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Cherwell District Council

By email only

22 April 2022

Dear Sir/Madam

22/00747/OUT

Land At Bicester Road Kidlington

Outline planning application for the development of up to 370 homes, public open space (including play areas and woodland planting), sports pitches and pavilion, drainage and engineering works, with all matters reserved (appearance, landscaping, layout and scale) except for vehicular and emergency accesses to Bicester Road.

Objection:

- 1. Application does not provide evidence of an adequate net gain in biodiversity**
- 2. Further justification required to illustrate how net gain in biodiversity will be achieved**
- 3. Management of hedgerows in order to achieve biodiversity net gain**
- 4. Careful management of public access required to achieve net gain in biodiversity**
- 5. Recreational Pressure on Stratfield Brake Cherwell District Wildlife Site**
- 6. The importance of avoiding impact on UK priority species**

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. Application does not provide evidence of an adequate net gain in biodiversity

Our response below draws on the following planning policy and we have underlined the aspects most relevant to our response.

Cherwell Local Plan, Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment states:

... "In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources" ...

In addition, p15 of CDC's Community Nature Plan 2020–2022 A natural environment for people and wildlife refers to a target to:

“Seek a minimum of 10% net gain in biodiversity when considering proposals for development.”

P113 of The Cherwell Local Plan 2011 - 2031 (Part1) Partial Review - Oxford's Unmet Housing Need shows the site PR7a illustrating the ratio of green space/park to residential across the whole site.

We note that the northernmost field of site PR7a is now being promoted by Hill Residential Ltd, and lies outside of the current application site. If the green space allocated to the current application is intended to provide the green space provision for the Hill Residential site (as shown in the illustration referred to above) then this should be considered in the BNG calculations for this application. This is because the illustration referred to above shows the Hill Residential site as being all residential and this would eventually result in a net loss in biodiversity across the two sites.

Paragraph 6.38 of the applicant's planning statement states:

“The BNG Assessment identifies that a net gain could be achieved on site, subject to the successful implementation of proposed habitats. The BNG is calculated as 1.6% in terms of Habitat Units and 8.73% in terms of Hedgerow Units, taking into account proposed compensation measures, including replacement hedgerow planting and the provision of improved grassland habitat of higher ‘distinctiveness’ to compensate for grassland areas lost to the development”

A Biodiversity Net Gain metric spreadsheet has also been provided to illustrate this potential net gain. Regardless of our concern noted above in relation to the Hill Residential site, we do not consider a net gain of 1.6% to be adequate since a 10% net gain is required by the Community Nature Plan quoted above and 1.6% does not provide an adequate buffer to guarantee against an overall net loss in biodiversity.

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

We have assessed the Biodiversity Net Gain metric spreadsheet and are satisfied with the majority of the scores given, however, we are concerned about the condition score of 3 (good) for “other neutral grassland”. Whilst we welcome the aspiration to create high quality wildflower meadow, this is a relatively small area with potentially high recreational impact and our concern is that it might not be possible to achieve the necessary high quality. We consider that further justification is required in order to illustrate how this score will be achieved. A more realistic condition score might be 2 (moderate) which would, however, result in an overall net loss in biodiversity, in which case the on-site provision would need to be increased, or off-site provision considered.

3. Management of hedgerows in order to achieve biodiversity net gain

Hedgerows will need to be 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.

4. Careful management of public access required to achieve net gain in biodiversity

In order to provide the substantial benefits for wildlife that will be needed to achieve a net gain in biodiversity on site then there should not be public access across the entire area of the green infrastructure. Zoning, and a 'hierarchy' of access levels of the combination of green areas should be carefully planned, including consideration of main paths/cycle routes (with an appreciation of the most obvious routes that people are likely to want to follow: 'desire lines'). There should be informal recreation along a network of paths and openly accessible spaces included within a mosaic of areas that are closed off by appropriate use of hedgerows, screens, fencing and ditches to allow public enjoyment without full public access.

The need to have some areas without direct public access is supported by a research report published by Natural England 'Is the management of Local Wildlife Sites affected by the urban fringe?' (NERR063) <http://publications.naturalengland.org.uk/publication/6134796821463040>

5. Recreational Pressure on Stratfield Brake Cherwell District Wildlife Site

Para 5.12 of the applicant's EIA states

"There is likely to be an increase in recreational pressure at Stratfield Brake nature reserve as result of the proposed development, due to its close proximity and likely use by new residents. However, any additional impacts are considered unlikely to be significant within a managed reserved."

The creation of 370 homes will inevitably draw more walkers to this small reserve with an associated increase in dogs. widening of paths and more paths being created. It is likely that the damage caused by increased numbers of people, dogs off leads and dog waste will lead to a decline in the biodiversity of this nature reserve.

If the local authority decides to grant permission we would suggest that appropriate physical infrastructure and a contribution towards wardening and increased litter picking at Stratfield Brake should be discussed with the Woodland Trust who manage this site.

In addition, the on-site green space should be increased in area significantly, and with greater emphasis on natural and semi-natural habitat, so as to provide sufficient on-site natural habitat that it becomes an alternative natural greenspace to visiting Stratfield Brake Nature reserve.

The importance of avoiding damage to a local wildlife site is backed up by planning policy. Cherwell Local Plan Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment states:

"Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for

biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity”

6. The importance of avoiding impact on UK priority species including breeding and wintering birds

We note that para 4.41 of the applicant's EIA states:

“The Site is considered to offer typical opportunities for a range of common and widespread bird species. The hedgerows and trees are likely to support greatest bird diversity and bird nesting whilst the open grassland is valuable for foraging and roosting by certain species e.g. gulls, starling. There is negligible potential for farmland specialist species and thus compensation/mitigation for farmland birds (as per Appendix 4 of the Local Plan Partial Review) is not considered to be required”

We consider it reasonable to assume that farmland species such as lapwing, skylark, yellowhammer, linnet and other amber or red listed farmland birds would be present on agricultural land with hedgerows and trees and therefore both breeding and wintering bird surveys should be carried out in order to assess whether or not they are present.

The importance of avoiding impact on the UK priority species is backed up by planning policy e.g. the NPPF states:

“179. To protect and enhance biodiversity and geodiversity, plans should: b) promote the protection and recovery of priority species;”

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment of the Cherwell Local plan states:

“Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats or species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity”

DEFRA have provided guidance to competent authorities (including local authorities) on how to comply with the legal requirements of the [Conservation of Habitats and Species Regulations 2010](#) as amended in paragraph 9a of the [Conservation of Habitats and Species \(Amendment\) 2012 Regulations](#)). The guidance is available at: <https://www.gov.uk/guidance/providing-and-protecting-habitat-for-wild-birds>

The guidance states that:

“You must, as part of your existing duties as a competent authority, take the steps you consider appropriate to preserve, maintain and re-establish habitat that is large and varied enough for wild birds to support their population in the long term....

You must use your powers so that any pollution or deterioration of wild bird habitat is avoided as far as possible.....

There are no national population targets for wild birds. However, you must aim to provide habitat that allows bird populations to maintain their numbers in the areas where they naturally live.

You should focus on habitats for wild birds in decline but also maintain habitats supporting wild birds with healthier populations.”

consider bird populations when consulting on or granting consents, such as planning permissions, environmental permits, development or environmental consents, and other consents.”

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*”

Green rooves

In our response to the development brief for this site we ask that developers should be required to maximise the provision of green rooves, and install solar panels on rooves which are not green rooves. The extent of biodiversity will depend on the type of green roof installed. Sedum roofs benefit a limited range of invertebrates and provide foraging for pollinators when in flower. Ecologically designed extensive green roofs can provide good habitat for wildlife, but there are limitations in terms of replicating habitat at ground level due to shallow depth of soils and the drying effect of wind and sun. Research shows that green roofs can provide valuable habitats for wildlife (<https://livingroofs.org/biodiversity-and-wildlife/>). According to www.livingroofs.org, a good green roof designed for biodiversity should include a varied substrate depth planted with a wide range of wildflowers suitable for dry meadows. The inclusion of buildings with green rooves would be another means of increasing biodiversity within the proposed development.

Lighting

We note that paragraph 6.3 of the applicant’s EIA states:

“...it is anticipated that planning conditions would be used to secure:

...Lighting Strategy: A sensitive lighting strategy will accompany the detailed layout, ensuring that dark corridors are maintained, and minimising light spill to retained and newly created habitats.”

We consider it essential that lighting is considered strategically to make in order to minimise light pollution, in terms of the type of lighting used, how much is used and where it is used, as well as design of routes to avoid light pollution into wildlife-rich areas of the sites, from fixed lights as well as vehicles, particularly where there are likely to be species of wildlife affected by light at night, e.g. insects, bats, birds and badgers. It is also essential to keep dark corridors where bats are using lines of trees and hedgerows as flight paths. Lighting will have to be managed carefully to ensure it is of a low spill variety, a spectrum that minimises impacts on birds, bats and insects and directed into the development. We consider that there should be conditions or covenants to control the type, power of and direction of security and outside lighting that can be installed on homes and other buildings.

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