

**Our ref:** Q210843  
**Your ref:** 23/02098/OUT  
**Email:** gregory.blaxland@quod.com  
**Date:** 17 October 2023



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

For the attention of Laura Elphick

Dear Laura

## **Response to Natural England comment on outline application reference 23/02098/OUT for the Begbroke Innovation District**

I write on behalf of Oxford University Development ('OUD'), the applicant ('the Applicant') of the above referenced outline planning application ('the OPA') for Begbroke Innovation District located at land in and surrounding the Begbroke Science Park ('the Site'). Thank you for Natural England's comment dated 27<sup>th</sup> September 2023. This letter sets out how the Applicant proposes to respond to the key issues raised by Natural England ('NE'), which are summarised as requesting:

- Further information regarding the proposed buffer strip adjacent to the SSSI; and
- Further information regarding the proposed Local Nature Reserve Designation.

NE's response shares common ground with comments raised by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust ('BBOWT' or 'the Trust'). As such, BBOWT have been copied into this letter. Quod responded to BBOWT on 22<sup>nd</sup> September 2023, a copy of which is enclosed. It sets out how the OPA is structured, including which are the most relevant 'Control Documents'.

We have also received comments from the Oxfordshire Badger Group, to which we provide a response below.

### **Potential impacts to the SSSI**

NE have highlighted that a larger buffer would help ensure that the SSSI is strengthened and not adversely affected by the proposed development, for example by non-native and invasive plant species. There is considered to be very limited potential for invasive plant species to invade the SSSI from allotments and/or the community farm, because the Site does not directly border the SSSI, and there are existing impenetrable hedgerows and a c.10m wide byway that separate the Site and the SSSI. Nonetheless, the Applicant shares the desire to protect and strengthen the SSSI and is keen to ensure that best practice measures are put in place to achieve this.



The Applicant therefore proposes to make the following updates to paragraph 39 of the Outline Landscape and Ecology Management Plan:

*With consideration of the SSSI, strategies to prevent the deterioration of the SSSI should be implemented, such as a ~~15m~~ 20m buffer of native vegetation that supports species of special interest (such as wild flower grassland with scrub) bounding the perimeters of the Community Farm fringing the SSSI. Public access to and within this buffer should be restricted. In addition, the east of Rowel Brook Park shall be developed as a damp meadow to serve as an extension of the Rushy Meadow SSSI. This serves as a link parallel to the Oxford canal, linking the SSSI southwards to the Railway Marshes.*

As a minor point of clarification, the Site is 10m from the SSSI at its closest point, but is frequently further than this from the SSSI. The result will be that there would be at least 30m between the community farm and the SSSI at its closest point, of which 20m would be densely planted native vegetation delivered within the Site. This will further reduce the already very limited potential for invasive and non-native species from crossing into the SSSI.

The detailed proposals for the buffer and the planting therein would be submitted to the local planning authority at the reserved matters stage, at which point Natural England would be consulted and so can provide any further input.

#### *Recreational pressure*

The potential for recreational pressures on the SSSI is noted by NE. This potential effect is considered within the Environmental Statement, which summarises that due a combination of the existing inaccessibility of the SSSI and the extent of recreational open space that would be delivered within the Site, that the significance of the effect would be negligible adverse.<sup>1</sup>

For the sake of openness, it is not considered that increasing the buffer will mitigate any potential effects, as there is a restricted byway (reference 124/6/10) that runs between the SSSI and the Site. This byway is not included within the OPA redline boundary, nor does it fall within the site allocation. Therefore, regardless of the size of any buffer within the Site, the byway would remain open and publicly accessible. Instead, mitigation for potential recreational pressure is delivered through the generous provision of publicly accessible open space elsewhere in the Site, which will reduce the chance of people trespassing into the SSSI for access to natural open space.

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<sup>1</sup> Environmental Statement Volume 1, Chapter 13: Ecology, Table 13.15.



## dLocal Nature Reserve Designation

Both NE and BBOWT note that the OPA does not specify the boundaries of the Local Nature Reserve ('LNR') within the Site. BBOWT cite this as a concern that the benefits of delivering the LNR adjacent to the SSSI could be lost.

The Development Specification provides the commitment to delivering 29.2ha of land that is capable of being designated as a Local Nature Reserve.<sup>2</sup> It is correct that no precise boundary is proposed. This is a deliberate decision for the OPA as it ensures that future stages of area-specific masterplanning and detailed design can ensure that the LNR is delivered in such a way as to maximise its benefits.

However, OUD understands that NE and BBOWT are seeking further assurance that the LNR will help protect the SSSI. The following updates to the Development Specification are therefore suggested:

DP14	Ecology and biodiversity
DP14.3	At least 29.2ha of land will be improved such that it is capable of being designated as a Local Nature Reserve. <u>The LNR will buffer the Rushy Meadows Site of Special Scientific Interest and Rowel Brook from developed areas, and increase ecological connectivity between these areas and the proposed Nature Conservation Area.</u>

The above achieves an appropriate balance between allowing a degree of flexibility that is appropriate to this outline stage of planning, whilst locking in commitments to protect and strengthen the SSSI and enhance connectivity between it and the newly created Nature Conservation Area at the Railway Marshes. As noted in our response to BBOWT (dated 22<sup>nd</sup> September 2023, enclosed) if the community farm is delivered in such a way that it is not capable of being designated as a LNR, then the requirement to deliver 29.2ha of land is capable will persist. There will be no double counting of land uses between the three key types of open space provided – i.e., the 29.2ha of LNR will be in addition to 12.2ha of nature conservation area and 23.4ha of public open space. The Development Specification already ensures this, so no further changes are needed.

## Construction Environmental Management Plan ('CEMP')

An Outline CEMP has been prepared and submitted with the OPA to embed mitigation from the outset. This includes commitments to employ protection measures in fields adjacent to the SSSI. Any detailed CEMPs would need to accord with the framework measures that are set out in the Outline CEMP.

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<sup>2</sup> Table 6, Development Principle 14.3.



OURD anticipate and welcome a condition that requires the detailed CEMP to be submitted to and approved by the local planning authority prior to commencement of development in the relevant area of the Site.

### **Best and most versatile ('BMV') agricultural land and soils**

The OPA does not propose the loss of BMV agricultural land beyond that which has been considered acceptable by the local planning authority via its allocation of the Site for development in the Cherwell Local Plan Part 1 Partial Review.

For information, the community farm and allotments have been located in the land north of Rowel Brook as those were assessed as being the highest quality agricultural land within the Site.

Impacts to agricultural land and soil are considered in the Environmental Statement,<sup>3</sup> which is supported by a Framework Soil Management Plan.<sup>4</sup> The Framework Soil Management Plan makes clear that a detailed Construction Phase Soil Management Plan will be submitted to and approved by the local planning authority prior to the start of construction.

### **Oxfordshire Badger Group response**

The Oxford badger Group have provided a bullet-pointed list of recommendations for badger mitigation at the construction stage. These measures are largely in line with standard industry practice and the mitigation section of our Environmental Statement, and will be covered by our detailed CEMPs. Any sett exclusion or creation will be agreed with and subject to the appropriate licences from NE, associated within individual detailed planning applications. For the avoidance of doubt, we are happy to commit to OBGs bullet pointed measures being incorporated, where relevant, into the Outline CEMP, which will then form the basis of detailed CEMPs later on. The exception being the requirement for any compensatory badger setts to be constructed six months prior to any exclusion. Any closure of main setts would only start once there is evidence that replacement setts have been found by badgers, as per standard NE licensing requirements.

### **Summary**

OURD thank NE for their comments on the OPA and wish to reiterate their desire to deliver an exemplary new development that protects and enhances the natural environment. It is for this reason that OURD have chosen to go above and beyond in committing to a 20% net gain in biodiversity within the Site.

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<sup>3</sup> Environmental Statement Volume 1, Chapter 14: Agricultural Land and Soils

<sup>4</sup> Environmental Statement Volume 3, Appendix 14.2.



OU D suggest two improvements to the OPA in response to comments made by NE and BBOWT. These are:

- Doubling the size of the proposed buffer adjacent to the SSSI to 30m and clarifying that it should comprise planting that helps protect the species of special scientific interest; and
- Clarifying that the LNR will be located so as to buffer the SSSI and provide connectivity between it and the proposed Nature Conservation Area at the Railway Marshes.

Finally, additions to the Outline CEMP are proposed in response to recommendations made by OBG.

OU D would welcome confirmation from NE on whether these suggested changes provide sufficient information for their consideration of the OPA. Should NE require any further information, then please do not hesitate to ask. We would also be happy to schedule a meeting to discuss the proposals further.

Yours sincerely

Gregory Blaxland  
**Associate**

enc. Response to BBOWT, 22<sup>nd</sup> September 2023  
cc. Nicky Warden (BBOWT)  
Julia Hammet (OBG)  
Tom Clarke (OU D)  
Matthew Sharpe (Quod)  
Melle van Dijk (OKRA)  
Dr Tom Flynn (BSG Ecology)

**Our ref:** Q210843  
**Your ref:** 23/02098/OUT  
**Email:** gregory.blaxland@quod.com  
**Date:** 22 September 2023



Nicky Warden  
Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust  
The Lodge, 1 Armstrong Road,  
Littlemore,  
Oxford  
OX4 4XT

For the attention of Nicky Warden

Dear Nicky

## **BBOWT response to planning application reference 23/02098/OUT for the Begbroke Innovation District ('the Site')**

I write regarding Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust's ('BBOWT' or 'the Trust') response to Cherwell District Council's ('CDC') consultation on the outline planning application ('OPA') for the Begbroke Innovation District (LPA ref: 23/02098/OUT) submitted on behalf of Oxford University Development ('OUD' or 'the Applicant'). BBOWT's response, dated 18 August 2023, was to object to the application on the basis of the following six grounds:

1. Application is not in keeping with the adopted local plan
2. Potential impact on Rushy Meadows SSSI contrary to the NPPF and policy ESD10 of the Cherwell Local Plan
3. Management of green space for the benefit of nature in perpetuity
4. Application fails to provide detailed requirements of section 20 of the Local Plan Partial Review PR8 policy
5. No commitment to provide a net gain in biodiversity
6. Loss of Other Neutral Grassland

The OPA is made with all matters reserved for subsequent determination. The OPA sets out a framework that will allow the detailed design of the scheme to follow as part of subsequent reserved matters applications and details to be submitted to discharge planning conditions that may be attached to a planning permission. These details include further information about the proposed green infrastructure and biodiversity enhancement areas, on which matters OUD intends to engage with the Trust on.

The OPA comprises a number of 'Control Documents'. These set out framework measures, parameters, commitments and controls with which future detailed applications will be expected to comply. There are a number of Control Documents but arguably the most relevant for this topic are the:



- Development Specification;
- Parameter Plans;
- Strategic Design Guide; and
- Outline Landscape and Ecological Management Plan ('OLEMP').

Below we seek to address the points raised in your letter and are keen to discuss these with you in further detail.

## 1 Compliance with the Site Allocation and the adopted Local Plan

BBOWT's objection is that the Proposed Development would not deliver the 29.2ha of local nature reserve required by the local plan and then makes the following points:

- at the proposed Local Nature Reserve ('LNR') located along Rowel Brook would *'include a community farm, allotments and a community orchard along with a greatly reduced area for nature which includes a woodland in the west transitioning through wildflower-rich meadows and then wetland and marsh habitats in the east'*.
- *'we do not consider this location to be appropriate since they are not fulfilling one of the key roles of placing a 29.2 ha Local Nature Reserve (LNR) in the north part of the development as very clearly set out in the Local Plan Partial Review, which is to create natural habitat'*
- *'Such measures, effectively expanding the area of the SSSI habitats, are essential to make the SSSI more resilient to impact and thus mitigate for what would otherwise be a development that would create unacceptable risk of impact on SSSI'*.

For ease of reference, the part of Policy PR8 that is being referred to reads as follows:

*'8. Creation of a publicly accessible Local Nature Reserve on 29.2 hectares of land based on Rowel Brook in the location shown.'*

The commitment that meets this section of the policy is set out in the Development Specification, which contains a set of Development Principles at Section 5 of that document. Development Principle 14.3 requires that at least 29.2ha of land will be improved such that it is capable of being designated as a LNR. The OLEMP sets out in paragraph 39 that parts of Rowel Brook Park will form a new LNR. In recognition of the desire to protect and strengthen the resilience of the SSSI, the OLEMP states:

*With consideration of the SSSI, strategies to prevent the deterioration of the SSSI should be implemented, such as a 15m buffer of native vegetation (such as wild flower grassland with scrub) bounding the perimeters of the Community Farm fringing the SSSI. In addition, the east of Rowel Brook Park shall be developed as a damp meadow to serve as an extension of the*



*Rushy Meadow SSSI. This serves as a link parallel to the Oxford canal, linking the SSSI southwards to the Railway Marshes.*

The above sets the framework for the preparation of detailed, area-specific LEMPs and provides further support to the OPA's compliance with the site-specific policy. It will ensure that natural habitat is delivered adjacent to the SSSI and that a connection is made between it and the Nature Conservation Area that will be delivered at the Railway Marshes, helping improve resilience of the SSSI and strengthen the green infrastructure corridor along the Oxford canal.

The Trust has stated that *'much of the space... delivers agricultural habitats'* as part of its objection.

Parameter Plan 3 – Green Infrastructure identifies land north of Rowel Brook as being the indicative location of a Social Farm and re-provided allotments. The indicative location of these uses need not conflict with it being classed as a LNR. Government guidance states that many types of land can make suitable LNRs, including agricultural land and orchards, commons and other accessible green spaces. Indeed, Rushy Meadows SSSI is itself grazed by cattle. In any case, if the Social Farm and allotments did conflict with the land becoming a LNR, then the requirement to deliver 29.2ha of land within the Site that is capable of being designated as a LNR will persist. This approach provides flexibility at this outline stage, while ensuring that commitments to quality and provision of green infrastructure are in place.

The Trust state that *'it is not clear exactly which part of Rowel Brook Park will form the new Local Nature Reserve or how this will be managed for nature, or how public access will be managed and zoned to ensure that whilst people are able to enjoy the nature, the recreational access is not to the detriment of that nature.'*

OU D understand and agree that it will be important to ensure there is a balance between providing for recreation and connectivity and restricting access to other areas to allow nature to recover and flourish. For Rowel Brook Park, there are two key considerations: that policy requires this land to be publicly accessible; and that there are existing public rights of way that run through this land. However, To ensure a balance is struck, the OLEMP states at paragraph 47 that the objective of Rowel Brook Park is to *'provide a new public open space for recreational and educational purposes whilst being managed for the benefit of biodiversity.'* Detail on how this balance will be delivered will be provided at later stages of planning, and at which point the Applicant could work with the Trust to input to proposals.

As a final point, potential effects on the Rushy Meadows SSSI are assessed in the Environmental Statement Volume 1, Chapters 13 (Ecology) and 16 (Water Resources and Flood Risk). It finds that during the operational and construction phases, there would be a negligible effect on the SSSI. It also confirms that there is no hydrological connectivity between the SSSI and the Site, and that there would be no material change in ground water levels as a result of the Proposed Development. The delivery of a LNR along Rowel Brook is not necessary mitigation for this to be the case. Nonetheless, OUD





appreciate the need to protect and strengthen SSSIs and have put in place commitments to do this and meet policy requirements.

In accordance with paragraph 180 of the NPPF, adverse effects to the SSSI are avoided. With reference to Policy ESD10 of the Local Plan, the Proposed Development will not lead to the damage or loss of the SSSI, indeed measures and commitments are in place to help strengthen the resilience of the SSSI. Habitat connectivity will be improved through delivery of the framework measures set out in the OLEMP, and through the delivery of 29.2ha of LNR land and 12.2ha of nature conservation area land.

In summary, appropriate regard has been had to the site-specific policy, the Local Plan and the NPPF with regard to the delivery of a local nature reserve and the protection of the Rushy Meadows SSSI and the OPA is considered to be compliant with those provisions.

## **2 Management of green space**

The Trust highlight the importance of long term management to securing meaningful improvements to biodiversity.

Section 4 of the OLEMP sets out a series of outline management measures to help restore nature and enhance biodiversity within the Site. These outline measures will form the basis of detailed LEMPs, which will be formulated and submitted to the local planning authority as part of future applications, should outline permission be granted.

The Trust's advice that management commitments should be made in perpetuity is noted and it is expected that there will be discussions with CDC on this topic.

## **3 Compliance with part 20 of Policy PR8**

The Trust have highlighted part 20 of Policy PR8 and '*request that a detailed Biodiversity Improvement and Management Plan ('BIMP') should be written, submitted and consulted on before this application is considered for determination.*'

As set out at the start of this letter, the application is made in outline with all matters reserved for future determination. Preparing a detailed BIMP that is not based on detailed ecological and landscaping proposals would likely result in a plan that is either ineffectual or that would require significant adjustment as detail is brought forward at a later date.

The Applicant at this stage is seeking to lock in commitments to key parameters, such as open space and biodiversity net gain (on which, see below), whilst allowing flexibility to respond to and accommodate detailed proposals in the future. The Control Documents do this, namely the OLEMP, Development Specification, Strategic Design Guide and Parameter Plans.



## 4 Biodiversity commitments

The Trust have stated that there is *'no commitment to provide a net gain in biodiversity.'*

OD's commitment to delivering at least a 20% net gain in biodiversity within the Site is set out at Development Principle 14.1 of the Development Specification. It is also anticipated that there will be a clause in the section 106 agreement to this effect.

The Biodiversity Net Gain Assessment demonstrates that a 20% net gain in biodiversity is feasible and deliverable at this outline stage. Detailed proposals would follow the grant of outline consent, where there will be opportunities to work alongside the Trust in formulating proposals that make the most of the opportunities available.

## 5 Loss of other neutral grassland

The Trust have noted that *'although not a priority habitat, other neutral grassland is a high-quality habitat and it is regrettable that several areas where it occurs, including several examples in moderate condition, are due to be lost.'*

The Biodiversity Net Gain Assessment sets out that there are just over 9ha of neutral grassland within the Site. The majority of this is, as the Trust note, within the former landfill area that is identified in the OPA as the 'Central Park'. The Proposed Development would remediate this land and provide it as a 'Central Park'. Whilst detailed proposals for the design of the Central Park are reserved for later stages of planning, it can be assumed that there would be a loss of at least some of the neutral grassland in this specific part of the Site. This is to ensure that the land can be used as a focus for recreation, thus alleviating some of this pressure from Rowel Brook Park and other larger open areas where there will be significant provision of neutral grassland of a good and moderate condition. The Biodiversity Net Gain Assessment indicates at Table 13.4-2 that this would amount to just over 45ha, a c.400% increase.

It is acknowledged that this assessment is illustrative at this point, however, it can be seen that there would be no loss of neutral grassland within the Site as a result of the Proposed Development; there would in fact be a significant gain.

## Summary

We recognise the important role that BBOWT play in providing advice to local authorities to help preserve, protect and enhance the region's ecology. As set out above, there are further stages of planning and design to go through, and we look forward to working constructively with BBOWT to ensure that the Begbroke Innovation District can help people, flora and fauna to flourish.

I hope that the above is helpful in informing BBOWT on the merits of the OPA, which seeks to lock in key commitments to providing new habitats and delivering a significant net gain in biodiversity within



the Site. We remain open to further dialogue to help address any remaining concerns the Trust may have and would gladly schedule a meeting to do so.

Should you have any such queries or concerns, please do not hesitate to contact me directly

Yours sincerely

Gregory Blaxland  
**Associate**

cc. Matthew Sharpe (Quod)  
Tom Clarke (OUD)  
Andrew Thompson (CDC)