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Our Ref: DW/E2100/251021

FAO: Case officer for application 21/01224/OUT

**Planning Application 21/01224/OUT**  
**Cherwell Local Plan Policy ESD10 and National Policy as conveyed by NPPF 180**

**Critique of BNG calculations submitted by Ecology Solutions**

Bioscan have been instructed by CPRE to carry out a rapid review of the Biodiversity Net Gain calculations submitted by the applicant, Bicester Motion, in support of the above application.

In accordance with national policies relating to the need to secure measurable net gains in biodiversity from development, coupled with CDC's resolution passed in October 2019 that such gains should amount to 10% above neutral<sup>1</sup>, and the increasingly momentum more generally towards mandatory 10% net gain in anticipation of the passing into law of the Environment Bill, we understand that repeated requests have been made by consultees for the applicant to submit a BNG assessment.

We note that such an assessment has only very belatedly been uploaded to the planning portal in the last couple of days. This has the effect of disadvantaging statutory and non-statutory consultees and presenting a clear case for deferral to ensure this information is available to consultees for the appropriate period.

In the interim, an initial review has been managed pursuant to CPRE's instruction. The key matters emerging from this review are as follows:

1. The applicant has elected to use a metric calculator which is now several years old and has arguably been superseded twice – first by the emergence of the Metric 2.0 Beta Version published by Natural England in 2019 and more particularly by the publication in July 2021 of Metric 3.0 again by Natural England. As Metric 3.0 is stated to be the system intended for use going forward, and in particular in relation to assisting with delivery of mandatory 10% net gain under the Environment Bill, it is not clear why the most up to date system supported by the statutory nature conservation agency has not been used. Bioscan are aware that Metric 3.0 is used without complaint by the applicant's ecologists elsewhere.

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<sup>1</sup> See page 1 of

[http://modgov.cherwell.gov.uk/documents/s42079/250919%20FINAL%20October%20Executive%20Committee%20report\\_Community%20Nature%20Plan.pdf](http://modgov.cherwell.gov.uk/documents/s42079/250919%20FINAL%20October%20Executive%20Committee%20report_Community%20Nature%20Plan.pdf) (downloaded 25.10.21)

- One possibility is that use of Metric 3.0 has been eschewed by the applicants because it delivers a poorer result. This has been tested by populating Natural England’s Metric 3.0 calculator with the applicant’s inputs for the area-based calculations as taken from their Warwickshire calculator.
- The result of this exercise is indicated by the summary output below – Metric 3.0 indicates that this development does not deliver 10% net gain and indeed (given standard 5% margins of error) may well deliver net loss even using the applicants’ own figures. Use of Metric 3.0 also flags that trading rules (intended to avoid high quality habitats being traded for larger quantities of lower quality ones) have not been satisfied.

Automotive Experience Quarter et al 21/012		Return to results menu
Headline Results		
On-site baseline	Habitat units	1268.78
	Hedgerow units	0.00
	River units	0.00
On-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	1249.20
	Hedgerow units	0.00
	River units	0.00
On-site net % change <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	-1.54%
	Hedgerow units	0.00%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change <small>(including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	-19.58
	Hedgerow units	0.00
	River units	0.00
Total on-site net % change plus off-site surplus <small>(including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	-1.54%
	Hedgerow units	0.00%
	River units	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

- Over and above this issue, and in the event the Warwickshire calculator was deemed to be satisfactory for decision making, the reliability of the applicant’s input figures is open to very serious question. Analysis of the applicant’s calculations reveals that the case for avoiding net loss and delivering net gain hinges in large part on a particular proposed habitat change. This is the proposed delivery of a very large quantum (26.27ha) of high distinctiveness<sup>2</sup> open mosaic habitat (OMH) – indeed of a value equivalent to ‘Priority’ representations of this type of habitat as are sometimes found on long-abandoned industrial and minerals sites. On any sober technical and real-world analysis, this is an extremely unlikely outcome. For example, if high distinctiveness OMH was capable of being delivered on this site (as a function of substrates, ground conditions and other factors), it would

<sup>2</sup> Note that to allow this habitat to be awarded a high distinctiveness score, the applicant has had to override locked-cell defaults in the Warwickshire calculator.

already be present in the areas already identified as colonising disturbed ground. Yet no such high distinctiveness examples are indicated in the baseline calculations. The applicant's case is that in the future, the more intensive uses of part of the site will somehow deliver a huge uplift in the quality of areas of ground disturbed by development, car-parking and motorsport activities, to the point at which they attain a structure, composition and value equivalent to the Priority habitat type. This is unevidenced, and nor can it be evidenced. The attached photographs convey the gulf of reality between what the applicants are claiming will be the result of ground disturbance from motorsport and car parking activities, and high distinctiveness open mosaic habitat. The reality is that the disturbed ground from vehicular and other activities in the operational phase will deliver habitats no better, and in all probability substantially worse, than the current neglected and/or disturbed areas on the site at present, and in any event much poorer than the medium-high distinctiveness semi-improved calcareous grasslands that they will in large part replace. Making a simple correction to the calculations to account for this more realistic outcome results in a net loss of -121.62 habitat units, equating to -9.59% net loss, per the below. This is a much more realistic BNG calculation.

Automotive Experience Quarter et al 21/012		Return to results menu
<b>Headline Results</b>		
On-site baseline	Habitat units	1268.78
	Hedgerow units	0.00
	River units	0.00
On-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	1147.16
	Hedgerow units	0.00
	River units	0.00
On-site net % change <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	-9.59%
	Hedgerow units	0.00%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change <small>(including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	-121.62
	Hedgerow units	0.00
	River units	0.00
Total on-site net % change plus off-site surplus <small>(including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	-9.59%
	Hedgerow units	0.00%
	River units	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

- This is no more than one simple correction of the applicants' calculations. Further corrections are likely to reveal the net loss figure to be greater. Indeed, on any subjective view, this is rendered as likely by consideration of the application documents and the amount of development proposed on what are inherently sensitive

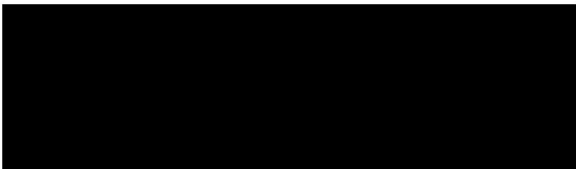
calcareous grassland habitats – as indicated by the high distinctiveness they are awarded in both the Warwickshire BNG calculator and the Metric 3.0 calculator.

6. The losses of such high distinctiveness habitat are in any event flagged as unacceptable in planning policy terms in the applicant's own submitted calculations, by the error message in red that reads "**CAUTION - Destruction of habitats of high distinctiveness, e.g. lowland meadow or ancient woodland may be against local policy. Has the mitigation hierarchy been followed and can impact to these habitats be avoided? Any loss of habitats of high distinctiveness must be replaced like for like.**"
7. Thus, by far the more robust assessment of the long-term effect of the proposed development is that it will deliver upwards of 10% **net loss** due to the amount of high value calcareous grassland habitat that will be lost both to development and to operational activities. The applicant's own calculations carry an error message indicating that impacts unacceptable in policy terms will arise and independent review of those calculations using a more up to date metric further supports the case that these proposals result in an extent of habitat loss and damage that does not comply with local or national planning policy related to biodiversity and development.

We have been asked to write to the planning department to ensure that this interim critique of the applicant's BNG calculations is taken into full account in decisions on the veracity of the submitted material, its robustness for decision making and on matters such as whether the application can legitimately go to committee without full consultation on the issues it raises.

Case officers and the Council generally are invited to get in touch to discuss this further if it would be helpful. Bioscan would also be happy to attend site visits and or meetings to work towards an agreed set of accurate inputs and outputs from the BNG process, if the Council or applicant would feel that to be helpful.

Best regards



Dominic Woodfield CEcol CEnv MCIEEM  
Director

Enc (overleaf): sample photos illustrating high distinctiveness open mosaic habitat and (by contrast) what is realistically likely to be able to be delivered on the application site having regard to the proposed uses, soils &etc.

An example of high distinctiveness open mosaic habitat. Ecology Solutions are claiming the development will deliver over 26.27ha of this on the site via ecology car parks and 'existing grassland to be managed as open mosaic habitat' (including via off-road vehicle traffic).



The two images below show the more likely reality of what's actually proposed in the various areas:

1. "Ecology Car Parks":



2. "Existing grassland to be managed as open mosaic habitat":

