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FAO: Case officer for application 21/01224/OUT

Planning Application 21/01224/OUT

Cherwell Local Plan Policy ESD10, National Policy as conveyed by NPPF 180 and statutory requirements of the Environment Act 2021

Response to note submitted by Ecology Solutions

In response to Ecology Solutions' submission entitled 'RESPONSE TO MATTERS RAISED BY BIOSCAN LIMITED ON BEHALF OF CPRE', uploaded to the CDC planning portal on 10th November, Bioscan have been given a further instruction by CPRE to review and where necessary respond to the further points made.

Need for clarity and overarching assessment with respect to the redevelopment of Bicester Airfield generally

We note that Ecology Solutions state that the redline boundary for the application has changed during the course of the consultation period, and that they provide revised calculations based on the scheme that is actually being put forward for determination. The suggestion is that the scheme up to that point was being promoted for determination without an accurate BNG calculation, and that consultees up to this point have had the opportunity to review only a now superseded calculation. We would remark that the picture as regards BNG on this site generally (i.e. land within the control of Bicester Motion) has been further confused by multiple piecemeal applications and it is not readily clear either to us (or presumably to the determining authority) what the overall position as regards biodiversity impacts is. We suggest that all the individual determined and as yet undetermined applications should be subject to BNG calculations both severally, and cumulatively, in order that the Council (and consultees) can be put on a properly informed footing as to whether the phased redevelopment of Bicester Airfield that is underway will achieve net loss or net gain in biodiversity, and (to the extent that there may be phases when net loss is the overall position), the duration of such losses). Indeed, the need to factor in such matters as 'lag time' is another reason why use of Metric 3.0 would be more robust in this situation.

Warwickshire Metric v Metric 3.0

Leading directly on from the concluding comment above, we note Ecology Solutions' justifications for use of the Warwickshire Metric. Insofar as Ecology Solutions state that the continued use of the Warwickshire calculator has been discussed and agreed with the Council's ecologist, we accept that this is the position. Insofar as the Natural England guidance around the release of Metric 3.0 in July 2021 stated that schemes already well-advanced using Metric 2.0 at the time of release of Metric 3.0 should continue to use the previous system, that is also correct.

However, it is not correct to state that the Natural England guidance endorses the use of the Warwickshire Metric over the use of Metric 3.0. It doesn't. Furthermore, there are two factors that further lean towards Metric 3.0 being the more appropriate system for use in this case. The first is that the scheme has changed; by Ecology Solutions' own admission they have had to recalculate the BNG score due to the change in redline to omit some 6ha from the application site (not a small or non-material change – indeed we note that the Council has rightly decided to re-consult due to the magnitude of this change). The second is that the Environment Bill has now passed into law and become the Environment Act 2021. Metric 3.0 is specified by Natural England as the system intended to be used to measure performance against the mandatory net gain provisions in the Act. These matters did not have any bearing on the appeal decision referred to, and therefore that is of limited assistance in this case.

Bioscan agree that professional judgment is important in interpreting metric inputs and outputs, albeit that there is a suite of guidance now available to steer judgments towards a more standardised form. To that end, we propose that Ecology Solutions, Bioscan and Charlotte Watkins of CDC meet on the site and attempt to reach a common ground position on the classification, distinctiveness and condition of the key habitats driving the BNG calculation and representing the key areas of dispute.

Open Mosaic Habitat Creation

We observe that no small amount of artifice has been employed by Ecology Solutions in responding to our criticisms relating to the heavy reliance in their BNG calculations on creation of high distinctiveness 'priority' representations of open mosaic habitat (OMH). We note, for example, that rather than explore the consequences for the calculation of a more conservative score for what is proposed to be created in the future, they have elected to instead test the consequences of raising the score attributed to the small representations of ephemeral/short perennial habitat that are already extant on the site to a level equivalent to high distinctiveness OMH. This is either disingenuous or there is a failure to appreciate the range in quality of habitats from 'priority' OMH through to habitat types better described as 'ephemeral/short perennial' which, quite rightly, score much more modestly in the metric. By Ecology Solutions' reasoning, mossy growths colonising neglected tarmac qualify as the priority habitat type. This is nonsense. However, rather than enter into a lengthy and esoteric technical debate, we suggest again that this matter could be most easily resolved by a technical meeting on site between ourselves, Ecology Solutions and CDC, prior to determination, to reach an agreed position on what the baseline habitats are and what their distinctiveness and condition is, by reference to the standard guidance, and what the prospects for future high distinctiveness OMH are by reference to matters such as soils. This is likely to be the most expeditious way of arriving at a BNG calculation that is sufficiently robust for confidence to be had in testing the scheme against the appropriate policy controls under ESD10 and the NPPF.

We have also spoken to Buglife about the suggestion that they habitually advise that car-parks can provide a means to deliver high distinctiveness OMH, as we were very surprised by this assertion. Their response was there have been examples of where they have advised someone designing a car park that an unsurfaced approach can provide some opportunities for wildlife and is better than hardstanding, but they have strongly refuted that they have or would ever class it as compatible with high distinctiveness OMH. They have also confirmed that they would never suggest that grasscrete/geotex contributes to a habitat mosaic referable to 'priority' or high distinctiveness OMH – merely that it is a landscaping approach that is a better option for invertebrates than a standard hard-surfaced car park. It would therefore appear that Buglife are being misquoted here.

Loss of Priority Calcareous Grassland habitat

As we stated in our previous submission, the proposed losses of high distinctiveness calcareous grassland habitat due to the development are flagged as unacceptable in planning policy terms not just by Metric 3.0 but also in the applicant's own submitted calculations using the Warwickshire calculator, 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.”

The applicant appears to continue to fail to acknowledge that habitat losses that are demonstrably unacceptable in policy terms will arise. They have failed to propose a compensation scheme that is ‘like for like’ and attempt to justify this by saying that whilst the overall extent of priority habitat will diminish, the quality of the surviving examples will increase due to management. This is no more than an exercise in the law of diminishing returns and is exactly the type of process that results in net biodiversity loss. It underlines why it is important for the planning authority to note that both Ecology Solutions’ Warwickshire metric calculation and our Metric 3.0 calculation also flag that ‘trading rules are not satisfied’. This red flag is to prevent exactly this sort of net diminution of irreplaceable high distinctiveness habitats in exchange for no more than aspirational and quite likely unsuccessful future replacements, and it should be heeded.

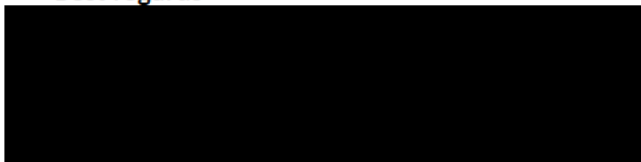
Invertebrates

Paras 36 and 37 of the Ecology Solutions note suggest that the value of the habitats within the application site is lower than certain areas outside it, and refer to a plan produced by Colin Plant Associates showing a particular focus of invertebrate interest in the southern margin of the airfield. They fail to remark upon the fact that this ‘key invertebrate area’ is itself threatened by the F.A.S.T proposals (ref 19/02708/OUT). If that area is to be lost, the relative importance of the habitats within the current Application Site is undoubtedly raised. This is another example of the suspect, silo-based thinking that appears to pervade the consideration of biodiversity impacts on this site.

Summary and Conclusions

If we, as highly experienced ecological practitioners with close and long experience with the use of metrics, cannot readily come to a position of agreement with the Applicant on the calculator inputs and outputs presented to the Council, nor readily understand what the overall position as regards biodiversity net gain or loss in relation to the interrelated development proposals for Bicester Airfield generally, then it is very likely that the Council and other stakeholders are similarly disadvantaged. It is incumbent on an applicant to provide clear information to assist with a planning determination. The responses from Ecology Solutions in their note serve to muddy the waters or evade clear answers to the matters raised in our original critique. We suggest again that this matter will be most expeditiously resolved by a site meeting between Bioscan (representing CPRE), Ecology Solutions and CDC where mutual agreement can be reached on the classification, condition and distinctiveness of the key habitat types influencing the calculations in advance of determination. The output from such a meeting would allow the determination process to proceed with confidence that the ultimate decision will be duly robust and consistent with the development plan, national policy and the newly incumbent legislation.

Best regards



Dominic Woodfield CEcol CEnv MCIEEM
Director