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Cherwell District Council

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9th May 2022

We originally sent this letter in response to amendments to 21/03267/OUT but were unaware of the amendments to applications 21/03266/F and 21/03268/OUT. We are addressing this by now sending our follow up response in response to 21/03266/F and 21/03268/OUT.

29 April 2022

Dear David,

Application No.: 21/03267/OUT

Proposal: Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping

Location: OS Parcel 0006 South East Of Baynards House Adjoining A43, Baynards Green

Objection:

- 1. Loss of hedgerow priority habitat**
- 2. Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the [Conservation of Habitats and Species Regulations 2010](#) as amended by paragraph 9a of the [Conservation of Habitats and Species \(Amendment\) 2012 Regulations](#).**
- 3. The importance of a net gain in biodiversity being in perpetuity**
- 4. Further justification required to illustrate how net gain in biodiversity will be achieved**

Thank you for re-consulting us on the above proposal, following the receipt of amendments. 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. Loss of hedgerow priority habitat

As stated in our previous response we are greatly concerned by the loss of hedgerow priority habitat that this development would lead to. We note that the applicant will retain some of the hedgerow and replace some of it onsite. In addition, hedgerow is to be created off site at Piddington resulting in a net gain in hedgerow habitat.

It is very important that hedgerows both on and off site are carefully managed in order to achieve the necessary biodiversity net gain. In general, a rotational cutting regime on a three-year cycle wherever possible (or a two-year cycle where particular reasons justify it) will be of most value to biodiversity. This is for many reasons including allowing the formation of fruit which is a vital winter food source for birds, and allowing butterfly and other invertebrate eggs laid on branches to overwinter. This is an important issue as annual cutting would have a severely detrimental impact on the biodiversity value of the hedgerows. Rare black and brown hairstreak butterflies are very important in the local area and should be considered in the management of the hedgerows. Newly planted hedgerows should include a significant component of blackthorn, the food plant of both black and brown hairstreaks. Retained hedgerows should be protected by a buffer zone of minimum 10m either side of the hedgerow. Buffers should be primarily diverse grassland areas alongside the hedgerows so that they are suitable for invertebrates. There should be no built environment and minimal lighting within the buffer zone.

It is essential that the hedgerows are retained and managed to a very high standard in perpetuity in order to compensate for the permanent loss of hedgerow habitat onsite (see point 3 below).

2. Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the [Conservation of Habitats and Species Regulations 2010](#) as amended by paragraph 9a of the [Conservation of Habitats and Species \(Amendment\) 2012 Regulations](#).

As stated in our previous response, we are greatly concerned by the significant loss of wildlife habitat used by farmland birds that this development would lead to. We note that the applicant acknowledges a residual permanent minor adverse effect, significant at a local level even following the application of mitigation measures.

We note that the habitat creation and enhancement measures proposed offsite 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. It is therefore essential that the site at Piddington is appropriately managed to a very high standard and in perpetuity (see point 3 below).

3. The importance of a net gain in biodiversity being in perpetuity

As we stated in our previous response, 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 30 years' time.

The 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). Please see our previous response for details of a precedent for this approach.

We maintain that offsite compensation that involves only a 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 offsite compensation must be agreed through a S106 agreement and 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.

4. Further justification required to illustrate how net gain in biodiversity will be achieved

We note the condition score of 3 (good) for “other neutral grassland” in the applicant’s offsite compensation post intervention habitat biodiversity net gain metric. We consider that a great deal further justification is required in order to illustrate how this score will be achieved. For example, details of how the grassland is to be grazed, timing of grazing and hay cutting and type and levels of livestock should be provided, as these will be critical to the quality of the habitat. Whilst we welcome the aspiration to create high quality wildflower meadow, our concern is that starting from a likely high nutrient arable field, it might not be possible to achieve the necessary high quality. We would suggest that a more realistic condition score might be 2 (moderate) with appropriate management in place. However, this might mean that a larger area of off-site provision would need to be considered in order to achieve the required biodiversity net gain.

Solar Panels on warehouse roofs

As stated in our previous response, we consider that 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. It is our view that this should be established at the outline stage and not at reserved matters.

However, for the reasons described above, it is our opinion that this application should not be approved, and certainly not so in its current form. 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