




Registered charity no. 1186850

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dated 19th September 2023

Re: Application: [23/02098/OUT](#)

Outline application, with all matters reserved, for a multi-phased (severable), comprehensive residential-led mixed use development comprising: Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units) within Use Class C3/C4 and large houses of multiple occupation (Sui Generis); Supporting social infrastructure including secondary school/primary school(s) (Use Class F1); health, indoor sport and recreation, emergency and nursery facilities (Class E(d)-(f)). Supporting retail, leisure and community uses, including retail (Class E(a)), cafes and restaurants (Class E(b)), commercial and professional services (Class E(c)), a hotel (Use Class C1), local community uses (Class F2), and other local centre uses within a Sui Generis use including public houses, bars and drinking establishments (including with expanded food provision), hot food takeaways, venues for live music performance, theatre, and cinema. Up to 155,000 net additional square metres (gross external area) of flexible employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park; Highway works, including new vehicular, cyclist and pedestrian roads and paths, improvements to the existing Sandy Lane and Begbroke Hill road, a bridge over the Oxford Canal, safeguarded land for a rail halt, and car and cycle parking with associated electric vehicle charging infrastructure; Landscape and public realm, including areas for sustainable urban drainage systems, allotments, biodiversity areas, outdoor play and sports facilities (Use Class F2(c)); Utility, energy, water, and waste water facilities and infrastructure; together with enabling, site clearance, demolition and associated works, including temporary meanwhile uses. The Proposed Development affects the setting of a listed building and includes potential alterations to public rights of way. The application is accompanied by an Environmental Statement

Location: Begbroke Science Park, Begbroke Hill, Begbroke OX51PF

Dear Planners

Oxfordshire Badger Group (OBG) **STRONGLY OBJECTS** to this proposal as we do not believe sufficient consideration has been given to both the direct and indirect impacts it will have on the affected Badgers, and the likely disturbance to the local area within which they live, and importantly, forage.

Whilst the Ecology Report presented by BSG Ecology is extensive, there are deficiencies in how it addresses the recorded presence of badgers, and their lives and needs both during and post construction.

Whilst the CDC Ecology Officer agreed that the scope of surveys proposed was acceptable (CDC Consultee comment, 5th Feb 2018), no evidence is presented by BSG Ecology of identifying badger sett and clan boundaries. Dung pits are noted, and some badger tracks are recorded. There are no robust survey protocols to determine badger routes and vital foraging areas, such as might be determined using camera trapping and bait marking.

Buffer zones between housing, development and other publicly accessible land need to be clearly defined in relation specifically to badger activity, not just in a general sense – and in the absence of the above-mentioned robust survey protocols, this has not been provided.

Thus, there is insufficient information provided to truly establish how these badger clans live their lives, and the space and continuing lack of disturbance they need during and post construction. For the badgers to stand any chance of survival, certainty is needed about territory and there is no room for conjecture, **and as a result the application should not be considered.**

In the absence of this robustness, there is no detailed mitigation plan – the following statement in the QUOD Environmental Statement, Volume 1, July 2023: “any badger sett requiring translocation (such as the large main sett towards the centre of the Site) is to be subject to licensed translocation”.

This licensing would be by Natural England, but they will need to be informed that due procedures, such as bait marking and the setting up of trail cameras have not been used to establish the badgers’ range and the suitability of a site for an artificial sett. Indeed, a lack of robustness, methodology and detail characterises the entire Outline Ecological Management Plan.

Ordinarily, the closure of a main badger sett will require the construction of an artificial sett elsewhere, with time being given (at least six months) to prove that the badgers have moved to that sett (the translocation referred to in the QUOD Environmental Statement) **before** the proposed development scheme gets underway. Clearly, in an urban setting (which the current green belt will become if the full extent of the planned development goes ahead), this is not always a practical solution. Nevertheless, badgers and their setts have legal protection under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 also applies. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of **conserving** biodiversity. The welfare of the badgers therefore needs to be a key concern when assessing this application and any mitigation measures proposed to ensure their safety should be robust and supportable. We do not believe this is the case here and no detail is provided to confirm the robustness. The application should not be considered.

No detail of the proposed mitigation is provided other than “for main setts this will require the construction of an alternative sett **within the central park area**”. The Central Park is described as ‘a multi-use park to be located on the historical landfill site in the centre of the Site, which will be remediated to an appropriate standard. The park will include provision for formal sports and recreational areas. High-quality, non-vehicular routes will be provided across the park to aid permeability to other areas of the Proposed Development. Closure of a main sett and any attempt to translocate badgers to this proposed site would inevitably fail – a multi-use park and sports area could not be less suitable for badgers, who require a quiet and undisturbed habitat. Shared space is not adequate mitigation. Additionally, the resulting disturbance and perturbation would invariably mean some are killed on surrounding (off site) roads when they are left homeless.

CDC response as a consultee (February 2023) recommended that some areas of green infrastructure should have no public access. This is much more suitable for badgers (subject to terrain and vegetation/trees/hedgerows).

In addition, given that more than one main sett is recorded, and we have no evidence that these are occupied by members of the same clan (and given the distance between them, they are not likely to be), more than one artificial sett would

be required – attempts to merge differing badger clans from different setts into a single artificial sett will not work and will result in fighting, injuries that potentially prove fatal due to subsequent infection, and increased badgers killed on the roads. We know that badgers do cross the A44 because of our rescue service records – sadly the badger we attend to rescue has usually already been killed as opposed to injured in an RTA.

BSG Ecology record 3 main setts (Survey dated 2022, now out of date). Given the additional information OBG has provided in this document and the objections arising, **we urge planners to either refuse planning permission on the grounds that the badgers safety and welfare cannot be guaranteed, or that the decision be deferred until such time as we are presented with a reasoned, evidence based explanation as to the likely impact of this/these sett closure(s) on the badgers and the wider area, and that all parties are satisfied the badgers will not ultimately be harmed as a result.**

The full impact of the proposed application needs to be considered and understood before consideration is given to granting planning permission for this scheme. The presence of badgers is a material consideration when it comes to planning applications.

There appears to be an underlying theme that the impact of the proposed development on badgers is insignificant because the badgers themselves are insignificant – despite the protections in law and planning referred to above. The QUOD Environmental Statement, Volume 1, July 2023, point 14. states that ‘there would not be a conservation impact, since the badger is a common and widespread species across the UK, and would quickly recolonise the Site, hence the impact is considered neutral in conservation terms’. We strongly dispute this statement and OBG points out that this protected mammal is no longer as widespread as previously the case. Setts previously active across Oxfordshire are no longer so, and some 5,000 badgers have been culled in the County, with further licensed culling already underway adding significantly to this total. In addition, two years of untimely cold and/or wet weather has meant fewer cubs surviving.

The University of Oxford Biodiversity Strategy

This planning application is contrary to the University of Oxford’s own Biodiversity strategy, which focuses on four priorities, the first of which is **protecting existing biodiversity**. This responsibility is presented as one of their underpinning principles of sustainable development whereby existing biodiversity is conserved and protected for the benefit of future generations. For certain species (namely badgers), it is also supported by legislation.

The University of Oxford Mitigation and Conservation Hierarchy is used to address their impacts through the following actions:

1. REFRAIN - refrain from actions that damage biodiversity
2. REDUCE – reduce the damage our remaining actions create
3. RESTORE – restore biodiversity that has been damaged
4. RENEW – renew and enhance nature.

This planning application fails at Action 1 and cannot be approved.

The National Planning Policy Framework

The National Planning Policy Framework states at Objective 4: to create greater opportunities for **protected species** and species of conservation concern. The Proposed Development states that it provides the opportunity to enhance the populations of many species, such as amphibians, reptiles, small mammals, tree and

shrub nesting birds, and invertebrates. Where is the Badger, a **protected mammal** in this?

NPPF 174 states that the planning process should contribute to and enhance the natural and local environment by minimising the impacts. In so clearly spelling out the negative impacts on the badger population this planning application clearly contravenes NPPF 174. In addition, it is contrary to NPPF 180 and Policy ESD10 of the Cherwell Local Plan because of the risk the huge development will have on Rushy Meadows, a SSSI.

The Outline Landscape and Ecological Management Plan

In Appendix 5.5, The Outline Landscape and Ecological Management Plan, (multiple authors/contributors) states that **The Oxfordshire Biodiversity Action Plan** ('BAP') has been considered as part of this application, resulting in five objectives. Objective 4 is particularly relevant to the badger population and is:

To create greater opportunities (in terms of habitat and habitat connectivity) for protected species and species of conservation concern. Opportunities are reduced in this application, not increased.

Although mammal access points should be provided to allow access for badger and other mammals across all new or replacement fences within area of green space. Access holes for badger will be in the form of holes, 35x 35 cm.

However, this presumes the survival of resident badgers, and the continuing ability to visit of non-residents, primarily for foraging and for mating purposes. There is a distinct lack of connectivity and green corridors proposed for the development.

The Ecology Report by BSG cites three main badger setts, one subsidiary sett and three outlier setts within the boundaries of the proposed development. These broadly agree with OBG records. However, there are further occupied setts within 2km of the Site, indicating this is an area of land that is both attractive to, and meeting the needs of badgers. As such it should continue to provide for them for the foreseeable future.

The Outline Landscape and Ecological Management Plan is lacking in detail and credibility and a detailed report is needed before any application is considered.

There is also no mention of the required 10% net gain in biodiversity and the metric for calculating it is not included. Off site mitigation will not be an acceptable option as more measures are needed to protect existing habitats rather than destroy them. The development has not achieved an acceptable balance between public access and protected areas for wildlife, fauna and flora.

Environmental Statement: Effects on badgers during construction and post development

We have reviewed the recorded potential significant effects on badgers during construction, and post development as presented in the Environmental Statement, Volume 1, July 2023. We repeat them here for the avoidance of doubt and in highlighting our objection to the disregard of those impacts.

At 13.3.5 and 13.3.6 the potential significant effects both during construction and completed development are listed as follows:

Habitat loss – 'direct clearance, digging, disturbance of hedgerows and soil by heavy plant. Permanent changes in land use'

Habitat fragmentation – temporary or permanent reduction in habitat connectivity through severance of corridors/ isolation of patches of habitat; features or land-use that presents a barrier or hostile environment (roads, culverts)

Killing/injury/disturbance – entrapment of animals in trenches, pits, or pipes

Reduction in animal populations – permanent loss of habitat

Displacement of animals – disturbance (vehicles, heavy plant, digging, piling, habitat loss)

Referring again to the Environmental Statement, Volume 1, July 2023, point 14, Badger: the potential effects of some development activities are listed and the ecological effect detailed. The significance of the wholly negative impacts is then bracketed together and described as Neutral.

The impacts described are that: the development works at the Site, without licensed mitigation works (not described but presumably an artificial sett) are likely to kill, injure and/or disturb badgers across the site. Without protection measures there is potential for badgers to be killed or injured through them becoming trapped in trenches, open pipework and holes created during construction work. The Environmental Statement, Volume 1, July 2023, point 14. Badger, arrangements for digging both by hand and machine, and holes or gates to provide access for badgers are listed. It also states that detailed CEMP(s) should include protection measures for badgers during construction.

In the absence of the detail of the latter proposed mitigations and protections, we advise and expect the following to be actioned:

- A further badger survey (not a desk review of what has already been done) to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of the proposed works, should they be agreed. This should be robustly structured so as to identify clan/sett boundaries, and clearly define foraging grounds so that these can define future steps.
- Should one or more artificial setts be considered an effective way forward, then the Natural England Licensing process will confirm that the work of closing the native sett can only take place between 1 July and 30 November
- It should be noted that the artificial sett should be constructed at least six months prior to exclusion (from the native sett) so that badgers have an alternative sett to go to, and that they are familiar with the artificial sett
- All workers on site should be fully briefed concerning the presence of badgers (think ‘toolbox talks’)
- Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough surfaced plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped. Should a badger be found then formal ecological advice, and/or badger rescue service of Oxfordshire Badger Group must be sought before work commences for the day.
- The storage of topsoil or other ‘soft’ building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as

setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.

- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any visiting badgers.
- Open pipework with a diameter of more than 120mm should be properly covered at the end of the workday to prevent badgers entering and becoming trapped. Again, should a badger become trapped then formal ecological advice and/or rescue services by Oxfordshire Badger Group must be sought before work commences for the day.
- Litter on site should be cleared at the end of the working day or otherwise kept to a minimum.
- Security lighting should be kept to a minimum so as not to disturb the badgers on site.

At the end of the point 14. Badger, it appears that a Children's play area is intended for an area with a badger sett (triangular field to the east of the site). This is not suitable due to disturbance that will arise.

Finally, whilst this objection focuses on the welfare and safety of badgers, we were curious as to why the ecology report fails to mention Foxes which are resident on the site, and both Muntjac and Roe Deer, frequently seen.

In addition, for information, Polecat is present (confirmed by Oxford Mammal group and an experienced practising ecologist), not Ferret or cross breed.

Conclusion

This is a flawed and incomplete application which has not been widely publicised or consulted on. The environmental impact of what is a large scale, new university campus on Green Belt and open countryside will be hugely detrimental to wildlife including badgers, a protected species, and the irreplaceable ecology of an SSSI. Mitigation is woefully inadequate and flies in the face of both the Cherwell Local Plan and the NPPF. We are in the midst of a Nature crisis and this ill conceived and environmentally damaging application should not be approved.

Yours sincerely,

Julia Hammett

Chair, Trustee

On behalf of The Oxfordshire Badger Group.