

From: Charlotte Watkins
Sent: 30 March 2023 14:45
To: Planning
Subject: 23/00207/DISC partial discharge of condition 10

With regard to the Biodiversity Strategy to discharge/partially discharge condition 10 of 22/02375/NMA (amendment to application no. 14/02121/OUT) -

I may be missing some explanatory document from the NMA however my understanding is that condition 10 calls for a Biodiversity Strategy to be submitted for the whole Himley village 'site' 'prior to or alongside any reserved matters application being submitted' and that 'this should be approved in writing prior to determination of the first reserved matters application' then 'each reserved matters application shall be accompanied by a statement setting out how the proposed development will contribute to achieving the biodiversity strategy and net biodiversity gain'. I believe a reserved matters application for Phase 1 (23/00170/REM) has been submitted thus triggering the need to have this condition approved in writing.

Submitting a partial biodiversity strategy for just part of the site does not fulfil this condition as written. It undermines the purpose of a strategy to attempt to separate it in a piecemeal way for different phases as it does not allow for a holistic view of the site and as regards biodiversity this does not make sense. The strategy itself also seems confused on this point as in some parts it refers only to Phase 1 and in others more generally to the wider site.

I am not supportive of partially discharging this condition therefore as I think it will make future reserved submissions confusing and there will be no overarching strategy for the future reserved matters applications to refer to in their 'statements'. This is particularly relevant if they intend, as stated, for net gain to be considered at a 'site' scale with a master metric – this will require a whole site strategy to be in place.

I have therefore tried to comment below but some of my comments are more relevant to the 'site' strategy the condition required.

Comments:

- The document does not refer at all to the NW Bicester SPD.
- There is no reference to the ecotown master Biodiversity strategy and how this might fit in.
- I think the plan (figure 1.1) misses out most of Phase 3? But includes more than Phase 1?
- The document states that any reptiles found on site will be translocated (section 3.1) to an area outside the works area. There are no details however of where reptiles will be translocated to and with little idea as to potential populations a specific receptor site may need to be put in place. This should be stated. It would not be acceptable for reptiles to be moved to areas from which they may potentially be moved again in subsequent phases or for them to be moved to habitat that is not suitable to sustain the population.
- Section 4.2 states that at the pre-development notification stage, developers would be required to submit a "Biodiversity Statement". This would need to include a brief outline of how the developer intends to achieve a minimum of 10% net gain on their plot (e.g. habitat creation through site landscaping); This appears to be for particular 'plots' but it is not clear what the definition of plot is compared to Phase for example– this should be made clear.
For example although the Phase 1 site is small (access routes only) this particular step of submitting a biodiversity statement does not appear to have been done for 23/00170/REM either here or for that application.
- Section 4.2 also states: If a minimum of 10% biodiversity net gain can still not be achieved, details of a financial contribution for off-site compensation provided (for example through the Trust for Oxfordshire's Environment (TOE) scheme or The Berks, Bucks and Oxon Wildlife Trust (BBOWT) and Finance Earth)

CDC does not currently accept certificates or evidence/intention of 'financial contribution for off-site compensation' from any broker/organisation. CDC requires a full plan of where the necessary off-site habitat units are to be sited, a timescale for delivery and how the site will be managed and monitored ongoing in order to demonstrate achievable net gain. Finding suitable sites can take some time and so this should be factored in from the start. This part needs to be amended therefore to take into account what is currently acceptable to the LPA.

- A Biodiversity Impact Assessment metric has been carried out for Phase 1 only and submitted as part of this Biodiversity strategy. This shows a significant loss (-100%) for biodiversity from Phase 1 - including orchard habitat. No comment is made on how this will be dealt with. This may be more relevant to be submitted with the REM application for Phase 1 but it does not make sense to demonstrate a loss within this strategy whilst also stressing the need for net gain and not to demonstrate how the required net gain will be achieved or why this is considered acceptable for Phase 1. Also see point above.
- The ponds on site/adjacent have been denoted as suitable for great crested newts and there are records of the presence of GCN from 2021. Section 4.20 states they will rely on eDNA to confirm absence of GCN. It should be noted that given the recent records and depending on impacts, one year's eDNA data may not be considered reliable to confirm absence. The District licensing route could also be considered here and should be mentioned as an option.
- The biodiversity strategy mentions some bat and bird boxes should be incorporated into the plots. However CDC seeks the equivalent of one bat/bird provision per dwelling (although these may be best clustered) and these should be bricks integrated into the fabric of the buildings where possible. This should be included within the Biodiversity strategy as should proof of consideration of green roofs and green walls. Again this is not relevant to Phase 1 alone but the strategy states such enhancements more generally within plots (making it unclear what is intended) so for the avoidance of doubt this should be included.
- There is no mention of any farmland bird mitigation contributions required. This may be dealt with in other documents but if it is something that individual plots would be expected to contribute to this should be included in the strategy.

Please get back to me with any questions

Kind regards

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