
**TOWN & COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

**APPEAL BY GREAT LAKES UK LTD
REF: APP/C3105/W/20/3259189**

**LAND TO THE EAST OF M40 AND SOUTH OF A4095,
CHESTERTON, BICESTER, OXFORDSHIRE OX26 1TE**

SUMMARY

**BIODIVERSITY PROOF OF EVIDENCE
OF JAMES PATMORE CEcol CEnv MCIEEM BSc *Hons***

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1.1 Qualifications & Experience

1.1.1 My name is James Patmore, I am the Director of Ecology at Bradley Murphy Design Limited (BMD) of Hatton Technology Park, Hatton, Warwickshire CV35 8XB, a practice of landscape architects, urban designers, ecologists and master planners.

1.1.2 I am a Chartered Ecologist and Chartered Environmentalist and also hold full membership of the Chartered Institute of Ecology and Environmental Management (CIEEM) with over 18 years' experience as a practising ecological consultant. I hold a Bachelor of Science (Honours) degree in Environmental Science from the University of Birmingham. I have undertaken Biodiversity Impact Assessments (BIA) for a wide range of schemes including residential, commercial and mixed-use including review and use of a range of biodiversity metric methods.

1.1.3 I have experience in providing biodiversity-led input to the master planning process for a range of large-scale residential, mixed use and commercial developments across the country and also nationally important infrastructure projects.

1.2 Scope and Nature of Evidence

1.2.1 My evidence provides: a summary of the biodiversity baseline at the Site; a review of the submitted WSP metric in support of the application; and a comparison metric based on the current Biodiversity Metric 2.0.

1.2.2 My evidence demonstrates that:

- The Proposed Development has been designed as part of a landscape-led approach with careful regard to the baseline biodiversity and the ecological context of the surrounding area;
- In general, the Site is dominated by low value biodiversity assets;
- No high value biodiversity asset would be lost as a result of the proposed development;
- High value biodiversity assets are avoided and protected as an outcome of the Proposed Development;

- Biodiversity Net Gain is achieved by the Proposed Development with the consequential benefits for biodiversity and the environment; and
- The net gain position is secured through appropriate long-term maintenance and management.

1.3 Response to PAW Statements of Case

1.3.1 There is no reason for refusal on biodiversity grounds and this is not an issue that is being pursued by Cherwell District Council (CDC).

1.3.2 Notwithstanding CDC's satisfaction with ecology matters, PAW has advanced contrary allegations regarding baseline assessment and Biodiversity Net Gain in its Statement of Case.

1.3.3 In light of this, I have been instructed by Great Lakes Ltd to provide a further independent review of the work already undertaken by WSP which CDC has already scrutinised.

1.3.4 For these purposes, I have examined all of the relevant material that WSP compiled. I also undertook my own further ecological verification visit to the Site on 5th January 2021, with the aim of further verifying for myself the current baseline data that has already been collected, and assessing the existing condition of the habitat types present and considering the presence of/potential for protected and notable species.

1.3.5 I have responded to the points raised in the PAW Statement of Case, demonstrating that:

- The baseline assessment has appropriately assessed the on-site habitats and it includes a distinction between low value habitats associated with intensively managed areas and areas of higher value associated with rough grass edges, ponds and the various woodland/scattered tree areas;
- Proposed habitat creation/enhancement with regard to time to target is achievable and within the parameters of the guidance relevant to the time of assessment. Proposed management and maintenance plans are provided and further management requirements (e.g. control of public access) can be secured through condition

- The WSP Biodiversity Net Gain figures have been shown to balance with no significant numerical errors identified; and,
- Through verification of the WSP Net Gain figures a significant net gain is achieved. A comparison metric has been completed (under The Biodiversity Metric 2.0) which also demonstrates that a significant net gain in biodiversity units will be achieved.

1.4 Conclusion

- 1.4.1 In summary, the overall significant biodiversity enhancement is achieved through the avoidance of impacts to higher value habitat, retention of higher value habitat features, enhancement of lower value retained habitats through appropriate long-term management and the creation of higher value habitats to replace the value of the habitat lost.
- 1.4.2 The baseline assessment has appropriately assessed the on-site habitats and it includes a distinction between low value habitats associated with intensively managed areas and areas of higher value associated with rough grass edges, ponds and the various woodland/scattered areas.
- 1.4.3 Proposed habitat creation/enhancement with regard to time to target is achievable and within the parameters of the guidance relevant to the time of assessment. Proposed management and maintenance plans are provided and further management requirements (e.g. control of public access) can be secured through condition.
- 1.4.4 The result of the Proposed Development is a significantly enhanced area of habitat mosaic with improved connectivity continuing to support the protected species present at the Site such as great crested newt and grass snake.
- 1.4.5 It should also be recognised that the use of a metric provides a numerical means to assess the biodiversity net gain achieved by a development. It does not account for other biodiversity enhancements achieved by a scheme such as those associated with protected species (e.g. for great crested newt), specific features installed within new landscaping/habitat areas such as bird

boxes, bat boxes, habitat piles, log piles, etc which would be included in the detailed landscape designs for the Proposed Development and which will enhance the biodiversity of the site.

- 1.4.6 Further checking of the metric results also occur when a permitted scheme is implemented to ensure that the final designs continue to achieve a net gain and that all habitat areas are accounted for. In this case, for example the illustrative design includes a green/biodiverse roof the benefits for which have yet to be included in any metric calculation. At the stage of implementation, one would expect such areas like the green/biodiverse roof to also be included in the metric as part of the overall habitat creation.