

Andy Bateson

From: Megan Belanger
Sent: 15 March 2024 13:39
To: Andy Bateson
Subject: RE: 23/03428/OUT - Proposed logistics site at J.11, M40

Hi Andy,

I've reviewed the Aspect Ecology 'Review of Ecological Consultation Response' document and provided a response to each point below. My only real objections were due to farmland birds and BNG, the other points were comments about condition recommendations. I also note that Nature Space has recommended that GCN precautionary methods are submitted, I've commented more on this below.

Skylark/ Farmland Birds

The justification provided by Aspect Ecology for Skylark is sufficient. I would expect to see specific management practices for the grassland for Skylark in the LEMP.

In respect to other farmland birds, I would concur with BBOWT that the Breeding Bird Survey report does seem to overlook the impacts that the development will have on other red listed species (e.g. Yellowhammer and Linnet) which are protected under Section 41 of the NERC Act (2006). A total of 43 bird species were recorded during the 2021 BBS survey, including 17 species of conservation concern, and 10 that showed evidence of breeding or holding territory within the site. The BBS report states that the loss of habitat will be mitigated through extensive enhancements throughout the site. While this will increase the abundance of good quality habitat in small sections of the site, it won't necessarily provide compensatory space for these birds. As such, I would recommend that we attach a condition for a farmland bird mitigation plan. There are areas to the south of the site which could be used to provide some compensatory habitat (I believe CDC ecology recommended this for a previous application on this site).

BNG

The metric shows that 62.29ha of the site is made up of modified grassland in poor condition. I am somewhat sceptical that such a large section of land can be classified as the same habitat type in the same condition. However, the report states: 'Fields were surveyed individually in both 2021 and 2023...all fields were very similar in composition.' which indicates that each field was surveyed individually, with a similar result. As such, this appears to be acceptable.

The BNG metric shows 2.39km of hedgerow creation (490m of Native Species Rich Hedgerow with trees and 1.9km of Native Species Rich Hedgerow). However, the 'Plan 6638/BNG4: Post-development Habitat Measurements' only shows 0.49km of proposed native hedgerow (around the orchard). I am not sure if I am missing something or if there is an error in the metric/plans? The metric shows an additional 1.9km of 'hedgerow creation' which isn't shown on the plans (I believe the plans include this 1.9km as part of the 'retained native hedgerow' - see screenshot below). Is this 1.9km section of hedgerow part of the retained or created habitats? **This point should be clarified prior to determination.**



If the majority of this hedgerow creation is around the buildings, a 'good' target condition is ambitious, considering the proximity to more built-up areas. The management plan must include detailed strategies for managing and monitoring these habitats to reach their target condition.

As detailed in the Aspect Ecology note, hop-overs and dark corridors should be incorporated into the design to ensure habitat connectivity is retained. Details of these measures should be provided in the LEMP and lighting plans.

CEMP

As stated in my previous response, the CEMP can be secured with a condition. The CEMP should be submitted and approved prior to any ground works, vegetation clearance, or demolition commencing and should be in line with recommendations made in the ecology reports and my previous response.

LEMP

This should be submitted and approved with any reserved matters applications. I provided more details in my previous response. As stated above, the LEMP should include details of hop-overs to ensure connectivity is retained for protected species.

GCN

Nature Space recommended that a precautionary working method statement is provided for GCN prior to determination. This is because the site is within an amber risk zone for GCN, and there was a positive eDNA result for a pond within 250 meters of the site. The Great Crested Newt Survey Results explained that, while there was a positive GCN eDNA result in a pond 250 from the site boundary, it was to the east of the site and therefore over 500m from any development works (there is a buffer of natural habitat between the site and the east boundary). I would concur that this reduces the risk that GCN are to be harmed due to the development. However, there is significant work proposed to enhance the east section of the site, which could adversely impact GCN in the short-term (but provide a benefit in the long term). As such, a precautionary working method should ideally be provided for GCN prior to determination. We can then condition compliance to this method statement. Should permission be granted despite this, we should attach a condition for a precautionary working method statement for GCN to be submitted prior to commencement.

Condition Recommendations Summary

- Pre-commencement badger survey (as per badger report)
- EPS bat licence for works likely to result in an offence under the Conservation of Habitats and Species Regulations 2017 (as amended)
- Precautionary working method statement for GCN – pre-commencement
- CEMP for biodiversity – pre-commencement - (the CEMP can include details of updated surveys required, in line with CIEEM guidelines on the age of ecological surveys, or updated surveys could be conditioned separately)
- Lighting plan for biodiversity - at the reserved matters stage
- Farmland bird mitigation plan - at the reserved matters stage
- LEMP which includes management of BNG habitats and a Biodiversity Enhancement Plan for species specific enhancements (bird/bat boxes, hedgehog highways, etc.) - at the reserved matters stage.
- A condition for BNG, including provision of an updated metric and report (if changes are made to layout) at the reserved matters stage.

Please let me know if you have any questions.

Kind regards,

Megan Belanger

Ecology Officer

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Cherwell District Council

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From: Andy Bateson <Andy.Bateson@cherwell-dc.gov.uk>

Sent: Thursday, March 14, 2024 6:30 PM

To: Megan Belanger <Megan.Belanger@Cherwell-DC.gov.uk>

Subject: FW: 23/03428/OUT - Proposed logistics site at J.11, M40

Hi Megan,

This application is to be considered at Planning Committee next Thursday, with a recommendation of refusal on 15 grounds, including ecology.

The applicant has submitted this supplementary ecological information late this afternoon, and suggested that it resolves all of your concerns. I will have to report it as part of the Committee Written Updates.

Will you have time before next Thursday to check whether what they have submitted does overcome your original concerns?

Kind regards,

Andy

PS Chris Wentworth has now left CDC, hence I have picked this up.

Andy Bateson, BSc (Hons), MRTPI
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For the latest information on Planning and Development please visit www.cherwell.gov.uk

From: Philip Smith <Philip.Smith@pegasusgroup.co.uk>
Sent: Thursday, March 14, 2024 4:52 PM
To: Andy Bateson <Andy.Bateson@cherwell-dc.gov.uk>; Chris Wentworth <Chris.Wentworth@cherwell-dc.gov.uk>;
Planning <Planning@Cherwell-DC.gov.uk>
Cc: Anthony Crean <anthony@greystokeland.co.uk>; David Hutchison <david.hutchison@pegasusgroup.co.uk>
Subject: RE: 23/03428/OUT - Proposed logistics site at J.11, M40

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Dear Mr Bateson

We have commissioned additional technical information in response to the consultee responses received.

Please find attached the response in respect of Biodiversity which addresses the officer's recommended reasons for refusal 13 and 14.

Kind regards

Philip Smith

Associate Planner

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