

Date: 11 March 2024

Aspect Ref: 1006638 BN03 CEC dv1

Planning Ref: 23/03428/OUT

Land East of J11, M40, Banbury (1006638)

(Application Ref: 23/03428/OUT)

Review of Ecological Consultation Response

1 Introduction

- 1.1.1 Aspect Ecology Ltd is advising Greystoke CB Ltd in relation to ecological matters at the site, formed by land located east of Junction 11 of the M40 motorway at Banbury, Oxfordshire, centred at OS grid reference SP 476 422.
- 1.1.2 The site is proposed for employment development and associated works, for which an outline planning application (for up to 140,000 sqm of employment floorspace with associated offices, facilities, servicing and structures landscaping) has been submitted to Cherwell District Council (ref: 23/03428/OUT). The application was informed by ecological survey and appraisal work, the results of which are set out within the submitted Environmental Statement and associated documents.
- 1.1.3 Further to the submission of the application, consultation comments have been received from Cherwell District Council's Ecology Officer, dated 24th January 2024.
- 1.1.4 Aspect Ecology has been asked to respond to the individual comments raised within the consultation responses. Accordingly, this note provides further consideration/clarification in regard to the individual points set out within the consultation responses, in order to assist consideration of the application.

2 Consideration of Matters Raised

- 2.1 The comments received from the ecology officer are set out under the following headings:
- Breeding Birds
 - BNG/Habitats
 - CEMP
 - Other
- 2.2 Further consideration is therefore set out below in relation to each of the individual headings raised.

3 Breeding Birds

- 3.1 The comments received note that the breeding bird survey work identified a [single] Skylark territory in the west of the site (which will be affected by the proposed development), raising concerns in regard to the lack of mitigation and compensation proposed for this species in

particular (notwithstanding that, as reported, no Skylark were recorded within the site during the 2022 breeding bird surveys).

- 3.2 Appropriate mitigation measures are proposed in order to avoid harm to individual birds and their nests (including in order to avoid any potential offence in this regard) within the submitted information, including suitable timing of vegetation clearance and/or prior inspection by a suitably qualified ecologist to ensure the absence of nests/nesting birds immediately prior to clearance. Such measures would be anticipated to include reference to open grassland areas where relevant in respect of Skylark, in order to ensure individuals are suitably safeguarded at the time of works.
- 3.3 As set out above, and within the submitted information, a single Skylark territory was recorded within the site during the 2021 breeding bird survey work, whilst no Skylark were recorded during the 2022 breeding bird surveys. Accordingly, as set out within the submitted information, at best the site is considered to provide limited value to this species (likely due to the high levels of disturbance by grazing cattle). This is supported by relevant scientific literature, with Skylarks noted to occur rarely within heavily grazed habitats, which provide largely unsuitable nesting habitats and may also reduce potential food sources^{1,2}. As further set out within the submitted information, the proposals incorporate substantial areas of grassland (amounting to approximately 15.8ha) within the north and east which will be retained and enhanced for wildlife benefit, including through improved management. Previous studies of Skylark habitat associations indicate that semi-natural grasslands provide greater opportunities for, and/or support greater densities of Skylark in relation to improved or heavily grazed grassland^{3,4} and accordingly the enhancement and long-term management of grassland areas within the site represents the opportunity to provide enhanced opportunities and suitability for Skylark, including semi-natural grassland habitats and subject to reduced grazing levels, which can clearly be suitably secured by way of appropriately worded planning conditions or obligations under any outline planning permission.
- 3.4 Given typically recorded territory sizes for Skylark are in the region of 2-3ha⁵, (with average territory densities of 0.12ha⁻¹), the extent of proposed enhanced grassland within the site would be of sufficient size and quality to support more than a single Skylark territory (the current maximum levels of Skylark recorded across the site), thereby providing appropriate compensation (and indeed overall enhancement) for this species at the site. Not least given the outline nature of the application, details of proposed management and enhancement of the grassland habitats at the site could suitably be provided at the relevant details/reserved

¹ Wakeham-Dawson, A., Szoszkiewicz, K., Stern, K. & Aebischer, N.J. (1998) Breeding skylarks *Alauda arvensis* on environmentally sensitive area arable reversion grass in southern England: survey-based and experimental determination of density. *Journal of Applied Ecology*, 35, 635-648

² Chamberlain, D.E., Wilson, A.M., Browne, S.J. & Vickery, J.A. (1999) Effects of habitat type and management on the abundance of skylarks in the breeding season. *Journal of Applied Ecology*, 36, 856-870

³ Browne, S., Vickery, J. & Chamberlain, D. (2000) Densities and population estimates of breeding Skylarks *Alauda arvensis* in Britain in 1997. *Bird Study*, 47, 52-65

⁴ Chamberlain, D.E. & Gregory, R.D. (1999) Coarse- and fine-scale habitat associations of breeding Skylark *Alauda arvensis* in the UK. *Birds Study*, 36, 34-47

⁵ Poulsen, J.G., Sotherton, N.W. & Aebischer, N.J. (1998) Comparative nesting and feeding ecology of skylarks *Alauda arvensis* on arable farmland in southern England with special reference to set-aside. *Journal of Applied Ecology*, 35, 131-147

matters stage and secured (if required) by means of appropriately worded planning condition(s) associated with any outline planning permission.

4 BNG/Habitats

- 4.1 The consultation response acknowledges that the submitted information includes details of how BNG of at least 10% will be achieved on site, along with species enhancements, albeit requests sight of the completed metric spreadsheet for review. Accordingly, a further copy of the completed spreadsheet tool (.xls format) is provided to accompany this document for ease of reference.
- 4.2 In addition, the comments note that a significant number of hedgerows and trees are proposed for planting within the site, albeit concerns are raised in regard to the connectivity of the hedgerows. It is noted that the application is in outline and therefore any proposed layout (and associated proposed planting) is necessarily indicative, with further details anticipated at the appropriate stage. Nonetheless, where new and existing hedgerows are identified, these will continue to provide a connected network within wide landscaped corridors (clearly identified within the parameters plans), including direct connection to the wider network across the site. The proposals include two connected access routes from the A361 at the west of the site, providing potential breaks in connection between the internal hedgerows in this location, albeit opportunities to minimise disruption and potentially create features such as wildlife hop-overs through detailed design of junctions and associated access roads as part of detailed design should be incorporated to ensure continued connectivity through the site. In addition, suitable lighting design at the detailed stage (implementation of which can be appropriately secured through suitably worded planning conditions or obligations if required) should be employed to minimise disturbance to the connected corridors and ensure dark corridors remain (including associated hop-overs and connectivity of hedgerows).
- 4.3 Further, the opportunity exists to strengthen and enhance the hedgerow network within the wider site boundary outside of the development, thereby enhancing connectivity for wildlife through and across the site at a landscape scale.

5 CEMP

- 5.1 The consultation comments highlight that as the outline application includes creation of new access routes and other vegetation clearance and ground works, a CEMP should be provided (including in line with the recommendations set out within the Environmental Statement).
- 5.2 The comments further identify that the requirement for a CEMP could be suitably secured by means of a planning condition require that no works, including ground works or vegetation clearance can commence until such a CEMP has been submitted and approved.
- 5.3 Any requirement for submission and approval of a suitable CEMP prior to any commencement of works at the site (secured by means of a suitable planning condition if required) would appear to be entirely reasonable and in line with standard planning requirements, and would ensure that the relevant details of ecological precautionary measures, pollution prevention, protection and safeguards are available at the appropriate stage in order to safeguard ecological receptors. Accordingly, no further information would appear to be required in this regard order to allow the granting of outline planning permission at the site.

6 Other Considerations

6.1 In line with the previously submitted information, the consultation response highlights the following requirements, setting out that these should be secured by way of planning conditions:

- Licensing in regard to bats to be required prior to demolition of the relevant buildings (informed by up to date survey data where necessary) and agreed mitigation put in place
- Detailed lighting scheme to be provided at the appropriate (reserved matters) stage with reference to bats to ensure adverse impacts are avoided in regard to this group
- Submission of a suitable LEMP
- Up to date survey information (including updated surveys where appropriate in line with CIEEM guidelines on the lifespan of ecological surveys) in order to inform any reserved matters applications.

6.2 The above items would appear reasonable and (as set out within the consultation comments) could be suitably secured by way of planning conditions attached to any outline planning permission granted in respect of the proposals, and accordingly do not appear to represent individual objections nor require further consideration in relation to the current determination of the outline planning application for the proposed development.

Aspect Ecology
March 2024