

Cherwell District Council

By email only

25th July 2022

Berkshire, Buckinghamshire &
Oxfordshire Wildlife Trust
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Dear Sir/Madam

Application no: 22/01611/OUT

Location: Stratfield Farm 374 Oxford Road Kidlington OX5 1DL

Proposal: Outline planning application for up to 118 no dwellings (all matters reserved except for access) with vehicular access from Oxford Road

Objection, in relation to the following issues:

- 1. Application does not provide adequate evidence of protection and enhancement of existing habitats, and creation of new habitats as required by the Development Brief;**
- 2. The importance of the “nature conservation area” being managed for wildlife in perpetuity;**
- 3. The need for the management of the nature conservation area to bring about the extension of the District Wildlife Site and contribute to CTA aims, as required by the Development Brief.**

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. Application does not provide adequate evidence of protection and enhancement of existing habitats, and creation of new habitats, as required by the development brief and by the need for biodiversity net gain.**

Policy PR7b of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review (LPPR) requires a “*Nature Conservation Area on 5.3 hectares of land with the opportunity to connect to and extend Stratfield Brake District Wildlife Site.*”

The development brief (paragraph 3.1) states that these policies will need to be followed when planning application(s) are submitted to the Council and all planning applications will be assessed against these policies.

Paragraph 4.2.4 of the Development Brief refers to the *“Opportunity to retain and enhance existing habitats and deliver biodiversity net gains. Habitats in the south and west half of the site present an opportunity to buffer the built development from the adjacent ecological receptors of the District Wildlife Site and Canal”*

We note that “the vast majority of the hedgerow” will be retained, as will the existing woodland, ponds and traditional orchards. However, there is no detail given about how these will be protected during the construction phase of the development and how they will be managed during the operational phase.

If the application is approved then new and retained habitats will need to be carefully managed in order to achieve the necessary biodiversity net gain and to illustrate how the existing and newly created habitat will be protected and enhanced as required by the development brief. We consider that a great deal more information in relation to habitat management is needed. The applicant should produce a detailed Habitat Creation and Management Plan and a Construction Environmental Management Plan (CEMP) at this stage of the planning process (rather than at a later stage after the principal of development has already been established if the application is approved), so that they can be analysed and commented on.

A Biodiversity Net Gain metric spreadsheet has been provided at Appendix 5176/5 of the applicant’s Ecological appraisal to illustrate the potential net gain resulting from this application. This shows a net gain of 13.31 % habitat units and 10.67% hedgerow units.

We welcome the submission of the metric spreadsheets to allow consultees to assess the scoring in detail. However, we are concerned about the scoring for *“Creation of Other Neutral Grassland – Good condition”*.

The metric provides five possible condition scores for created habitat, listed here, with their scores afterwards – Poor (1); Fairly Poor (1.5); Moderate (2); Fairly Good (2.5) and Good (3) (note that the intermediate categories of fairly good and fairly poor may be used only if it is not possible to determine between two main condition categories and justification must be provided). To select the very highest of those scores, which will likely provide the most units on the metric, needs a very high level of confidence that the condition assessment criteria are met and that the starting point, the creation techniques, and the management techniques will all combine to allow the creation of such high-quality grassland. Factors such as invasive species, recreational impact and nutrient input can also be relevant. It is common for a precautionary approach to be taken, for example by using a Condition score of Moderate (2) or at the most Fairly Good (2.5). To justify a score of Good (3), or of Fairly Good (2.5), we would ask for much more detail on the above issues to be provided than is currently available, including the submission of a habitat creation and management plan, and for that detail to be consulted on.

2. The importance of the “nature conservation area” being managed for wildlife in perpetuity.

Policy PR7b of the LPPR states: – *Land at Stratfield Farm.....*

“24. The nature conservation area shall be kept free from built development and the application for planning permission shall include proposals for securing the area for that use in perpetuity.”

We could not find evidence that the application includes proposals to secure the area for nature conservation in perpetuity. 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 direct and indirect impact of the development will be there 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.

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). This legislation was used to define in perpetuity in this extract from the Thames Basin Heaths SPA. Para 3.1.5 Thames Basin Heaths Special Protection Area Supplementary Planning Document which 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).

The most effective method to ensure that any compensation is provided for ever would be for the land identified for on-site habitat creation and enhancement 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. Alternatively, a community interest group might be created to manage the nature conservation area for wildlife in perpetuity.

3. The need for the management of the nature conservation area to bring about the extension of the District Wildlife Site and contribute to CTA aims, as required by the Development Brief.

Conservation Target Area (CTA)

Paragraph 3.2.4 of the applicant's Ecological appraisal states;

"The western field within the site lies within a Lower Cherwell Valley CTA. Such areas are identified to act as target areas for habitat management and restoration in order to provide strategic ecological improvement. In addition, the southern site boundary at the western end of the site, (associated with the CTA) is located adjacent to an area of wetland and grassland within Stratfield Brake WTR. The site layout has therefore been designed to focus the open space and green infrastructure in these areas, as described at Chapter 6 below"

We note that the applicant states at paragraph iv of the executive summary to the Ecological Appraisal that *"The habitats within the CTA will be retained and enhanced under the proposals"* however very little information has been supplied about how this is to be achieved. The Habitat Creation and Management Plan referred to above should set out the detail of the habitat management and restoration in order to illustrate how the management of the site will contribute to the aims of the CTA.

Protection of the existing Stratfield Brake Cherwell District Wildlife Site

The applicant's Ecological Appraisal states:

“3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and, subject to the implementation of appropriate mitigation measures (as described above), it is unlikely that any such designations in the surrounding area will be significantly affected by the proposals. Further, the proposals have been designed in order to protect and enhance the habitats located within the CTA, along with identified priority habitats (traditional orchard), whilst providing appropriate buffers and safeguards in order to similarly protect the habitats within the adjacent offsite Stratfield Brake WTR.”

Stratfield Brake District Wildlife Site adjoins the proposed development site immediately to the South of the Western end. The creation of 118 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 biodiversity.

However, it is unclear what the safeguards referred to above in relation to Stratfield Brake District Wildlife Site are. If the local authority decides to grant permission we would suggest that an offer of 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

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”

Extension of Stratfield Brake District Wildlife Site (DWS) into the western part of the proposed site

The adopted development brief paragraph 6.5 states:

“Development principles.....The western part of the site adjacent to the canal is a Conservation Target Area and is to be enhanced with a view to extending the Stratfield Brake District Wildlife Site designation into this area and contribute to the aims of the CTA.”

We could not find evidence that the application was following this development principle with respect to extending the Stratfield Brake District Wildlife Site (DWS) designation into the area. A commitment needs to be made within the application to a) create and manage the habitat in perpetuity with a view to enhancing the habitat to a sufficient standard to meet the criteria for DWS designation, and thereafter maintaining it to a standard where it would continue to meet the standard required for DWS designation, and b) to seek out and support the designation of this part of the site as an extension of the Stratfield Brake DWS.

Public Access

The adopted development brief paragraph 6.5 states:

“The western part of the site adjacent to the canal is a Conservation Target Area and is to be enhanced with a view to extending the Stratfield Brake District Wildlife Site designation into this area and contribute to the aims of the CTA. Public access will be limited to demarcated, fenced paths. This will include the new public green link / strategic cycling and walking route linking with the canal towpath. A low-key wooden fence or hedge will be introduced edging the route.”

As stated in our response to the consultation on the development brief for this site (PR7b) dated 22 September 2021, there should not be public access across the entire area of the green infrastructure. It is clear from the development brief quoted above that public access should be limited and the route to the canal towpath should be fenced or hedged but it is unclear from the information provided how the applicant is going to achieve the limited public access required by the development brief.

Orchard

The applicant’s Design and Access statement (paragraph 6.1.4) states:

“The development will include a Community Orchard that will assist in providing food locally for residents as well as encouraging wildlife and biodiversity and improving mental welfare amongst other benefits”

However, it is unclear from the information provided how the orchard will be managed in order to provide benefits both to local residents and to wildlife and biodiversity and again, much more detail is required in order to explain how this balance will be achieved.

Water Voles

As stated in our response to the consultation on the development brief for this site (PR7b) dated 22 September 2021, the stretch of canal immediately to the west and north of the site is a Local Key Area for water voles. The area is regularly surveyed and monitored by BBOWT’s Water Vole Officer and there should be an aim to ensure suitable habitat at the canal edge and to take any opportunities that arise to enhance the habitat for water voles. Details should be provided in the Habitat Creation and Management Plan requested above.

Efforts should be made to minimise the footprint of the new canal bridge, and the wider impacts during construction. Details should be provided in the Construction Environmental Management Plan requested above and we would recommend the advice of BBOWT’s Water Vole Officer is followed.

Hedgerows

In relation to hedgerows, 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.

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.

Again details should be provided in the Habitat Creation and Management Plan requested above.

Management of the Community Orchard for Bullfinch

We note at Paragraph 5.8.5 of the applicant's ecological appraisal that amber listed bullfinch has been seen nesting on site.

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"

We would suggest that the detailed Habitat Creation and Management Plan requested above might also set out the means by which the community orchard might be managed for the benefit of the bullfinch.

Lighting

The introduction of lighting into this rural-edge area could potentially impact upon a wide range of species, in particular on bats and birds. As noted in Table 5.2. Scope of Proposed Faunal Survey Work, there are likely to be bat populations using the rough grassland, hedgerows/treelines and watercourse and the proposed development area may be an important commuting and foraging area.

We note the recommendations made at paragraph 6.1.6 of the Ecological Appraisal but would suggest that the wording "may be achieved" and "with consideration given to" be rephrased in order to describe what will happen in a form that can be conditioned. Paragraph 6.1.6 refers to "*This may be achieved through the implementation of a sensitively designed lighting strategy,*". We consider that this lighting strategy should be provided at this stage of the planning process, and include all the points

indicated in section 6.1.6, but word so as to indicate what will happen, rather than offering advice such as “can be” or “consideration could be given to”.

Solar Panels and green roofs

We note that paragraph 6.1.4 of the applicant’s design and access statement states (our underlining):

“... Key feature of the development and individual dwellings to be delivered at reserved matters stage could include: ...

... Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example);”

In the event that this application is approved we would suggest that that developers should be required to maximise the provision of either green rooves or PV cells on any suitable roof space. Research shows that green rooves 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.

For the reasons described above, it is our opinion that this application should not be approved 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