
Serotine	0	0	**2**	0	0	0	**0.33**
Myotis sp.	2	2	**10**	6	9	0	**4.83**
Leislers	1	**2**	1	1	0	0	**0.83**
Noctule	1	4	**25**	21	24	0	**12.5**
Common Pipistrelle	4	16	106	**204**	112	0	**73.66**
Soprano Pipistrelle	163	178	213	**216**	165	0	**155.83**

Table 8.15 Automated bat survey results late June 2023 – Location 1.

Species	Number of registrations - Location 1	Avg. no. registrations
	26/06/23 - 30/06/23	
Technical malfunction / no recordings of bats		

Table 8.16 Automated bat survey results late June 2023 – Location 2.

Species	Number of registrations - Location 2					Avg. no. registrations
	26/06/23	27/06/23	28/06/23	29/06/23	30/06/23	
Myotis sp.	**5**	1	2	4	0	2.4
Leislers	9	2	2	5	**22**	8
Noctule	88	63	57	**161**	61	86
Common Pipistrelle	47	36	61	**141**	23	61.6
Soprano Pipistrelle	**73**	47	58	40	14	46.4

Table 8.17 Automated bat survey results late June 2023 – Location 3.

Species	Number of registrations - Location 3					Avg. no. registrations
	26/06/23	27/06/23	28/06/23	29/06/23	30/06/23	
Barbastelle	4	**5**	0	0	0	**1.8**
Serotine	0	0	**1**	0	1	**0.4**
Myotis sp.	15	19	**28**	13	13	**17.6**
Leislers	0	0	5	2	**14**	**4.2**
Noctule	31	88	52	17	**114**	**60.4**
Common Pipistrelle	**159**	151	75	104	55	**108.8**
Soprano Pipistrelle	199	**313**	96	129	313	**210**
Brown Long-eared	0	0	0	**1**	1	**0.4**

Table 8.18 Automated bat survey results July 2023 – Location 1.

Species	Number of registrations – Location 1								
	01/07/23	**02/07/23**	**03/07/23**	**04/07/23**	**05/07/23**	**06/07/23**	**07/07/23**	**08/07/23**	**09/07/23**
Serotine	0	0	0	0	0	0	0	0	**2**
Myotis sp.	6	2	1	0	3	1	**17**	2	3
Leisler	3	4	10	0	2	1	2	2	1
Noctule	**158**	81	17	0	21	19	151	38	94
Common Pipistrelle	110	77	11	2	8	36	**389**	103	25
Soprano Pipistrelle	33	21	12	0	6	23	194	86	27
Species	**Number of registrations – Location 1 (continued)**								
	10/07/2023	**11/07/23**	**12/07/23**	**13/07/23**	**14/07/23**	**15/07/23**	**16/07/23**	**Avg. no. registrations**	
Serotine	0	0	0	0	0	0	0	**0.13**	
Myotis sp.	0	0	1	2	0	0	1	**2.44**	
Leisler	0	0	**59**	13	31	1	3	**8.25**	
Noctule	0	26	25	9	14	4	3	**41.25**	
Common Pipistrelle	0	33	38	29	15	1	4	**55.06**	
Soprano Pipistrelle	0	31	314	**469**	241	0	174	**101.94**	

Table 8.19 Automated bat survey results July 2023 – Location 2.

Species	Number of registrations – Location 2								
	01/07/23	**02/07/23**	**03/07/23**	**04/07/23**	**05/07/23**	**06/07/23**	**07/07/23**	**08/07/23**	**09/07/23**
Barbastelle	1	3	4	0	3	**9**	0	0	1
Serotine	0	0	**1**	1	0	0	0	0	1
Myotis sp.	19	12	10	5	13	25	40	5	12
Leisler	7	4	4	2	4	2	3	3	5
Noctule	**54**	18	8	5	9	16	30	52	26
Common Pipistrelle	68	56	60	5	14	122	75	56	81
Soprano Pipistrelle	141	157	171	4	35	**511**	46	18	79
Species	**Number of registrations – Location 2 (continued)**								
	10/07/2023	**11/07/23**	**12/07/23**	**13/07/23**	**14/07/23**	**15/07/23**	**16/07/23**	**Avg. no. registrations**	
Barbastelle	0	0	0	0	0	0	0	**1.31**	
Serotine	0	0	0	0	0	0	0	**0.19**	
Myotis sp.	0	28	2	**229**	3	0	6	**25.56**	
Leisler	0	2	6	4	**9**	3	1	**3.69**	
Noctule	0	11	4	12	14	2	1	**16.38**	
Common Pipistrelle	0	77	**401**	85	98	16	96	**81.88**	
Soprano Pipistrelle	0	88	221	148	**532**	139	129	**151.19**	

Table 8.20 Automated bat survey results July 2023 – Location 3.

Species	Number of registrations - Location 3	Avg. no. registrations
	01/07/23 – 16/07/23	
Technical malfunction / no recordings of bats		

8.5.92 **Summary**. Overall, the vast majority of activity recorded on the automated detectors was from Common Pipistrelle and Soprano Pipistrelle bats, with relatively consistent moderate activity along the woodland edge in the south and southwest corner of the Site. Myotis sp. and Barbastelle were also recorded more frequently in this location, however, at generally very low occurrences. Moderate to high activity from Leisler's was recorded along H2 during September 2022, but which had relatively low activity recorded across other months. Very low levels of activity were recorded from Brown Long-eared, with very occasional activity recorded from Serotine and Nathusius' Pipistrelle. Generally low bat activity was present along the northern patch of scrub, within the Willow plantation and hedgerows H1 and H2 with the woodland edge in the south being the most important area for bats within the Site.

8.5.93 **Background Records**. The TVERC returned no records of bats from within the site itself. Common species were returned from within the search radius, including Soprano Pipistrelle approximately 0.64km north of the site in 2010, and Common Pipistrelle and Noctule approximately 0.86km southwest of the site in 2015.

Birds

Breeding Bird Surveys

8.5.94 Breeding bird surveys were carried out within the Application Site early, mid and late June 2023. The dates and weather conditions for these surveys are set out Annex 8.8.

8.5.95 During the survey carried out in **early June 2023**, 17 species of bird were recorded within the Site including a juvenile Chiffchaff *Phylloscopus collybita* along H1, along with multiple occurrences of adult Chiffchaffs observed calling from song posts, and thus considered to be probably breeding along the same hedgerow where the juvenile was recorded. A Chiffchaff was also recorded singing along the north of H2. Given the habitats present, a number of birds recorded are also considered to be probably breeding within the Site, including Red Listed and Priority Species Song Thrush *Turdus philomelos* along the southern woodland boundary, Wren *Troglodytes troglodytes* also along the woodland boundary and near to the gated entrance along H2, Rook *Corvus frugilegus* and Blackbird *Turdus merula* within the southwestern corner of the Site, Blackcap *Sylvia atricapilla* along H2 and Robin *Erithacus rubecula* along the eastern edge of the woodland. Species recorded as possibly breeding include Woodpigeon *Columba palumbus* and Goldfinch *Carduelis carduelis*, both recorded amongst the Willow plantation, Whitethroat *Sylvia communis*, Long-tailed Tit *Aegithalos caudatus*, Kestrel *Falco tinnunculus* and Jackdaw *Corvus monedula* were

recorded amongst the scrub, as well as Schedule 1 species Red Kite *Milvus milvus*, Blue Tit *Cyanistes caeruleus* and Great Tit *Parus major*, which were recorded within the southwestern corner of the Site. Lesser Black-backed Gull *Larus fuscus* was also recorded within the Site however, given the habitats present, is considered unlikely to be breeding within the Site. Full details of the species recorded during this survey can be seen on Figure 8.10.

8.5.96 During the survey carried out in **mid-June 2023**, 10 species of bird were recorded within the Site. Species recorded as probably breeding include Chiffchaff, recorded within the similar area as recorded in the early June survey (detailed above), Wren, recorded as probably breeding in five different locations scattered across the Site boundaries, and Rook, along the woodland and southwestern section of H1. Species recorded as possibly breeding within the Site include Blue Tit along the woodland boundary, Goldfinch, which was recorded amongst the scrub and within the plantation, Blackbird along the scrub boundary and Woodpigeon amongst the plantation. Feral Pigeon *Columba livia* and Carrion Crow *Corvus corone* were recorded flying over the northern section of the site. The Red Listed and Priority Species Yellowhammer *Emberiza citrinella* was recorded as probably breeding externally to the western site boundary, along Frieze Way. Full details of the species recorded during this survey can be seen on Figure 8.11.

8.5.97 During the survey carried out in **late June 2023**, 6 species of bird were recorded within the Site. Species recorded as probably breeding include Wren, recorded along H1, H2, the scrub and within the plantation, Red Listed and Priority Species Song Thrush along H1, H2, amongst the scrub and plantation, Chiffchaff in similar locations to previous surveys, Blackbird along the woodland boundary, Blue Tit along H2 and Rook, recorded along the southern area of the plantation. Full details of the species recorded during this survey can be seen on Figure 8.12.

8.5.98 **In summary**, Chiffchaff are probably breeding or likely to have bred within the Site (given the presence of a juvenile). Other species recorded as probably breeding include Song Thrush (Red List and Priority Species), Wren, Rook, Blackcap, Goldfinch, Robin, Great Tit, Blue Tit and Whitethroat. Species recorded as possibly breeding include Woodpigeon, Long-tailed tit, Jackdaw, Kestrel and Schedule 1 Species Red Kite. Yellowhammer (Red Listed and Priority Species) was recorded externally to the Site, and Lesser Black-backed Gull was also recorded, however considered unlikely to be breeding within the Site. The most numerous species present within the Site is Wren, with a maximum of 14 potential territories recorded, followed by Chiffchaff, with 12 potential territories recorded. A summary of the breeding status of species present within the Application Site can be seen in Table 8.18 below.

8.5.99 Given the habitats present within the Site and the numbers of species recorded as probably or possibly breeding, it is not considered that the Site supports any significant numbers of the more common species or

that the Site supports an ornithological assemblage of any particular importance/note.

Table 8.21. Breeding bird survey results 2023. ([R] Red List, [S] Schedule 1, [P] Priority Species).

Species	Breeding Status	Maximum no. of potential breeding territories recorded
Wren	Probably breeding	14
Chiffchaff	Probably breeding	12
Song Thrush [R], [P]	Probably breeding	5
Robin	Probably breeding	4
Blackcap	Probably breeding	3
Blackbird	Probably breeding	2
Rook	Probably breeding	2
Blue Tit	Probably breeding	1
Carrion Crow	Possibly breeding	-
Feral Pigeon	Possibly breeding	-
Goldfinch	Possibly breeding	-
Great Tit	Possibly breeding	-
Jackdaw	Possibly breeding	-
Kestrel	Possibly breeding	-
Red Kite [S]	Possibly breeding	-
Woodpigeon	Possibly breeding	-
Long-tailed Tit	Possibly breeding	-
Whitethroat	Possibly breeding	-
Lesser Black-backed Gull	Not likely breeding	-
Yellowhammer [R], [P]	Probably breeding (off-site)	-

8.5.100 **Background Records**. The TVERC returned a record for Wren (Amber-listed) from within the Site in 2015 and Schedule 1 species Hobby *Falco subbuteo* within a 1km grid square that included the Site in 2013. Wren was recorded during the surveys by Ecology Solutions. Hobby was not recorded during Ecology Solutions surveys and is unlikely to be reliant on the Site given the habitats present and is more likely to be associated with the off-site woodland and wider woodland and wetland of Stratfield Brake to the west (see previous).

8.5.101 Other bird species recorded externally to the site but within the western parcel of the Stratfield Brake woodland and fields include the Priority and Red Listed species House Sparrow *Passer domesticus* in 2015 and Schedule 1 species Barn Owl *Tyto alba* in 2013. Further afield, the Priority Species Bullfinch *Pyrrhula pyrrhula,* Reed Bunting *Emberiza schoeniclus* and Priority and Red Listed species Linnet *Linaria cannabina* was recorded approximately 0.5km west in 2013. Priority species Dunnock *Prunella modularis* was also recorded approximately 0.9km northwest of the site in 2020.

8.5.102 It is considered the hedgerows, trees, woodland and scrub offer suitable nesting and foraging opportunities for a range of birds, while the neutral grassland offers limited nesting opportunities for ground nesting birds albeit it is mown periodically throughout the year, as well as foraging opportunities for a range of birds. In addition, the willow plantation offers temporary foraging opportunities for birds (albeit this could be removed at any time).

Great Crested Newts

8.5.103 There are no ponds within the Site itself. OS maps indicate that there are a total of four ponds (**P1-P4**) located within 500m of the Site boundary, however all four ponds are separated from the main triangular Application Site by main roads (Frieze Way, A34 and a railway) which are considered to represent a significant dispersal barrier to Great Crested Newts.

8.5.104 Improvements to pedestrian access to and from the Oxford Parkway to Oxford Road are proposed as part of the southern highway works area which puts three ponds (**P2-P4**) within 250m of the site boundary. Pond **P4** is located approximately 170m south of the boundary, Pond **P2** is located approximately 220m east and Pond P3 is located approximately 230m east.

8.5.105 **Background Records**. No records of Great Crested Newts were returned by TVERC from within the Site. The closest record was returned from North Oxford Golf Club, located approximately 0.35km south of the main Site in 2014 (associated with **P4**). The next closest record returned is located west of the A44, Yarnton approximately 0.9km southwest of the main Site in 2015. Both records are separated from the main Site by dispersal barriers such as the railway line and major A-roads.

8.5.106 Although it is known that Great Crested Newts can disperse up to 500 metres through suitable terrestrial habitat from their breeding pond, it is widely accepted that they tend to utilise suitable terrestrial habitat within a much closer distance. Activity is usually concentrated within 100 metres of breeding ponds and key habitat is located within 50 metres (termed by Natural England as core habitat).

8.5.107 Indeed, English Nature Research Report Number 576 (An assessment of the efficiency of capture techniques and the value of different habitats for the Great Crested Newt by Warren Cresswell and Rhiannon Whitworth) states:

8.5.108 "*The most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also almost always be necessary to actively capture newts 50-100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200-250m, capture operations will hardly ever be appropriate*."

8.5.109 Given the distances of the closest ponds to the Application Site (and the major dispersal barriers) it is not considered that Great Crested Newts would likely be present within the main Application Site.

8.5.110 The proposed highway works includes improvements to pedestrian access to and from the Application Site, which results in three of the four ponds (**P2-P4**) falling within 250m of the site boundary. Ponds **P2** and **P3**

are separated from the Site boundary by the existing car park and access road as part of the Oxford Parkway. Indeed, pond **P4**, located within the Oxford Golf Club where a background record of Great Crested Newt has been returned, is also separated from the proposed works by a busy main road (Oxford Road). Due to the separation barriers present, it is deemed unlikely that Great Crested Newts would be present within the proposed highway works area. Nevertheless, due to the known presence within the local area, a precautionary approach with regard to Great Crested Newts is recommended during construction.

Reptiles

8.5.111 Specific surveys for reptiles were commenced in August 2022 and carried out within the Site and within the adjacent Stratfield Brake Sports Ground between September and October 2022.

8.5.112 No reptiles were recorded within the Site in 2022, however a single record of Common Lizard *Zootoca vivipara* was recorded within the Stratfield Brake Sports Ground – approximately 0.4km west of the Site boundary. The weather conditions for each survey are shown in Table 8.19.

Table 8.22. Reptile survey weather conditions September – October 2022.

Survey no.	Date	Weather Conditions	Temperature (°C)
1	09.09.22	Overcast, dry	14
2	14.09.22	Partly cloudy, dry	16
3	16.09.22	Partly cloudy, dry	11
4	27.09.22	Mostly clear, dry	11
5	29.09.22	Partly cloudy, dry	13
6	04.10.22	Overcast, dry	15
7	25.10.22	Partly cloudy, dry	16

8.5.113 **Background Records**. No records of reptiles were returned from within the Site. The closest record was of an adult Grass Snake *Natrix helvetica* located approximately 0.04km from the western site boundary in 2020. Two juvenile Slow Worms *Anguis fragilis* were recorded approximately 0.66km north of the Site in 2021 and three adult male Slow Worms were recorded 0.67km north of the Site in 2021.

Other Mammals

8.5.114 A Roe Deer *Capreolus capreolus* was observed browsing in the woodland in July 2023.

8.5.115 **Background Records**. No records were returned from TVERC from within the Site itself. A record of Priority Species Brown Hare *Lepus europaeus* was returned from Oxford Parkway, approximately 0.13km southwest of the Site in 2018. A record of a hibernating Hedgehog *Erinaceus europaeus*, also a Priority Species, was returned from approximately 0.15km south of the Site in 2012.

8.5.116 It is considered that the hedgerows, trees, scrub, woodland, willow plantation and neutral grassland offer suitable habitat for Brown Hare and Hedgehog, although it is not considered that these species would be reliant on the habitats within the site (Brown Hare usually associated with more open agricultural habitats albeit usually a mosaic of habitat types including woodland edge).

Invertebrates

8.5.117 Given the habitats present it is likely an assemblage of common invertebrate species would be present within the Site.

8.5.118 It is considered that suitable habitat for Brown Hairstreak is present within the Site as this butterfly prefers hedgerows where Blackthorn is present and where it is not managed intensively, as well as scrub habitats and woodland edges.

8.5.119 Indeed, the specific winter egg search for Brown Hairstreak in December 2023 confirmed presence of this species within hedgerow H2 on the site.

8.5.120 **Background Records**. The TVERC returned a record of the Priority species Brown Hairstreak *Thecla betulae* from within a 1km grid square overlapping the Site in 2015. Four records of Brown Hairstreak eggs were recorded along the adjacent Stratfield Brake Sports Ground, approximately 0.03km west of the Site boundary in 2019. There are a further eight records of Brown Hairstreak returned further west of the Site boundary within the sports ground and nature reserve, ranging between 0.3 – 0.4km from the Site between 2015 and 2019.

8.5.121 The FoSB response also brought to light that their ecologist spotted a female Brown Hairstreak within the Site.

ECOLOGICAL EVALUATION & IDENTIFICATION OF KEY IMPACTS (PRE AND POST MITIGATION)

8.5.122 This section identifies all potentially significant likely impacts, both during construction and post construction (beneficial and adverse), such that mitigation can be identified where necessary to negate such impacts, and enhancements put forward where appropriate.

Impacts on Designated Sites

Statutory Sites

8.5.123 There are no statutory designated sites of nature conservation value located within or immediately adjacent to the site. The closest statutory site is the Oxford Meadows SAC, which includes its constituent SSSIs Pixey and Yarnton Meads SSSI, Wolvercote Meadows SSSI and Port Meadow with Wolvercote Common & Green SSSI and is located approximately 1.9km southwest of the site at its closest point. The SAC and constituent SSSIs are well separated from the site by major and minor roads, a canal and large bodies of water, as well as open countryside.

SSSI Impact Risk Zones

8.5.124 The SSSI Impact Risk Zones[16] (IRZs) highlight that adverse impacts to the nearby SSSIs could arise from "*Any discharge of water or liquid waste of more than 5m^3/day to ground (ie to seep away) or to surface water, such as a beck or stream".*

8.5.125 Hydrological impacts that have the potential to arise from the proposals have been assessed within Chapter 14 of the ES Chapter (Flood Risk and Drainage). It has been concluded that the drainage design for the proposals will maintain the existing greenfield runoff flow rates from the site. In addition, the drainage design shall result in, at a minimum, the maintaining of the existing water quality of surface water flows from the Site.

8.5.126 Implementation of best practice methods and effective engineering solutions will be employed to ensure that contaminated run-off is prevented from entering ditches as well as new attenuation features, during both the construction and operational phases and as such, it is considered that the Proposed Development within The Site will not result in any adverse impacts through water quality to the Oxford Meadows SAC, its constituent SSSIs, or any other statutory designated sites.

8.5.127 The IRZs also highlight the following potential impact "*Any industrial/agricultural development that could cause AIR POLLUTION*

[16] The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.

(incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 750m², manure stores > 3500t)."

8.5.128 A worst-case scenario was applied by the Air Quality consultants which found that no significant effects will occur on any of the statutory designated sites listed, including Oxford Meadows SAC and its constituent SSSIs during either the construction or operational phases. Further information can be viewed in Chapter 12 (Air Quality) of the ES Chapter.

8.5.129 Regarding air quality impacts on non-statutory designated sites, it was found that potentially significant effects may occur on Stratfield Brake LWS due to traffic emissions at the operational phase. There are not predicted to be any significant effects at the constriction phase.

8.5.130 However, the air quality assessment identified that Stratfield Brake LWS is already exceeding thresholds for nitrogen deposition (with ammonia) up to a distance of circa 20-30m east of the A4260 Frieze Way (see Table A 12.18 in the Air Quality chapter). Based on the worst-case scenario assessment the thresholds for nitrogen deposition would be exceeded at a distance of 30-40m east and 10-20m west of the A4260 (see Table A 12.22 in the Air Quality chapter). At these points the habitats within the LWS comprises mature woodland. Whilst woodlands are among the more sensitive habitats to nitrogen deposition, the impact of nitrogen deposition on vegetation composition of woodlands is poorly understood, partly due to the strong confounding influence that tree canopy structure places on ground flora species richness, cover and other parameters that might otherwise enable one to discern the effects of nitrogen deposition. The canopy does this through interception of light, rainfall and pollution. The effect of woodland management on tree canopy structure also has a big influence on ground flora. The Air Pollution Information System (APIS) concludes 'nitrogen deposition is not believed to have a direct, major effect on tree growth in the UK'. Most of the effects of nitrogen deposition on woodlands are on features other than tree growth, such as ground flora diversity/structure, fungi and lichen populations. In this case despite the woodland currently exceeding thresholds for nitrogen deposition there is no apparent detriment to woodland function/ground flora composition and the small increase predicted at the operational phase (in the worst-case and with the potential for improvement from the predicted worst-case due to technological advancement) is not deemed to be significant for the LWS in that context and given the extent of the wider LWS that would not be affected at all (i.e. not exceed thresholds).

8.5.131 Recreational impacts are unlikely to occur as a result of the proposals due to primary focus of the development being a football stadium. The primary reason for the majority of visitors visiting the Site would be for Oxford United matchdays, on-site hospitality events and other non-matchday occasions and it is deemed unlikely that visitors would frequent Oxford Meadows SAC and it's constituent SSSIs, which is based nearly 2km southwest from the Site. Hotel users may utilise local green spaces

for recreational use, however based on the distance between the Site and the SAC and the number of alternative recreational resources that are closer to the Site, it is not considered that there would be any likely significant effects on any statutory designated sites as a result of the proposals. Indeed, the IRZs that apply to the Site do not suggest any such recreational impacts as likely to arise from development of the site in any event.

8.5.132 The Hook Meadow & Trap Grounds SSSI, New Marston Meadows SSSI and Iffley Meadows SSSI are all well separated from the Site by the A34, a railway, open countryside and existing residential developments. As such, it is not considered that the Proposed Development would have any adverse impacts on these SSSIs either alone or in combination with other plans or projects.

8.5.133 Indeed, the Rushy Meadows SSSI is also well separated from the Site by the Stratfield Brake Sports Ground, existing residential development and the Oxford Canal and as such, it is not considered that the Proposed Development would have any adverse impacts on this SSSI or any other statutory site not mentioned in this report.

Non-Statutory Sites

8.5.134 The woodland located just off-site adjacent to the southern boundary, is listed on the MAGIC database as a Priority Deciduous Woodland which also forms part of the Stratfield Brake Cherwell District Wildlife Site (DWS). It is noted it does not form part of the Stratfield Brake Woodland Trust Reserve (which is also designated as part of the DWS) located to the west of the Site (it is isolated from the Reserve by the Frieze Way A4620 road). Stratfield Brake DWS is designated for its range of habitats including woodland, grassland, ponds and scrub.

8.5.135 The offsite woodland will be retained, safeguarded during construction (see Impacts on Habitats – Broad-leaved Woodland below) and will be buffered by a green corridor separating the development from the woodland during the operational phase.

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8.5.136 The adjacent parcel of the Stratfield Brake DWS located approximately 20m west of the Site boundary, is separated from the Site by Frieze Way road. The DWS is specifically managed by the Woodland Trust and is promoted for public access. As such, it is very unlikely that any adverse effects arising from recreational pressures would result from the development (particularly given the focus of the development in any event).

8.5.137 An increased level of dust may arise during construction, therefore, measures to mitigate dust emissions on the adjacent DWS will be implemented during the construction phase. Any potential effects would be easily minimised through use of standard mitigation techniques such that residual effects are of negligible significance. Where mitigation measures rely on water, it is expected that only sufficient water will be

applied to damp down the material. There should not be any excess to potentially contaminate the wet ditch that lies adjacent to the site.

8.5.138 Standard engineering practice in respect of pollution control, as part of the development would also be implemented to negate any potential runoff into the nearby DWS. For example, in order to prevent impacts of laden silts and surface runoff from the construction site entering the non-statutory site, it is recommended that standard engineering safeguards, such as interceptor fencing is installed to negate this low risk, where necessary. Such measures could be secured by way of a planning condition requiring a Construction Environmental Management Plan.

8.5.139 The Meadows West of the Oxford Canal LWS, which is located approximately 0.65km west of the site, is separated from the Site by Frieze Way, Stratfield Brake DWS and Oxford Canal. As such, it is considered that the Proposed Development will not likely have any direct or indirect impact on this LWS.

8.5.140 **Impacts**: Potential hydrological, air pollution and recreational impacts on Oxford Meadows SAC and constituent SSSIs and the adjacent woodland and nearby Stratfield Brake DWS.

*Prior to mitigation, impacts are **adverse** at the **European (SAC) level** and are of **moderate/major significance** (subject to the severity of the pollution incident). Impacts at the **local (DWS) level** are of **minor significance.***

8.5.141 **Mitigation and Enhancements:** Through the implementation of safeguarding measures detailed above in regard to water quality, the Development will not have a direct or indirect impact on Oxford Meadows SAC and its constituent SSSIs or any other statutory / non-statutory designated sites of nature conservation interest.

8.5.142 As detailed further within the Air Quality Chapter (Chapter 12) and based on the assessment above, no significant effects on air quality will arise on statutory / non-statutory designated sites as a result of the proposals.

8.5.143 No recreational impacts on Oxford Meadows SAC, Stratfield Brake DWS or any other statutory or non-statutory sites are anticipated due to the nature of the development and, with regard to Stratfield Brake DWS in particular, the existing site management to promote public access.

8.5.144 Through the implementation of safeguarding measures in regard to pollution control on the Stratfield Brake DWS and the onsite woodland (also part of the DWS), it is not considered that the Development will have a direct or impact on this non-statutory site or any other non-statutory designated sites of nature conservation interest.

8.5.145 With the proposed measures outlined above the development would not affect the integrity of the Oxford SAC either alone or in combination with other plans or projects and thus meets the test of the Habitats

Regulations 2017 (as amended). Based on the information above and the measures proposed it is also considered that the proposals would not result in any other adverse effects on any other statutory or non-statutory site designated for its nature conservation interest.

*Post mitigation, effects are **neutral** at the **Local and European level** (of **no significance**).*

Impacts on Habitats

8.5.146 The Willow plantation, modified grassland, neutral grassland and scrub habitats are considered generally to be of relatively limited intrinsic ecological value, and any losses to the Development of these habitats are considered to be of negligible ecological significance. Where losses occur, effects could be offset through the transplantation of existing botanical interest, creation of habitats of greater value within areas of proposed open green space, and new planting based around native species or species of known value to wildlife.

8.5.147 The features of relatively greater ecological interest within the context of the Site include the hedgerows and the adjacent (off site) broad-leaved woodland. The woodland will be retained; however, some losses will occur to hedgerows to facilitate access to the Proposed Development. Losses to hedgerows will be offset by the planting of greater length / area of the lost hedgerows, which will be planted with native species of local provenance along the woodland boundary of the Site. This will offset any losses and serve as part of a safeguarding buffer / green corridor to the offsite woodland habitat.

Willow Plantation and Neutral Grassland

8.5.148 The Willow plantation and strips of neutral grassland are of limited ecological value, comprising common and widespread species. A small number of more notable species and 2 orchid species have been recorded in areas, however, overall this habitat it is still considered to be generally species-poor and not of significant botanical interest, with the more notable species confined to edges/small patches as opposed to being frequent/abundant throughout.

8.5.149 These areas will be lost to the Proposed Development.

8.5.150 An area of neutral grassland is also recorded between the Oxford Parkway and Oxford Road which will be retained as part of the Proposed development.

8.5.151 **Impacts**: Losses of these habitats to the Proposed Development.

*Prior to mitigation, impacts are **adverse** at the **site level** and are of **minor-moderate significance.***

8.5.152 **Mitigation and Enhancements**. Some areas of Willow plantation and neutral grassland will be replaced with species-rich wildflower grassland mixture (such as Emorsgate's Standard General Purpose Meadow Mixture EM2 or similar) and be subject to a suitable management regime to increase its floristic diversity accordingly. Where areas of amenity grassland are proposed outside of the proposed stadium, a native species-rich seed mixture that is tolerant of regular mowing (such as Emorsgate's Flowering Lawn Mixture EL1) will be sown which will also serve as an enhancement on the floristic diversity of the site.

8.5.153 If deemed necessary, a transplantation exercise will be conducted which will involve moving the plants that are of greater conservation value (e.g. Narrow-leaved Bird's-foot-trefoil, Corn Mint, Pyramidal Orchid and Two-spotted Orchid) to dedicated areas left for biodiversity. These areas will be safeguarded during the construction phase, and managed appropriately in perpetuity as part of the grassland management regime which will serve to increase the Sites' floristic diversity.

8.5.154 The planting of new native hedgerows and trees, a biodiverse green roof, rain gardens and, to an extent, amenity planting, as part of the Development, will also serve to enhance the floristic diversity of the Site.

8.5.155 A new pond will be created within the northern tip of the Site and attenuation basins will be created in the south of the Site, which and will be planted with native aquatic and marginal vegetation where wet, and with a species-rich grassland seed mixture tolerant of wet / damp conditions (such as Emorsgate's Meadow Mixture for Wetlands EM8) where dry.

*Post mitigation and enhancements, effects are **beneficial** at the **site level** and are of **minor-moderate significance**.*

Mixed Scrub

8.5.156 The mixed scrub is of relatively low ecological value in terms of its species content, but this habitat does offer some foraging and nesting opportunities for birds and limited navigational opportunities for bats.

8.5.157 **Impacts**: Partial loss of this habitat within the Triangle and the area of scrub adjacent to Oxford Road/Oxford Parkway to the Development.

*Prior to mitigation, impacts are **adverse** at the **site level** and are of **minor-moderate significance.***

8.5.158 **Mitigation and Enhancements**. The planting of new native scrub, hedgerows and trees as part of the Proposed Development will more than offset losses to this habitat.

*Post mitigation and enhancements, effects are **beneficial** at the **site level** and of **minor significance.***

Hardstanding

8.5.159 The areas of hardstanding are of negligible ecological value and will be retained as part of the Proposed Development.

8.5.160 **Impacts**: No significant impacts.

8.5.161 **Mitigation and Enhancements**: No mitigation required.

Hedgerows and Trees

8.5.162 The hedgerows and trees within the Site are of relatively greater ecological value in the context of the Site, in particular the species-rich hedgerow (**H1**). The hedgerows and trees offer suitable nesting and foraging opportunities for birds and foraging and navigational opportunities for bats.

8.5.163 The majority of hedgerow **H2** is to be lost in order to facilitate the Proposed Development, while losses are proposed to hedgerow **H1** to facilitate access from Frieze Way. A small loss is also proposed to **H3** to facilitate the installation of steps from the Oxford Parkway to Oxford Road. The standing trees will be retained.

8.5.164 Hedgerows are a Priority Habitat.

8.5.165 **Impacts**: Losses to hedgerows **H1**, **H2** and **H3**. Temporary effects: potential damage to retained sections of hedgerow during the construction phase, and dust deposition (and potentially other pollution) to retained hedgerows during the construction phase.

*Prior to mitigation, impacts are **adverse** at the **local level** and are of **moderate significance**.*

8.5.166 **Mitigation and Enhancements**. Measures will be put in place to ensure that retained sections of hedgerows and trees are safeguarded from direct impacts during the construction phase.

8.5.167 It is recommended that all retained hedgerows/trees within the site be fenced at canopy height (as required) according to the current British Standards before construction work commences, to protect roots from compaction. Fences should remain in place until construction work is complete within the vicinity of these trees/hedgerows.

8.5.168 An increased level of dust may arise from the movement of construction traffic and earthworks. Deposition of this dust on the surrounding vegetation may lead to temporary declines in flora associated with hedgerows and trees. Measures to mitigate dust emissions will be implemented during the construction phase. Any potential effects would be easily minimised through use of standard mitigation techniques such that residual effects are of negligible significance. Where mitigation

measures rely on water, it is expected that only sufficient water will be applied to damp down the material. There should not be any excess to potentially contaminate the ditches or stream. Even with these measures in place, there remains a slight risk that the hedgerow and trees might be affected by very occasional dust-soiling impacts. Any effects will be temporary and relatively short-lived and will only arise during dry weather with the wind blowing towards the receptor, at a time when dust is being generated. The overall impacts during the construction phase with mitigation measures in place are judged to be of negligible significance.

8.5.169 New hedgerow planting of a length / area greater than that lost is to be included within the Development. The new hedgerow planting will be based around native species of local provenance. New trees will also be included within the landscape proposals, which will be based around native species of local provenance. The planting of new hedgerows and trees will mitigate the loss of hedgerows to the development proposals.

*Post mitigation and enhancements, effects are **neutral** at the **local level** (of **no significance)**.*

Broad-leaved Woodland

8.5.170 The area of woodland adjacent to the Site is of relatively greater ecological value in the context of The Site and offers suitable nesting opportunities for birds and suitable opportunities for bats and other mammals.

8.5.171 The woodland is to be retained and safeguarded from the Proposed Development.

8.5.172 Woodland is a Priority Habitat.

8.5.173 **Impacts**: Temporary effects: potential damage to retained woodland during the construction phase and dust deposition (and potentially other pollution) to retained woodland during construction phase. Potential for disturbance / damage from people during the operational phase.

*Prior to mitigation, impacts are **adverse** at the **local level** and are of **minor significance.***

8.5.174 **Mitigation and Enhancements**. Measures will be put in place to ensure that the retained woodland is safeguarded from direct impacts during the construction phase, e.g. fenced-off during construction to prevent encroachment into this area by construction machinery. No construction machinery or materials will be stored within this area at any point during the development.

8.5.175 An increased level of dust may arise from the passage of construction traffic. Deposition of this dust on the surrounding vegetation may lead to temporary declines in woodland flora. Measures to mitigate dust emissions will be implemented during the construction phase. Any

potential effects on woodland habitats would be easily minimised through use of standard mitigation techniques such that residual effects are of negligible significance. Where mitigation measures rely on water, it is expected that only sufficient water will be applied to damp down the material. Even with these measures in place, there remains a slight risk that the woodland might be affected by very occasional dust-soiling impacts. Any effects will be temporary and relatively short lived, and will only arise during dry weather with the wind blowing towards the receptor, at a time when dust is being generated and mitigation measures are not being fully effective. The overall impacts during the construction phase with mitigation measures in place are judged to be of negligible significance.

8.5.176 As set out above, the Proposed Development also includes the planting of new trees throughout the Site which will comprise native species of local provenance, and which will serve to enhance the tree coverage across The Site.

8.5.177 The woodland will also be buffered from the development by a native hedgerow, scrub planting and the creation of attenuation basins, which will deter visitors from entering the woodland and will also provide a green corridor for wildlife, which will serve as an enhancement over the existing situation.

*Post mitigation, effects are at the **local level** and are of **no significance (i.e. neutral)**.*

Impacts on Fauna

8.5.178 Surveys for a number of protected species have been undertaken and the results have been utilised to inform this impact assessment. It is considered that overall, enhancements are likely to be realised with regard to protected species, and suitable mitigation has been put forward where protected species are to be affected by the Proposed Development.

<u>Badgers</u>

8.5.179 **Legislation.** The Protection of Badgers Act 1992 consolidates the previous Badgers Acts of 1973 and 1991. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain, with particularly high populations in the southwest.

8.5.180 As well as protecting the animal itself, the 1992 Act also makes the intentional or reckless destruction, damage or obstruction of a Badger sett an offence. A sett is defined as “any structure or place which displays signs indicating current use by a Badger”[17]. “Current use” of a Badger sett is defined by Natural England as “how long it takes the signs to

[17] Protection of Badgers Act 1992 (as amended). Guidance on ‘Current Use’ in the definition of a Badger Sett http://www.naturalengland.org.uk/ourwork/regulation/wildlife

disappear", or more precisely, to appear so old as to not indicate "current use".

8.5.181 In addition, the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.

8.5.182 **Site Usage**. No evidence of Badgers was recorded within the site, however, given the proximity of the closest record of Badger, this species is considered to be present within the local area.

8.5.183 **Impacts**: Potential construction effects on Badgers such as accidental trapping/injury. Loss of potential foraging grounds.

*Prior to mitigation, impacts are **adverse** at the **County level** and are of **negligible-minor significance.***

8.5.184 **Mitigation and Enhancements**: The retention of the woodland and associated buffer, provision of other open space and creation of new areas of species-rich wildflower grassland will maintain foraging opportunities for Badgers. In addition, the planting of new scrub, hedgerows and trees throughout the Site will provide additional foraging opportunities and cover for Badgers, with the provision of fruit/berry-bearing trees providing a seasonal resource.

8.5.185 During the construction phase of development it is often necessary to undertake a number of additional measures to safeguard any Badgers present on a site.

8.5.186 All contractors working on the Site will be briefed regarding the presence of Badgers in the local area and of the types of activities that would not be permissible on site, with all measures included as part of a Construction Environmental Management Plan (CEMP).

8.5.187 Any trenches or deep pits that are to be left open overnight will be provided with a means of escape should a Badger enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water.

8.5.188 Any trenches/pits will be inspected each morning to ensure no Badgers have become trapped overnight. Should a Badger get stuck in a trench it will likely attempt to dig itself into the side of the trench, by forming a temporary sett. Should a trapped Badger be encountered, the project ecologist should be contacted immediately for further advice.

8.5.189 The storage of topsoil or other 'soft' building materials within the Site will be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they would

be subject to daily inspections (or nightly patrols if 24-hour security is present on site) or consideration given to fencing them with Badger proof fencing.

8.5.190 During the development the storage of any chemicals required for the building construction will be well away from any Badger activity and contained in such a way that they cannot be accessed or knocked over by any roaming Badgers.

*Post mitigation and enhancements, effects are **beneficial** at the **County level** and are of **minor significance**.*

Bats

8.5.191 **Legislation**. All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitats Regulations"). These include provisions making it an offence to:

- Deliberately kill, injure or take (capture) bats;
- Deliberately disturb bats in such a way as to be likely to significantly affect:-
  (i) the ability of any significant group of bats to survive, breed or rear or nurture their young; or to hibernate; or
  (ii) to affect significantly the local distribution or abundance of the species concerned;
- Damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

8.5.192 While the legislation is deemed to apply even when bats are not in residence, Natural England guidance suggests that certain activities such as re-roofing can be completed outside sensitive periods when bats are not in residence provided these do not damage or destroy the roost.

8.5.193 The words 'deliberately' and 'intentionally' include actions where a court can infer that the defendant knew 'the action taken would almost inevitably result in an offence, even if that was not the primary purpose of the act.

8.5.194 The offence of damaging (making it worse for the bat) or destroying a breeding site or resting place is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

8.5.195 Licences can be granted for development purposes by an 'appropriate authority' under Regulation 55 (e) of the Habitats Regulations. In England, the 'appropriate authority' is Natural England (the government's

statutory advisors on nature conservation). European Protected Species licences permit activities that would otherwise be considered an offence.

8.5.196 In accordance with the Habitats Regulations the licensing authority (Natural England) must apply the three derogation tests as part of the process of considering a licence application. These tests are that:

1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. There must be no satisfactory alternative; and
3. The favourable conservation status of the species concerned must be maintained.

8.5.197 Licences can usually only be granted if the development is in receipt of full planning permission (and relevant conditions, if any, discharged).

8.5.198 Seven species of bat are Priority Species, these are Barbastelle *Barbastella barbastellus*, Bechstein's *Myotis sp. bechsteinii*, Noctule, Soprano Pipistrelle, Brown Long-eared, Greater Horseshoe *Rhinolophus ferrumequinum*, and Lesser Horseshoe *Rhinolophus hipposideros*.

8.5.199 **Site Usage**. There are two trees within the Site (T1-T2) and a further three trees (T3-T5) in the woodland to the south of the Site that have developed features suitable to support roosting bats. There is potential for two trees (T1 and T2) to be lost as part of the proposals. The remaining three trees within the woodland (T3-T5) are to be retained and safeguarded as part of the Development.

8.5.200 From the results of the bat activity and automated survey results, it can be seen that the vast majority of activity recorded on the automated detectors was from Common Pipistrelle and Soprano Pipistrelle bats, with relatively consistent moderate levels of activity along the woodland edge in the south of the Site.Myotis sp. and Barbastelle were also recorded more frequently in this location, however, still at generally very low occurrences. Moderate to high activity from Leisler's was recorded along H2 during September 2022, but there was relatively low activity recorded across other months. Very low levels of activity were recorded from Brown Long-eared, with very occasional activity recorded from Serotine and Nathusius' Pipistrelle. Generally low bat activity was present along the northern patch of scrub, within the Willow plantation and hedgerows H1 and H2. As such, it is the southern woodland that is deemed the most important area in the Site for foraging/commuting bats.

8.5.201 The woodland (which includes the three trees (T3-T5) observed to have potential roosting features) is to be retained and safeguarded / buffered as part of the Proposed Development.

8.5.202 The majority of hedgerow H2 is to be lost in order to facilitate the Proposed Development, while some losses are proposed to hedgerow H1 to facilitate access from Frieze Way. The scrub habitat at the top of

the Site will also be lost / modified to other habitat types as part of the proposals.

8.5.203 **Impacts**: Losses to scrub and hedgerows H1 and H2 which offer suitable foraging and commuting opportunities for bats. Potential loss of two trees with bat roost potential (T1 and T2). Potential disturbance from lighting on foraging and commuting routes during the construction and operational phases.

*Prior to mitigation, effects will be **adverse** at the **European level** and of **moderate significance**.*

8.5.204 **Mitigation and Enhancements**. The losses of scrub and hedgerows will be offset by new scrub and hedgerow planting of a length / area greater than that lost is to be included within the Development in order to retain suitable navigation opportunities post-development. The southern woodland will be buffered by an area of natural open space that includes hedgerow/native scrub, trees and wetland (attenuation) features. This will enhance the woodland edge for foraging and navigation by bats.

8.5.205 In addition, an area of open space will be created within the northern section of the Site, which will have a greater diversity of habitats of value to bats (and thus of greater value to this group). There will be areas of native, species-rich wildflower grassland, which will provide an invertebrate food source for foraging bats. The Site will also be subject to new native tree planting, and new attenuation features and wildlife pond created, which will provide enhanced foraging opportunities for bats.

8.5.206 Where lighting is necessary during construction, any potential light spillage will be reduced by directing light below the horizontal plane, preferably at an angle less than 70 degrees away from features that offer suitable foraging opportunities for bats, e.g. the woodland, hedgerows and trees.

8.5.207 During the operational phase, although there is lighting already present along hedgerow H2 (as it is bordered by Oxford Road which is lit by street lighting) there is likely to be an increase in lighting within the Site. The lighting report illustrates that the lighting levels at the two access points at maximum will be a maximum of 1 lux – 2/2.5 lux. This modelling does not account for interception of light spill by trees etc which would further reduce lux levels. Notwithstanding, the maximum level of lighting is within the tolerances of the less light sensitive bat species, such as Pipistrelle and Noctule, which make up the majority of the assemblage recorded at the Site. The lux levels along the southern woodland edge will be further reduced and levels at around 0.5 lux will be achieved and so suitable conditions for the more light-sensitive species such as *Myotis* sp., Barbastelle and Brown Long-eared that have also been recorded within the Site will be maintained in this key area of the Site (where the majority of bat activity was recorded).

8.5.208 The two trees with potential to support roosting bats that may be lost (T1 and T2) will be subject to tree-climbing and/or emergence/re-entry surveys. If any bats or evidence of bats were recorded in a tree subject to removal, a Natural England European Protected Species licence may be required prior to any felling works commence and appropriate mitigation would need to be provided.

8.5.209 As an enhancement, new bat boxes will also be provided throughout the Site on retained mature trees, which will provide additional roosting opportunities for bats.

*Post mitigation and enhancements, effects are **beneficial** at the **European level** and are of **minor-moderate significance**.*

Birds

8.5.210 **Legislation**. Section 1 of the Wildlife & Countryside Act is concerned with the protection of wild birds. With certain exceptions all wild birds and their eggs are protected from intentional killing, injuring and taking; and their nests, whilst being built or in use, cannot be taken, damaged or destroyed.

8.5.211 Schedule 1 of the Wildlife & Countryside Act 1981 is a list of the nationally rarer and uncommon breeding birds for which all offences carry special (i.e. greater) penalties. These species also enjoy additional protection whilst breeding, as it is also an offence to disturb adults or their dependant young when at the nest.

8.5.212 **Site Usage.** The Red Listed and Priority Species Song Thrush and Schedule 1 species Red Kite were recorded within the Site as well as a number of other common bird species. The Red Listed and Priority Species Yellowhammer was also recorded during dedicated surveys, albeit within the adjacent Stratfield Brake Sports Ground. Overall, it is considered that the Site supports an unremarkable ornithological assemblage.

8.5.213 The woodland to the south and the hedgerows, trees and mixed scrub within the site offer suitable foraging and nesting opportunities for a range of birds, while the Willow plantation and neutral grassland areas offer some much more limited foraging and nesting opportunities for birds given its transitional nature and regular cropping.

8.5.214 The woodland will be retained and safeguarded / buffered as part of the Proposed Development. The majority of hedgerow H2 is to be lost in order to facilitate the Proposed Development, while losses are proposed to hedgerow H1 to facilitate access from Frieze Way. The Willow plantation is also to be lost, along with the strips of neutral grassland.

8.5.215 **Impacts**: Loss of suitable foraging and nesting habitat for bird species. Potential for killing and injury of birds and / or damage or destruction of nests during clearance of vegetation.

*Prior to mitigation, impacts are **adverse** at the **site-local level** and of **minor significance**.*

8.5.216 **Mitigation and Enhancements**. The provision of scrub, new native trees and hedgerows throughout the areas of open space will provide suitable new nesting opportunities for a range of bird species including Song Thrush, while the creation of new areas of wildflower grassland, a pond and attenuation features will provide new and enhanced foraging opportunities. The wildflower grassland within area of open space will provide some suitable nesting opportunities for ground-nesting species.

8.5.217 In order to safeguard any nesting bird species within the Site, the clearance of any scrub, hedgerows and trees will be undertaken outside of the bird breeding season (March-August inclusive). Should this not be possible potential nesting habitat is subject to a check survey immediately prior to its removal by an experienced ecologist. Should any nesting birds be identified then the nest should be fully safeguarded *in situ* and subject to a disturbance buffer of at least 5 metres and only removed once it has been confirmed any fledglings have left the nest.

8.5.218 As an enhancement, new bird nest boxes will be provided on suitable retained trees within the Site (e.g. along the woodland edge / buffer in the south of the Site). These will provide new nesting opportunities for a range of birds. Using nest boxes of varying designs would maximise the species complement attracted to the Site and, where possible, could be tailored to provide opportunities for Red Listed / Priority Species, that are known from the local area.

*Post mitigation and enhancements, effects are **beneficial** at the **site-local level** and are of **minor significance**.*

Great Crested Newts

8.5.219 **Legislation**. The legislative protection afforded to Great Crested Newts and the licensing provisions associated are the same as outlined above with regard to bats.

8.5.220 Great Crested Newts are also a Priority Species.

8.5.221 **Site Usage.** Given the dispersal barriers separating the main Application Site to the off-site ponds, it is not considered likely that Great Crested Newts are present within the main Application Site.

8.5.222 Considering the proximity of the proposed S279 application to the off-site ponds **P2-P4**, and the record of Great Crested Newt returned from **P4**, a precautionary approach with regard to this species is recommended during the construction of the Oxford Parkway stairway.

8.5.223 **Impacts:** Small loss of scrub habitat between Oxford Parkway and Oxford Road which is located within 250m of offsite ponds **P2-P4**. Potential for killing or injury during clearance works.

*Prior to mitigation, impacts are **adverse** at the **European level** and of **minor/negligible significance**.*

8.5.224 **Mitigation and Enhancements**. As this species is known from the local area, it is recommended that precautionary Reasonable Avoidance Measures (RAMs) are implemented during construction which would avoid any potential impacts to Great Crested Newts.

8.5.225 Removal of a section of the scrub adjacent to Oxford Parkway will be carried out under a RAMs method statement to ensure Great Crested Newts are not impacted. If necessary, the habitat to be cleared will be subject to a thorough search by a suitably qualified ecologist prior to removal, to ensure Great Crested Newts are not present. If a Great Crested Newt is recorded during the search, all works will stop within suitable habitat and a licence will be obtained from Natural England, or district licensing will be obtained by NatureSpace, before works can continue.

8.5.226 Habitats adjacent to the Oxford Parkway will be largely retained, with the scrub being separated to facilitate the new stairway. Areas of wildflower grasslands and scrub suitable for Great Crested Newts will be created and maintained within the main Application Site. In addition, the creation of new attenuation features, planted with native aquatic and marginal vegetation, will provide suitable new aquatic habitat for this species and will be seen as an enhancement over the existing situation.

8.5.227 The creation of log piles / hibernacula within the Site, associated with the new attenuation features, will also provide new suitable new hibernation opportunities for amphibians.

*Post mitigation and enhancements, effects are **beneficial** at the **European level** and are of **minor significance**.*

Invertebrates

8.5.228 **Site Usage.** Given the habitats present it is likely an assemblage of common invertebrate species would be present within the Site. It is also considered that suitable habitat is present for the Priority Species Brown Hairstreak. Presence of this species was confirmed in hedgerow H2 of the Site during a winter egg search in December 2023. Records for this species were also returned from TVERC from within / near to the Site and a report from FoSB also suggests a sighting from within the Site.

8.5.229 **Impacts:** Loss of suitable habitat for common invertebrates and Priority Species Brown Hairstreak; potential pollution of the ditches from contaminated run-off during the construction and operational phases.

*Prior to mitigation, impacts are **adverse** at the **site level** and of **minor significance**. Impacts on Brown Hairstreak are of **moderate significance.***

8.5.230 **Mitigation and Enhancements**. The planting of new native trees, hedgerows and the creation of new areas of species-rich grassland, within the Site, as well as the creation of new attenuation features, will provide enhanced habitat for a range of invertebrates.

8.5.231 The creation of new scrub habitat and hedgerows which will include Blackthorn, along with the retention of woodland and parts of hedgerows where Blackthorn is present, will maintain existing opportunities for Brown Hairstreak within the Site.

8.5.232 The creation of log piles within areas of open space would benefit a range of saproxylic species (as well as providing refuge for reptiles and amphibians). The implementation of other measures recommended above would also likely provide knock-on benefits for invertebrates, e.g. through tree planting, creation of a wildlife pond and attenuation features and use of planting of wildlife benefit.

8.5.233 Implementation of best practice methods and effective engineering solutions will ensure that contaminated run-off is prevented from entering the wet ditches during the construction or operational phases of development (see previous).

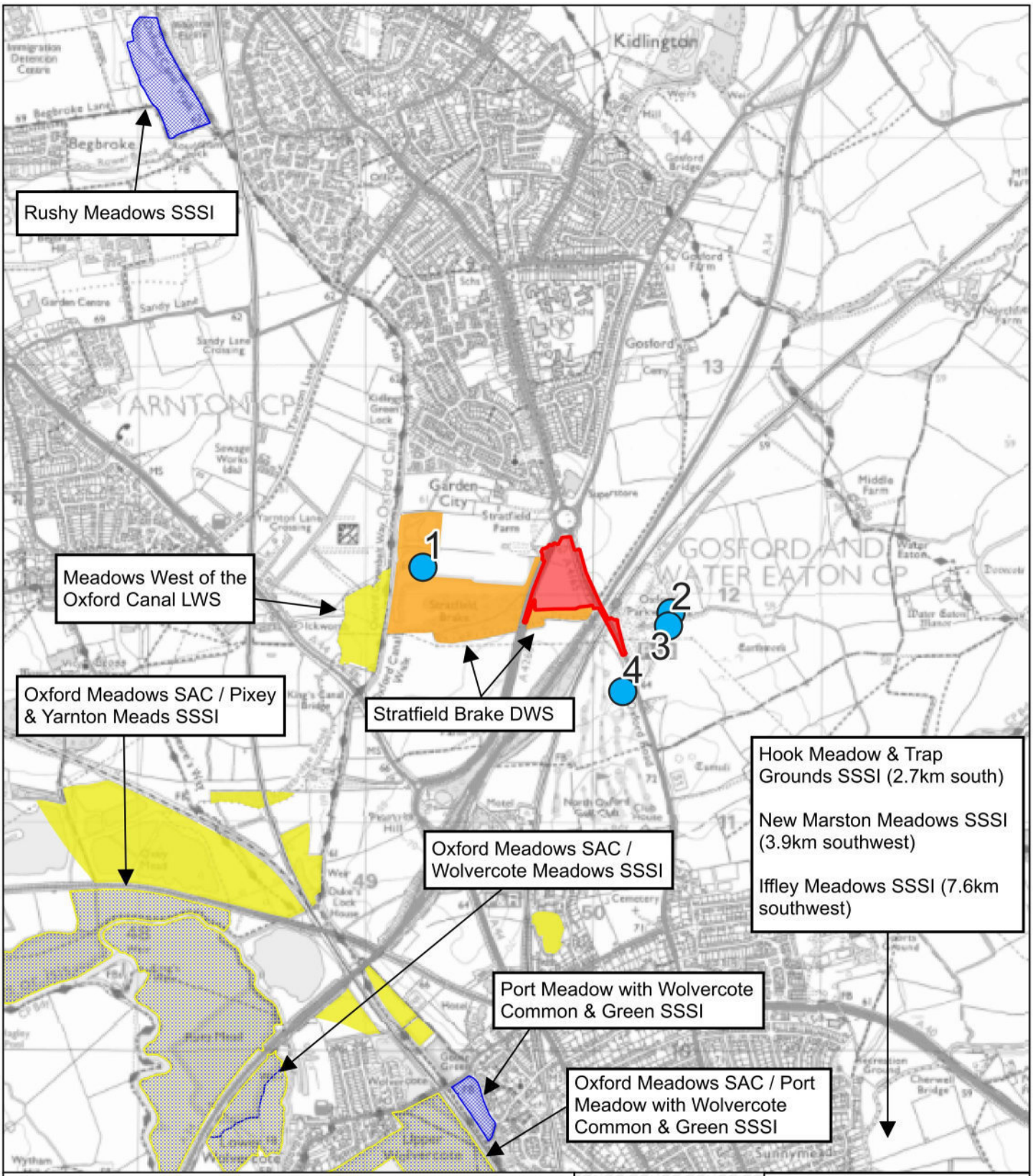
8.5.234 Areas of suitable habitat for Brown Hairstreak will be retained and safeguarded during construction (see Hedgerows and Trees above).

*Post mitigation and enhancements, effects are **beneficial** at the **site level** and are of **minor-moderate significance**.*

FIGURES

FIGURE 8.1

Site Location, Ecological Designations &
Offsite Ponds



KEY:

- SITE LOCATION
- SPECIAL AREA OF CONSERVATION (SAC)
- SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
- LOCAL WILDLIFE SITE (LWS)
- DISTRICT WILDLIFE SITE (DWS)
- OFF-SITE POND WITHIN 500m

N

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10736: LAND EAST OF STRATFIELD BRAKE, KIDLINGTON

FIGURE 8.1: SITE LOCATION, ECOLOGICAL DESIGNATIONS & OFFSITE POND LOCATIONS

Rev: A

Dec 2023

FIGURE 8.2

Ecological Features and Protected Species

H1

H2

H3

A4165

A34

65.7m

68.1m

Oxford Parkway (Station)

Lift

FB

Mast

Car Park

Track

Issues

Stratfield Brake

Def

SITE BOUNDARY CONTINUED

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- WILLOW PLANTATION
- NEUTRAL GRASSLAND
- MODIFIED GRASSLAND
- MIXED SCRUB
- DEVELOPED LAND; SEALED SURFACE
- BROAD-LEAVED WOODLAND (OFF-SITE)
- INDIVIDUAL TREE
- SPECIES-RICH HEDGEROW WITH TREES
- NATIVE HEDGEROW WITH TREES
- NATIVE HEDGEROW
- TREE WITH BAT ROOSTING POTENTIAL

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10736: LAND EAST OF STRATFIELD BRAKE, KIDLINGTON

FIGURE 8.2: ECOLOGICAL FEATURES AND PROTECTED SPECIES

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FIGURE 8.3

August 2022 Bat Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- AUTOMATED STATIC DETECTOR
- COMMON PIPISTRELLE REGISTRATION
- SOPRANO PIPISTRELLE REGISTRATION
- NOCTULE REGISTRATION
- MYOTIS SP. REGISTRATION
- BARBASTELLE REGISTRATION

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FIGURE 8.3: BAT SURVEY RESULTS - AUGUST 2022

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FIGURE 8.4

September 2022 Bat Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- 0 AUTOMATED STATIC DETECTOR

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FIGURE 8.4: BAT SURVEY RESULTS - SEPTEMBER 2022

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FIGURE 8.5

October 2022 Bat Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- 0 AUTOMATED STATIC DETECTOR
- OBSERVED AREAS OF SOPRANO PIPISTRELLE ACTIVITY

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FIGURE 8.5: BAT SURVEY RESULTS - OCTOBER 2022

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FIGURE 8.6

Early June 2023 Bat Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- 0 AUTOMATED STATIC DETECTOR
- COMMON PIPISTRELLE REGISTRATION
- SOPRANO PIPISTRELLE REGISTRATION
- NOCTULE REGISTRATION
- LEISLER'S REGISTRATION

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FIGURE 8.6: BAT SURVEY RESULTS - EARLY JUNE 2023

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FIGURE 8.7

Late June 2023 Bat Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- AUTOMATED STATIC DETECTOR
- COMMON PIPISTRELLE REGISTRATION
- SOPRANO PIPISTRELLE REGISTATION
- NOCTULE REGISTRATION
- MYOTIS SP. REGISTRATION

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FIGURE 8.7: BAT SURVEY RESULTS - LATE JUNE 2023

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FIGURE 8.8

July 2023 Bat Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- AUTOMATED STATIC DETECTOR
- COMMON PIPISTRELLE REGISTRATION
- SOPRANO PIPISTRELLE REGISTRATION
- NOCTULE REGISTRATION
- MYOTIS SP. REGISTRATION

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FIGURE 8.8: BAT SURVEY RESULTS - JULY 2023

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FIGURE 8.9

Early June 2023 Breeding Bird Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- POSSIBLY BREEDING
- PROBABLY BREEDING
- JUVENILE RECORDED
- DIRECTION OF FLIGHT

B.	Blackbird
BC	Blackcap
BT	Blue Tit
CC	Chiffchaff
GO	Goldfinch
GT	Great Tit
JD	Jackdaw
K.	Kestrel
KT	Red Kite
LB	Lesser Black-backed Gull
LT	Long-tailed Tit
R.	Robin
RO	Rook
ST	Song Thrush
WH	Whitethroat
WP	Woodpigeon
WR	Wren

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FIGURE 8.9: BREEDING BIRD SURVEY RESULTS - EARLY JUNE 2023

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FIGURE 8.10

Mid-June 2023 Breeding Bird Survey Results

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- POSSIBLY BREEDING
- PROBABLY BREEDING
- DIRECTION OF FLIGHT

B.	Blackbird
BT	Blue Tit
C.	Carrion Crow
CC	Chiffchaff
FP	Feral Pigeon
GO	Goldfinch
R.	Robin
WP	Woodpigeon
WR	Wren
Y.	Yellowhammer

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FIGURE 8.10: BREEDING BIRD SURVEY RESULTS - MID JUNE 2023

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FIGURE 8.11

Late June 2023 Breeding Bird Survey Results

66.7m

65.7m

A4165

A34

Track

Lift

FB

Mast

Stratfield Brake

Def

H1

H2

H3

CC

ST

WR

BT

R.

B.

KEY:

- SITE BOUNDARY
- WIDER STUDY AREA
- POSSIBLY BREEDING
- PROBABLY BREEDING

B. Blackbird
BT Blue Tit
CC Chiffchaff
R. Robin
ST Song Thrush
WR Wren

N

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FIGURE 8.11: BREEDING BIRD SURVEY RESULTS - LATE JUNE 2023

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ANNEXES

ANNEX 8.1

Natural England Response

Date: 07 September 2023
Our ref: 447239
Your ref: 23/02276/SCOP

Consultations
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Ms L Bell
Cherwell District Council

BY EMAIL ONLY
laura.bell@cherwell-dc.gov.uk
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Dear Ms Bell

Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017): Scoping opinion - new stadium development
Location: Stratfield Brake Motorcycle Track, Oxford Road, Kidlington

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 21 August 2023 and received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to consultations@naturalengland.org.uk.

Yours sincerely

Mrs Sally Ireland
Consultations Team

Annex A – Natural England Advice on EIA Scoping

General Principles

Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on environmental assessment and natural environment.

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

a. existing completed projects;
b. approved but uncompleted projects;
c. ongoing activities;
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Biodiversity and Geodiversity

General principles

The National Planning Policy Framework (paragraphs174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the natural environment.

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EcIA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a duty to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available here.

Designated nature conservation sites

International and European sites

The development site is within or may impact on the following **European/internationally designated nature conservation site(s):**

- Oxford Meadows Special Area of Conservation (SAC)

European site conservation objectives are available at http://publications.naturalengland.org.uk/category/6490068894089216

The ES should thoroughly assess the potential for the proposal to affect nationally and internationally designated sites of nature conservation importance, including marine sites where relevant. European sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). In addition paragraph 181 of the National Planning Policy Framework (NPPF) requires that potential SPAs, possible SAC, listed or proposed Ramsar sites, and any site identified or required as compensatory measures for adverse effects on habitat (European) sites, potential

SPAs, possible SACs and listed or proposed Ramsar sites have the same protection as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF). Under Regulation 63 of the Habitats Regulations, an appropriate assessment must be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically.

Should a likely significant effect on a European/Internationally designated site be identified (either alone or in-combination) or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an appropriate assessment in addition to the consideration of impacts through the EIA process. Further guidance is set out in Planning Practice Guidance on appropriate assessment
https://www.gov.uk/guidance/appropriate-assessment

This should also take into account any agreed strategic mitigation solution that may be being developed or implemented in the area to address recreational disturbance, nutrients, or other impacts.

Nationally designated sites

The development site is within or may impact on the following **Site of Special Scientific Interest:**

- Pixey & Yarnton Meads Site of Special Scientific Interest (SSSI)
- Port Meadow with Wolvercote Common & Green Site of Special Scientific Interest (SSSI)
- Hook Meadow & The Trap Grounds Site of Special Scientific Interest (SSSI)
- New Marston Meadows Site of Special Scientific Interest (SSSI)
- Iffley Meadows Site of Special Scientific Interest (SSSI)

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at www.magic.gov .

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for

enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017
is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures . A separate protected species licence from Natural England or Defra may also be required.

District Level Licensing for Great Crested Newts

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A DLL scheme for GCN may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)

- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

Ancient Woodland, ancient and veteran trees

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland.

The ancient tree inventory provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees.

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as Biodiversity Metric 3.0 together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.
The metric should be used to:
• assess or audit the biodiversity unit value of land within the application area
• calculate the losses and gains in biodiversity unit value resulting from proposed development
• demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

Landscape and visual impacts

The environmental assessment should refer to the relevant National Character Areas. Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound

basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013 (*(3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and National Model Design Code. The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Connecting People with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil

resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England Guide to assessing development proposals on agricultural land.

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and
The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) [1].A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO_2 against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to

[1] Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK

reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - http://www.scail.ceh.ac.uk/
- Ammonia assessment for agricultural development https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit
- Environment Agency Screening Tool for industrial emissions https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England http://www.airqualityengland.co.uk/laqm

Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

The Natural England and RSPB Climate Change Adaptation Manual (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's Nature Networks Evidence Handbook (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's Carbon Storage and Sequestration by Habitat report (2021) and the British Ecological Society's nature-based solutions report (2021) provide further information.

Contribution to local environmental initiatives and priorities

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.

ANNEX 8.2

Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust Response

Berkshire Buckinghamshire & Oxfordshire Wildlife Trust

Cherwell District Council
planning@cherwell-dc.gov.uk
By email only

Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust
The Lodge, 1 Armstrong Road,
Littlemore, Oxford, OX4 4XT
Tel: 01865 775476
Email: info@bbowt.org.uk
Visit: bbowt.org.uk

FAO Laura Bell

8th September 2023

23/02276/SCOP
Location: Stratfield Brake Motorcycle Track Oxford Road Kidlington
Proposal: Scoping opinion - new stadium development

Dear Laura,

In relation to the above scoping opinion request we have the following comments on behalf of the Berks, Bucks and Oxon Wildlife Trust. In the event that this comes forward as an application we would be grateful if you could let us know. 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.

Cumulative Impacts

The EIA should evaluate potential negative impacts on features of nature conservation importance that may arise as a result of other plans and projects either existing, in development or proposed. Appropriate measures to avoid, mitigation or compensate for these negative impacts should be specified within the EIA. In particular there is already a considerable quantity of development in the form of current applications that lie in almost all directions from the proposed application site. There is no need for us to specify each of these, they are well known and all can be found in the form of the Cherwell Local Plan Partial Review, several Development Brief consultations, and several current applications, as well as being indicated on page 6 of the *"New stadium development project vision May 2023".* The stadium proposal is on top of numerous applications and each and every one contributes to closing the green gaps that exist between Kidlington and Oxford, and between Yarnton and Kidlington.

Avoidance of impact on designated nature conservation sites

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment of the Cherwell Local Plan states:

"Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity"

The proposed development has the potential for adverse effects on a number of designated sites as set out below:

Part of the Stratfield Brake District Wildlife Site (DWS) is located within the red line boundary, and other parts of the DWS lie in close proximity. It includes an area of high wildlife-value woodland that lies directly within the red line boundary.

The site also lies about 630m from Meadows West of the Oxford Canal Local Wildlife Site (LWS), and is within 2000m of a vast number of Local Wildlife Sites (LWSs) to many to mention here.

Oxford Meadows Special Area of Conservation (SAC) and Pixey and Yarnton Meads SSSI are located approximately 1.9km south of the Site. Oxford Meadows includes vegetation communities that are perhaps unique in the world in reflecting the influence of long-term grazing and hay-cutting on lowland hay meadows. Pixey and Yarnton Meads SSSI are unimproved flood meadows on the bank of the river Thames. They have been grazed and cut for hay for more than a thousand years, with the result that they are botanically rich, with more than 150 species.

Given the ecological sensitivity of this area it is essential that the EIA should include results of appropriate surveys, and an assessment is made of impact on each designated site, including others in proximity as well that are not referred to above, including Duke's Lock Pond LWS, Wolvercote Mead LWS and Cassington to Yarnton Gravel Pits LWS, as well as numerous others within 2000m of the proposed development. The assessments must deal with potential impacts on both nationally and locally designated sites and how these will be avoided. The full range of possible impacts must be considered including air pollution (including through increased vehicle use), hydrology (noting that many of these habitats are extremely vulnerable in terms of hydrology), loss of ecological connectivity, and recreational impact (including factoring in the proposed hotel). Anything other than avoidance must be a last resort, but if impact cannot be avoided then detailed mitigation plans must be set out, as well as an explanation of how the benefits of the development in the location proposed outweigh its likely impact on the features of the designated sites.

Avoidance of impact on priority habitat and protected and priority species

NPPF paragraph 179 states (our underlining):

"To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and

identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment of the Cherwell Local Plan states:

"Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity"

The nearby designated sites contain numerous examples of priority habitat. The site itself also contains as far as we understand: good quality lowland mixed deciduous woodland priority habitat, other neutral grassland, willow coppice, hawthorn scrub and mixed scrub. The site includes wet areas within some of these habitats which increases the diversity. We understand the site to have good potential as a minimum for the following species groups: plants, birds, invertebrates and bats. There are also records nearby of a variety of amphibians and reptiles.

The EIA must fully demonstrate the measures which will be taken to minimise impacts on existing habitats and to incorporate those existing habitats into the proposed design. Negative impact on the lowland mixed deciduous woodland priority habitat must be avoided in full, but we would also draw attention to the ecological value of many of the other on-site habitats. If the application is pursued then it needs to minimise impact on other habitats as well and incorporate them into proposed wildlife-rich green space. It is essential that a substantial area of wildlife-rich habitat, semi-natural in type, and with no public access to some areas, is maintained and managed for wildlife in the northern part of the triangle as that is critical to maintaining a green corridor for wildlife between Kidlington and Oxford. As already stated above the potential impact on this green corridor is of the utmost concern. Wildlife must be made a priority of any green space within the site.

We are greatly concerned by the statement in the EIA Scoping Report as follows:

"6.16. The majority of the habitats across the Site, such as the willow plantation, are considered to be of little intrinsic ecological value. The areas of semi-improved grassland and scrub is also considered to be of low ecological value in terms of its species content, comprising only common and widespread species."

An independent survey of the site that we are aware of suggests as far as we understand that at least parts of the willow coppice, scrub and other neutral grassland are of significant value to wildlife, particularly to invertebrates and plants. The wet nature of parts of the site contributes significantly to its diversity. The nature of the habitats of willow coppice and scrub also mean the site is likely to support a diverse and important bird assemblage.

The EIA should include results of appropriate surveys, an assessment of impact, and details of mitigation, compensation and enhancement measures. A full range of habitat and species surveys are needed. As well as the usual ones these must include both bird surveys (both breeding and wintering), invertebrate surveys, and specialist botanical surveys. These must

deal with impacts on priority species (including breeding birds - see below) both on site and for priority species nearby.

We are concerned by the following in the EIA Scoping Report:

a) "6.25. Three breeding bird surveys have been proposed and will be conducted between June and July 2023."

In our experience the standard number of breeding bird surveys is 6. The following website (https://birdsurveyguidelines.org/methods/survey-method/) states*: "As standard it is recommended that six bird survey visits be undertaken as part of a survey for breeding birds."* We see no justification for reducing this number in this instance. As an absolute minimum 6 separate breeding bird surveys should be carried out.

b) There is no mention of wintering bird surveys. We consider that wintering bird surveys are required.

c) We could not find any mention of invertebrates at all in the Scoping Report. This is a significant omission of great concern. It is essential as we set out above that detailed invertebrate surveys are carried out.

Scoping in and out within the EIA:

We are very highly concerned by the section on scoping in and out within the EIA. IN particular there are numerous aspects not mentioned within scoping in that we consider should be scoped in, and are greatly concerned by some of the proposals for scoping out.

a) Statutory sites – this was indicated as being scoped out. We cannot agree with this, and the EIA should make a detailed assessment of potential impact from air pollution (including associated impact), hydrology, ecological isolation through loss of connectivity, and recreational impact on the Oxford Meadows SAC (including taking into account of the proposed hotel), and on other SSSIs.
b) Non-statutory sites – with the exception of the adjoining DWS these were indicated as being scoped out. We cannot agree with this, and the EIA should make a detailed assessment of potential impact from air pollution (including associated impact), hydrology, ecological isolation through loss of connectivity, and recreational impact on numerous Local Wildlife Sites and District Wildlife Sites
c) As well as the need for detailed surveys as indicated above, then the following species should be scoped in: invertebrates, botany (species as well as habitats), and birds (all birds rather than just breeding birds).

Hedgerows

Hedgerows should be retained and enhanced. In exceptional circumstances if proposals involve removal of small sections of hedgerow for access purposes then a substantially longer section of hedgerow should be planted elsewhere on site to provide compensation. A management regime should be put in place for hedgerows across the site including a three-year rotation for trimming and allowing some stretches of hedgerow to remain untrimmed for longer.

There should also be at least a 15m buffer between any development and the hedgerows. These buffers should be maintained as dark corridors and should be of appropriate semi-natural priority habitat such as a mosaic of scrub and species-rich grassland.

Breeding birds

DEFRA has provided guidance to competent authorities (including local authorities) on how to comply with the legal requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The guidance is available at: https://www.gov.uk/guidance/providing-and-protecting-habitat-for-wild-birds

The guidance states that:

"As a competent authority, you must help to provide, protect and restore habitats for wild birds. This will help to make sure there are healthy populations of wild birds in their natural habitats across England and Wales…

…You must take appropriate steps to help:

- *preserve, manage and re-establish habitat that is large and varied enough for wild birds to support and maintain their populations in the long term*
- *avoid any pollution or deterioration of wild bird habitat as far as possible*

Your duty to provide and protect wild bird habitats applies when you carry out your functions, for example, when you: …

- *make plans or strategies to decide where activities or development should take place*
- *take decisions that might affect wild bird habitats, such as giving permissions or consents*

…When you carry out your duties you should aim to provide or protect habitat that allows wild bird populations to maintain their numbers in the areas where they naturally live.

You should consider habitats used by wild bird species that are in decline and also habitats supporting wild birds with healthy populations."

The EIA should set out the steps that will be taken to "*preserve, manage and re-establish habitat that is large and varied enough for wild birds to support their population in the long term"* in relation both to "*wild birds that are in decline"* and to "*wild birds with healthy populations"*

With respect to any priority species impacted, the developer must show that the habitats provided on site will be sufficient to maintain or enhance the same populations of these species.

The need to maintain a green corridor between Oxford and Kidlington

The proposal raises serious concerns in terms of impact on the green corridor between Oxford and Kidlington. It is not alone on this, as the section on Cumulative Impact above sets out. However if it went ahead it would make a significant contribution to this loss, effectively removing the “last piece of the jigsaw” of undeveloped land between the two settlements. There are many non-wildlife concerns as to the removal of this corridor which are outside of the remit of this response. However the wildlife impacts of the loss of this corridor are very serious and must not be underestimated. There are numerous species of a variety of wildlife groups that rely on rural land for their survival. They are completely incompatible with urban development which is why they are rarely if ever seen in urban areas. These species also need to be able to move, in order to ensure genetic mixing between populations, and in order to move to more suitable habitat if the habitat they live in becomes lost. If their ability to move is lost then whole populations, as well as numerous individuals of species can be lost.

It is only necessary to look at a map of the area around Kidlington and Oxford, overlain with a map of sites already approved within the Cherwell Local Plan Partial Review Sites to see the extent to which the green corridor between Oxford and Kidlington is threatened, effectively isolating many wildlife populations to the west and east of Oxford and Kidlington from each other. Whilst the impact of the existing roads on wildlife movement is significant it is of a much lesser impact than a whole area of urban development.

Since it represents the loss of the last piece of undeveloped land (if the already allocated “Partial Review sites” go ahead) then if this proposal is acceptable at all it can only be acceptable if the developed land area is minimised and that any green space within the site is managed as a nature reserve with wildlife as the main priority. Whilst we note from the Project Vision document that the design includes the existing woodland, and some green space at the northern end, and a green roof, we do not consider this goes far enough in terms of maintaining a wide enough green corridor. The area of urban development must be reduced, the green space increased accordingly, and this green space must be managed with wildlife as the priority. It should be managed as a nature reserve, managed by or in association with a conservation organisation, and with a diverse range of semi-natural wildlife habitat. The value of the existing habitats to wildlife should be considered when designing the nature reserve. Public access should not be created across the main area of the reserve, although some public access along managed, screened walkways to viewing points could be compatible with wildlife being the priority for the area.

Proposals for wildlife management and maintenance

Our view is that the Green Infrastructure, including habitats for wildlife within a nature reserve as set out above, should be managed in perpetuity (e.g. forever) and proposals should recognise this. To ensure management lasts for as long as the built environment is built up (e.g. likely to be forever) then an endowment fund will be needed to ensure that management costs can be covered. Conservation covenants should also be used to ensure that habitats created are retained forever. If an application were to be made, and were the local authority be minded to approve it, then it is essential that it would be seen as an end to development in the red-line boundary, as well as on any other greenfield sites in the immediate area, and not as a process that would unlock further development. The green, wildlife-rich, corridor between Oxford and Kidlington must be maintained and conservation covenants on the green space

habitats would be needed to ensure this. Also, there is a clear need for a funded officer-role to coordinate and oversee the management for wildlife of the green space on the proposed estate.

Conservation Target Area

The Lower Cherwell Valley Conservation Target Area ('CTA') lies in close proximity to the proposed site. Further information on the CTA is available here: https://uploads-ssl.webflow.com/62602eef03c83769e0539df4/63386d23e851f02af2da2e6b_Lower-Cherwell-Valley-CTA.pdf . Oxfordshire Biodiversity Action Plan Targets associated with this CTA are lowland meadow – management, restoration and creation, floodplain grazing marsh – management, restoration and creation, lowland Fen (including swamp) – management and restoration, reedbed – management and creation, rivers – management and restoration (including management for water vole). We would therefore recommend that the CTA statement is factored in when considering the habitats to be created or managed on the site, although the value of the existing habitats must also be factored in as well.

Achieving a net gain in biodiversity

Planning policy and the Environment Act will require the application to achieve a minimum 10% biodiversity net gain. However we must emphasise that other aspects of ecology in this particular case need to take precedence over BNG in terms of what habitat is provided, and that is the need for a wildlife-rich green corridor and nature reserve to ensure connectivity, as well as concerns over on-site and off-site impacts. As such if an on-site net gain of greater than 10% (and an on-site net gain is what should be sought in this case) is shown on the metric this does not necessarily in itself mean that enough has been done for wildlife.

We are concerned about the possibilities of the metric in this case undervaluing what is clearly a site of significant value for wildlife. We are concerned that the EIA Scoping Report referred to the willow coppice as an arable habitat. If the implication of this is an intention to value the habitat as arable, condition poor in the metric then we would be greatly concerned that this would greatly under-represent its value. It is not entirely clear where such a habitat should sit within the metric, but there is a clear need to use common-sense ecological discretion to give it a value that reflects what we understand in this case from independent surveys to be a significant habitat both botanically and for invertebrates, and one which by its very nature is also of value to birds. Consideration in the metric needs to be given to the value of the wet grassland, with a wide variety of species, that we understand underlies a significant part of the willow coppice, and the value of the willow coppice itself, its variation in age structure, and the value for many species of the glades produced when it is coppiced.

The metric User Guide does allow for such discretion e.g.

"1.5.5. The outputs of this metric are not absolute values but provide a proxy for the relative biodiversity worth of a site pre- and post-intervention. The quality and reliability of outputs will depend on the quality of the inputs. The metric and its outputs should be used alongside ecological expertise as part of the evidence that informs plans and decisions."

"Rule 5 - In exceptional ecological circumstances, deviation from this metric methodology may be permitted by the relevant consenting body or planning authority."

The biodiversity net gain should be calculated using the latest biodiversity accounting metric published by Natural England and all calculations should be provided, with the documentation available to consultees as part of any planning application. This must include a copy of the original Excel spreadsheet. It is also important that this Excel spreadsheet is uploaded to the planning website for any application so that consultees can assess the original metric spreadsheet. Full justification must also 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. A map of distinctiveness and condition scores for both pre and post-development habitat must also be provided.

A full management plan must also be included in the net gain report so that it can be seen that any intended ecological outcomes are achievable with the proposed management.

Lighting

Given the ecological sensitivity of this area we consider that it is essential that the impact of lighting wildlife, and measures to minimise this impact should be included in the EIA.

The introduction of lighting into this rural-edge area could potentially impact upon a wide range of species, in particular on bats, birds and invertebrates. Presumably, some level of lighting is inevitable in the form of stadium floodlighting and lighting for visitors to evening fixtures. However that makes it all the more important that lighting is at the forefront of considerations in the planning application. The fact that lighting may sometimes be needed for evening fixtures or in dark weather conditions does not justify the use of unnecessary lighting at other times. On the contrary, when not essential all efforts must be made to eliminate all on-site lighting on other occasions. Any permanent night-time lighting in such a rural edge area would present a substantial-risk to wildlife, especially bearing in mind the need to maintain a dark corridor between Kidlington and Oxford to allow this to serve as a wildlife corridor.

So any lighting must be limited to the absolute minimum necessary, and must be designed in a way that minimises light spillage, using for example low-level bollard lighting for walkways, and even then only on occasions when there is a clear need. To put it simply then outside of the site there should be very little awareness in terms of lighting of the site being there at all, and an ecological lighting strategy should be written that ensures that the type and spectrum of lighting is used would be one that minimises negative wildlife impact. To minimise lighting impact on the adjacent District Wildlife Site and on on-site and off-site habitats and species then lighting should not be used on a permanent basis. The inclusion of a hotel and gym is thus of significant concern as it moves the development into a bracket of 365 days of the year night-time use as opposed to being occasional match days, and other occasional events, which could in themselves be limited by condition to a certain number of nights per year.

In conclusion, we believe it is essential that proposals include a lighting management plan to demonstrate how lighting will be avoided or otherwise minimised during both the construction and operational phases. It should cover at least the following points:

a) Most importantly the need for lighting should be assessed, with a presumption against wherever possible. If lighting of walkways is needed for winter then low height and light level bollard lighting would be preferable. Bright security style type lighting would be of very serious concern in terms of impact on wildlife, particularly bats.
b) Lighting must be directed away from the hedgerows and woodlands, and light spill into these areas should be avoided through use of cowls or equivalent.
c) In addition, the choice of lighting type is critically important, as there are wide variations in wildlife impact depending on the spectra of lighting. The choice of lighting type will impact on whether invertebrates are attracted to lights, with negative impacts on them, and also on the impact upon bats, birds and other wildlife.
d) Conditions/covenants that control the type/power/direction of security/outside lighting that can be installed are also needed.

For more details on this, see the recommendations of:

"A Review of the Impact of Artificial Lighting on Invertebrates, Charlotte Bruce-White and Matt Shardlow (2011)" https://cdn.buglife.org.uk/2019/08/A-Review-of-the-Impact-of-Artificial-Light-on-Invertebrates-docx_0.pdf and

"Artificial Light in the Environment - Royal Commission on Environmental Pollution (2009)" https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228832/9780108508547.pdf.pdf

and

Artificial Lighting and Wildlife, Bat Conservation Trust (2014) – downloadable from: http://www.bats.org.uk/pages/bats_and_lighting.html

Biodiversity in built development

The scale of development proposed is such that any scheme should be exemplary in terms of integrating biodiversity features. The Wildlife Trusts have published 'Homes for people and Wildlife: How to build housing in a nature-friendly way' which sets out what a good, nature-rich housing development looks like. Whilst some of the publication clearly relates to residential development, the vast majority is also relevant to this development.

See: https://www.wildlifetrusts.org/sites/default/files/2018-05/homes_for_people_and_wildlife_lr_-_spreads.pdf.

According to this, '*All housing developments must result in:*

- *A measurable improvement for wild species and habitats, which means*
  - *Avoiding any loss or damage of wildlife sites*
  - *Designing in existing habitats*
  - *Creating new habitat*
  - *More than compensating for any habitat that is lost*
- *All residents having lasting access to nearby nature*"

Research shows that green roofs can provide valuable habitats for wildlife https://livingroofs.org/biodiversity-and-wildlife/).

Any application should maximise the provision of such rooves, and install solar panels on rooves which are not green rooves. The extent of biodiversity will depend on the type of green roof installed. Sedum roofs benefit a limited range of invertebrates and provide foraging for pollinators when in flower. Ecologically designed extensive green roofs can provide good habitat for wildlife, but there are limitations in terms of replicating habitat at ground level due to shallow depth of soils and the drying effect of wind and sun. According to www.livingroofs.org, a good green roof designed for biodiversity should include a varied substrate depth planted with a wide range of wildflowers suitable for dry meadows.

Additional information on appropriate enhancements within the built environment can also be found in 'Biodiversity Positive: Eco-Towns Biodiversity Worksheet, produced by Town and Country Planning Association, Communities and Local Government, and Natural England', downloadable from: https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=2e0ffaf8-24b1-45fe-a02f-505a06d72ff2

The table below (prepared by BBOWT) sets out features in developments to encourage biodiversity, and their associated benefits for people. Whilst some of the table below clearly relates to residential development, the vast majority is also relevant to this development:

	Biodiversity benefits	Reduces urban heat island effect	Reduces air pollution	Reduces water run-off
Houses and Gardens:				
Gardens: Fruit trees in each back garden; Wildflower turf making up part of lawn in each garden; Log piles; Hedgerows making up at least one boundary; Garden walls with overwintering shelter for insects	✓	✓	✓	✓
Green roofs on garages and public buildings	✓	✓	✓	✓
Green walls	✓	✓	✓	✓
Built in bird boxes including swift bricks, swallow and house martin and garden birds.	✓			
Built in bat boxes, bricks and lofts – suitable for crevice dwellers and roof void dwellers.	✓			
Street network and small green spaces:				
Street trees – tree lined streets; woodland copses.	✓	✓	✓	✓
Wildflower rich road verges and green corners etc. with loggeries, hibernacula, bug hotels	✓	✓		✓
Climbing plants on fences and walls	✓	✓	✓	✓
Any shrubs chosen to maximise: berries for winter bird food; flowers for pollen and nectar.	✓			
SUDS schemes including biodiversity	✓	✓	✓	✓
Green Spaces (In addition to large scale habitat creation and management above):				
Wildflower edging / shrubs around sports pitches, play equipment, kick-about areas.	✓	✓		✓
Hedgerows and buffers: management for wildlife	✓	✓	✓	✓

Long grass / bare ground / rockeries / hibernacula for reptiles	✓	✓		✓
Clean-water wetlands / ponds / ditches with surrounding wildlife grass habitat for amphibians – can be part of SUDS and independent of SUDS.	✓	✓		✓
Woodland	✓	✓	✓	✓
Network of green and blue corridors without lighting	✓	✓	✓	✓
Allotments	✓	✓		✓

We request that the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) be consulted on subsequent applications on the site further to this scoping opinion request.

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

Yours sincerely,

Matthew Stanton,
Head of Planning, Policy and Advocacy
Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

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Reg. No. 680007 Reg. Charity No. 204330

ANNEX 8.3

Friends of Stratfield Brake Response

Friends of Stratfield Brake (FoSB)

Response to the August 2023 Scoping Request for OUFC's stadium

12 September 2023

CONTENTS

We would like to draw your attention to the following:

- Our ecology reports provide evidence that SECTION 6 (ECOLOGY AND NATURE CONSERVATION) of the Scoping Request significantly and materially understates the biodiversity value of the Triangle;
- a recent sighting on the site of the Brown Hairstreak Butterfly (red listed and protected);
- the potential for Great Crested Newts to be present on this site;
- information suggesting that the extended surveys from August to October 2022 did not in fact take place as described

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SUMMARY

SECTION 1: INTRODUCTION

1. The plan is not consistent with that in the proposals put forward by Oxfordshire County Council (OCC) because it includes the woodland to the south of the site. Why the discrepancy?
2. The woodland is significant: ancient woodland indicators are present, note additional protection provided to Ancient Woodland, OUFC have proposed it for 'enhancement', a very rare fungus has been identified on site, protected species may be present.

SECTION 2: SITE DESCRIPTION

1. Area differs from OCC proposal
2. List of site allocations omits PR6a (800 dwellings)
3. The site description underplays the ecological value of the site i.e. Ancient Woodland potential, what was the assessment of trees being of moderate value based on?, overlooks that much of the ecological value of the woodland is in the dead and decaying trees, fails to state the NERC designation as a priority woodland, overlooks the high ecological value of the vegetated boundaries.
4. We question whether the Scoping Request's conclusion regarding designated sites is correct. Our Preliminary Ecological Appraisal (PEA)indicates that a small section of the site itself is designated as a Cherwell District Wildlife Site, albeit this is primarily associated with the adjacent offsite woodland. There are two statutory designated sites within the 2 km search area and seven non-statutory sites, many of which comprise meadow. The site is situated within a number of SSSI (Site of Special Scientific Interest) Impact Risk Zones, which are used to 'to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)'. In particular the south west corner of the site is situated within a zone associated with Pixey and Yarnton Meads SSSI (which is also designated as Oxford Meadows Special Area of Conservation SAC), whereby any large infrastructure proposal with a floorspace of 1000m2 or greater requires consultation from Natural England to determine any potential adverse impacts in respect of water supply, with a Habitat Regulations Assessment potentially being required due to the SAC designation.
5. Rather than being '*washed over by the Oxfordshire Green Belt*', the site is in fact an important remaining part of the Oxford Green Belt in this area. The Triangle is the last remaining Green Belt separating Oxford from Kidlington and it serves the NPPF purposes of the Green Belt well.

6. *Section 2.7. states: "The Site is well related to existing and proposed development and is in a highly accessible location, adjacent to the strategic highway network as well as Oxford Parkway Railway Station and Park and Ride. It is therefore accessible by a range of transport modes.".* This sweeping statement ignores key points such as: the 'potential' footbridge (as it is described by OUFC) being merely an aspiration and the existing level of traffic congestion. In particular it ignores the following comments made in relation to the nearby PR6a site in June 2023 by the County Council Highways Department, both of which are relevant to the Triangle:
    a. *Oxfordshire County Council does not object to the principle of development in this location, but further evidence is required regarding the traffic impact of the site. Until the transport model has been provided and agreed an objection is raised on highway grounds.*
    b. *Cutteslowe Roundabout is seen as a barrier as the current arrangement for pedestrians and cyclists is poor and with the increase in expected users this is unacceptable. Until a scheme has been agreed which improves the convenience and safety for active travel users, an objection is raised on highway grounds.*

SECTION 3: THE PROPOSED DEVELOPMENT

Many of the statements in this section are unsatisfactory. We appreciate that some of our questions below are considered under the relevant later headings but this section, titled 'The Proposed Development' contains too many broad and unevidenced statements. We therefore consider Section to be misleading.

1. What wider countryside will the stadium be connected to? The only countryside directly adjacent to the Triangle is owned by a third party who would be unlikely to appreciate this connection.
2. What town would the Triangle be connected to? There are no towns in the vicinity.
3. Other areas of woodland, canal walks etc are already accessible via Stratfield Brake.
4. We have expressed concerns regarding the woodland above and are concerned by the apparent suggestion that it should be accessible from a site which will be capable of holding up to 16,000 people at any one time.
5. We question whether it is possible to promote environmental stewardship by connection to an area which will hold so many people at any one time on a regular basis.
6. What has happened to the aspirational 20% biodiversity gain mentioned as a target by OUFC in the recent OCC consultation?
7. Trees can't be 'displaced'. Does this actually mean tree removal?
8. Hundreds of trees are already going to be lost in the Kidlington Gap. What about the cumulative impact of this on wildlife and biodiversity?
9. There are some mature trees and NERC protected woodland on this site. Much more attention to the potential effect of the development on trees is required. This should include the effect on species which use these trees for food and habitat e.g. bats (a protected species), and birds.
10. Where is the detailed transport assessment to support these proposals?
11. What improvements to the connectivity of the railway station are proposed and who will pay for them?
12. Why hasn't a detailed match day travel plan been prepared?
13. How many people will arrive by public transport?
14. OUFC stated in the recent County Council consultation that use of the Park & Ride sites is intended. What will be the wider implications of this?
15. How and where will fans disembark from coaches?
16. How will parking in nearby residential areas and on roadsides and in amenity car parks (e.g. Sainsburys) be prevented?

SECTION 4: GENERAL APPROACH TO THE EIA ASSESSMENT

The Scoping Request seems to us to have a disregard for the cumulative effects of the substantial other developments planned in the local vicinity. This is a gaping omission throughout the Scoping Request.

SECTION 5: LANDSCAPE AND VISUAL IMPACT

We agree that the topic of Landscape and Visual Impact should be scoped into the Environmental Statement on the basis that there is potential for significant effects. With a proposed maximum height of 25m this structure would

dominate the surrounding landscape and would be visible for miles around. Given the undulating local landscape and the location of the Triangle on a slope the impact assessment is vital.

SECTION 6: ECOLOGY AND NATURE CONSERVATION

FoSB has commissioned three ecological reports on the site (known as the Triangle):

REPORT 1

A Preliminary Ecological Appraisal (PEA) which was prepared by Future Nature WTC, BBOWT's wholly-owned Ecology Consultancy. The WTC i.e. Wildlife Trust Consultancies comprises a group of 23 local consultancies delivering terrestrial and marine ecological services, landscape architecture, arboriculture and habitat management services across the UK and Ireland. They offer unrivalled knowledge of habitats, species and planning processes, for local and regional sites.

The Executive Summary of the PEA is reproduced below:

"Future Nature WTC was commissioned in April 2023 to undertake a Preliminary Ecological Appraisal of the land at The Triangle in Kidlington, Oxfordshire. The appraisal sought to identify the value of the habitats present for biodiversity and whether there were opportunities for protected and priority habitats or species to be present.

The site is predominantly formed by willow coppice, surrounded and bisected by a grassland access track, with peripheral habitats also including dense mixed and hawthorn scrub and occasional trees. There is additionally an area of high quality woodland adjacent to the southern site boundary, and an ephemeral pond/waterbody within the boundary scrub.

The scrub, adjacent woodland and grassland habitats confer potential opportunities for bats (foraging, commuting and roosting), birds, invertebrates and limited potential opportunities for reptiles, amphibians, badger and other mammals such as hedgehogs. Accordingly any potential development would need to fully consider any potential adverse impacts on these habitats and species groups, with appropriate mitigation measures designed into the project."

REPORT 2

A Botanical and Invertebrate Biodiversity survey which was prepared by a local freelance Ecologist who has been employed on species survey work in Oxfordshire by Natural England, BBOWT, Oxford City Council, private landowners and Local Wildlife Groups. The report's conclusion includes the following: "The Triangle has been shown here to be a site with considerable biodiversity of plants and invertebrates, with some rare species and interesting records in a few other groups. Any assumption that the big area of willow coppice in the site centre means low biodiversity has been shown to be wrong, mainly because (unknown before these surveys) underneath the coppice is a complete herb layer with a diversity of herbaceous plants, flowering in abundance in summer, dominated by Fleabane, with the red-listed Corn Mint and including two species of Orchids. This community is adapted to the heavy clay winter-wet soil plus the management regime and in my opinion would be very difficult to re-create. The tenant's non-intensive willow coppice management of the site centre is the best thing that could have happened here to maximise biodiversity, especially of flowers and invertebrates. Abundance of common insects is important as well as diversity. The sheer abundance of common leaf-feeding beetles on the osier coppice growth will be important as a food resource for all species higher up the food web, particularly insectivorous birds. Recent decline of insect populations is causing much concern, but insect decline is not observable here. Apart from the good overall invertebrate biodiversity it is particularly notable how the abundant summer and late summer flower resource supports the needs of all vital pollinating insects (bees, flies etc.) at a time when flower resource in other habitats, such as verges or meadows, is not available (due to being in seed or cut for hay).

REPORT 3

A Survey of Plants, Invertebrates and Fungi on the woodland south of the Triangle which was prepared by the same Ecologist as in (2) above. The conclusion is: ***"****This is a strip of valuable Lowland Mixed Deciduous*

Woodland, a Priority UK BAP habitat. It has a small suite of plants which are ancient woodland indicators and a good range of fungi associated with the roots of the oak trees and with the deadwood of the variety of tree species present. It therefore readily fits the species criteria for Ancient Woodland. It is somewhat affected by nutrient enrichment. An old raised track way (wood bank) is present in the wood along the southern margin which is along Kidlington Parish boundary next to a ditch. Such wood bank features are also typical of Ancient Woods."

The survey also notes: *"The site is notable for the amount of standing dying trees and fallen deadwood of all sizes as well as dead stumps and rotting coppice stools. This means that there is a lot of habitat for fungi specific to deadwood and for saproxylic (deadwood-breeding) insects contributing to a potentially high biodiversity of those insect types. Standing, dying trees exhibited some rot holes or possible woodpecker holes and flaking peeling bark on standing dead trees was commonly encountered, likely providing good potential for roosting bats. (For examples see Appendix I). It is critical for maximum biodiversity that* ***deadwood of all sizes should not be removed or burnt"****.* Two juvenile (3cm) Common Frogs and deer were encountered during this survey.

OUR COMMENTS BELOW HAVE BEEN INFORMED BY THE ABOVE REPORTS

1. Since 2022 significant further information has been filed with TVERC. The background information compiled by Ecology Solutions therefore requires updating and the Scoping Request is not based on the most up to date available information.
2. Extracts from our Botanical and Invertebrate Biodiversity Survey are included in ANNEX 2. In summary the report, which was carried during summer 2023, demonstrates:
    - **a.** A considerable diversity of plants and invertebrates have been recorded on the Triangle, including rare examples of each.
    - b. A much richer biodiversity is very likely to be found with more visits spaced out through the year and covering additionally spring, early summer and autumn.
    - c. The Triangle is rich in biodiversity for a number of reasons including: no public access, low nutrient soil benefitting wild flowers, no pesticides or insecticides, varying hydrology giving rise to a variety of habitats, proximity to Stratfield Brake allowing mobile species to use the food resources (frogs, dragonflies, damselflies, bats, birds etc), the willow and the management used ie coppicing, the area of scrub, the diversity of trees, mowing of the rides, and more.
    - d. In total **127** species of Vascular Plants and **104** species of herbaceous plants were found in the Triangle**.** This includes 15 species of grasses, four species of rush and nine species of sedge plus one horsetail.
    - e. The willow coppice provides a richly biodiverse habitat [which is not of little intrinsic ecological value as suggested by Ecology Solutions].
    - f. Willow supports a wide diversity of invertebrates which in turn provide food for birds and bats.
    - g. Willow is a hugely important nectar and pollen source from the flowers (catkins) in spring.
    - h. Lowland Mixed Deciduous Woodland habitat adjacent to the Triangle to the south is a Priority Habitat (Habitat of Principal Importance) and features mainly mature Pedunculate Oaks, Ash, Sycamore and various scrub species.
    - i. The Woodland to the south fulfils all the criteria for Ancient Woodland.
    - j. The Triangle east and west margins provide a thick and valuable habitat with abundant Bramble, Dewberry, Sallow, Hawthorn, Elms and Blackthorn with occasional trees.
    - k. The ditches within the margins provide linear shaded wetland habitat for much of each year, benefitting mostly specific invertebrates.
    - l. Scrub is the most valuable habitat for bird diversity and will support many insects. [The scrub is not of low ecological value as suggested by Ecology Solutions]. Also the marginal strips will be corridors for foraging, hunting bats.
    - m. The lack of street lighting along Frieze Way makes the marginal belt on the west side especially important to commuting bats.
    - n. The Triangle habitats probably represent a good foraging area for any bats using the nearby Ancient Woodland, which does have mature trees and plenty of standing deadwood with peeling loose bark for roosting. **A bat survey is needed.**

o. Currently Frieze Way has no street lights so there is little to dissuade bats from commuting across it from the bigger Stratfield Brake western woodland block and Woodland Trust plantings.

p. **The Ecologist considers there is sufficient diversity of plants and invertebrates at this Triangle site for it to be worthy of consideration for District Wildlife Site Status, it would be a good extension to the existing Stratfield Brake DWS [District Wildlife Site]. Currently the Triangle habitats and species are valuable in themselves, but they also perform a very important role in supporting and protecting the wildlife of the narrow strip of priority Ancient Woodland to the south which is also in the core zone of the Proposed Nature Recovery Network for the County. Without the Triangle under its current management, this woodland would be very likely damaged by isolation and consequent loss of species.**

3. A female Brown Hairstreak has recently been spotted and photographed by our Ecologist on the Triangle. TVERC has been notified. This butterfly is **Red Listed as 'Vulnerable'** and also it is a **Priority Species listed in Section 41/42** of the Natural Environment and Rural Communities Act (2006). Also protected under the Wildlife and Countryside Act, 1981 (as amended). This raises the conservation importance of the site considerably. It could be breeding on the young blackthorn suckers all around the site.
4. Our reports clearly demonstrate that the Scoping Request's statements relating to low ecological value made in paras 6.15 and 6.16 of the Scoping Request are not accurate. They are ill-informed and misleading and should not be relied upon.
5. We have been advised by the tenant who currently occupies the Triangle that he did not give permission for surveys to be conducted in 2022. When he saw the automated bat detector and other equipment (reptile mats) he removed it because he didn't know what it was or who had put it there. As a result it was only in place for a very short period of time. If Ecology Solutions, who carried out the surveys for OUFC had been visiting the site regularly they would have known that the equipment had been removed. Claims that surveys were conducted in August September and October 2022 must therefore be called into question. Also, any findings (or non-findings) are similarly questionable. Our PEA Report indicates a significant bat presence in the area. Many bats have been recorded in the area, including rare species. A professional and comprehensive bat survey is required.
6. Badgers: Our concerns around the 2022 surveys carried out for OUFC and the questionable reliability of information provided by its ecologist are relevant here. Have the badger surveys actually been carried out? If so were they carried out in an appropriate manner? And did the ecologist have permission to be onsite? Badgers exist in the area and are recorded as being present on the PR6a site close by. They are also likely to be present on Stratfield Brake. A competent assessment of badgers in the area is required.
7. Birds: The Scoping Request states that the Triangle offers some foraging opportunities for birds. Our comments above regarding the inaccurate representation of the majority of habitats across the Triangle as of little and low intrinsic ecological value are relevant here. This represents an understatement of the foraging opportunities for birds which our report suggests are considerable. ***Our PEA Report, based on a desk study states:*** *"The data search returned records of 106 protected and notable bird species within 2km of the site. Several in each category are mentioned which would potentially find habitats at the site valuable. Nine of these are protected under Schedule 1 Part 1 of the WCA4 1981 (as amended) including Redwing Turdus iliacus, Fieldfare Turdus pilaris and Barn Owl Tyto alba.*
Sixteen Species of Principle Importance (as listed under Section 41 of NERC5 Act) were also recorded including Dunnock Prunella modularis, Spotted Flycatcher Muscicapa striata and Reed Bunting Emberiza schoeniclus. Thirty-six species are Red listed BoCC6 and 54 are Amber listed Species include Whitethroat Curruca communis, Marsh tit Poecile palustris and Tawny Owl Strix aluco." Extensive work is therefore needed on birds and they must be scoped into the Environmental Statement.
8. Great Crested Newts: The Scoping Request suggests that there is no possibility that Great Crested Newts are likely to exist on the Triangle. Based on evidence from our reports, we dispute this. Our PEA Report states: *"The data search [on amphibians] returned records of five amphibian species, including common frog Rana temporaria, common toad Bufo bufo, great crested newt, palmate newt Lissotriton helveticus and smooth newt Lissotriton all of which are protected under schedule five part nine of the Wildlife and Countryside Act 1981, whilst common toad and great crested newt are also a priority species. Great crested newt is also a European Protected Species and therefore receives additional protection.*
The scrub, grassland and willow coppice habitat, plus the adjacent offsite woodland provide suitable terrestrial habitat for this species group."

And also: "*Further survey work would be required to understand the presence / likely absence of the protected species great crested newt, which if present would be sensitive to any increase in disturbance such as from littering and loss of terrestrial habitat which may arise from a change in land use. Great crested newts are European Protected Species and therefore appropriate mitigation and a licence from Natural England would be required for any works that could affect them.*"
The PEA Report also states that there is an ephemeral waterbody that offers minor potential for amphibians including the Great Crested Newt. Whilst this is acknowledged to be a small potential, given its protected status it is vital that the Environmental Statement includes a full assessment of amphibians and particularly the Great Crested Newt.

9. Reptiles: Our comments above regarding the survey which it is claimed took place between August – October 2022 are relevant. Were no reptiles recorded by Ecology Solutions because the survey was not undertaken in a professional manner? The Scoping Request states that the site offers some potential for reptiles. They must therefore be included in the Environmental Statement.
10. Habitats: The Scoping Request states that "The majority of the habitats within the Site are considered to be of low intrinsic ecological value". Based on the evidence provided by our ecology reports we strongly dispute this conclusion that the majority of habitats within the site are of low ecological importance. Our reports demonstrate that the Triangle provides a richly biodiverse site comprised of a variety of habitats which will support foraging and nesting opportunities for birds and foraging and roosting opportunities for bats and other wildlife. We note that the hedgerows are to be scoped in to the Environmental Statements and support this. However, the other habitats on the Triangle must be included in the Environmental Statement as well.
11. Based on the evidence provided by our ecology reports we disagree with the sweeping assumption made in the Scoping Report that protected species are limited to more mobile species (e.g. bats and birds). The Environmental Statement must cover mobile species such as birds and bats. But, as stated above, expert opinion suggests there is potential for other species including Great Crested Newts, reptiles, badgers and hedgehogs. As mentioned above juvenile Common Frogs were found during one of our Ecologist's surveys. We note that hedgehogs do not get a mention in the Scoping Request but believe that, as a priority species, we believe that they should.
12. Statutory Designated Sites: The point of the Environmental Statement is to assess the likely impact on designated sites. The Oxford Meadows SAC Port Meadow is within a reasonable walking distance of the Triangle. It is therefore *possible* that there could be an increase in recreational pressures on the SAC. The judgement as to whether there may be detrimental effects should therefore not be made prematurely as has been done in the Scoping Request. The possible detrimental effects (direct or indirect) as a result of the proposals at the Site to any statutory site of nature conservation interest must be included in the Environmental Statement.
13. Non-statutory Designated Sites: The point of the Environmental Statement is to assess the likely impact on designated sites. OUFC have stated in the recent County Council consultation that they intend to improve connectivity to the countryside. The potential impact on non-statutory sites cannot be prematurely decided via the Scoping Request at this stage with no evidence to support the decision. The potential impact on non-statutory sites must be included in the Environmental Statement.

SECTION 9: NOISE AND VIBRATION

There is no indication that the assessment of noise and vibration has taken into account the proposed new developments in the area or the effect on those and the future residents.

We are concerned about the long term permanent noise and vibration impacts on both residential areas and the local wildlife, particularly in the nearby Stratfield Brake Woodland Trust Reserve.

We can see no good reason why the following have been scoped out:

1. Quantitative assessment of noise generated by the crowd and stadium PA;
2. Permanent noise impacts from non-football events held within the stadium bowl (for example music concerts) as this does not form part of the proposals and would be subject to separate planning/licensing applications;

3. Traffic changes not exceeding +/-10%;

OUFC have stated publicly that they want the stadium in use for events 364 days a year. They will also inevitably want to use the stadium for concerts.

We ask that:

a. 1, 2 &3 above are included in the Environmental Statement. The Quantitative assessment of noise is particularly relevant to local residential developments (existing and future) and to wildlife in the area.

b. The impact on new developments such as PR6 a & b is included

c. The impact of noise and vibration on local wildlife is included in the Environmental Statement. The Cherwell Wildlife site and protected Woodland to the south of the site are very close and the impact on these and other nearby areas must be considered.

SECTION 10: AIR QUALITY

2,000 houses are to be built in the immediate area and a further 2,500 in nearby Begbroke & Yarnton. However, there is no indication in the Scoping Request that the cumulative effect of all these developments plus that of the Triangle is being considered. The air quality is certainly not going to improve as a result of these developments.

The Cutteslowe Roundabout is already a recognised 'pollution hotspot' and is part of Oxford City Council's AQAP 2021 – 2025. However, the Action Plan did not envisage a stadium being built in this area.

An existing review of air quality is not a guide to future air quality and should not be used to avoid an assessment of the impact on air quality.

The potential likely effect on air quality must be included in the Environmental Statement.

SECTION 11: LIGHTING

We agree that there is a risk of significant effects from obtrusive light on receptors that surround the Triangle, and the need for the ELIA to support other specialist assessments.
Lighting must be scoped in to the Environmental Statement.

SECTION 12: FLOODING

According to the Scoping Request the development is not expected to impact fluvial flood risk. However, it is possible that it will, and given the cumulative effects of the development of the area, we suggest that a decision to scope out the fluvial flood risk has been taken prematurely.

Fluvial flood risk must therefore be scoped in to the Environmental Statement.

SECTION 13: SOCIO-ECONOMICS

The suggested socio-economic benefits as stated by OUFC so far have not been supported by any evidence. We are therefore supportive of the socio-economic topic being scoped in and look forward to understanding how the claimed benefits have been arrived at.

SECTION 15: WASTE

15.32…….. It is likely that contaminated waste may arise during construction if excavation activities are undertaken within 500m boundary of the Proposed Development.

Clarification is required regarding the statement underlined above. What does this mean? What is the impact? How will this contaminated waste be dealt with? Etc…

Also, nothing in this section indicates that the Scoping Request's author is aware of the contamination of the Triangle which occurred in 1999 when unauthorised dumping took place. The uncertainty surrounding this contamination means

that the waste management of the proposed development should be scoped in to the Environmental Statement and the decision to scope this out should be reversed.

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ANNEX 1

Please note: Extracts from the Scoping Request which we wish to comment on are shown in italics and shaded in grey. Our comments are then recorded below each extract.

SECTION 1

INTRODUCTION

*1.10. ……. • a plan sufficient to identify the land (**Appendix 1**); ……*

The plan in Appendix 1 which identifies the site is not consistent with information provided by OCC. OCC have stated that the site does not include the strip of woodland to the south. However, given the significance of the woodland we believe it is correct to include it in this Scoping Request.

This woodland is significant for many reasons including but not limited to:

1. It has indicators for ancient woodland (ref ecology reports). The protection afforded to Ancient Woodland is significant and includes a significant buffer zone.
2. OUFC have included the woodland in their plans for increasing biodiversity on the site (albeit in our opinion in an entirely inappropriate manner). If they do not have control of the woodland (which in our opinion they must not) it will need particular protection due to the nature of a football stadium and the level of footfall, particularly on matchdays when in excess of 16,000 people may be on this relatively small site.
3. The impact of the stadium in terms of noise, light pollution, human activity etc should be considered.
4. A very rare fungus has been found there (see ecology reports later).
5. The woodland is annotated as Ancient Woodland in the Cherwell Local Plan.
6. Protected species may be present e.g. bats and hedgehogs

SECTION 2

SITE DESCRIPTION

2.1. The Site is approximately 7.3 ha and comprises primarily of inaccessible scrub and commercial willow plantation situated 6 km to the north of Oxford and at the gateway of Kidlington. ……

The site area as stated (7.3 ha) differs from the site as described by OCC in papers put before the OCC Cabinet for the purposes of decision making.

2.2 …… The Site is also bound by a number of site allocations within the adopted Local Plan, namely ……

The list of site allocations fails to mention PR6a, for 800 dwellings.

2.3. The Site comprises of greenfield land with vegetated boundaries and a strip of woodland along the Site's southern boundary. Surveys have identified a number of low-moderate quality trees around the outskirts of the woodland area. ….

There are problems with this description of the site because it underplays its ecological value:

1. The woodland is annotated in the Cherwell Local Plan as Ancient Woodland
2. There are markers for ancient woodland present (ref ecology reports below) supporting this designation as Ancient Woodland
3. The description of the woodland focuses on what are described as low-moderate quality trees. What about the other trees?

4. Who decided that these trees are of low-moderate quality? What criteria were used to reach this decision? We question this judgement and the validity of this assessment.
5. Woodland, particularly old woodland does not need to be comprised of high quality trees to be ecologically valuable. Much of the ecological value of woodland is associated with dead/dying trees.
6. What about the other trees on the site?
7. What about the ecological value of the vegetated boundaries?
8. The woodland is a NERC listed priority woodland

2.4. The Site is located in Flood Zone 1 and therefore is not considered at risk of fluvial flooding. The north of the Site indicates a risk of surface water flooding due to its topography.

The site is subject to significant flooding on a regular basis. This is well known locally and is noted in the Ecologist's report which is covered under SECTION 6.

2.5. The Site is not in or adjacent to an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Specific Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Ancient Monuments, Area of Outstanding Natural Beauty and sites covered by international conservation designations).

This statement made in the Scoping Request is an oversimplification of the Triangle's location which is not consistent with later statements. Our PEA states (with our added emphasis):

"3.1 DESK STUDY
3.1.1 Designated Sites
A search of the MAGIC Website3 and local records centre indicated that **a small section of the site itself is designated as a Cherwell District Wildlife Site, albeit this is primarily associated with the adjacent offsite woodland.** There are two statutory designated sites within the 2 km search area and seven non-statutory sites, many of which comprise meadow. Details of these designated sites are summarised below in Table 1.
The site is situated within a number of SSSI (Site of Special Scientific Interest) Impact Risk Zones, which are used to 'to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)'. In particular the south west corner of the site is situated within a zone associated with Pixey and Yarnton Meads SSSI (which is also designated as Oxford Meadows Special Area of Conservation SAC), whereby any large infrastructure proposal with a floorspace of 1000m2 or greater requires consultation from Natural England to determine any potential adverse impacts in respect of water supply, with a Habitat Regulations Assessment potentially being required due to the SAC designation."

We therefore question whether the Scoping Request's conclusion regarding designated sites is correct.

Our PEA also states: "There are two statutory designated sites within the 2 km search area and seven non-statutory sites, many of which comprise meadow. Details of these designated sites are summarised below in Table 1….."

Our PEA Table 1 lists one Statutory Designated Site i.e. Oxford Meadows, 1867 m away, and eleven Non-Statutory designated sites within a search area of 2km.

2.6. The Site is washed over by the Oxfordshire Green Belt….

Rather than being '*washed over by the Oxfordshire Green Belt*' the site is in fact an important remaining part of the Oxford Green Belt in this area. The Green Belt boundaries have recently been re-drawn as part of the Cherwell Local Plan Partial Review to 2031. The Triangle is the last remaining Green Belt separating Oxford from Kidlington. With reference to S.137 (a) to (d) of the NPPF, the Triangle serves the purposes of the Green Belt well i.e.:
(a) to check the unrestricted sprawl of large built-up areas;
(b) to prevent neighbouring towns merging into one another;
(c) to assist in safeguarding the countryside from encroachment;
(d) to preserve the setting and special character of historic towns;

2.7. The Site is well related to existing and proposed development and is in a highly accessible location, adjacent to the strategic highway network as well as Oxford Parkway Railway Station and Park and Ride. It is therefore accessible by a range of transport modes.

1. In what way is the site well related to existing and proposed development? Where is the evidence to support this statement?
2. It may be located near the strategic highway network but there needs to be some acknowledgement that this part of the transport network is one of the most congested in Oxfordshire. Given the nature of the proposed development this description is wholly inadequate.
3. We note that the indicative masterplan in Appendix 2 shows a footbridge across the A4165 Oxford Road. But in documentation prepared for the recent OCC consultation (June/July 2023) it was described as a 'potential footbridge'. Given that this footbridge is clearly only an aspiration we question why it is shown on the masterplan and believe that this is misleading.
4. In relation to the nearby PR6a site in June 2023 the County Council Highways Department made the following comments, both of which are relevant to the Triangle:

   I. *Oxfordshire County Council does not object to the principle of development in this location, but further evidence is required regarding the traffic impact of the site. Until the transport model has been provided and agreed an objection is raised on highway grounds.*

   II. *Cutteslowe Roundabout is seen as a barrier as the current arrangement for pedestrians and cyclists is poor and with the increase in expected users this is unacceptable. Until a scheme has been agreed which improves the convenience and safety for active travel users, an objection is raised on highway grounds.*

   Based on the above comments it would be reasonable to assume that the County Council Highways Department would not see this in quite the same way as those who drafted this report and would object to the stadium development on highways grounds.

SECTION 3

THE PROPOSED DEVELOPMENT

3.5. One of the project drivers to is incorporate native species and local prominence landscaping elements into the design. The vision is to incorporate flexible multi-functional spaces that can be enjoyed whether it be a match day or not. The project aims to connect the stadium to the wider countryside, woodlands, canal walks, and nearby towns in a way that is attractive, safe, and enjoyable for walkers and cyclists, while also promoting environmental and cultural stewardship.

1. What wider countryside will the stadium be connected to? The only countryside directly adjacent to the Triangle is owned by a third party who would be unlikely to appreciate this connection.
2. What town would the Triangle be connected to? There are no towns in the vicinity.
3. Other areas of woodland, canal walks etc are already accessible via Stratfield Brake.
4. We have expressed concerns regarding the woodland above and are concerned by the apparent suggestion that it should be accessible from a site which will be capable of holding up to 16,000 people at any one time.
5. We question whether it is possible to promote environmental stewardship by connection to an area which will hold so many people at any one time on a regular basis.

3.6. As part of the project, a detailed Biodiversity Net Gain assessment will be undertaken with the aim to achieve a minimum 10% net gain. Any trees which are displaced by the Proposed Development will be replaced in accordance with the local guidance and advice.

1. What has happened to the aspirational 20% biodiversity gain mentioned in the recent OCC consultation?
2. Trees can't be displaced. Does this actually mean tree removal?
3. Hundreds of trees are already going to be lost in the Kidlington Gap. What about the cumulative impact of this on wildlife and biodiversity?
4. There are some mature trees and NERC protected woodland on this site. Much more attention to the potential effect of the development on trees is required. This should include the effect on species which use these trees for food and habitat e.g. bats (a protected species), and birds.

3.7. The main vehicular access to the site will be from Frieze Way (A4260). This would enable connections to the wider highway network including the A34 while keeping match day traffic to a minimum on Oxford Road. The existing site access on Oxford Road would be a secondary or emergency access only.

1. This broad statement is totally inadequate as a justification for an access on Frieze Way. Where is the evidence that backs this assertion up?
2. A full transport assessment is required. This must take into account the significant number of developments planned for the area, both in the immediate vicinity of the site but also in the wider area. There are other considerations also, such as the proposed closure of Sandy Lane.
3. It is not possible to draw conclusions on how match day traffic would move without having an understanding of the available parking in the area. Within walking distance of the site there are many opportunities for on-street parking or parking in amenity car parks and much of this would involve traffic using the Oxford Road.
4. Addressing parking in the surrounding areas is fundamental to the stadium development proposal but it has not been touched on in this report.
5. The Oxford Road is inevitably going to be affected by traffic movements so having a main access route via Frieze Way would mean that two major routes in the area are disrupted.

3.8. Car parking will be provided for approximately 175 cars, and cycle parking will also be provided. Transport proposals also include improvements in the connectivity of Oxford Parkway Railway Station and Park and Ride to the Site, investment in EV charging and bike storage areas for fans and the community, and development of a sustainable Match Day Travel Plan which will provide enhanced access to the site by public transport on match days.

1. Where is the detailed transport assessment to support these proposals?
2. What improvements to the connectivity of the railway station are proposed and who will pay for them?
3. Why hasn't a detailed match day travel plan been prepared?
4. How many people will arrive by public transport?
5. OUFC stated in the recent County Council consultation that use of the Park & Ride sites is intended. What will be the wider implications of this?
6. How and where will fans disembark from coaches?
7. How will parking in nearby residential areas and on roadsides and in amenity car parks (e.g. Sainsburys) be prevented?

3.9. Construction phasing and programme assumptions are uncertain at this stage, although it is expected that the Proposed Development would be built out over a period of approximately 2 years, although this could be subject to change. At this stage, the following construction programme is anticipated:

• Enabling works – Autumn 2024
• Construction – Winter 2024 to Winter 2025
• Commissioning/Handover – Winter 2025 to Spring/Summer 2026
• Expected O&M period – Spring/Summer 2026 to Spring/Summer 2027

1. The construction of the stadium would be a very significant infrastructure project in an area where substantial development will already be taking place. Where is the acknowledgment and assessment of the cumulative impact of this?
2. What about the effect of construction traffic in the area during the construction phase?

SECTION 4

GENERAL APPROACH TO THE EIA ASSESSMENT

Cumulative Effects 4.20. Schedule 4 (5)(e) of the EIA regulations ***requires a description of the likely significant effects of the development on the environment resulting from 'the cumulation of effects with other existing and/or approved projects,*** *taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources'. The PPG, under Paragraph: 024 Reference ID: 4-024-20170728, states each application should be considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.*

With reference to the above, and in particular the section with our marked emphasis, the Scoping Request seems to us to have a disregard for the cumulative effects of the substantial other developments planned in the local vicinity. This is a gaping omission throughout the Scoping Request.

SECTION 5

LANDSCAPE AND VISUAL IMPACT

We agree that the topic of Landscape and Visual Impact should be scoped into the ES on the basis that there is potential for significant effects.

With a proposed maximum height of 25m this structure would dominate the surrounding landscape and would be visible for miles around. Given the undulating local landscape and the location of the Triangle on a slope the impact assessment is vital.

SECTION 6

ECOLOGY AND NATURE CONSERVATION

6.3. In order to compile background information on the Site and the surrounding area, Ecology Solutions contacted the Thames Valley Environmental Records Centre (TVERC) in October 2022.

Please note that significant further information has been filed with TVERC. The background information complied by Ecology Solutions therefore requires updating and the Scoping Request is not based on the most up to date available information.

6.15. The majority of the Proposed Development comprises a Willow Salix sp. plantation bounded by hedgerows and trees, with a strip of species-poor, semi-improved grassland located between the boundaries and plantation. An area of scrub is present within the northern section of the Site.

6.16. The majority of the habitats across the Site, such as the willow plantation, are considered to be of little intrinsic ecological value. The areas of semi-improved grassland and scrub is (sic) also considered to be of low ecological value in terms of its species content, comprising only common and widespread species. The habitats that are of relatively greater ecological importance include the boundary features – hedgerows, trees, and the Priority Deciduous Woodland offsite and sharing the southern boundary of the Site.

The Botanical and Invertebrate Biodiversity Survey that was commissioned is evidenced with photos and a list of species which has been forwarded to TVERC.

Extracts from this report are provided in ANNEX 2. In summary the report, which was carried during summer 2023, demonstrates:

1. A considerable diversity of plants and invertebrates have been recorded, including rare examples of each.
2. A much richer biodiversity is very likely to be found with more visits spaced out through the year and covering additionally spring, early summer and autumn.
3. The Triangle is rich in biodiversity for a number of reasons including: no public access, low nutrient soil benefitting wild flowers, no pesticides or insecticides, varying hydrology giving rise to a variety of habitats, proximity to Stratfield Brake allowing mobile species to use the food resources (frogs, dragonflies, damselflies, bats, birds etc), the willow and the management used ie coppicing, the area of scrub, the diversity of trees, mowing of the rides, and more.
4. In total **127** species of Vascular Plants and **104** species of herbaceous plants were found in the Triangle**.** This includes 15 species of grasses, four species of rush and nine species of sedge plus one horsetail.
5. The willow coppice provides a richly biodiverse habitat [which is not of little intrinsic ecological value as suggested by Ecology Solutions].
6. Willow supports a wide diversity of invertebrates which in turn provide food for birds and bats.
7. Willow is a hugely important nectar and pollen source from the flowers (catkins) in spring.
8. Lowland Mixed Deciduous Woodland habitat adjacent to the Triangle to the south is a Priority Habitat (Habitat of Principal Importance) and features mainly mature Pedunculate Oaks, Ash, Sycamore and various scrub species.
9. The Woodland to the south fulfils all the criteria for Ancient Woodland.

10. The Triangle east and west margins provide a thick and valuable habitat with abundant Bramble, Dewberry, Sallow, Hawthorn, Elms and Blackthorn with occasional trees.
11. The ditches within the margins provide linear shaded wetland habitat for much of each year, benefitting mostly specific invertebrates.
12. Scrub is the most valuable habitat for bird diversity and will support many insects. [The scrub is not of low ecological value as suggested by Ecology Solutions]. Also the marginal strips will be corridors for foraging, hunting bats.
13. The lack of street lighting along Frieze Way makes the marginal belt on the west side especially important to commuting bats.
14. The Triangle habitats probably represent a good foraging area for any bats using the nearby Ancient Woodland, which does have mature trees and plenty of standing deadwood with peeling loose bark for roosting. **A bat survey is needed.**
15. Currently Frieze Way has no street lights so there is little to dissuade bats from commuting across it from the bigger Stratfield Brake western woodland block and Woodland Trust plantings.
16. **The Ecologist considers there is sufficient diversity of plants and invertebrates at this Triangle site for it to be worthy of consideration for District Wildlife Site Status, it would be a good extension to the existing Stratfield Brake DWS. Currently the Triangle habitats and species are valuable in themselves, but they also perform a very important role in supporting and protecting the wildlife of the narrow strip of priority Ancient Woodland to the south which is also in the core zone of the Proposed Nature Recovery Network for the County. Without the Triangle under its current management, this woodland would be very likely damaged by isolation and consequent loss of species.**

Please note that a female Brown Hairstreak has recently been spotted and photographed by our Ecologist on the Triangle. TVERC has been notified. This butterfly is **Red Listed as 'Vulnerable'** and also it is a **Priority Species listed in Section 41/42** of the Natural Environment and Rural Communities Act (2006). Also protected under the Wildlife and Countryside Act, 1981 (as amended). This raises the conservation importance of the site considerably. It could be breeding on the young blackthorn suckers all around the site.

It is clear from our report that the above statements relating to low ecological value made in paras 6.15 and 6.16 of the Scoping Request are not accurate. They are ill-informed and misleading and should not be relied upon.

6.17. Bat activity and automated detector surveys were conducted in August, September and October 2022. A specific survey to assess the trees onsite for the potential of roosting bats was undertaken in October 2022.

We have been advised by the tenant who currently occupies the Triangle that he did not give permission for surveys to be conducted in 2022. When he saw the automated bat detector and other equipment (reptile mats) he removed it because he didn't know what it was or who had put it there. As a result it was only in place for a very short period of time. If Ecology Solutions who carried out the survey for OUFC had been visiting the site regularly they would have known that the equipment had been removed. Claims that surveys were conducted in August September and October 2022 must therefore be called into question. Also, any findings (or non-findings) are similarly questionable.

Our PEA Report indicates a significant bat presence in the area and states: *"The data search returned 252 bat records from 13 species or species groups within 2km of the site, including rare species such as western barbastelle Barbastella barbastellus and Bechstein's bat Myotis bechsteinii, recorded in 2016 and 2019 respectively".*

A comprehensive bat survey is required.

Badgers 6.22. No evidence of Badgers was recorded from within the Site.

Our concerns around bat surveys and the reliability of information provided by the ecologist are relevant here. Have the badger surveys actually been carried out and if so were they carried out in an appropriate manner? And did the ecologist have permission to be onsite?

Badgers exist in the area and are recorded as being present on the PR6a site close by. They are also likely to be present on Stratfield Brake.

Birds 6.23. It is considered that the hedgerows, trees, willow plantation and scrub within the Site offer suitable nesting and foraging habitat for birds, while the semi-improved grassland offer some limited foraging opportunities for birds.

Our comments above regarding the inaccurate representation of the majority of habitats across the Triangle as of little and low intrinsic ecological value are relevant here. This represents an understatement of the foraging opportunities for birds which our reports suggest are considerable.

Our PEA Report, based on a desk study states: *"The data search returned records of 106 protected and notable bird species within 2km of the site. Several in each category are mentioned which would potentially find habitats at the site valuable. Nine of these are protected under Schedule 1 Part 1 of the WCA4 1981 (as amended) including Redwing Turdus iliacus, Fieldfare Turdus pilaris and Barn Owl Tyto alba.*
Sixteen Species of Principle Importance (as listed under Section 41 of NERC5 Act) were also recorded including Dunnock Prunella modularis, Spotted Flycatcher Muscicapa striata and Reed Bunting Emberiza schoeniclus.
Thirty-six species are Red listed BoCC6 and 54 are Amber listed Species include Whitethroat Curruca communis, Marsh tit Poecile palustris and Tawny Owl Strix aluco."

Extensive work is therefore needed on birds and they must be scoped into the Environmental Statement.

Great Crested Newts

The Scoping Request suggests that there is no possibility that Great Crested Newts are likely to exist on the Triangle.

We dispute this.

Our PEA Report states: *"The data search [on amphibians] returned records of five amphibian species, including common frog Rana temporaria, common toad Bufo bufo, great crested newt, palmate newt Lissotriton helveticus and smooth newt Lissotriton all of which are protected under schedule five part nine of the Wildlife and Countryside Act 1981, whilst common toad and great crested newt are also a priority species. Great crested newt is also a European Protected Species and therefore receives additional protection.*
The scrub, grassland and willow coppice habitat, plus the adjacent offsite woodland provide suitable terrestrial habitat for this species group."

And also: "*Further survey work would be required to understand the presence / likely absence of the protected species great crested newt, which if present would be sensitive to any increase in disturbance such as from littering and loss of terrestrial habitat which may arise from a change in land use. Great crested newts are European Protected Species and therefore appropriate mitigation and a licence from Natural England would be required for any works that could affect them."*

The PEA Report also states that there is an ephemeral waterbody that offers minor potential for amphibians including the Great Crested Newt. Whilst this is acknowledged to be a small potential, given its protected status it is vital that the Environmental Statement includes a full assessment of amphibians and particularly the Great Crested Newt.

Reptiles 6.32. Reptile surveys were conducted within the Site and within the adjacent Stratfield Brake Sports Ground, which is separated from the Site by Frieze Way, between August and October 2022. No reptiles were found within the Site, however one Grass Snake was recorded within the Stratfield Brake Sports Ground.

Our comments above regarding the survey which it is claimed took place between August – October 2022 are relevant. Were no reptiles found because the survey was not conducted in a professional manner? The Scoping Request states that the site offers some potential for reptiles. They must therefore be included in the Environmental Statement.

Habitats
6.36. The Proposed Development involves losses to arable (willow plantation), semi-improved grassland and scrub, existing hedgerows and trees in order to facilitate the Proposed Development.

6.37. The majority of the habitats within the Site are considered to be of low intrinsic ecological value. The boundary features, which include the hedgerows and trees, are of relatively greater ecological value. The hedgerows and trees offer suitable foraging and nesting opportunities for birds and foraging and dispersal/ navigational opportunities for wildlife, e.g. bats. There are also two mature trees on site which are considered to offer potential for roosting bats. The habitats, especially the hedgerows (a Priority Habitat) and trees, are to be scoped into the assessment as impacts are anticipated as part of the Proposed Development.

As mentioned above we strongly dispute the conclusion that the majority of habitats within the site are of low ecological importance. Our reports support our assertion that the Triangle provides a richly biodiverse site comprised of a variety of habitats.

We disagree with the description of the Willow as 'arable' because this undermines its biodiversity value.

We note that the hedgerows are to be scoped in to the Environmental Statements and support this.

However, the other habitats on the Triangle must be included in the Environmental Statement as well.

Protected Species 6.38. The Proposed Development is an isolated area of land as it is surrounded by main roads, thus protected species are limited to more mobile species, such as bats and breeding birds, as the roads hinder movements by non-flying fauna.

We disagree with the sweeping assumption that protected species are limited to more mobile species.

The Environmental Statement must cover mobile species such as birds and bats. But, as stated above, expert opinion suggests there is some potential for other species including Great Crested Newts, reptiles, badgers and hedgehogs. As mentioned above juvenile Common Frogs were found during one of our Ecologist's surveys.

We note that hedgehogs do not get a mention in the Scoping Request but believe that, as a priority species, we believe that they should.

Statutory Designated Sites 6.44. There are multiple statutory designated sites located within the Site search radius (5km for SSSI, 10km for SAC), with the closest statutory site being Pixey and Yarnton Meads SSSI (1.9km southwest). This SSSI also forms part of Oxford Meadows SAC. The SSSI/SAC is well separated from the Site by main roads (i.e. A44, A34), open countryside and a railway. Moreover, it is considered that the proposals of a commercial development (football stadium) is unlikely to lead to an increase in recreational pressures at the SAC.
6.45. On this basis, it is not considered that any detrimental effects (direct or indirect) will arise as a result of the proposals at the Site to any statutory site of nature conservation interest.

The point of the Environmental Statement is to assess the likely impact on designated sites. The Oxford Meadows SAC Port Meadow is within a reasonable walking distance of the Triangle. It is therefore possible that there *could be* an increase in recreational pressures on the SAC. The judgement as to whether there may be detrimental effects should therefore be made as part of the Environmental Statement, not in the Scoping Request.

The possible detrimental effects (direct or indirect) as a result of the proposals at the Site to any statutory site of nature conservation interest must be included in the Environmental Statement.

Non-Statutory Designated Sites 6.46. There are multiple non-statutory sites located within the Site search radius, of which Stratfield Brake Woodland Trust Reserve / CDWS, located adjacent to the site, has been scoped in (see above). The next closest non - statutory site is Meadows West of the Oxford Canal, LWS (0.65km west), which is separated from the Site by Frieze Way, Stratfield Brake Sports Ground and Stratfield Brake Cherwell District Wildlife Site. As such, no detrimental impacts are anticipated from the Proposed Development's construction activities.

6.47. The Proposed Development is not considered to have any detrimental effects (direct or indirect) on any other statutory and non-statutory site of nature conservation interest.

The point of the Environmental Statement is to assess the likely impact on designated sites. OUFC have stated in the recent County Council consultation that they intend to improve connectivity to the countryside so the potential

impact on non-statutory sites must be included in the Environmental Statement. It cannot be prematurely decided via the Scoping Request at this stage with no evidence to support the decision.

SECTION 9

NOISE AND VIBRATION

9.47. It is proposed that the following aspects are scoped out of the noise and vibration assessment:
• Quantitative assessment of noise generated by the crowd and stadium PA;
……
• Permanent noise impacts from non-football events held within the stadium bowl (for example music concerts) as this does not form part of the proposals and would be subject to separate planning/licensing applications;
• Traffic changes not exceeding +/-10%; and
……

9.49. The Proposed Development has the potential to result in temporary and permanent noise and vibration impacts due to a variety of sources during the construction and operational phases. There are various residential and non-residential sensitive receptors in the area surrounding the Proposed Development. Therefore, there is potential for adverse effects to arise and a requirement for these to be assessed to identify potential significant effects so that the scope to mitigate them can be considered. On this basis, it is recommended that the assessment of noise and vibration is scoped into the EIA and that the aspects identified above as 'scoped in' are assessed as described here. The prediction of potential noise and vibration impacts may also inform the assessments of other disciplines such as biodiversity. The approach to the assessment shall be agreed in consultation with the Environmental Health teams of CDC and Oxfordshire County Council.

There is no indication that the assessment of noise and vibration has taken into account the proposed new developments in the area or the effect on those and the future residents.

We are concerned about the long term permanent noise and vibration impacts on both residential areas and the local wildlife, particularly in the nearby Stratfield Brake Woodland Trust Reserve.

We can see no good reason why the following have been scoped out:

4. Quantitative assessment of noise generated by the crowd and stadium PA;
5. Permanent noise impacts from non-football events held within the stadium bowl (for example music concerts) as this does not form part of the proposals and would be subject to separate planning/licensing applications;
6. Traffic changes not exceeding +/-10%;

OUFC have stated publicly that they want the stadium in use for events 364 days a year. They will also inevitably want to use the stadium for concerts.

We ask that:

d. 1, 2 & 3 above are included in the Environmental Statement. The Quantitative assessment of noise is particularly relevant to local residential developments (existing and future) and to wildlife in the area.
e. The impact on new developments such as PR6 a & b is included
f. The impact of noise and vibration on local wildlife is included in the Environmental Statement. The Cherwell Wildlife site and protected Woodland to the south of the site are very close and the impact on these and other nearby areas must be considered.

SECTION 10

AIR QUALITY

Conclusions 10.36. The Proposed Development has the potential to affect air quality during both the construction and operation. Whilst a review of existing air quality demonstrates concentrations are below the air quality objectives in the area surrounding the development site, potential changes in road traffic emissions will be assessed using dispersion modelling should the exceed the thresholds requiring assessment.

2,000 houses are to be built in the immediate area and a further 2,500 in nearby Begbroke & Yarnton. However, there is no indication in the Scoping Request that the cumulative effect of all these developments plus that of the Triangle is being considered. The air quality is certainly not going to improve as a result of these developments.

The Cutteslowe Roundabout is already a recognised 'pollution hotspot' and is part of Oxford City Council's AQAP 2021 – 2025. However, the Action Plan did not envisage a stadium being built in this area.

An existing review of air quality is not a guide to future air quality and should not be used to avoid an assessment of the impact on air quality.

The potential likely effect on air quality must be included in the Environmental Statement.

SECTION 11

LIGHTING

We agree that there is a risk of significant effects from obtrusive light on receptors that surround the Triangle, and the need for the ELIA to support other specialist assessments.

Lighting must be scoped into the Environmental Statement.

SECTION 12

FLOODING

Scope of assessment
*12.37. Given the design is not available at this stage, surface water, groundwater and artificial sources of flood risk have been **scoped in** for further assessment.*

*12.38. As the Proposed Development is not expected to impact fluvial flood risk, this has been **scoped out** for further assessment*

The development is not expected to impact fluvial flood risk according to the author. However, it is possible that it will and given the cumulative effects of the development of the area we suggest that a decision to scope out the fluvial flood risk has been taken prematurely.

The fluvial flood risk should be scoped in.

SECTION 13

SOCIO-ECONOMICS

13.15. The topic of Socio-economics will be scoped in to the Environmental Statement on the basis that there will likely be significant effects.

The suggested socio-economic benefits as stated by OUFC so far have not been supported by any evidence. We are therefore supportive of the socio-economic topic being scoped in and look forward to understanding how the claimed benefits have been arrived at.

SECTION 15

WASTE

15.32. Baseline study indicates that the region has sufficient waste treatment infrastructure for the treatment of waste arisings generated by the Proposed Development. Oxfordshire has sufficient capacity to treat C&D waste arisings associated with the construction phase of the Proposed Development. Biodegradable waste from site clearance in the construction phase and food waste and grass clippings in the operational phase should be treated in a composting or

anaerobic facility. No such facilities exist within 10km of the Site. It is likely that contaminated waste may arise during construction if excavation activities are undertaken within 500m boundary of the Proposed Development.

Clarification is required regarding the statement underlined above. What does this mean? What is the impact? How will this contaminated waste be dealt with? Etc…

15.22. To identify potential sources of contamination, an initial review of authorised and historic landfill sites that are in close proximity to the Site was undertaken using the Environment Agency's 'Historic Landfill Sites' web map45 and 'Permitted Waste Sites - Authorised Landfill Site Boundaries' web map46.

15.63. Accounting for good industry practice and the application of mitigation measures, secured through planning condition, the volume of construction, demolition and excavation waste to the regional waste handling facilities is not likely to be significant.

*15.64. It is therefore proposed that further assessment of waste generation and management relating to the construction of the Proposed Development is **scoped out** and will not be considered further in the EIA or reported in the ES.*

Nothing in this section indicates that the Scoping Request's author is aware of the contamination of the Triangle which arose some years ago in around 1999 as a result of unauthorised dumping of waste.

The uncertainty surrounding this contamination means that the waste management of the proposed development should be scoped in to the Environmental Statement. The decision to scope this out should be reversed.

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ANNEX 2

Extracts from Ecology Reports

1. Extracts from The Botanical and Invertebrate Biodiversity survey

Summary

- *Results are presented of six species survey visits to the Triangle site from Late June to mid-August, ideal timing for recording plants and for summer invertebrates by sweep netting.*
- *Considerable biodiversity of plants and invertebrates was found to exist (including uncommon to rare species) although these surveys report only a small proportion of the total invertebrate biodiversity which might be expected here, with further surveys at different times of year using different methods.*
- *Thick species-rich marginal scrub and woodland belts with mature trees surround the central area planted up with Osier willows, harvested annually in blocks for fencing, and with wide mown access rides, provide a valuable combination providing a diverse mosaic of habitats beneficial to overall biodiversity.*
- *The willow (Osier) coppice generates only light shade and has temporary glades resulting from willow cutting, so there is a complete rich ground flora under all the blocks as well as in glades and the rides.*
- *The winter-wet heavy clay soil has developed a specific flora of a number of marsh or wetland plants adapted to the soil completely drying out in summer. The most abundant wetland plant on site is a vast population of Common Fleabane with golden daisy-type flowers in many thousands in mid-August which feed many pollinator insects.*
- *Specific insects were found which breed in the Fleabane, one of them a rare fly.*
- *A number of uncommon wild roses are present on site with a probable rare hybrid.*
- *Very good numbers of common butterflies are found, with the possibility of rarer Hairstreak butterflies using the site as they are recorded in habitats adjacent.*
- *The willow (Osier) coppice supports dependent insects, some of them (willow beetles) in vast numbers, which will provide much food for insectivorous birds.*
- *The Triangle habitats support and connect via mobile species (like deadwood-breeding beetles) to the Ancient Woodland Priority Habitat (Cherwell District Wildlife Site) of Stratfield Brake, the east section of which is contiguous with the southern margin of the Triangle.*

In total **127** species of Vascular Plants were found in the Triangle**. This is a very good total for a site of this area that has a lot of one type of shrub (Osier willows).**
104 species of forbs [herbaceous plants] were found in the scrub and wood margins, the rides and in ground flora under the willow (sallow) coppice. This includes 15 species of grasses, four species of rush and nine species of sedge plus one horsetail.
Two of the forbs are rare:
1. Narrow-leaved Bird's-foot Trefoil *Lotus tenuis*, which is Scarce in Oxfordshire, being on the county Rare Plants Register (4).
2. Corn Mint *Mentha arvensis* which is on the New England Red List (5) due to declines. Large clonal patches of this plant are present mostly under the light shade of the Osiers in the wettest areas of coppice and along some rides.

Also found were 43 Pyramidal Orchids and, more typical of moist/wetter soils, were **52 Common Spotted Orchids**.

This [Willow Coppice] central area might be assumed to be of low ecological value as a monoculture of species held by cutting at the young scrub stage; however this would be a wrong assumption. Willow can support a big diversity of invertebrate species; one quote is up to 450 dependent species, which will include: bugs, bees, beetles, flies and moths. Willow is a hugely important nectar and pollen source from the flowers (catkins) in spring and a big proportion of the willow branches are old enough to flower. This is not to say all those associated species will be present here, but my brief surveys do indicate a small number of willow-associated insect species. Also the Osiers restricted and vertical growth ensures only a very light leaf canopy, casting little shade and thus allowing enough light through to result in a complete ground cover flora underneath the coppice blocks with a diversity of species including Common Fleabane, Corn Mint (England Red List), wetland grasses, sedges and rushes with notably **Common Spotted** and **Pyramidal Orchids** (see photographs in Appendix I). This adds considerably to the total diversity of the willow blocks.

The amounts of **Common Fleabane** under the willow coppice are truly extraordinary. As mentioned, in late August the thousands of yellow daisy-type flowers open here present a short-lived stunning spectacle which makes the willow coppice look like a flower garden.

Lowland Mixed Deciduous Woodland habitat adjacent to the Triangle to the south in Stratfield Brake East is a Priority Habitat (Habitat of Principal Importance) and features mainly mature Pedunculate Oaks, Ash, Sycamore and various scrub species. It fulfils all the criteria for Ancient Woodland. The Triangle east and west margins provide a thick and valuable habitat with abundant Bramble, Dewberry, Sallow, Hawthorn, Elms and Blackthorn with occasional trees as above. The ditches within the margins provide linear shaded wetland habitat for much of each year, benefitting mostly specific invertebrates. Scrub is the most valuable habitat for bird diversity and will support many insects plus the marginal strips will be corridors for foraging, hunting bats. The lack of street lighting along Frieze Way makes the marginal belt on the west side especially important to commuting bats.

The marginal hedge/tree and scrub belts contain much deadwood. This should not be seen as detrimental or a problem because it is an important food and habitat resource for specific wildlife.

The Triangle habitats probably represent a good foraging area for any bats using the nearby Ancient Woodland, which does have mature trees and plenty of standing deadwood with peeling loose bark for roosting. A bat survey is needed. Moths are an important source of food for bats and these flying insects will be generated by caterpillars feeding on scrub and trees including the coppice Osiers and other willows. Currently Frieze Way has no street lights so there is little to dissuade bats from commuting across it from the bigger Stratfield Brake western woodland block and Woodland Trust plantings.

Common plants can support rare insects; this is the case for the Common Fleabane on site. It was a surprise to sweep several individuals of the small rare picture wing fly (Tephritid) ***Myopites inulaedyssentericae*** which breeds in Fleabane flower-heads forming a specific gall there

Conclusions and Discussion

The Triangle has been shown here to be a site with considerable biodiversity of plants and invertebrates, with some rare species and interesting records in a few other groups. Any assumption that the big area of willow coppice in the site centre means low biodiversity has been shown to be wrong, mainly because (unknown before these surveys) underneath the coppice is a complete herb layer with a diversity of herbaceous plants, flowering in abundance in summer, dominated by Fleabane, with the red-listed Corn Mint and including two species of Orchids. This community is adapted to the heavy clay winter-wet soil plus the management regime and in my opinion would be very difficult to re-create. The tenant's non-intensive willow coppice management of the site centre is the best thing that could have happened here to maximise biodiversity, especially of flowers and invertebrates. Abundance of common insects is important as well as diversity. The sheer abundance of common leaf-feeding beetles on the osier coppice growth will be important as a food resource for all species higher up the food web, particularly insectivorous birds. Recent decline of insect populations is causing much concern, but insect decline is not observable here.
Apart from the good overall invertebrate biodiversity it is particularly notable how the abundant summer and late summer flower resource supports the needs of all vital pollinating insects (bees, flies Botanical and Invertebrate etc.) at a time when flower resource in other habitats, such as verges or meadows, is not available (due to being in seed or cut for hay).

I consider there is sufficient diversity of plants and invertebrates at this Triangle site for it to be worthy of consideration for District Wildlife Site Status, it would be a good extension to the existing Stratfield Brake DWS. Currently the Triangle habitats and species are valuable in themselves, but they also perform a very important role in supporting and protecting the wildlife of the narrow strip of priority Ancient Woodland to the south which is also in the core zone of the Proposed Nature Recovery Network for the County. Without the Triangle under its current management, this woodland would be very likely damaged by isolation and consequent loss of species.

2. Extracts from the Stratfield Brake East Woodland, south of The Triangle Survey of Plants, Invertebrates and Fungi

Trees
Relatively few species of full-sized trees are present. The most impressive feature of this woodland on entering is the remaining large mature Pedunculate Oak trees and Ash trees still standing. Some of these are 'maiden' single trunk trees (standards), others show evidence of past pollarding (major limbs branching at head height) or are **outgrown coppice stools** with multiple trunks arising from a single base. Some of these coppice stools are likely very old. One Ash coppice stool of 2m basal diameter and one large Oak coppice stool of 3m basal diameter are present (see photos in the Appendix). Historically coppice shoots were cut on a **10 to 25 year cycle** to provide small diameter poles for building and fencing. For Oak, one source suggests an increase in diameter of **0.3m per 100years**, which would put this **3m diameter Oak stool at 1000years old** (5). Of course growth rates may vary and not all coppice stools of this size may be that old, but certainly several hundred years is probable.

The other prominent trees are one large, and some smaller, Sycamores. Obviously the woodland has been harvested for wood products in the past. Smaller tree species include Field Maples and Hawthorn. It is possible that some of the dead standing trees might have been Ash affected by Ash Dieback (*Chalara*). English Elm trees (*Ulmus procera* – not actually a native elm but an ancient introduction from Italy, possibly by the Romans) must have once been common on the southern margin, but these are now represented mostly by fallen dead trunks and young sucker growth due to the effects of Dutch Elm Disease, which kills young trees above a certain trunk diameter. Live English Elm is therefore present mostly only as young growth in the understory. One Horse Chestnut and one Crab Apple tree are also present. Common Ivy is present as a climber with dense foliage growth on the trunks of two of the mature oak trees, this ivy covering may provide roosting sites for bats.
At least four mature maiden or standard Oaks have died and fallen and are now dead large horizontal trunks which have mostly lost their bark but one still has bark on. The presence of English Elm on the south side is typical of the fact that the raised trackway there is along the parish boundary as such ancient boundaries are commonly where English Elm was planted; likely originally as a hedge next to the deep ditch to the arable field at the very wood edge.

Ground Flora (Field Layer)

…… All these species mentioned are very typical of deciduous woodland. In the context of the Oxfordshire flora, good numbers of Native Bluebells and the abundant swathes of Wood Meadow Grass are indicative of Ancient Woodland, as are smaller amounts of Hairy Brome, Pendulous Sedge, Three-nerved Sandwort and Wood Sedge. Dog's Mercury, Enchanter's Nightshade and Foxglove are moderately indicative of old woodland locally, in combination with the stronger indicators. Altogether the floral assemblage is good evidence that this strip is Ancient Woodland.

Fungi

……. This looks as though it may well be a site with rich other fungal diversity with further survey work needed after appropriately wet weather in the autumn. Fungal fruitbodies (caps brackets toadstools) are important as food for a number of specific insects, especially flies and beetles. A good fungal diversity means a good insect diversity in these groups.

Discussion and Conclusions

This is a strip of valuable Lowland Mixed Deciduous Woodland, a Priority UK BAP habitat. It has a small suite of plants which are ancient woodland indicators and a good range of fungi associated with the roots of the oak trees and with the deadwood of the variety of tree species present. It therefore readily fits the species criteria for Ancient Woodland. It is somewhat affected by nutrient enrichment. An old raised track way (wood bank) is present in the wood along the southern margin which is along Kidlington Parish boundary next to a ditch. Such wood bank features are also typical of Ancient Woods.

END

ANNEX 8.4

Cherwell District Council’s Ecologist Response

Lynne Baldwin

From: Laura Bell
Sent: 26 September 2023 14:35
To: DC Support
Subject: Ecology Response for 23/02276/SCOP

For recording and uploading response in DEF as Ecology response please

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From: Charlotte Watkins <Charlotte.Watkins@Cherwell-DC.gov.uk>
Sent: Tuesday, September 26, 2023 2:24 PM
To: Laura Bell <Laura.Bell@Cherwell-DC.gov.uk>
Subject: 23/02276/SCOP

With regard to the above scoping request for ecological informa•on requirements - I concur with much of the informa•on given within the BBOWT response submission (dated 8th September) which makes many valid points of aspects that should be included (in addi•on to NE's annex A). In par•cular:

- Cumula•ve impacts from surrounding agreed and proposed future developments should be considered par•cularly on the ecological func•oning of habitats in the wider landscape.
- Assessment of impacts on designated sites to include air pollu•on, hydrology, recrea•on and ligh•ng – par•cularly for the adjacent LWS -should be included.
- I would advise a reassessment of the habitats on site, in par•cular the value of the willow coppice planta•on, in light of submi•ed 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.
- Bird surveys of breeding and wintering birds (to best prac•ce in terms of number of visits) should be carried out. CDC holds (albeit rela•vely old) records of common sandpiper, skylark, reed bun•ng, •eld fare, grasshopper warbler, grey partridge, snipe etc.. on site – most of which are amber or red listed.
- Invertebrate surveys or full jus••ca•on for scoping out. There are mul•ple records of brown hairstreak using hedgerows in the area and an impact assessment for this species (and poten•ally other invertebrates) will be required with iden••ca•on of the level of mi•ga•on required.
- Botanical surveys or full jus••ca•on for scoping this out.
- Other species fully considered – in addi•on to those men•oned within the submission there are records of brown hare and red list birds within 100m of the site. The site is within the Amber zone for suitability for Great Crested Newt (deno•ng suitable habitat from Nature Space our district licence delivery body) which whilst GCN are discussed is not men•oned.
- Impacts on priority habitats on and o• site both through direct loss and indirect degrada•on via shading, increased ligh•ng, di•ering management, decreased bu•er vegeta•on or increased public access.

In addi•on: At least a 10% net gain for biodiversity should be achieved on site along with an assessment of op•ons for strengthening and retaining green infrastructure at the design stage. The very high level of public use of the site which will occur at certain •mes will necessitate some areas to be retained and managed solely for biodiversity to ensure habitats can func•on and this may require considera•on of o••-site op•ons to mi•gate for the loss of this func•on and the loss of ecological connec•vity (e.g. green bridges, nature reserve area etc.. would be valuable here).

Kind regards
Charlo•e

Dr Charlo•e Watkins
Ecology O • cer
Tel: 01295 227912

Email: Charlo•e.Watkins@Cherwell-DC.gov.uk
Communi•es Directorate
Cherwell District Council
www.cherwell.gov.uk

My usual working hours are: Monday-Friday mornings.

ANNEX 8.5

Cherwell District Council’s Preliminary Pre-application Response

Planning and Development

David Peckford, Assistant Director – Planning and Development

Cherwell DISTRICT COUNCIL NORTH OXFORDSHIRE

Ridge and Partners LLP
3rd Floor Regent House
65 Rodney Road
Cheltenham
GL50 1HX

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for:	***Laura Bell***	Direct Dial:	
Email:	***laura.bell@cherwell-dc.gov.uk***	Your Ref:	

29th September 2023

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application No.:	23/02276/SCOP
Applicant's Name:	Oxford United Football Club
Proposal:	Scoping opinion - new stadium development
Location:	Land to the east of Stratfield Brake and west of Oxford Parkway Station, known as The Triangle
Parish(es):	Kidlington

I write in response to your Scoping Request submitted to the Local Planning Authority (LPA) accompanied by a Scoping Request report dated August 2023.

The LPA have reviewed the information provided in order to determine the potential of the proposed development to have significant environmental effects and those aspects of the environment likely to be affected. In doing so, the LPA has had regard to the provisions of Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) (as amended) as well as the criteria for determining the potential for significant environmental effects as set out in Schedules 3 and 4 of those Regulations.

The LPA's full scoping response is provided attached to this response as Appendix 1.

Regulations 4(2) and 18 and Schedule 4 of the Regulations sets out the necessary information required to assess impacts on the environment to be included within an Environmental Statement.

In coming to a view, the LPA has also consulted with the relevant statutory authorities and consultation bodies whose comments, where received, are referred to within this Scoping Opinion and are available in full on the Council's website. Your attention is drawn to their full comments to supplement the report below.

I trust the below report and the comments received to this scoping request are of assistance to you

in the formulation of an Environmental Statement.

This letter should be taken as the formal Scoping Opinion of the LPA under the EIA Regulations 2017, subject to the receipt of additional information from consultees through the course of pre-application discussions or amendments to the scope of information received from the applicant.

Yours faithfully

David Peckford
Assistant Director – Planning and Development

Checked By: Caroline Ford

Appendix 1

1. APPLICATION SITE AND LOCALITY

1.1. The Site is approximately 7.3 ha and comprises primarily of inaccessible scrub and commercial willow plantation situated 6 km to the north of Oxford and at the gateway of Kidlington. The site is known locally as 'The Triangle'.

1.2. The Site is bound by Kidlington Roundabout to the north, Oxford Road to the north-east, Frieze Way A4260 to the west and a block of woodland to the south, with further agricultural land beyond. To the east of the Site is the A34 and then Oxford Parkway Railway Station and the Park and Ride, and to the west of the Site is Stratfield Brake Sports Ground. The Site is also bound by a number of site allocations within the adopted Local Plan, namely Allocated Site PR6b (residential development of 670 dwellings) to the south-east, Allocated Site PR6c (for the potential construction of a golf course should this be required as a result of site PR6b) to the south-east, and Site Allocation PR7a (for 430 dwellings, an extension to Kidlington Cemetery and 11 hectares of land to provide formal sports/green infrastructure for the development and for the wider community) to the north-east. Allocated site PR6a (allocated for 690 dwellings) lies to the east of the Site. Allocated site PR7b lies to the northwest of the site, north of Stratfield Brake and this is an allocation for 120 homes.

1.3. The Site comprises greenfield land with vegetated boundaries and a strip of woodland along the Site's southern boundary. The Site exhibits a varied topography, with a relatively flat gentle gradient of 1:150 –1:200 falling east to west. The Site is located in Flood Zone 1. The north of the Site indicates a risk of surface water flooding due to its topography. There are field ditches found on the western boundary and to the northern edge of the woodland. The north of the Site contains a Gas Main and Overhead Power Cable. Stratfield Brake District Wildlife Site (site code 41V21) lies within the southern portion of the Site, and to the west of Frieze Way. An area of Site (orange area on the map below) in the southern portion of the triangle comprises Lowland Mixed Deciduous Woodland, which is defined as a habitat of principal importance for the conservation of biodiversity in England under section 41 of the NERC (Natural Environment and Rural Communities) Act.

1.4. The Site is not in or adjacent to an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Specific Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Ancient Monuments, Area of Outstanding Natural Beauty and sites covered by international conservation designations). However, the Site is located within 2km of the following SSSI sites: Hook Meadow and The Trap Grounds, Pixey and Yarnton Meads, Port Meadow with Wolvercote Common and

Green and Wolvercote Meadows. The site is also within 1km of the Meadows West of Oxford Canal Local Wildlife site and ~1.9km north of the Oxford Meadows Special Area of Conservation (SAC). The Lower Cherwell Valley Conservation Target Area ('CTA') also lies in close proximity to the Site so it is within proximity to sites of ecological importance. The Site lies within the Oxfordshire Green Belt. No Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields are present within or in the vicinity of the Site. Whilst there are no Listed Buildings within the Site, there are a number of Listed Buildings within its proximity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The Scoping Report notes that 'at present' it is anticipated that a full application will be for the following development:

Erection of 16,000 capacity stadium, incorporating flexible commercial and community facilities for conferences, exhibitions, educational spaces or other events (including public restaurant and bar, café, Health and Wellbeing facilities/clinic facility, shop and gym), a 200-bed hotel, and multi-functional plaza, and associated parking, landscaping and other supporting infrastructure

2.2 Key elements of the proposal are likely to include:

- 16,000 capacity stadium (including Sky Boxes and flexible lounge spaces for match and non-match day uses including corporate, community, education and other events)
- 200-bed hotel for visitors
- A variety of commercial spaces opening out onto a new plaza and community park, such as:
    - Public Restaurant & Bar
    - Cafe
    - Health and Wellbeing/Clinic facilities
    - OUFC Shop
    - Gym

2.3 Building height parameters will range from approximately 16m to approximately 25m at its highest point. The main vehicular access to the site will be from Frieze Way (A4260). The existing site access onto Oxford Road would be a secondary or emergency access only.

2.4 Car parking for approximately 175 cars will be provided, alongside cycle parking (amount yet unspecified).

3. RELEVANT PLANNING HISTORY

3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

4.1. A pre application for this site (23/02335/PREAPP) was submitted on 30th August 2023 and remains ongoing.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a notification of statutory and key consultees and the documents have been placed on the planning register.

5.2. The overall final date for comments was **27 September 2023.**

5.3. The comments raised by third parties are summarised as follows:

- Net gain of publicly accessible green space
- Opportunity for active traffic management
- Close proximity to public transport links
- Modern architectural techniques make it possible to minimise noise and light overspill
- Opportunity for investment and contribution to local economy
- Enhancement of sport facilities for all ages
- Biodiversity of the site will increase by at least 10%
- Overdevelopment of the site
- Loss of biodiversity
- Unsustainable development
- Site description is misleading
- Site area is contradictory with the Alternative Sites report
- Risk of extensive surface water flooding on the site

5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIDLINGTON PARISH COUNCIL – The description of the site is misleading. This should be re-advertised in order that the public is properly informed.

6.3. GOSFORD AND WATER EATON PARISH COUNCIL -

6.4. BEGBROKE PARISH COUNCIL –

6.5. YARNTON PARISH COUNCIL – Objects to the proposal. Concerns regarding the site name. Considers that a full and comprehensive traffic assessment of all roads within a 5 to 10 mile radius of the stadium site should be undertaken and not just a focus on the road network immediately adjacent to the stadium. This report MUST include ALL ongoing PR developments in the area, along with the ongoing expansion of Langford Lane Technology Park, the Campsfield site development, the new airport buildings development and also Oxford North at Peartree. What mechanisms will be put in place to manage events at the site? Concerns with parking; What measures will be put in place to ensure that Yarnton does not become a convenient and free parking area for stadium users? Concerns with natural environment; YPC feel a full, properly independent EIA of the site is needed to clarify the actual state of the site and how this will affect the protected Ancient Woodland nearby. This should be done by a recognised body such as BBOWT. Concerns with noise and light pollution; What measures will be put in place to reduce noise and light pollution?

CONSULTEES

6.6. CDC ARBORICULTURE: No response received.

6.7. BBO WILDLIFE TRUST: Detailed comments provided, some of which have been incorporated into this report. The full response is available to view in full on the Council's website.

6.8. BRITISH HORSE SOCIETY: No response received.

6.9. CPRE: We are aware of at least two ecological studies focused upon the site which indicate that this would be extremely harmful to the fauna and flora of the area. We have also been informed that some of the claims within the Scoping document in respect of ecological field tests must be evidently questionable given that testing sites were removed and stacked away.

The site itself does not seem large enough to accommodate a stadium and the required parking facilities which would evidently be required and we are given to understand that the Proposers have plans for further developments, of a non-sporting nature, in surrounding areas.

Overall, CPRE is strongly opposed to this proposal. We do so primarily from a Green Belt and rural protection point of view but there are many other negative aspects to this proposal which we will expand upon in due course and in conjunction with others.

6.10. CHILTERN RAILWAYS: No response received.

6.11. CIVIL AVIATION AUTHORITY: No response received.

6.12. CDC CONSERVATION: It is agreed that the designated heritage assets identified in terms of built heritage should be scoped into the Environmental Statement. It is also agreed that these assets lie within the wider area surrounding the site and there are no Heritage Assets within the site itself.

With regard to non-designated heritage assets, it is also agreed that there are no non-designated heritage assets identified within the site. The approach to identifying non-designated heritage assets through the consultation process is agreed with.

The assessment of archaeology and landscape is deferred to the relevant consultees. Overall, the methodology and approach to assessment is agreed with.

6.13. CDC ECOLOGY: I concur with much of the information given within the BBOWT response submission (dated 8th September) which makes many valid points of aspects that should be included (in addition to NE's annex A). In particular:

Cumulative impacts from surrounding agreed and proposed future developments should be considered particularly on the ecological functioning of habitats in the wider landscape.

Assessment of impacts on designated sites to include air pollution, hydrology, recreation and lighting – particularly for the adjacent LWS -should be included.

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.

Bird surveys of breeding and wintering birds (to best practice in terms of number of visits) should be carried out. CDC holds (albeit relatively old) records of common sandpiper, skylark, reed bunting, field fare, grasshopper warbler, grey partridge, snipe etc.. on site – most of which are amber or red listed.

Invertebrate surveys or full justification for scoping out. There are multiple records of brown hairstreak using hedgerows in the area and an impact assessment for this species (and potentially other invertebrates) will be required with identification of the level of mitigation required.

Botanical surveys or full justification for scoping this out.

Other species fully considered – in addition to those mentioned within the submission there are records of brown hare and red list birds within 100m of the site. The site is within the Amber zone for suitability for Great Crested Newt (denoting suitable habitat from Nature Space our district licence delivery body) which whilst GCN are discussed is not mentioned.

Impacts on priority habitats on and off site both through direct loss and indirect degradation via shading, increased lighting, differing management, decreased buffer vegetation or increased public access.

In addition: At least a 10% net gain for biodiversity should be achieved on site along with an assessment of options for strengthening and retaining green infrastructure at the design stage. The very high level of public use of the site which will occur at certain times will necessitate some areas to be retained and managed solely for biodiversity to ensure habitats can function and this may require consideration of off-site options to mitigate for the loss of this function and the loss of ecological connectivity (e.g. green bridges, nature reserve area etc.. would be valuable here).

6.14. CDC ECONOMIC GROWTH: No response received.

6.15. OCC COMMUNITY SAFETY: No response received.

6.16. ENVIRONMENT AGENCY: We have reviewed the submitted documents and have no comments to make.

6.17. CDC ENVIRONMENTAL HEALTH: Noise and vibration, air quality and light are scoped in and there are no comments on the proposals for these assessments. With regard to land contamination, it mentions in paragraph 16.19 that a Phase 1 study (referenced 57) has been completed, but the document hasn't been listed at the foot of the page. The applicant will need to demonstrate that the site is suitable for the proposed end use and the Phase 1 study will need to be submitted as part of the application.

6.18. FIRE SERVICE (OCC): It is taken that suitable fire service access and water for firefighting will be provided in line with B5 of Building Regulations 2010. It is taken that the works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.

6.19. FRIENDS OF STRATFIELD BRAKE (FoSB): Detailed response provided, some of which has been incorporated into this report. The full response is available to view on the Council's website.

6.20. HEALTH AND SAFETY EXECUTIVE: There appears to be no need to consult HSE.

6.21. NATIONAL HIGHWAYS: We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the Strategic Road Network (SRN), in this case the A34 which is located south of the site.

We do not offer a view of the scope of EIA's as this is for the Local Planning Authority to determine. However, we note that the Applicant states in section 8.21 of the scoping report that a Transport Assessment (TA) will be produced to accompany the application. Based on what is known about the development proposals, it is highly likely that the A34 will be impacted by the development, particularly during construction and operational event days. Therefore, we would recommend that the Applicant contacts us to determine any requirements we may have for the scope of the TA. This can be done by contacting us

through our inbox: PlanningSE@nationalhighways.co.uk . It is essential that the views of the Local Highway Authority, in this case Oxfordshire County Council, are also sought.

In addition, section 8.20 of the scoping report states that the Applicant intends to submit a Construction Environmental Management Plan (CTMP), Construction Traffic Management Plan (CTMP) and Construction Travel Plan (CTP). These should properly assess and mitigate the impact of construction traffic on the A34.

We look forward to working with the Applicant and Oxfordshire County Council as Local Highway Authority to develop the scope of the subsequent TA. We would expect the TA to assess any potential impacts to the A34 and take into account any other development in the area.

Due to the above we would strongly recommend early engagement with the Applicant prior to the submission of any future formal application.

6.22. CDC LANDSCAPE SERVICES: (via email) I consider the proposed viewpoint assessment locations to be comprehensive and representative and therefore acceptable in respect of:

LVIA FIGURE 1.3 ANTICIPATED REPRESENTATIVE VIEWPOINT LOCATIONS FROM THE LANDSCAPE IMMEDIATELY SURROUNDING THE SITE **DWG. NO.** D3263-FAB-00-XX-DR-L-0003 A

LVIA FIGURE 1.4 ANTICIPATED REPRESENTATIVE VIEWPOINT LOCATIONS FROM THE WIDER STUDY AREA **DWG. NO.** D3263-FAB-00-XX-DR-L-0004 A

6.23. LONDON/OXFORD AIRPORT: There is currently insufficient detail for us to fully complete a Physical Safeguarding Study, we therefore request the opportunity to be consulted on future detailed applications. As the applicant develops their proposals, we request early engagement to enable us to fully assess the impact on our operations and complete safeguarding assessments with respect to at least the following areas: • Building heights and operation of cranes during construction in relation to our published Instrument Flight Procedures and Obstacle Limitation Areas; • Wildlife/Bird Hazard Management Plans, including management of sustainable drainage systems, open water and wetland areas; • Lighting schemes, ensuring that they do not introduce confusing patterns for pilots on approach. Oxford Airport is a legally safeguarded aerodrome, as listed in ODPM/DfT Circular 01/2003 ‘Safeguarding of Aerodromes, Technical Sites & Military Explosives Storage Areas Direction’, and as such it is a requirement that developments do not introduce safety hazards to aviation. Further details regarding Aviation Safeguarding can be found on the Civil Aviation Authority’s Combined Aerodrome Safeguarding Team Website (https://www.caa.co.uk/cast)

6.24. NATIONAL GRID: No response received.

6.25. NATIONAL PLANNING CASEWORK UNIT (NPCU): No response received.

6.26. NATURAL ENGLAND: A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England’s advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development. Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Please note that Natural England must be consulted on Environmental Statements.

6.27. OCC SINGLE RESPONSE: Detailed comments provided, which are incorporated into the relevant sections below, where appropriate.

6.28. OXFORD CITY COUNCIL: No response received.

6.29. CDC PLANNING POLICY: No response received.

6.30. CDC PUBLIC ART: No response received.

6.31. RAMBLERS ASSOCIATION: No response received.

6.32. CDC RECREATION AND LEISURE: No response received.

6.33. CDC REGENERATION TEAM: No response received.

6.34. SOUTHERN GAS NETWORK: No response received.

6.35. SPORT ENGLAND: Sport England has reviewed the submitted document and has no comments to make.

6.36. THAMES VALLEY POLICE (DESIGNING OUT CRIME OFFICER): Detailed comments provided, which are incorporated into the relevant sections below, where appropriate.

6.37. MILITARY POLICE (DESIGNING OUT CRIME OFFICER FOR OXFORD PARKWAY): No response received.

6.38. THAMES WATER: Thames Water consider the following issues should be considered and covered in either the EIA or planning application submission: 1. The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met 2. The surface water drainage requirements and flood risk of the development both on and off site and can it be met. 3. Build - out/ phasing details to ensure infrastructure can be delivered ahead of occupation. 4. Any piling methodology and will it adversely affect neighbouring utility services. Should the developer wish to obtain information on the above issues they should contact our Developer Services department on 0800 0093921. The developer can obtain information to support the EIA by visiting the Thames Water website https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes

6.39. CDC WASTE AND RECYCLING: No response received.

6.40. CDC LAND DRAINAGE: I have no comments on Section 12 (Flood Risk) of the Scoping Document. The applicant acknowledges some risk of surface water flooding on the site which needs to be addressed. I accept there is no material risk from any other source. However, the Scoping Document is silent on surface water management which is a critical consideration. The site slopes and drains generally westwards and towards the A4260. The nature, location and condition of the crossing is unclear and should be proven. The crossing of the outfall system under the Oxford Canal is by means of an inverted siphon about 1 kilometre west of the site. The siphon receives very poor and infrequent maintenance due to its inaccessibility. It is known to pose a hydraulic obstruction in the outfall network. The siphon discharges into the Kingsbridge Brook which is a Main River. The Brook flows into the River Thames a further 3 kilometres downstream. Most of this section of watercourse is in the flood plain of the River Thames. The drainage from the site may also impact on the sensitive wildlife reserve which is upstream of the canal siphon and a little to the north. In summary, the route of the drainage from the development site should be confirmed and modelled to understand what the backwater effects are from the flood plain and the siphon. The Scoping Document should include sections on both the hydraulic and ecological effects of the site drainage.

6.41. CDC KIDLINGTON EAST WARD MEMBER COUNCILLOR IAN MIDDLETON: Detailed comments and reports provided, some of which are incorporated into this report. The full response is available to view on the Council's website.

6.42. CDC KIDLINGTON EAST WARD MEMBER COUNCILLOR FIONA MAWSON: Comments that: I would expect there to be a full EIA on this development. In view of its location and impact on the environment, the main concerns are the traffic management in this increasingly developed area and also the ongoing information presented about the biodiversity impact on the willow plantation.

I also find the title of this application misleading as it hasn't been a Motorcycle Track for over 23 years.

6.43. CDC KIDLINGTON EAST WARD MEMBER COUNCILLOR MAURICE BILLINGTON: No comments received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was adopted on the 7th September 2020. The provides the strategic planning framework and sets out strategic site allocations to provide Cherwell District's share of the unmet housing needs of Oxford to 2031. The allocated sites within closest proximity to this site are mentioned in paragraph 1.2 above.

7.3. On 22nd September 2023, the Reg 18 consultation draft of the Cherwell Local Plan Review 2040 was published. Paragraph 48 of the NPPF states that:

Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

7.4. The weight afforded to different policies is always a matter for the decision maker, and in the case of the Draft Cherwell Local Plan Review, this weight should be determined in line with NPPF para 48, as set out above. Policies will generally gain weight as they progress through the process of consultation and examination, particularly where they do not attract objections.

7.5. Given the relatively early stage of preparation of the Draft Cherwell Local Plan Review, it is considered that only very limited weight may be given to the policies therein.

7.6. The relevant planning policies of the Reg 18 Consultation Draft of the Cherwell Local Plan Review 2040 are set out below:

CP1: Mitigating and Adapting to Climate Change
CP2: Zero or Low Carbon Energy sources
CP3: The Energy Hierarchy and Efficiency
CP4: Achieving Net Zero Carbon
CP5: Carbon Offsetting
CP6: Renewable Energy
CP7: Sustainable Flood Risk
CP8: Sustainable Drainage Systems (suDs)
CP9: Water Resources
CP10: Protection of the Oxford Meadows SAC
CP11: Protection and Enhancement of Biodiversity
CP12: Biodiversity Net Gain
CP13: Conservation Target Areas
CP14: Natural Capital and Ecosystem Services
CP15: Green and Blue Infrastructure
CP16: Air Quality
CP17: Pollution and Noise

CP18: Light Pollution
CP19: Soils, Contaminated Land and Stability
CP21: Sustainable Transport and Connectivity Improvements
CP22: Assessing Transport Impact/ Decide and Provide
CP25: Meeting Business and Employment Needs
CP27: New Employment Development on Unallocated Sites
CP29: Community Employment Plans
CP32: Town Centre Hierarchy and retail
CP43: Protection and Enhancement of the Landscape
CP44: The Oxford Green Belt
CP45: Settlement Gaps
CP46: Achieving Well Designed Places
CP47: Active Travel – Walking and Cycling
CP48: Public Rights of Way
CP50: Creating Healthy Communities
CP51: Providing Supporting Infrastructure and Services
CP55: Open Space, Sport and recreation
CP57-59: Historic Environment and Archaeology
CP60: The Oxford Canal
CP76: Kidlington Area Strategy
CP79: Safeguarding of Land for Strategic Transport Schemes in the Kidlington Area
CP80: Kidlington Green and Blue Infrastructure
CP81: Kidlington Areas of Change
CP87: Delivery and Contingency

DP1: Waste Collection and Recycling

7.7. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Policy PSD1: Presumption in Favour of Sustainable Development
Policy SLE1: Employment Development
Policy SLE2: Securing Dynamic Town Centres
Policy SLE3: Supporting Tourism Growth
Policy SLE4: Improved Transport and Connections
Policy BSC1: District Wide Housing Distribution
Policy BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
Policy BSC7: Meeting Education Needs
Policy BSC8: Securing Health and Well-Being
Policy BSC9: Public Services and Utilities
Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
Policy BSC11: Local Standards of Provision - Outdoor Recreation
Policy BSC12: Indoor Sport, Recreation and Community Facilities
Policy ESD1: Mitigating and Adapting to Climate Change
Policy ESD2: Energy Hierarchy and Allowable Solutions
Policy ESD3: Sustainable Construction
Policy ESD4: Decentralised Energy Systems
Policy ESD5: Renewable Energy
Policy ESD6: Sustainable Flood Risk Management
Policy ESD7: Sustainable Drainage Systems (SuDS)
Policy ESD8: Water Resources
Policy ESD9: Protection of the Oxford Meadows SAC
Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
Policy ESD11: Conservation Target Areas
Policy ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)
Policy ESD13: Local Landscape Protection and Enhancement

Policy ESD14: Oxford Green Belt
Policy ESD15: The Character of the Built and Historic Environment
Policy ESD16: The Oxford Canal
Policy ESD17: Green Infrastructure
Policy Kidlington1: Accommodating High Value Employment Needs
Policy Kidlington2: Strengthening Kidlington Village Centre
Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

Policy GB2 – Outdoor Recreation in the Green Belt
Policy TR1 - Transportation funding
Policy TR7 - Development attracting traffic on minor roads
Policy TR8 - Commercial facilities for the motorist
Policy TR10 - Heavy Goods vehicles
Policy TR11 - Oxford Canal
Policy TR22 - Reservation of land for road schemes in the countryside
Policy T5 - Proposals for new hotels, motels, guesthouses and restaurants in the countryside
Policy C5 - Protection of ecological value and rural character of specified features of value in the District
Policy C8 – Sporadic Development in the open countryside
Policy C15 – Prevention of coalescence of settlements
Policy C28 – Layout, design and external appearance of new development
Policy C30 – Design control
Policy C32 – Provision of facilities for disabled people
Policy C33 – Protection of important gaps of undeveloped land
Policy ENV1 – Development likely to cause detrimental levels of pollution

THE CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED (PR2020)

Policy PR1 - Achieving Sustainable Development for Oxford's Needs
Policy PR3 - The Oxford Green Belt
Policy PR4a - Sustainable Transport
Policy PR4b - Kidlington Centre
Policy PR5 - Green Infrastructure
Policy PR11 - Infrastructure Delivery
Policy PR12b –Sites Not Allocated in the Partial Review
Policy PR13 - Monitoring and Securing Delivery

7.8. Other Material Planning Considerations
- Environmental Impact Assessment (EIA) Regulations 2017 (as amended)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Model Design Guide
- Cycle Infrastructure Design (LTN 1/20)
- Fields in Trust - Guidance for Outdoor Sport and Play

7.9. Supplementary Planning Documents
- Developer Contributions SPD (Feb 2018)
- Cherwell Residential Design Guide (July 2018)

8. APPRAISAL

8.1. The key issues for consideration align with the chapters submitted with the Scoping Report as follows:

- Site Description
- Proposed Development
- EIA Methodology
- Landscape and Visal Impact (LVIA)
- Ecology and Nature Conservation
- Cultural Heritage and Archaeology
- Highways and Access
- Noise and Vibration
- Air Quality
- Lighting
- Flood Risk
- Socio-Economics
- Climate Change
- Waste
- Topics where significant effects are unlikely
- Structure of the Environmental Statement

Site Description

8.2. The site and its setting are set out at Section 1 above and is broadly accepted.

8.3. The reference to the site being 'Stratfield Brake Motorcycle Track' has been updated on the Council's system and the site shall now be referred to as 'Land to the east of Stratfield Brake and west of Oxford Parkway Station, known as The Triangle'. This better reflects local understanding of where the site is and what it is locally referred to.

Proposed Development

8.4. The proposed development is set out at Section 2 above. It is noted that the proposal is still emerging, pending the conclusion of pre-application discussions and ongoing survey work. It is noted that the masterplan shows the potential distribution of land uses, but this will be developed further, informed by the former work.

8.5. It is noted that the construction phasing and programme assumptions are uncertain at this stage, but the build out period would be over a period of approximately 2 years. At this stage, the start of enabling works is noted as Autumn 2024, which is considered to be ambitious for a proposal of this scale.

8.6. Several consultees have noted that the red line boundary submitted includes the woodland tree line, which appears to contradict OCC's site area under consideration and the data contained within Savills 'Alternative Sites Report' (Oct 2022).

EIA Methodology

8.7. The general approach to and organisation of the EIA appears to be sound, and it is agreed that it will be necessary to consider cumulative effects on the environment resulting from committed developments in the area within each topic area chapter.

8.8. In respect of the approach to consideration of alternatives, it is agreed that it will be necessary to consider alternative sites, designs and the 'do nothing' scenario. The alternatives should include a comparison of the environmental effects.

8.9. The list of cumulative sites at table 4.4 is noted. However, it is considered that the cumulative list of sites compiled to support the application submitted for PR8 (23/02098/OUT refers), is more comprehensive and should be used for an analysis of cumulative impacts. This list can be found here: https://planningregister.cherwell.gov.uk/Document/Download?module=PLA&recordNumber=156716&planId=2042083&imageId=72&isPlan=False&fileName=ES%20Vol%203%20-%20Appendix%203.4%20-%20ES%20Cumulative%20Schemes.pdf

Landscape and Visual Impact

8.10. It is agreed that this should be scoped into the ES.

Ecology and Nature Conservation

8.11. It is agreed that this should be scoped into the ES.

8.12. Your attention is drawn to the comprehensive comments provided by BBOWT. In particular, the EIA should set out the steps that will be taken to "preserve, manage and re-establish habitat that is large and varied enough for wild birds to support their population in the long term" in relation both to "wild birds that are in decline" and to "wild birds with healthy populations".

8.13. There are records of the following protected and notable species within or within close proximity to the site: Great Crested Newt, Brown Hairstreak butterfly, Eurasian Badger and West European Hedgehog. Toads are a Priority Species likely to be present, given there are records of other amphibians on/close to the site. The impact on these species and their habitat should be scoped in.

8.14. The comments of the Council's Ecology Officer should be noted and addressed.

8.15. Your attention is drawn to the comprehensive comments provided by FoSB. In particular, the comments in relation to the ecological survey work they have undertaken should be noted and addressed.

8.16. Your attention is drawn to the comments of Councillor Middleton and FoSB, and in particular, the evidence that data gathered from the survey work undertaken by your ecologists may be incomplete due to monitoring equipment being disturbed/removed by the current tenant before the study was complete.

Cultural Heritage and Archaeology

8.17. It is agreed that this should be scoped into the ES.

8.18. The Environmental Statement should consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

8.19. OCC Archaeology have confirmed that an archaeological desk based assessment has been prepared and approved, and should be submitted as part of the EIA.

Highways and Access

8.20. It is agreed that this should be scoped into the ES.

8.21. Please refer to and note OCC's Transport Schedule detailed comments, provided as part of OCC's Single Response.

8.22. Please also note comments provided by Public Health, as part of OCC's Single Response in relation to public footpath 229/4/30. While not within the site boundary, its proximity to the construction works and subsequent operation of the site gives rise to potential impacts on the users of this PRoW. Effort must be made to ensure any impacts are minimised and that users of the PRoW are included in assessments of hazards, such as air quality and noise.

Noise and Vibration

8.23. It is agreed that this should be scoped into the ES.

8.24. The impact on existing residents from construction activity should be accounted for and included.

8.25. Noise impacts from non-football events (such as music concerts) is scoped out, though it is not clear why this is the case. It is considered that noise impacts from non-football events should be scoped into the EIA.

Air Quality

8.26. It is agreed that this should be scoped into the ES.

8.27. Please also note comments provided by Public Health, as part of OCC's Single Response in relation to the assessment of construction dust.

Lighting

8.28. It is agreed that this should be scoped into the ES.

8.29. The EIA should include a lighting management plan to demonstrate how lighting will be avoided or otherwise minimised during both the construction and operational phases including with respect to ecological impacts.

Flood Risk

8.30. It is agreed that surface water, groundwater and artificial sources of flood risk should be scoped into the ES. Comments from CDC Land Drainage in respect of surface water drainage should be noted.

8.31. Please also note detailed comments from the Lead Local Flood Authority, as part of OCC's Single Response.

Socio-Economics

8.32. It is agreed that this should be scoped into the ES.

Climate Change

8.33. It is agreed that this should be scoped into the ES.

Waste

8.34. It is agreed that this should be scoped into the ES. However, it is considered that waste generation and management as part of the construction process be scoped into the EIA, given current uncertainty regarding the quantities of waste anticipated and limited design information for assessment. Further investigation is required to confirm the likely significant effects.

8.35. Please also note comments provided by Minerals and Waste, as part of OCC's Single Response in relation to the Kidlington rail depot (Hanson's) as this is Mineral Infrastructure

which is safeguarded by policy M9 of the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS). Any new activity in the area should be designed so as not to adversely affect the operation of the depot.

Topics where significant effects are unlikely

8.36. The list of non-significant topics to be scoped out of the ES is agreed, with the exception of where they form part of the consideration of an inter-related matters of significance and appropriate mitigation is necessary (e.g., biodiversity and lighting).

8.37. It is considered that given the nature of the proposed development, the impacts associated with terrorism be scoped into the ES. In this regard, your attention is drawn to the comments provided by Thames Valley Police, particularly in respect of Counter Terrorism.

Publication

8.38. It is expected that the Environmental Statement will be accompanied by a Non-technical summary.

8.39. Digital Copies of the Environmental Statement (e.g. through USB sticks or digital links) should be made available to Parish Councils and Ward Members. Digital copies of the Environmental Statement should be made available free of charge. The applicant should undertake a GDPR check as part of any document submitted.

8.40. Any confidential document (e.g. badger survey) should be clearly labelled with a public and redacted version being made available. Unredacted versions should be forwarded to the appropriate body for consideration.

8.41. Hard copies of the Environmental Statement should be sent directly to and will be made available at the Council Offices (Bodicote House and County Hall) and at Kidlington Parish Council (Exeter Hall). Additional copies or requests for a hard copy should be charged at reasonable rates in accordance with guidance. The cover letter should state where Members of the public may obtain these copies and the cost.

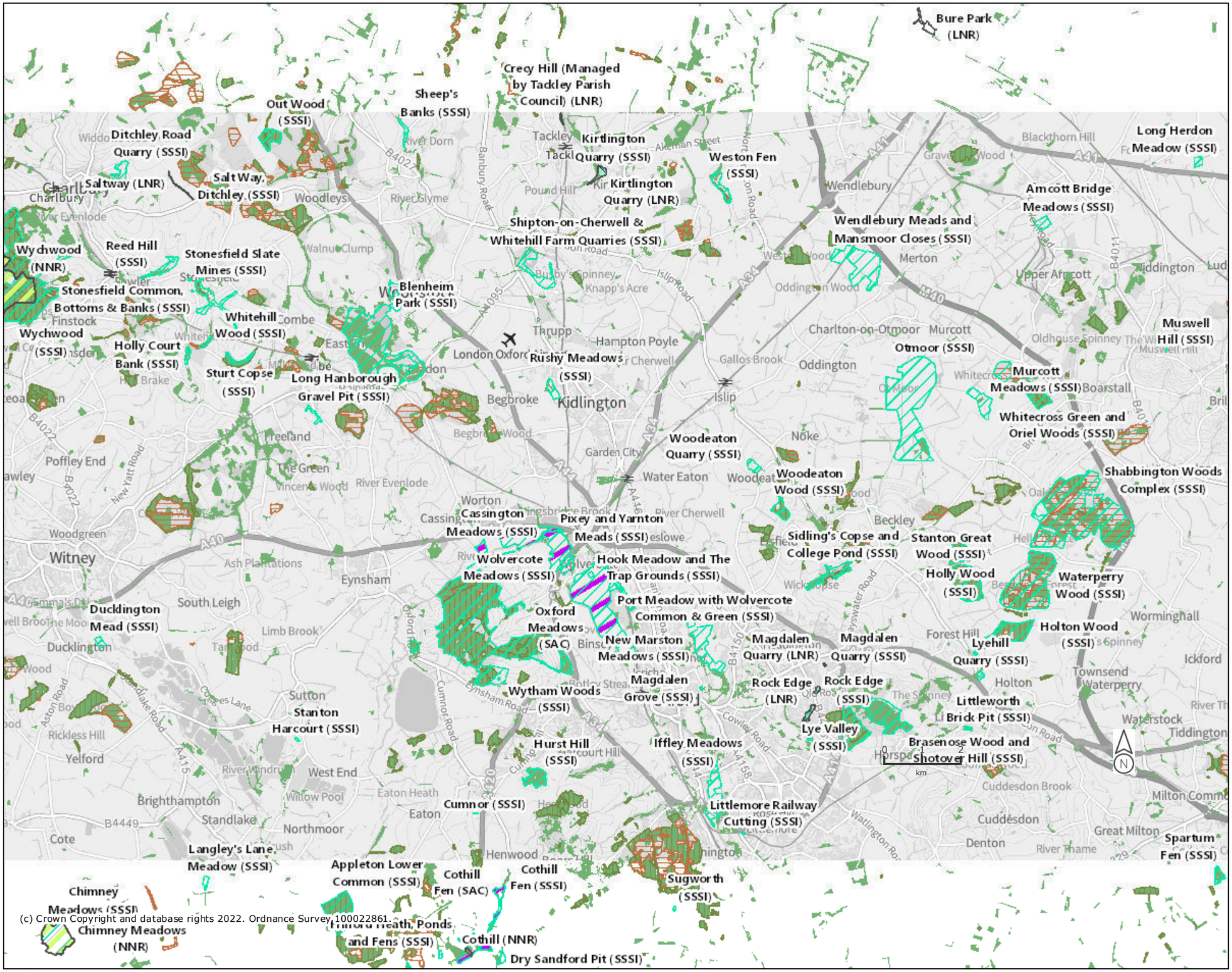
Case Officer:	Laura Bell	DATE: 27/9/23
Checked By:	Caroline Ford	DATE: 29 September 2023

ANNEX 8.6

Information Downloaded from MAGIC

MAGiC

Magic Map



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Sites of Special Scientific Interest (England)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)

Ancient Woodland (England)

- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland
- Priority Habitat Inventory - Deciduous Woodland (England)

Projection = OSGB36
xmin = 428600
ymin = 202000
xmax = 470900
ymax = 221500

0 2 4 km

ANNEX 8.7

Bat Survey Weather Conditions

BAT SURVEY WEATHER CONDITIONS				
Date	**Weather Conditions**	**Sunset Temp (°C)**	**Minimum Night Temp (°C)**	**Sunset Wind Speed (mph)**
2022				
24/08/2022	Clear skies	21	16	7
27/09/2022	Partly cloudy	10	0	2
25/10/2022	Partly cloudy	15	14	8
2023				
08/06/2023	Mostly clear	14	9	9
26/06/2023	Mostly clear	18	11	7
10/07/2023	Cloudy, showers	18	13	5

ANNEX 8.8

Breeding Bird Survey Weather Conditions

BREEDING BIRD SURVEY WEATHER CONDITIONS			
Date	**Weather Conditions**	**Temp (°C)**	**Wind Speed (mph)**
08/06/2023	Partly cloudy	11	14
22/06/2023	Mostly clear skies	16	3
29/06/2023	Light drizzle, cloudy	14	4

ECOLOGYSOLUTIONS

Part of the ES Group

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