

FAO Linda Griffiths
Cherwell District Council
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By email only

23rd January 2023

Dear Linda

Application No.: 21/03522/OUT

Location: Os Parcel 3673 Adjoining And West Of 161, Rutten Lane, Yarnton, OX5 1LT, , Cross Parish Boundary Application: Begbroke and Yarnton Parish Councils

Proposal: 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.

Objection:

- 1. Recreational impact on Begbroke Wood Local Wildlife Site and Frogwelldown District Wildlife Site**
- 2. Impact on farmland and other birds**
- 3. The importance of a net gain in biodiversity being in perpetuity**
- 4. Biodiversity net gain**
- 5. Hydrological impact on Oxford Meadows SAC and Cassington to Yarnton gravelpits LWS**

Thank you for consulting us on the above application. 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. Recreational impact on Begbroke Wood Local Wildlife Site and Frogwelldown District Wildlife Site**

We note that, as stated at paragraph 3.1 of the applicant's Technical Note 05 Response to Consultee Comments dated 06 December 2022, there is no permitted public access to Begbroke Wood. However, we disagree that *"no significant recreational adverse effects on Begbroke Wood LWS will arise as a result."* We consider it likely that there will be a recreational impact on the wood regardless of whether or not public access is permitted and the primary measure to avoid a recreational impact



will be 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”* (paragraph 3.4 of the applicants Technical Notes dated 06 December 2022).

It is therefore essential that provision is made for the management of green spaces/buffers/nature reserve and provision of information about the sensitivity of both Begbroke Wood LWS and Frogwelldown Lane DWS and that a mechanism is found for funding such management and information for the lifetime of the development or in perpetuity (see 3. below). We therefore maintain our objection.

2. Impact on farmland and other birds

We note the impact on farmland and other birds will be mitigated by *“retention of key nesting and foraging habitats in combination with creation of new meadowland, hedgerow networks and woodland habitats”* (paragraph 3.8 of the applicants Technical Notes dated 06 December 2022) and as stated above, it is therefore essential that the green spaces/buffers/nature reserve proposed by the applicant are managed appropriately for the benefit of these species and that a mechanism is found for funding such management for the lifetime of the development or in perpetuity (see 3. below). We therefore maintain our objection.

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

We note the points made at paragraph 3.9 of the applicants Technical Note TN05 Response to Consultee Comments dated 06 December 2022. However as stated in our original response dated 3rd December 2021, 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 mitigation and 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. Our reference to Thames Basin Heaths SPA in our original response was purely to give a suggested realistic timescale (e.g. 125 years) to the definition of “in perpetuity”.

A provision of much greater than 30 years is not an unusual provision in developments, and is in our opinion a reasonable request. To cite a nearby example within Cherwell DC, with the Gavray Drive development application in Bicester there has been work between the local planning authority, the developers, and the local community towards the creation of a CIC to ensure the long-term management of green space within the development. We consider that such a mechanism or similar is needed here to ensure that the green space is managed appropriately for wildlife and for local people for as long as the land is developed and we consider that it is essential prior to the determination of this application that such mechanisms are explored and an appropriate solution found.

We note from Appendix C of the applicant’s DAS that Merton College envisages a structure whereby residents would become members of a trust that retains ownership and management responsibility for the Green Infrastructure within the scheme whilst the remaining agricultural area, meadows, footpaths and Community Woodland would be retained and managed directly by Merton College for

the benefit of the wider public. We believe it is essential that this trust and the management responsibility for the scheme are set out clearly and are provided in perpetuity and that the land retained and managed by Merton College is also provided in perpetuity. In addition, we consider it essential that the organisation delivering the habitat creation and management has considerable previous experience of such delivery in circumstances where high quality biodiversity provision is a key output.

4. Biodiversity net gain

We welcome the submission of an updated Biodiversity Net Gain (BNG) assessment using the latest version of the biodiversity metric.

We note that 3.886 ha of other neutral grassland to be created is now scored as achieving a good condition whereas it was previously scored as achieving moderate condition. We would ask for further information to be submitted to illustrate how a score of good rather than moderate will be achieved. We note from paragraphs 4.7.16 and 4.7.17 of the Biodiversity Improvement and Management Plan October 2020 that in addition to an annual hay cut, two options for grazing “could” be implemented. We think it is important that some form of grazing is used, and that the timing and intensity of grazing are managed specifically for the benefit of creating the best diversity wildflower grassland (such as the meadow being “shut-up” (e.g. grazing removed) in March each year allowing flowers to bloom, followed by aftermath grazing in the autumn and as necessary until March). We consider that to achieve “Good condition Other neutral grassland” as now indicated in the metric then the inclusion of grazing, specifically oriented to best management for wildlife, is necessary. We are concerned that at present the use of the word “could” as opposed to “will” with reference to grazing does not give sufficient certainty that grazing will be carried out. We would suggest further detail and certainty on the long-term management of the meadows specifically for the benefit of wildlife is necessary before determination of this application.

We would also draw attention to **Box 5-3: When to use habitat creation vs habitat enhancement/restoration** of the **Biodiversity Metric 3.1 Auditing and accounting for biodiversity USER GUIDE** which states that:

“Habitat creation...

The following principles will generally apply:

- *There is a change in broad habitat type from baseline to post-intervention (e.g. grassland to woodland, or cropland to urban);*

Habitat enhancement/restoration ...should be applied when the proposed intervention will modify an existing habitat to improve its condition or quality...

***Changing the distinctiveness** of a habitat to another higher distinctiveness habitat **in the same broad habitat type** (e.g. other neutral grassland to lowland meadow, other broadleaved woodland to lowland mixed deciduous woodland); and*

...In all other habitat change scenarios the baseline habitat should be assumed to be lost and the replacement, post-intervention habitat will be ‘created’ for the purposes of the metric.”

Our understanding of Box 5-3 is that when a change in Broad Habitat is envisaged e.g. from “Grassland” to “Woodland and Forest” then Creation rather than Enhancement should be used in the

metric. We would therefore argue that, to be in keeping with Box 5-3 of the User Guide, Modified grassland and Other neutral grassland cannot be enhanced to become Woodland and Forest as set out in the Site Habitat Enhancement section of the applicant's metric but this change scenario should be treated in the metric as Habitat Creation.

5. Hydrological impact on Oxford Meadows SAC and Cassington to Yarnton gravelpits LWS

We note the applicant's comments at 3.11 and 3.12 of the Technical Note TN05 Response to Consultee Comments dated 06 December 2022 however, we continue to have concerns about the long-term implications of any hydrological impact on the Oxford Meadows SAC and Cassington to Yarnton gravelpits LWS as a result of the development.

We therefore continue to request that an ecohydrological study should be carried out in order to assess whether the development will result in damage to these sites and that measures are put in place to ensure that any SUDs scheme or other provision relating to hydrology is maintained in perpetuity, with maintenance programmes and the potential for replacement in time if necessary to ensure that there is no reduction over time in the effectiveness of the provision.

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