

# URGENT – DECISION DATE IS 22 MARCH 2024

Re: Water Eaton / PR6a

Reference: 23/01233/OUT

Date: 18<sup>th</sup> March 2024

From: Harbord Road Area Residents' Association (HRARA)

To: Cherwell District Council Planning Department

CC: Councillor Fiona Mawson

**We write to express concern about the plans for Biodiversity Net Gain on PR6a, and in particular the lack of an agreed and effective strategy for the protection of ground-nesting farmland birds.**

1. We have raised this many times during various consultations

We have engaged with the agents and developers of PR6a from the outset. During that time we have expressed concerns about farmland birds a number of times both verbally and in writing but never with a satisfactory reply. Our written questions and the replies that we received can be found in Appendix 1 below.

We are disappointed that there still appears to be no satisfactory mitigation for the loss of habitat for ground-nesting farmland birds.

2. The Development Brief:

For reference this includes the following statements in respect of farmland birds:

4.2.4 Landscape Character

- Opportunity to retain agricultural land in south-eastern corner in line with Policy PR6a which could be managed positively for farmland birds.

6.5 Green infrastructure

- Farmland bird compensation may be required, in the form of a contribution for a scheme for on-site mitigation (for local landowners or for the purchase and management of land) for the benefit of farmland birds displaced by the development, if the loss of habitat is not adequately compensated by habitat enhancement measures for farmland birds within the site.

We note that the proposed habitat enhancement measures do not and cannot adequately compensate for loss of habitat for ground-nesting farmland birds.

### 3. The Biodiversity and Management Plan

In Appendix 2 we have copied the sections of the Biodiversity and Management Plan (April 2023) which mention farmland birds. It is clear from this that there are red-listed species of farmland birds which will have their habitat i.e. farmland removed (skylark, yellow wagtail, and lapwing). We acknowledge that the numbers of these birds are small, although that is in fact partly the issue, but they are red-listed for a reason and as such their protection is important.

Sections 4.13 and 9.1 (see Appendix 2) seem to suggest that improvements beneficial to other birds will be an appropriate mitigation. This is not the case. The mitigation strategy cannot accept that there will be habitat removal for red-listed farmland birds but then propose that this can be offset by improvements which encourage other birds.

Sections 9.2 and 9.3 state that a mitigation strategy will be agreed with Cherwell as the LPA. They include the following statements:

- The mitigation strategy will seek to be on-site but, if required, could include off-site habitat enhancements to arable farmland, where considered appropriate.
- The timing of delivery of the provision of any enhancements will be a matter for discussion with the LPA, taking into consideration the phasing of development and seeking to ensure uninterrupted availability of suitable habitat for ground-nesting birds in the local area.

There is a clear acceptance that there will be a loss of habitat for ground-nesting farmland birds. This habitat is not replaced within the development area and cannot be replaced by the alternative proposed habitats.

#### **Conclusion:**

**We request that Cherwell, as the LPA and in line with the Development Brief, ensures that off-site habitat enhancements for ground-nesting farmland birds are included and that the timing of these ensures uninterrupted availability of suitable habitat for ground-nesting birds in the local area.**

## **APPENDIX 1**

### **Responses to Harbord Road Area Residents' Association question on farmland birds**

#### **HRARA question 9 August 2021**

We also note the Policy requirement for 'Farmland bird compensation'. As mentioned at the consultation there are a number of farmland bird species on the site that are currently on the RSPB 'red list'. An Oxford City Councillor made the following comments in relation to the Oxford City Centre St Frideswide Farm Site: 'The site proposed for development is on the edge of and interacts with an ecologically significant area. Over and above the nearby significant sites (Wytham Wood, Port Meadow/Wolvercote Common, etc.), the very close location of Water Eaton, beside the river Cherwell, is home to a breeding Little Owl population; Tree Sparrows, an endangered species in the context of the UK, have been recorded in that area, and the farmland between Water Eaton and the site – and, no doubt, the site itself – is important for a number of

farmland species under conservation pressure, including Skylark and Yellowhammer. Barn Owls – also endangered – have been sighted in and around the development site; and Marsh Tits are resident in a nearby copse. The site at Water Eaton regularly floods in the winter, playing host to winter-visiting waders such as Lapwings and Golden Plover, and the nearby fields in winter are home to visiting winter thrush species: Redwing and Fieldfare. It is inconceivable that a development on this scale would not have a deleterious effect on a number of sensitive and endangered species’.

We trust that ‘Farmland bird compensation’ means that the rarer species will be protected by the compensation measures rather than being replaced by common species.

Can you please let us know what measures will be put in place to ensure the long-term protection of all species, particularly the rarer farmland ones?

Reply received: 21 September 2021

6. **Farmland bird compensation** – we have been carrying out ecology surveys on the site over several seasons to obtain a detailed record on how it is used and by which species of wildlife including farmland birds. Our ecologists are drawing up a mitigation strategy for all species of wildlife currently on site and to encourage others. This strategy is currently showing a significant enhancement in biodiversity on site compared to the current situation (both in terms of habitat area and linear features). Once this work is complete we will be in a position to consult on it.

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HRARA comment and reply 22 December 2021

**What will be done to compensate for the loss of habitat for skylarks and brown hare? And will the agricultural land be managed to encourage these at risk species? And how will the ‘Farmland bird compensation’ policy requirement be met.**

We have carried out several seasons of ecology surveys on the site to obtain a detailed record on how it is used by wildlife including, farmland birds, brown hares and other at risk species. These surveys have recorded a range of farmland bird species across the site, although populations are currently limited by the intensive agricultural management of farmland.

Regarding brown hares, our survey did not record a population at the proposed PR6a site and this suggests that the present population will be relatively small.

Loss of habitat will be compensated for in the design of the site masterplan and biodiversity improvement management plan. This will be done in a way that enhances biodiversity and the quality of habitat and will be carried out across public open spaces as well as retained farmland to the south-east of the site.

In respect of this retained farmland we plan to use a process of sensitive management, including the provision of winter seed strips and rotational management of hedgerows and scrub to protect native species such as linnet, yellowhammer and reed bunting. We also anticipate that the density of breeding skylark will increase from the management plans for retained farmland.

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HRARA comment and reply (September 2022)

- **We understand that you are considering specific farmland management to encourage certain species but how can this be guaranteed in perpetuity?**

Any offsite farmland management that is required by CDC to offset impacts on species within the site will be secured through a legal agreement, including securing the appropriate timeframe for its management into the future.

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HRARA comment and reply (March 2023)

The area of breeding habitat for sensitive bird species such as Yellowhammer, Skylark and Linnet (all on the RSPB Red List) which will be lost will be substantial.

**How do the proposed mitigation measures offset the substantial loss of habitat?**

The loss of habitat for farmland birds is acknowledged within the ecology assessment that will accompany the application. This type of loss is inevitable when land is developed as farmland birds generally do not and cannot be encouraged to inhabit the types of habitat present on residential development sites. However, the design allows for a large area of semi-natural space in the east of the site that will provide nesting and feeding habitat for some of those species, including linnet. A lot of farmland birds are, more naturally, scrubland birds, and the provision of a mixture of rough and meadow grassland, drainage features and shrub planting will emulate that habitat within the confines of an urban edge setting.

The mitigation strategy allows for the provision of enhanced habitat outside of the site boundary. 'Skylark plots' are proposed within adjacent arable farmland and wide, species-rich margins planted to provide additional opportunities and offset the losses as a result of the development.

## APPENDIX 2

### Extracts from 'Biodiversity Improvement and Management Plan' dated April 2023

3.3 The key species populations identified as part of the EclA, and which warrant consideration at a strategic level, are as follows:

- Breeding Birds – Assemblage of breeding birds of up to district level value, typical for the Site's geographic and topographic location. The hedgerows are used by conservation concern species such as yellowhammer (*Emberiza citrinella*) and linnet (*Linaria cannabina*) and the arable fields provide foraging habitat for a range of species and nesting habitat for skylark (*Alauda arvensis*) eight to fourteen pairs), yellow wagtail (*Motacilla alba*) up to 2 pairs), and lapwing (*Vanellus vanellus*) up to three

pairs);

4.13 Whilst the proposed development will result in an unavoidable reduction in the value of the land for ground nesting birds such as skylark, proposals will result in enhanced opportunities for the wider bird assemblage, having a positive overall impact and increased provision for a variety of birds, including priority species. Despite this anticipated displacement of ground nesting birds, there are principles which can be incorporated into the on-site landscape design and habitat management which will also increase the value of the Site for foraging skylark, including providing species-rich grassland and invertebrate breeding habitats.

9.1 Locally significant populations of farmland birds breed within the Site, including 8-14 pairs of skylark, 1-2 pairs of yellow wagtail and 2-3 pairs of lapwing in some years. Development will result in an unavoidable reduction in the value of the land for ground nesting birds, but proposals will result in enhanced opportunities for the wider bird assemblage, having a positive overall impact and increased provision for a variety of birds, including priority species.

9.2 To mitigate the loss of opportunities on-site for ground-nesting birds, a mitigation strategy will be agreed through discussion with the LPA. The mitigation strategy will seek to be on-site but, if required, could include off-site habitat enhancements to arable farmland, where considered appropriate.

9.3 The timing of delivery of the provision of any enhancements will be a matter for discussion with the LPA, taking into consideration the phasing of development and seeking to ensure uninterrupted availability of suitable habitat for ground-nesting birds in the local area.

**END**