

The Lodge  
1 Armstrong Road  
Littlemore  
Oxford OX4 4XT

Cherwell District Council

FAO: Wayne Campbell

**By email only**

23<sup>rd</sup> March 2021

Dear Wayne,

**21/00500/OUT**

**Land North of Railway House Station Road Hook Norton**

**Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond**

**Objection:**

- 1. Potential hydrological (water quality and water quantity) impact on Cradle and Grounds Farm Banks LWS and on the River Swere**
- 2. Application does not provide evidence of a net gain in biodiversity**

As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology on and around the application site.

- 1. Potential hydrological (water quality and water quantity) impact on Cradle and Grounds Farm Banks LWS and on the River Swere**

The application site is located in close proximity, and uphill from the River Swere, which then flows soon after into the Cradle and Grounds Farm Banks LWS.

We are concerned about potential indirect impacts on the nature conservation interest of the LWS, and the River Swere, due to possible changes to the hydrology (water quality in particular, and water quantity). The LWS contains Lowland Fen habitat which is sensitive to hydrological changes. Lowland fen is a priority habitat and an irreplaceable habitat.

We do not consider that the application has demonstrated that it will not result in any deterioration of the lowland fen habitat in Cradle and Grounds Farm Banks LWS. As such we consider that at present it is contrary to Policy ESD 10 of the Cherwell Local Plan.

5.2.1 of the PEA states: *“Given the habitats present on site and the separation and distance of the site from Hook Norton Cutting and Banks SSSI and the non-statutorily designated sites within 2km, no mechanism has been identified associated with the proposed development which is likely to affect identified non statutorily designated sites, directly or indirectly.”*

However, we are concerned that there could be a mechanism by which the development could impact negatively on the LWS and the rare and fragile fen habitat that it contains, by means of hydrological impact, in terms of water quantity, and in particular water quality, during either or both of construction and operation. This is due to its close proximity in a downstream direction from the proposed development site. We are concerned that the ecology report does not appear to us to have considered this mechanism, and we could not find a description of mitigation measures to ensure that there is no impact on the LWS and the fen habitat that it contains.

We also consider that the design of the SuDS scheme must take into account the need for assuring that there is no change in either water quality or water quantity leaving the site and that the scheme will be maintained and replaced so that such benefits must remain in perpetuity, for as long as the land remains developed, specifically in order to ensure the development does not and will not cause any changes in flow rates and water quality in the River Swere and that there is no risk of impact on the LWS and its vulnerable fen priority habitat. Fen habitat is extremely vulnerable to changes in both water quality and water quantity.

As such, we consider the application in its present form to be contrary to the following paragraph of policy ESD 10 of the Cherwell local plan part 1:

*“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”*

Although we do not have recent data, we believe that the River Swere is one of the most biodiverse of the rivers of Oxfordshire, and amongst the cleaner rivers in the county as well. As such it would be particularly vulnerable to changes in turbidity (silt levels), to nutrients which cause eutrophication, and to chemical pollution. As already stated above the proposed development site is uphill from, and within about 250 m of the River Swere. It also lies closer still, as recognised in the Drainage Report, to a tributary of the River Swere to the NE of the development site, that flows into the River Swere close to the Local Wildlife Site.

### Irreplaceable Habitats

The NPPF states:

*“175. When determining planning applications, local planning authorities should apply the following principles:.....*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and”*

The revised NPPF (2018) Glossary states (with our underlining):

*“Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.”*

This suggests that the lowland fen habitat of Cradle and Grounds Farm Banks LWS may meet the definition of irreplaceable habitat.

The fen habitat is fragile and vulnerable to changes in water quality and water quantity. The application has not demonstrated that its potential indirect impacts will not result in the deterioration of the fen habitat and the LWS. As such we do not consider that it is compatible with the above mentioned paragraphs of the NPPF.

## **2. Application does not provide evidence of a net gain in biodiversity**

Whilst we note that there is some green space provided in the development, we could not find a reference in the ecology report to address the policy requirement for a net gain in biodiversity to be achieved by development. Nor could we find any kind of biodiversity accounting metric calculation to demonstrate a net gain in biodiversity. As such we consider the application at present to be contrary to Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment of the Cherwell Local Plan:

*“In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.”*

and contrary to Cherwell District Council's Community Nature Plan:

<https://www.cherwell.gov.uk/info/118/communities/532/community-nature-plan>

which states:

*“Seek a minimum of 10% net gain in biodiversity when considering proposals for development.”*

The NPPF states:

*“170. Planning policies and decisions should contribute to and enhance the natural and local environment by:.....*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*174. To protect and enhance biodiversity and geodiversity, plans should:...*

*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.”*

We hope that these comments are useful. Please do not hesitate to get in touch should you wish to discuss any of the matters raised.

Yours sincerely

Nicky Warden

Public Affairs and Planning Officer

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust