

Comment for planning application 24/00097/F

Application Number	24/00097/F
Location	Land South Side Of Widnell Lane Piddington
Proposal	RETROSPECTIVE - Material Change of Use of land to use as a residential caravan site for 12 gypsy/traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant
Case Officer	Jeanette Davey
Organisation Name	Mike Newbury
Address	27 Ludgershall Road,Piddington,Buckingham,OX25 1PU
Type of Comment	Objection
Type	neighbour
Comments	<p>We would like to lodge an objection to this application on the basis of the potential impacts upon the biodiversity of the site and the applicant's apparent lack of consideration of these impacts.</p> <p>We note from Appeal Ref: APP/C3105/W/20/3262394, that the previous application for the change of use of land described as 'Change of use of land to a 6no pitch Gypsy & Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing.' and appeal thereof were rejected by CDC. In his closing comments (see section 37 of the report) the inspector, Timothy King, concluded that 'In the absence of any detailed survey findings, as was recommended by the appellant's consultants when compiling the PEA, to demonstrate otherwise, the potential for ecological harm is contrary to statutory requirements, government policy and advice, and cannot be satisfactorily addressed by way of condition'.</p> <p>We were therefore disappointed to note that the ecological survey for the current application was less detailed than the PEA referred to by Mr King. Moreover, the applicants continue to fail to consider the potential for ecological harm and have no mitigation plan for this harm, disrespecting the statutory requirements, as set out by the CDC great-crested newt district licensing scheme (https://www.cherwell.gov.uk/info/115/planning-process/650/great-crested-newts-district-licensing-scheme).</p> <p>Both the original PEA (dated 23/11/2020) and the updated ecological survey (dated 27/11/2023) confirmed the presence of great-crested newts (hereafter referred to as GCN) in the pond situated 96m from the south west corner of the proposed site. Therefore, as stated on the CDC website, the onus is on the applicants to satisfy the planning authorities that any detrimental effects can be avoided, mitigated or compensated for.</p> <p>In this respect, we would argue that the applicants have failed to properly document the detrimental effects. A single survey was carried out on 16th June 2023, barely within the recognised season (mid-March to mid-June). Through eDNA analysis of, what appears to be, a single pond sample, the presence of GCN were confirmed. As noted by Mr King, and stated in the original PEA, best practice guidelines state that reptile presence surveys should comprise of seven visits during optimal weather conditions. DEFRA protocols also say that 20 water samples should be collected from around each pond and tested by a lab approved by Natural England. The submitted report therefore seems inadequate in all of these respects.</p> <p>We were equally unimpressed with the arguments that detrimental effects upon the GCN would be avoided. The ecological assessment provides little detail in the way of a mitigation strategy. They argue that the site is surrounded by hedgerows (which provide alternative foraging grounds) and simply restate the mitigation strategy from the original appeal document, which only covers the land preparation phase and was clearly considered inadequate by Mr King at the time.</p> <p>While the site is flanked by hedges and/or open grassland, it is well within the 250m buffer zone recommended by your own ecological consultant - Megan Belanger who says that 'GCN are known to travel up to 500m, although they usually stay within 250m of their ponds. Because the pond is well within this buffer, the development results in a loss of suitable habitat for GCN. Therefore, a plan for how compensatory habitat will be provided for GCN on</p>

site will be required to show that no impacts will occur to this species'.

We additionally note that the site layout plan does not include any buffer zones, as recommended in the original ecological report - 'Hedgerows on site should be retained, protected, and enhanced. The development should include a buffer zone of a minimum of 10 m in width along the northern, southern, and western boundaries of the site. The buffer should comprise areas of grassland, managed to increase its floristic diversity with a native species-rich hedgerow planted to separate the buffer from the site. The buffer zone will provide protection to the hedgerows and the wildlife they could support, including butterflies, great crested newts and other amphibians, reptiles, foraging/commuting bats, and the hazel dormouse. There should be no direct access from the development into the buffer. The buffer should only be accessed for maintenance. Materials should not be stored in the buffer zone during construction'. Indeed, within this very buffer zone, they are instead proposing to dig a 1m by 1m drainage channel to a length of 180m with no apparent provision for mammal ladders.

Again, this demonstrates a lack of consideration for recommendations made by experts and legislation, time and time again.

This lack of respect is further highlighted by the notable absence of a 10% biodiversity net gain (BNG) plan, itself a mandatory aspect of planning under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). We would urge councillors to baseline this net gain upon the original land rather than that described in the current ecological report. As shown in the attached document, a quick comparison of the site using online maps shows that since 2020, the site has changed significantly with the addition of vast quantities of rubble and hardcore, representing a significant and unmeasured biodiversity loss, in an area for which they held no planning permissions (as the previous application and appeal were denied). Who knows how many species have been affected by these unregistered changes.

There are many other recommendations that have been overlooked in this application, but each of those outlined here represent sufficient grounds to reject the application and, in sum, provide evidence for a blatant disregard of the required procedures. It is this disregard that forms the basis of our objection. If they cannot comply with clearly laid out legislation at this stage of the application, how are we to have confidence in the future guardianship of this land and the wildlife that resides within?

We would urge you not only to dismiss this application but also to review whether there is a case to enforce BNG legislation to ensure that this land is returned to its original state before further applications can be considered.

Received Date

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Attachments

The following files have been uploaded:

- Site comparison over time (1).pdf