

Technical Note 05

Project: Land at Yarnton (5436)

Planning Ref: 21/03522/OUT

Date: 06 December 2022

Response to Consultee Comments

1. Introduction

- 1.1. Aspect Ecology was commissioned by Merton College, Oxford in August 2018 to establish the ecological baseline of land at Yarnton, Oxfordshire. A planning application was subsequently submitted to Cherwell District Council (Reference: 21/03522/OUT) in October 2021 for the erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works at the site ('the Development Proposal').
- 1.2. An objection to the planning application was received from BBOWT (Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust) on 3rd December 2021 and subsequent comments were also received from Cherwell District Council's Planning Officer on 22nd September 2022.
- 1.3. Following a review of the Planning Officer's and BBOWT's comments, this document provides clarification in respect of the comments received. The ecological matters raised by the consultees are reviewed and responded to in turn below.

2. Comments from Cherwell District Council's Planning Officer

Provision of Woodland: Justification for deviation from the development brief

- 2.1. Policy PR9 of the Cherwell Local Plan Partial Review – Oxford's Unmet Housing Need indicates the requirement for the creation of an area of community woodland within 7.8ha of land to the north-west of the developable area and to the east of Dalton Lane as part of any development at the site. The application for the site includes the creation of 7.8ha of woodland as detailed within Policy PR9, however the woodland has been provided in more ecologically suitable locations, such as adjacent to Begbroke Wood LWS. It is considered that provision of the new woodland in these areas will provide the desired community benefits whilst also maximising benefits for wildlife by creating an attractive new 'ecotone' between the retained ancient woodland and proposed new meadowland, which would not be achieved if the new woodland were to be concentrated in the north-west of the site.

Access to Green Open Space: Providing strategic access to benefit people and biodiversity

- 2.2. Substantial new green open space is to be created as part of the Development Proposal, including a new nature reserve. It is envisaged that access to areas of the new nature reserve will be strategically managed, with sheep grazing being a highly desirable management mechanism for grassland

habitats. The vision for the management of the green open space at the site aligns with comments received from BBOWT, in that opportunities for recreation would be facilitated along a network of informal paths, with some openly accessible public spaces, incorporated alongside areas set aside from public access to provide undisturbed areas for wildlife to thrive. Management of the open space in this manner will allow for improved access to the countryside whilst also providing opportunities for significant ecological and biodiversity gains in accordance with Policy PR9 of the Cherwell Local Plan Partial Review – Oxford’s Unmet Housing Need (paragraph 9F).

3. Comments from BBOWT

Potential for Recreational Effects on Begbroke Wood Local Wildlife Site (LWS) and Frogwelldown District Wildlife Site (DWS) as a result of the Proposed Development

- 3.1. Begbroke Wood LWS is not publicly accessible, and this will not change under the Development Proposal, therefore no significant recreational adverse effects on Begbroke Wood LWS will arise as a result.
- 3.2. A proportion of the new homes will have cats as pets, and as cats are known to predate on wildlife in Britain there is potential for cats to predate on woodland wildlife, particularly small mammals and birds which together form the majority (93%¹; small mammals at 69% and birds at 24%) of cat prey items.
- 3.3. Potential for encroachment and predation by cats is considered with the Environmental Statement at paragraph 16.14.12 while reference to the RSPB’s website² summarises that “There is no clear scientific evidence that such mortality (i.e. predation by cats) is causing bird populations to decline” and goes on to describe that “*It is likely that most of the birds killed by cats would have died anyway from other causes before the next breeding season, so cats are unlikely to have a major impact on populations. If their predation was additional to these other causes of mortality, this might have a serious impact on bird populations. Those bird species which have undergone the most serious population declines in the UK (such as skylarks, tree sparrows and corn buntings) rarely encounter cats, so cats cannot be causing their declines. Research shows that these declines are usually caused by habitat change or loss, particularly on farmland*”.
- 3.4. Nonetheless, mitigation measures are proposed to safeguard Begbroke Wood LWS including the incorporation of a dense double-staggered row of thorny shrubs at the woodland edge and fencing, to deter cats and minimise predation of wildlife in the woodland (as set out at paragraph 16.15.13 of the Environmental Statement). It is also noted that new garden habitats and green infrastructure, which were previously not present, will provide opportunities for birds.
- 3.5. In addition, no small mammals of conservation concern are associated with Begbroke Wood LWS, Frogwelldown Lane DWS, or the site itself. Under the proposals a net gain in the creation of ~8.3ha of woodland habitat (see para. 4.3.3 below) will increase the extent of suitable habitat for small mammals and thus the carrying capacity for the site. Accordingly, a higher abundance of small mammals can be supported, offsetting the effects of predation by cats such that significant impacts on local small mammal populations would not be anticipated.

¹ Woods, M. & McDonald, R (2003) Predation of wildlife by domestic cat *Felis catus* in Great Britain

² <https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/animal-deterrents/cats-and-garden-birds/are-cats-causing-bird-declines>

- 3.6. Subject to implementation of the above, it is considered that significant potential adverse effects on Begbroke Wood LWS are fully avoided. On the contrary, following the suite of enhancement works proposed as part of the landscape scheme, including the creation of a new woodland buffer zone with native tree and shrub planting, effects on Begbroke Wood are considered to be moderate, positive and permanent, and significant at the local level.
- 3.7. Frogwelldown Lane District Wildlife Site (DWS) is an area of woodland along part of an historic pathway. The DWS is in part designated for its public accessibility and as such is already managed appropriately to allow public access. Whilst there is potential for increased recreational use of the pathway through Frogwelldown Lane DWS as a result of the Development Proposal, it is considered that the creation of substantial areas of community focused green open space within the development itself will absorb the majority of recreational activity at source. In any case, any minor increase in recreational use of the existing footpath along Frogwelldown Lane which may occur as a result of the Development Proposal will not impact the qualifying features of the DWS.

Potential for Impact on Farmland and Other Birds as a result of the Development Proposal

- 3.8. Effects on farmland and other birds are considered at paragraphs 16.14.31 to 16.14.38 of the Environment Statement with the majority of bird species likely to experience neutral or positive changes in habitat opportunities due to the retention of key nesting and foraging habitats in combination with creation of new meadowland, hedgerow networks and woodland habitats. The management of these new habitats will be guided by ecological principles to benefit birds as set out within the Biodiversity Improvement and Management Plan which accompanied the planning application. See paragraph 2.2 above for further information on the management of access to new habitats which will help provide undisturbed areas for birds.

The Importance of a Net Gain in Biodiversity being delivered in Perpetuity at the Site

- 3.9. BBOWT's reference to delivery in perpetuity is in relation to Suitable Alternative Natural Greenspace (SANG) and its provision where new housing developments are proposed within 5km of the Thames Basin Heaths Special Protection Area (SPA). However, the Thames Basin Heaths SPA is a designation of international importance covering a ~120,000ha across Surrey, Berkshire and Hampshire, and draws significant recreational interest which can affect the important breeding populations of a number of birds of lowland heathland it supports. To request the same level of delivery in perpetuity in relation to the Development Proposal through reference to local designations of such a relatively small size would be disproportionate, not justifiable and would not be in accordance with national policy, in particular NPPF paragraph 175 which states "Plans should: distinguish between the hierarchy of international, national and locally designated sites". Indeed, the forthcoming national standard under the Environment Act 2021 for management provision of habitats is 30 years.

Biodiversity Net Gain: Updating the Biodiversity Net Gain Assessment using the most recent Biodiversity Metric

- 3.10. An updated Biodiversity Net Gain (BNG) assessment has been completed using the latest version of the biodiversity metric, namely version 3.1, the results of which demonstrate a 14% (13.98%) net gain in habitat units and a 15% (14.56%) net gain in hedgerow units as part of the Development Proposal. The full results of the BNG assessment are set out within Aspect Ecology's Technical Note TN03: Biodiversity Net Gain Assessment using the Biodiversity Metric 3.1 Calculation Tool, dated 31st May 2022, which accompanied the planning application. The deliverable net gains for the Development Proposal exceed the 10% biodiversity net gain to be mandated under the Environment Act, once this is fully adopted in law in Autumn 2023. As such

this should be registered as a notable benefit of the proposal³, with current NPPF policy only requiring a 'net gain' i.e. above neutral, to be delivered with no threshold provided.

Potential Hydrological Impact on Oxford Meadows SAC and Cassington to Yarnton Gravelpits LWS as a result of the Proposed Development

- 3.11. Hydrological effects on Oxford Meadows Special Area of Conservation (SAC), along with other potential effects including air quality and recreation, are considered within the Habitat Regulations Assessment on the Partial Review of the Cherwell Local Plan 2011-2031 (Part 1): Oxford's Unmet Housing Needs Proposed Submission Plan undertaken by Cherwell District Council in August 2018. The Appropriate Assessment includes a review of Policy PR9 which relates specifically to the site, confirming no adverse effects on the integrity of the SAC would arise, subject to compliance with relevant Local Plan policies. This assessment has been reviewed by Natural England, the statutory body in England responsible for advising on safeguarding international designations, who are in agreement with its findings. Accordingly, there is no requirement for a detailed ecohydrological investigation to inform this application.
- 3.12. Cassington to Yarnton Gravelpits LWS is located approximately 1.8km south of the site, adjacent to the northern boundary of Oxford Meadows SAC. Applying the same principles used for the Appropriate Assessment above, subject to compliance with Local Plan policies, provides assurance that no adverse hydrological effects on the LWS are likely to arise as a result of the development of the site.

Lighting: Designing a sensitive lighting strategy in respect of bats and other nocturnal fauna

- 3.13. Lighting is considered at paragraph 16.15.15 of the Environmental Statement with a commitment for a sensitive lighting strategy to be designed and implemented at the site; key factors are listed which would minimise light-spill and assist create the dark corridors for bats. Detailed lighting designs will be drawn up at the Reserved Matters stage.

Access vs Undisturbed Areas within newly created Green Open Space

- 3.14. BBOWT's comments on the strategic management of access to newly created green open space are considered at Paragraph 2.2 above.

4. Conclusion

- 4.1. Extensive and detailed ecological information has been provided to inform the planning application. The scheme has been designed to retain and protect key ecological features and provide significant net gains for biodiversity.
- 4.2. This Technical Note provides further clarification in relation to the specific matters raised by BBOWT and by the District Council's case officer in their letter of 22nd September 2022.
- 4.3. It is concluded that the Ecology chapter of the Environmental Statement, together with the additional technical information submitted as part of the 2022 Addendum Submission (including this Technical Note) enables the decision-maker to conclude that there are no ecology or nature conservation reasons preventing the grant of outline planning permission.

³ See appeal decision 3289401 referenced here: <https://aspect-ecology.com/september-2022-following-aspect-ecology-evidence-appeal-inspector-confirms-that-a-10-biodiversity-net-gain-should-be-assigned-positive-weight-in-the-planning-balance/>