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20<sup>th</sup> December 2021  
Our Ref: DW/E2100/201221

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 further note submitted by Ecology Solutions [December 2021]**

We write on the instruction of CPRE Oxon and in light of Ecology Solutions' latest note dated December 2021.

We note that a meeting has recently taken place between Ecology Solutions and CDCs ecology officer Charlotte Watkins (on 25 November). No agreed note of that meeting has been published as might be useful to fully understand what was agreed and in what context; in particular, we observe that many of the points we and CPRE have hitherto raised remain unanswered in the Ecology Solutions note. It is not clear whether these matters were resolved at this meeting or simply not discussed. To the extent that such matters may remain unresolved, this has the potential to weaken the robustness of any decision now made on this application. We previously offered to assist the LPA with cutting through technical debate and achieving a robust understanding of the baseline conditions on this site by means of a joint site visit with the LPA and Ecology Solutions. We note that Ecology Solutions do not appear to welcome this prospect. We need say no more on this other than we are not surprised.

We therefore offer brief comments on the two main matters discussed in the latest Ecology Solutions note.

**Balance of need for this specific development versus ecological impact**

Ecology Solutions now appear to openly acknowledge that the proposals will result in net losses of 'Priority' habitat (as indicated to be 'unacceptable' by both the Warwickshire metric and Metric 3.0I) and likely total or substantial loss of the Local Wildlife Site and that this generates a conflict with both the Cherwell Local Plan and indeed national policy.

The recognition from Ecology Solutions that this is the position appears to have precipitated recourse to an 'overriding need' based argument, and a tempering of the exaggerated claims that a proposal which will occasion net loss of high-quality habitats and sufficient damage to a designated Local Wildlife Site to remove that status (as recognised by the Council's ecologist) is somehow consistent with a claim of 'net gain'.

Officers can at least now be better sighted on this issue, as compared with a situation where highly dubious percentage figures for net gain were seemingly being promulgated and then not challenged. The concessions made

by Ecology Solutions underline that this situation is quite clearly one where the impact of this development will be net negative for both biodiversity and for the integrity of the Local Wildlife Site. It will be for officers and the committee to determine whether the *specific* proposals put forward under 21/01224/OUT are the only means of compliance with Policy Bicester 8, or indeed the only means of delivering the economic and public benefit objectives of that policy, or whether alternatives that better respect both the natural and historic attributes of Bicester Airfield, and are better aligned with other Local Plan and NPPF policies might be brought forward.

#### Realism of proposed ecological mitigation/enhancement

The standard approach to biodiversity net gain is that development proposals that will result in the loss of irreplaceable habitat resources cannot legitimately claim a 'net gain' position whilst remaining compliant with policy, unless the need is overriding in which case bespoke compensation must be agreed. That has not happened in this case. Instead, the Applicant relies on vague proposals to try and uplift the quality of retained areas, whilst also using them for other development-related purposes, as a means of compensation for the loss of existing high-quality grasslands, in a cycle of diminishing returns.

It is a situation analogous to sacrificing an ancient woodland to a housing development and then suggesting that managing an adjacent plantation woodland will compensate that loss, whilst also applying to use that plantation as a paintball venue.

The latest note from Ecology Solutions provides more detail on the proposals for the creation of open mosaic habitat (OMH). This further detail includes translocation of soils, importation of materials and "localised topographical sculpting" on the airfield to create low bunds and depressions.

These proposals are vague, are submitted without evidence as to their suitability or efficacy for creating OMH (for example soils translocated from unspecified locations elsewhere within the site are likely to have latent fertility that will simply generate a ruderal flush, rather than the development of OMH communities) and they **generate a number of new questions relevant to planning determination**, such as:

- Have the additional construction vehicle movements within and to/from the site attendant with movement of materials and import of materials (volumes unspecified) been included in the traffic and air quality assessments to date?
- Has the impact of "localised topographical sculpting" on the heritage, landscape and aviation requirements of the airfield been considered and appropriately assessed? Have Historic England been consulted on this point for example?
- Has the compatibility of OMH creation (and indeed retained calcareous grassland) around the proposed track been considered alongside service and visitor requirements, for example marshalls, fire truck access, spectator areas, run off areas etc. Bunds and depressions in run-off areas are likely to be a hazard to motorsport activities as well as compromising continued use of the flying field for aviation.

In summary, Ecology Solutions' latest submission hints at a belated recognition and rowing back from the rather outlandish claims of net gain originally submitted to the Council. We now have recourse to claims of 'overriding need' to address the clear local and national planning policy conflicts as regards biodiversity. To the extent that long-term net gain, compensation or enhancement is still claimed, it is now shown to be based on vague and likely unworkable proposals that require multiple incompatible and overlapping uses of land to be resolved. Indeed, certain of the proposals as now specified would appear to introduce new and hitherto unassessed sources of

heritage conflict and aviation safety concern and it is not clear whether Historic England and/or other relevant consultees have been appraised of them.

As a final point, we wonder if the Council is aware of the applicant's leisure development intentions (e.g. 60-80 chalets) for the adjacent Stratton Audley quarry site, and the implications of these for (*inter alia*) the Local Wildlife Site designation there. We previously raised a concern about how the incremental and piecemeal development of the Bicester Airfield site risked circumventing due scrutiny of cumulative but closely related effects, and suggested that a site-wide masterplan should be subject to biodiversity assessment in order that the current and future development phases took into account net losses of biodiversity from earlier phases. We make the point that it is very likely that the sum of these developments would require formal EIA, which would necessitate a more structured consideration of cumulative impacts. Such necessary checks and balances appear to be being circumvented here, and this is a matter that engages with relevant case law around application of the EIA Regulations. We urge the Council to consider this point carefully before proceeding to determination of another 'phase' of this redevelopment project without due consideration of clearly related former and future phases.

Best regards



Dominic Woodfield CEcol CEnv MCIEEM  
Director

cc Charlotte Watkins – CDC Ecology