

PROJECT NAME: M40 J10

STATUTORY CONSULTATION PROCESS – SCHEDULE OF APPLICANT’S RESPONSES TO COMMENTS RECEIVED

DATE ISSUED: 21 MARCH 2022

COMMENTS RECEIVED FROM:	Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust	FORMAT:	Online	DATE RECEIVED:	22/11/2021
SUBJECT:	Objection to 21/03267/OUT and 21/03268/OUT				

ID	ISSUE	COMMENT SUMMARY	RESPONSE
1.	Loss of hedgerow priority habitat	<p><i>“We are greatly concerned by the significant loss of wildlife habitat that this development would lead to with the current design.”</i></p> <p><i>...“We do not accept that the benefits of the development outweigh the harm it would cause to the site in relation to the loss of hedgerow and we do not accept that the mitigation proposed will achieve a net gain in biodiversity (see below). In addition, ecological networks provided by the hedgerows will be fragmented as a result of the development and for these reasons we believe the development would be contrary to Policy ESD 10 of the local plan which states that “ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity””</i></p>	<p>The hedgerows to be removed from the Site comprise defunct species-poor hedgerows which contain large gaps and are not well-connected to the boundary hedgerows or the wider landscape. Therefore, removal of these defunct, species-poor internal hedgerows is not anticipated to fragment ecological networks. The species-rich hedgerows around the boundaries of the Site are to be maintained except for two sections on the northern boundaries to facilitate access points. Replacement hedgerow planting will be completed within the Site, as close to these sections of hedgerow removal as possible, thereby maintaining habitat connectivity around the boundaries of the Site. Additional tree and shrub planting will further contribute to maintaining vegetated boundaries of the Site which will provide habitat connectivity to the wider landscape.</p> <p>It is acknowledged within the Biodiversity Environmental Statement Chapter that, in the absence of mitigation, a minor adverse effect is anticipated in relation on hedgerows which will be significant at the local level. When considering the mitigation and compensation measures to be applied, including the replacement planting on-Site and hedgerow creation at Piddington, it is concluded that the residual effect on hedgerows will be negligible.</p> <p>A draft biodiversity net gain assessment is presented within the Biodiversity Environmental Statement Chapter which demonstrates a 11.96% net gain in habitat units.</p> <p>An updated version of the metric has subsequently been prepared (to be issued separately in due course) based on detailed proposals for the off-site provision. This demonstrates a biodiversity net gain of 11.6% habitat units and 12% hedgerow units. The proposed off-site habitat enhancement includes the</p>

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			<p>creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.</p> <p>It is therefore considered that the Development will comply with national and local policy of relevance including policy ESD 10 of the CDC local plan.</p>
2.	<p>Insufficient evidence that populations of farmland bird species will be maintained</p>	<p><i>We are greatly concerned by the significant loss of wildlife habitat used by farmland birds that this development would lead to with the current design.</i></p> <p><i>...“marsh tit and yellow hammer have been recorded at Stoke Bushes LWS 1.3km from the Eastern site and 1.5km from the Western site and skylark, curlew and grey partridge at Upper Heyford Airfield LWS 1.9 km from the Eastern site and 1.8km from the Western site (see tables 12.4 and 12.7).”</i></p> <p><i>...“It therefore seems extremely likely that red list species such as lapwing, skylark, yellowhammer, linnet are to be displaced by the proposed development. In fact, paragraphs 12.6.44 and 12.6.46 acknowledge that the proposed development would “result in a permanent moderate adverse effect on breeding and overwintering farmland birds present at the Site which would be significant at district level”.</i></p> <p><i>...“We do not accept that the benefits of the development outweigh the loss of red listed farmland bird species and we do not accept that the mitigation proposed will achieve a net gain in biodiversity”.</i></p> <p><i>...“This application currently does not provide sufficient evidence that it will “provide habitat that allows bird populations to maintain their numbers in the areas where they naturally live” in relation both to “wild birds in decline” and to “wild birds with healthier populations”</i></p>	<p>The Biodiversity Environmental Statement Chapter acknowledges the potential use of the site by farmland bird species including lapwing, skylark, yellowhammer and linnet. The habitats within the site are predominately sub-optimal for these species however, being primarily formed of intensively managed arable fields with narrow field margins and a lack of targeted management to benefit these species. The Site is therefore considered unlikely to support large numbers of farmland bird species.</p> <p>The Biodiversity Environmental Statement chapter acknowledges a residual permanent minor adverse effect, significant at a local level following the application of mitigation measures.</p> <p>The habitat creation and enhancement measures proposed off-Site at Piddington include the creation of semi-improved neutral grassland and hedgerow habitats which are considered likely to provide alternative, enhanced habitat for birds within the district to forage, nest and shelter. These enhancements are likely to benefit a range of bird species including lapwing, skylark, yellowhammer and linnet. Further enhancements such as scrapes in areas of grassland will be created to provide suitable habitat for lapwing while the grassland will provide suitable habitat for skylark to nest. The site at Piddington will be managed to provide a substantial area of habitat that can be managed optimally for farmland birds and is considered likely to be of a higher quality than the largely arable land that is being lost.</p>
3.	<p>The importance of a net gain in biodiversity being in perpetuity</p>	<p><i>Once built, if approved, the development can be reasonably assumed to be there for ever, since even when the buildings are replaced it would be likely to be replaced by other forms of development. Therefore, the wildlife habitat will be lost for ever and any compensation must be provided for ever. Otherwise the result is to simply defer a significant loss of biodiversity that should not be occurring either now or in 25 years’ time. The</i></p>	<p>The Environment Act 2021, passed into law on 09th November 2021, states that habitat enhancements for biodiversity net gain are to “<i>be maintained for at least 30 years after the development is completed</i>”. The timeframe within the Thames Basin Heaths SPD referenced is specific to SANG provision and the Thames Basin Heaths SPA (located approximately 69km south east of the Site) and is therefore unrelated to the Proposed Development.</p>

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		<p><i>most effective method to ensure that any compensation is provided for ever would be for the land identified for off-site habitat creation and enhancement (the Piddington site) to be managed for wildlife in perpetuity with money provided by an endowment fund. Such an endowment fund is already commonly used within the Milton Keynes area when agreements are made involving the Parks Trust taking on land. In perpetuity is considered to be at least 125 years in accordance with legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009). There is a precedent for this approach in relation to the Thames Basin Heaths SPA. Para 3.1.5 Thames Basin Heaths Special Protection Area Supplementary Planning Document states: "The avoidance and mitigation measures should be provided in order that they can function in perpetuity which is considered to be at least 125 years. An 'in perpetuity' period of 125 years has been applied in this SPD in accordance with the legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009. Offsite compensation that involves only a 25- or 30-year agreement on private land with no guarantee of the long-term security in perpetuity of the wildlife habitat created would not be appropriate. The loss of wildlife habitat on the site will be permanent so the compensation must be permanent. The offsite compensation must be agreed through a S106 agreement. It is also important that the land should be managed by a reputable conservation organisation with considerable expertise in the management of habitat for wildlife."</i></p>	<p>A detailed Landscape and Ecology Management Plan ('LEMP') will be prepared and submitted to CDC prior to operation of the Development. The LEMP will describe measures to maximize the biodiversity potential of retained and newly created habitats through appropriate management and will cover a period of 30 years. The LEMP will also cover the management responsibilities and mechanisms. It is envisaged that this will be secured via a S106 agreement.</p> <p>It is therefore concluded that the biodiversity net gain assessment and post-development habitat provisions would comply with relevant legislation and policy.</p>
4.	Cumulative effect on farmland birds in the context of other infrastructure proposals for the area	<p><i>"Given the proximity of the proposed sites to BBOWT Ardley Quarry and Upper Heyford LWS (and a number of other LWSs see tables 12.4 and 12.7) the application should be looked at in the context of other infrastructure proposals for the area. The cumulative effect of the proposed developments together with the Heyford Park scheme (ref: 18/00825/HYBRID) and the Proposed Oxfordshire Strategic Rail Freight Interchange (Case Reference: TR050008) will mean a huge cumulative effect especially on farmland birds (see above). This cumulative</i></p>	<p>Cumulative effects are assessed in section 12.8 of the Biodiversity Environmental Statement Chapter. The possibility of cumulative effects from the Oxfordshire SRFI is acknowledged. However, as stated within the Biodiversity Environmental Statement Chapter, insufficient information was available on the SRFI project at the time of writing to fully assess the potential cumulative effects of this in conjunction with the Development. The applicant for the Oxfordshire SRFI issued a ES scoping report in June 2021 which scoped in cumulative impacts related to ecology and biodiversity and therefore it can be assumed that the cumulative impacts of the proposed development will be fully assessed within the Oxfordshire SRFI Environmental Statement.</p>

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		<p><i>effect on farmland birds is of great concern and needs to be addressed.”</i></p>	<p>The Heyford Park Environmental Statement acknowledges a permanent residual adverse significant effect at the Site level. As stated within the Biodiversity Environmental Statement Chapter, given that a permanent residual minor adverse significant effect of the local level is also anticipated for the Development on breeding birds, it is therefore possible that a cumulative effect may occur, with displaced birds from the local area seeking suitable habitat elsewhere.</p> <p>Following the implementation of mitigation in the form of habitat creation and enhancement both on-Site and off-Site at Piddington, it is concluded that the residual adverse cumulative significant effect on farmland birds will be reduced from district to local level.</p> <p>No residual effects were identified from the other cumulative schemes which were considered to have potential to interact with effects resulting from the Development.</p>
5.	Solar Panels on warehouse roofs	<p><i>“Given that we regularly see applications for solar panels in fields, we believe that in order to make most efficient use of available space, much needed solar panels should be included on the roofs of large buildings wherever possible. If the local authority decides to grant permission for this application, we consider that the applicant should be required to include solar panels on the warehouse roofs, in addition to the mitigation measures set out above.”</i></p>	<p>The submitted Development Specification explains that the use of Photovoltaic Panels will be explored at Reserved Matters stage.</p>