OUFC Planning Application Ref: 24/00539/F

Ecology / Biodiversity Net Gain

Objection

From: Friends of Stratfield Brake (FoSB) April 2024

FoSB is a community action group formed in early 2022 in response to Oxford United's proposal to build a football stadium, as part of a much larger scheme, on Stratfield Brake Sports Ground, a Green Belt site in Kidlington. The original proposal covered both Stratfield Brake and an adjacent Green Belt site, known as 'the Triangle'. The project has evolved and the focus has now centred solely on the Triangle. FoSB, along with its supporter base of around 600 people, is opposed to this proposal and actively campaigns against it. For more information, see:
https://www.friendsofstratfieldbrake.org/

We draw your attention to the following:

(a) There is doubt around the bat and reptile surveys which took place from August 2022 to October 2022. These surveys are therefore unreliable and must be repeated. Ecology Solutions' approach of using their professional judgement in an attempt to justify not repeating surveys is unacceptable, particularly in respect of bats, a protected species.

(b) The recordings of rare Barbastelle bats on the site, which together with the adjacent woodland to the south, provides a suitable habitat and foraging opportunities.

(c) The number of breeding bird surveys is insufficient and the timing, only in June, missed the important March – May period. Further survey work is therefore required for an accurate assessment of breeding birds.

(d) TVERC records have been updated but this is not reflected in Ecology Solutions' reports.

(e) Plans for a proposed wildlife-rich green area at the northern tip of the site are so unrealistic that they border on fanciful. This northern tip and the northern plaza will form the fan zone on matchdays. With 16,000 or more people on site, and the location of the green area next to public areas designed for socialising etc, the probability of this area remaining green and enabling wildlife to thrive is zero.

(f) We refer below to '*The Agile Initiative, Oxford Martin School in conjunction with Oxford University*' which has produced "*Assessing Biodiversity Net Gain plans: a quick guide for planners and developers"*. This is described as an easy-to-use checklist to help understand whether submitted Biodiversity Gain Plans are correctly completed, are feasible, and take into account their local ecological and social context. This leads us to conclude that the Biodiversity Net Gain plan is: not realistic; there are no meaningful efforts to avoid impacting existing habitats; and no thought has been given to the timing of losses and gains or of the cumulative effect of other developments in the area.

(g) BBOWT previously commented that it would be necessary to have segregated areas with no public access. Cherwell DC's Ecology Officer also stated: "*The very high level of public use of the site which will occur at certain times will necessitate some areas to be retained and managed solely for biodiversity to ensure habitats can function*". The

planning application seems to entirely ignore these fundamental recommendations which were made at an early stage by important stakeholders.

(h) Based on our Preliminary Ecological Appraisal which was carried out by the consultancy arm of BBOWT we believe that Ecology Solutions has ruled out the presence of Great Crested Newts too early. Further survey work must be undertaken for this protected species which may be present on the site.

(i) We have not yet studied the BNG calculations, but given the limitations of the plan as identified below, we believe the development will not achieve the 10% gain required by the emerging policy, Core Policy 14: Natural Capital and Ecosystem Services (CP14) which is included in the draft Cherwell Local Plan Review 2040.

Summary of key points:

1. Despite statements to the contrary Ecology Solutions has failed to address the comments made by a number of organisations in response to the scoping request (some of these are reproduced with emphasis in Appendix 1).
2. Ecology Solutions continues to understate both the level and abundance of biodiversity that exists on the site and on the adjacent woodland to the south.
3. Importantly the proposed mitigation strategy is unrealistic for a number of reasons (more detail below).
4. The proposed mitigation strategy does not consider either the timings of losses and gains, or the cumulative effect of the many developments coming forward in the area.
5. There is no plan for ongoing management of the site for biodiversity.
6. The poor financial history of Oxford United, and possible future changes in ownership, mean that plans for ongoing management may be jeopardised in the future as a result of limited funding and changing priorities.
7. Ecology Solutions' early and erroneous conclusion that "*The potential ecological impacts of the Proposed Development are largely confined to the Site itself"* has limited their work to an unacceptable extent.
8. We provide evidence below that the woodland to the south of the site is in fact Ancient Woodland.
9. Even though the woodland to the south of the site is not formally designated as Ancient Woodland, it requires more protection than is currently planned, including a substantial buffer zone between the woodland and the development.
10. This strip of woodland is included in the proposed **Nature Recovery Network for Oxfordshire** by Thames Valley Environmental Record Centre (TVERC) as part of a 'Core Zone' ie of the 'highest nature value', existing wildlife areas.
11. The woodland is notable for the amount of standing dying trees, deadwood, dead stumps and rotting coppice stools which create an extensive and valuable habitat for fungi and saproxylic (deadwood-breeding) insects.
12. The woodland's valuable habitat is not sufficiently recognised by the Aboricultural Report. It is important that no deadwood is removed.
13. Bats, including rare species such as Barbastelle, use the site, particularly the southern area by the woodland. This woodland contains many bat roosting opportunities. According to our independent ecologist's report these are more numerous that those recorded by Ecology Solutions (Fig 8.2 ES Volume 3 Technical Appendix 8.1).

14. Barbastelle bats were recorded on site by Ecology Solutions. This rare species of bat is the subject of a recent publication by Natural England (*Definition of Favourable Conservation Status for barbastelle bat RP2974 view on favourable conservation status for barbastelle in England*) which notes that this rare species is sensitive to disturbance and light, both of which would be the outcome should this application succeed.
15. As well as an overall insufficient number of breeding bird surveys, and no surveys between March – May (as mentioned above), we are concerned that the failure to access the dense scrub may have led to under-recording of bird species including red-listed species.
16. We are concerned that the reported absence of reptiles in surveys is due in part to the reptile 'tins' being removed. Further surveys are required.
17. Our independent ecologist's report by Dr Judith Webb records 161 invertebrate species including 42 beetles, 17 butterflies, 7moths,1 lacewing, 4 dragonflies & damselflies, 20 true bugs, 17 bees & ants & wasps, 1 sawfly, 6 grasshoppers & crickets, 30 true flies, 2 molluscs, 14 spiders & harvestmen. Dr Webb also states this is just a small range and nothing like the full species diversity of invertebrates that will be present.
18. Dr Webb also noted that common plants can support rare insects eg the Common Fleabane on site yielded several individuals of the small and rare picture wing fly (Tephritid) *Myopites inulaedyssentericae*. In this context Ecology Solutions' statement that an assemblage of common invertebrate species would be present within the site is just one example of the biodiversity of the site being understated.
19. The non-intensive rotational willow coppice management of the site centre has helped to maximise biodiversity on the site, especially of flowers and invertebrates. Willow can support a big total of invertebrate species; one quote is up to 450 dependent species, which will include: bugs, bees, beetles, flies and moths.
20. Both the range and abundance of invertebrates noted by Dr Webb are relevant for other species further up the food web, including birds and bats which, given the current absence of street lighting along the A4620 Frieze Way, are also likely to be commuting from the bigger Stratfield Brake western woodland area to forage on the site. This is an example of how Ecology Solutions have unacceptably limited their report by deciding that the potential ecological impacts of the proposed development are largely confined to the site itself. The removal of this food source would directly impact bats and birds who forage on the site but nest and roost elsewhere.
21. In her report on the woodland Dr Webb also explains the important inter-relationship between the woodland and the site. This inter-relationship would be completely lost as a result of the proposed development. As Dr Webb observed, insects which breed in the woodland will be using flowers on the site as a food source.
22. Branches from the woodland may overhang the site over the southern attenuation pond area. This would not be ideal because the leaves and branches will require constant removal. Otherwise they are likely to block the hydrobrake structures in the outflow pipes. There is a danger that someone will decided to cut the trees back for this reason and this would be very damaging to the woodland.
23. We are also very concerned about the proximity of the development including the car park, the southern area and the stadium itself to the woodland. Destruction of woodland can occur by development *near* or *immediately adjacent* as a result of hydrology change, light pollution, noise pollution, too much public access and trampling of flora (bluebells die from trampling, this also eliminates fungal fruiting) litter, flower-picking/digging, fires destroying trees or deadwood. There is an obvious potential for all

of these dangers to the woodland and the protection measures as currently planned are grossly inadequate. The applicant states that the woodland 'would not be accessible post development'. However, the planned deterrent to entering the woodland will be just a hedgerow, scrub planting and attenuation features. This planned deterrent would be ineffective at preventing entry to the woodland when the site is operating at full capacity (16,000 or more people). The sensitive ecosystem of the woodland will therefore be liable to damage (see our independent ecologist's report for more details).

24. As an example to the point made above: the hedgerow will initially just be comprised of small saplings. With so much potential footfall how will those saplings be protected? And how will those saplings prevent entry to the woodland?
25. We dispute Ecology Solutions' assessment that the development will have a beneficial effect on bats, birds and Great Crested Newts. We suggest that this assessment is based on underestimates of the current levels of biodiversity and an overly optimistic predicted outcome for the mitigation strategy . Our comments above about the lack of a realistic biodiversity plan and lack of publicly inaccessible areas for wildlife are relevant.
26. Ecology Solutions propose that the notable species of flora such as *Narrow-leaved Bird's-foot Trefoil* and *Corn Mint* will be retained "*wherever possible on Site and safeguarded during the construction phase"*. Inclusion of the words "wherever possible" make this plan meaningless because the amount of development planned for this small space makes the probability of this happening zero.
27. Where plantation of notable species is not feasible, such as with the orchids, Ecology Solutions recommend a transplantation method where the plants will be moved to where these species can be retained on site post-development. We are told that in this circumstance, for example, Narrow-leaved Bird's-foot Trefoil will therefore become part of a more appropriate meadow management scheme potentially resulting in an enhancement over the existing situation. We refer to our above comments regarding plans for biodiversity needing to be *realistic* which given the huge footfall, this is not.
28. The willow plantation may fit a technical description of 'arable habitat' and such habitats might be considered to hold limited intrinsic value. However, our independent ecologist's report on both the site and the adjacent woodland and the interrelationship between the two areas demonstrates that the site is not of limited intrinsic value. The willow is not intensively farmed and has characteristics which encourage an abundance of flora. The classification of the willow as arable is a further example of Ecology Solutions seeking to understate the ecological value of the site. We note that Cherwell District Council's Ecology Officer stated: *" I am in agreement with BBOWT that 'arable' is unlikely to be the best assessment of this habitat in terms of its ecological value within a metric or impact assessment*".
29. We object to the removal of the mature oak trees which are currently protected by TPOs. While the aboricultural report may consider that these oaks are not in their prime, that is insufficient justification for their removal and downgrading on this basis should not be entertained. As they age, the trees will provide even more value from a biodiversity perspective. Rot holes and deadwood are normal in trees and home to many animal and fungal species. It is normal for oaks to go stag headed (ie with dead branches) in the crown and reduce their canopy. They can live on for 100s of years. Reducing the canopy is a strategy to reduce transpirational losses, it does not mean they are in poor condition and about to die.

SECTION 1

The following Cherwell Local Plan policies are relevant:

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural

Environment

Policy ESD 17: Green Infrastructure

Appendix 6 of the Cherwell Local Plan 2011 – 2031 Partial Review shows the Triangle as proposed green infrastructure. (See copy in Appendix 2)

Core Policy 14: Natural Capital and Ecosystem Services (CP14) (draft included in 2040 Local Plan)

SECTION 2

Assessing Biodiversity Net Gain plans: a quick guide for planners and developers

'*The Agile Initiative, Oxford Martin School in conjunction with Oxford University*' has produced "*Assessing Biodiversity Net Gain plans: a quick guide for planners and developers*"[1]. This quick guide, designed for use by Local Planning Authorities (LPAs) and developers, provides an easy-to-use checklist to help understand whether submitted Biodiversity Gain Plans are correctly completed, are feasible, and take into account their local ecological and social context. We refer to the guide in the context of this planning application below.

The following are questions taken from the guide and discussed in the context of this application:

7. Is the proposal realistic?

Be cautious, for example, where creation of medium and high distinctiveness grasslands interspersed within urban areas is proposed. Grasslands within housing developments (and other sites subject to use and disturbance) are unlikely to exceed low distinctiveness 'modified grassland' due to high levels of use and pressure.

Although this planning application does not include grassland there are distinct parallels with the scenario in this question. The BNG proposals fail on this criteria because of the high levels of use and pressure that the Triangle will be subject to, particularly the northern end (plaza and 'garden') which will act as the fan-zone.

This can be demonstrated using two extracts from the Oxford United's recent promotional material (with our emphasis):

New Gardens

[1] Duffus, N., Atkins, T., Nicholas, H., Butler, A., Milner-Gulland, E.J., Addison, P., Bull, J., zu Ermgassen, S. (2023) Assessing Biodiversity Net Gain plans: A quick guide for planners and developers. Oxford Martin School & NERC Agile programme. https://zenodo.org/records/8167972

The gardens will be a natural space rich with biodiversity, nestled to the north of the new public square offering a green extension to the plaza. Existing trees are preserved and complemented with new native scrub planting to form a natural boundary, enveloping the garden and providing a sense of enclosure and privacy. At the northern point of the garden stands a sculptured earthworks mound, which serves as a prominent focal point and destination within the space. Two spaces located at either end of the garden offer gathering points, at its centre lies a large natural pond providing an abundance of habitats.

The New Public Plaza

The new public square, directly outside the stadium, provides a welcoming open space for both the community and supporters of the club to gather and socialise throughout the year as well as before and after matches. Designed with the ability to accommodate village fairs, farmers markets, and other similar events, the plaza can easily be equipped with temporary stalls, booths, or stands. The space is adaptable and can be configured to suit the needs of different vendors and activities. Between the garden and plaza are three willow arches made from willow farmed from the previous site tenants. These willow arches create a soft boundary transition between the two spaces. .....

It is obvious from this and site plans that the 'garden', the site of much of the claimed biodiversity net gain, will be very close to the northern plaza. The stadium will have a capacity of 16,000 (possibly more in the event that events are held with the pitch used as standing room) and the main access point will be located at the northern end near the 'garden'.

Examples of how the plaza and garden will be used are:

- The sculptured earthworks mound at the northern end of the garden serves as a focal point and destination.
- There are gathering points at either end of the garden.
- At the centre is a large pond (which will inevitably attract attention and footfall).
- The public square is located very close to the garden and has been designed for gathering and socialising before and after matches.
- Fairs and markets are planned.

It is completely unrealistic to expect, even in the short term, that the 'garden' area will ever support a flowering lawn area, a wild flower meadow, a biodiverse wall, or planting beds. It is also possible that the trees, particularly the small ones, will be compromised as a result of the high footfall.

The answer to question 7 "Is the proposal realistic?" is NO.

8. Are there meaningful efforts to avoid impacting existing habitats?

In line with the Mitigation Hierarchy, has appropriate consideration been given to retaining existing habitats and incorporating these into the Biodiversity Gain Plan? Existing habitats already support species, so effort should be made to conserve the existing community, rather than removing it and replacing it with a new habitat. For example, if parkland is to be created after the destruction of existing grassland, the grassland instead should be retained to form the basis of the new parkland. Temporal continuity of wildlife communities is essential, and is a

much easier way to achieve biodiverse habitats than establishment of new habitats. For example, research has demonstrated that it is very difficult to re-establish certain groups that are associated with particular habitats, such as insects, after the fact and that it may take decades to restore typical plant communities in some grassland types.

The existing high levels of biodiversity within the Triangle are discussed in detail later. Our independent ecologist's report records 127 vascular plants, 104 herbaceous plants and 161 species of invertebrates. The adjacent woodland to the south of the Triangle contains an extraordinarily high total of 147 species of fungi and 74 invertebrate species are *so far* recorded, mostly flies and beetles. These reports also explain the important interconnectivity between the site and the woodland with examples of insects travelling from the woodland to the Triangle to feed on the flowers there. So while the adjacent woodland is not part of the site it has a function in its biodiversity.

During construction, apart from retained hedgerows and trees around the site, the abundant and diverse existing community of plants and the invertebrates living there will be completely removed. While the woodland will remain, it will be in danger of being damaged (see later) and the important relationship between the two areas will no longer exist. There is no strategy to ensure the temporal continuity of the floral and insect communities and certainly no plans to replace these with anything remotely approaching the extent of the existing communities.

The answer to question 8 "Are there meaningful efforts to avoid impacting existing habitats?" is NO.

9. Is there an ongoing plan for management and monitoring?

Does the Biodiversity Gain Plan include a Management and Monitoring Plan covering the duration of the BNG requirement? Is it clear who will be responsible for managing these habitats, and if so, are those managers likely to fulfil the requirements of the plan, including for the offset areas?

We are not aware of a management and monitoring plan such as is described here. Neither is it clear who will be responsible for managing those habitats. Further, given the poor financial history of Oxford United we have serious reservations regarding the likelihood of the requirements of the plan being fulfilled. It is notable that the Design Review Panel includes the following recommendation: "*Urges ensuring a realistic maintenance budget for the garden & high-quality materials for the plaza*". Although, of course, even if this recommendation was implemented initially, it cannot be guaranteed even in the short term.

The answer to question 9 "Is there an ongoing plan for management and monitoring?" is therefore NO.

14. What is the timing of losses and gains?

What is the time lag between biodiversity losses and proposed future gains? If a delay is proposed, how will losses be minimised or compensated for in the interim? How does the timetable of biodiversity losses and gains under BNG align with other developments in the area? If all Biodiversity Gain Plans in the area result in the enhancement or creation of habitats that will take decades to achieve target condition, what effect will this have on provision of green

space and nature in the interim? Considering this will help to avoid the scenario of trading too much of today's biodiversity for possible future gains.

There will inevitably be a substantial delay, probably of a minimum of two years and likely much longer, between losses and gains. We have seen no plan to effectively minimise or compensate for these losses during this time period. As an example, our independent ecologist's report states that the Triangle will provide a substantial food source for bats and birds. The scrub areas which are to be removed are also valuable nesting habitat for birds. The lack of a plan to compensate for these losses is a concern and we consider this proposal is a good example of a scenario where 'too much of today's biodiversity' is being traded 'for possible future gains'. This statement is made in the context that, in our opinion, the BNG plan fails to meet the required 10% net gain.

For a number of reasons we do not anticipate that this will be a successful planning application. But in the unfortunate event that it is, there will almost certainly be a cumulative effect from other developments in the area which are likely to come forward at the same time. These developments, which were allocated within the local plan process should take priority. As far as we are aware there has been no attempt by the applicant to align its timetable for the purposes of ensuring that the cumulative effect of the substantial and already planned, development in the area is minimised as much as possible.

SECTION 3

Comments on:

Es Volume 1 Chapter 8 Ecology And Nature Conservation

Extract:

8.1 This Chapter of the ES has been prepared by Ecology Solutions. It assesses the likely significant effects of the Proposed Development with respect to ecology and nature conservation. The Chapter describes the methods used to assess the effects and determines the baseline conditions currently existing at the Site. Mitigation measures are detailed, where required, to prevent, reduce or offset the effects. Enhancement measures are also identified, and the residual effects are set out.

Methodological Approach

Identifying the Zone of Influence

8.23

The potential ecological impacts of the Proposed Development are largely confined to the Site itself, but given that a Priority Habitat Deciduous Woodland (also considered a District Wildlife Site) is located adjacent to the southern boundary and the continuity of agricultural land and open countryside outside the other boundaries, consideration has also been given to the following likely significant effects, which may extend beyond the Site:

- *Disturbance to populations within hearing range during the construction phase;*
- *Fragmentation of 'dispersal corridors' utilised by adjacent populations;*

- *Disruption to habitats / populations within receiving range of dust etc during the construction phase; and*
- *Pollution to watercourses during the construction and operation phases.*

FoSB comment:

As a result of its early and erroneous conclusion in 8.23 that "*The potential ecological impacts of the Proposed Development are largely confined to the Site itself*" the Ecology Report is immediately and unacceptably self-limiting in its overall approach.

The consideration given to the likely significant effects listed in the bullet points above omits the following important impacts;

1. The indirect impact from the loss of biodiversity (and in particular plants) which will in turn lead to a loss of invertebrates and therefore a major loss of food resource for all species higher up the food web, particularly insectivorous birds and bats which use the Triangle as a feeding ground.

2. The direct impact on the adjacent Priority Habitat Deciduous Woodland (which is also a District Wildlife Site and probably Ancient Woodland). The effects on the woodland are not limited to the other likely effects as listed in the bullet points above (ie. construction phase, dispersal corridors, the effects of dust etc, or pollution to watercourses).

The Ecology Report, by virtue of its self-limitations, is therefore not fit for purpose. The additional impacts listed in 1 and 2 above must be the subject of further investigation and reporting.

We refer to our attached independent ecological reports which cover this in more detail and are referred to in our comments:

1. *Stratfield Brake East Woodland, south of The Triangle Survey of Plants, Invertebrates and Fungi, March 2024, Dr Judith Webb and*
2. *Biodiversity Surveys of Land at the Triangle adjacent to Stratfield Brake East Woodland, March 2024, Dr Judith Webb.*

Extract:

Non-Statutory Designated Sites

8.60 The woodland located off-site adjacent to the southern boundary, is listed on the MAGIC database as a Priority Deciduous Woodland which also forms part of the Stratfield Brake Cherwell District Wildlife Site (DWS). It is noted it does not form part of the Stratfield Brake Woodland Trust Reserve (which is also designated as part of the DWS) located to the west of the Site (it is isolated from the Reserve by the Frieze Way A4620 road). Stratfield Brake DWS is designated for its range of habitats including woodland, grassland, ponds and scrub.

FoSB comment:

The woodland located off-site adjacent to the southern boundary (the woodland) Stratfield Brake East is a strip of mature Lowland Mixed Deciduous Woodland, a Priority UK BAP Habitat (Habitat of Principal Importance, NERC Act 2006). It is also part of the Stratfield Brake District Wildlife Site. It is therefore of significant local importance. As mentioned above it is also shown in the current local plan as proposed green infrastructure.

We refer to our independent ecologist's report on the woodland. This explains in detail the reasons why this woodland should be considered to be Ancient Woodland which is considered to be 'irreplaceable habitat' in the NPPF.

Natural England has indicated the woodland will be mapped as 'Long Established Woodland' which means it is therefore confirmed to have been present since the 1700-1800. This timeframe does *not* preclude existence before 1600.

These are the key features that are indicative of the woodland's antiquity:

- Contains old tree pollards and large diameter old coppice stools
- On a parish boundary
- Enclosed by earthen banks and ditches
- 17 Ancient Woodland Vascular Plant species so far found
- Excellent diversity and abundance of woodland fungi
- A growing list of saproxylic (deadwood) invertebrates.

Dr Webb states there is sufficient evidence (coppice and pollard tree structure, flora, fungi, wood banks) to conclude this is Ancient Woodland, despite the lack of map evidence before 1600.

This strip of woodland is also included in the proposed **Nature Recovery Network for Oxfordshire** by Thames Valley Environmental Record Centre as part of a 'Core Zone' ie of the 'highest nature value', existing wildlife areas.

Dr Webb explains that the woodland is notable for the amount of standing dying trees, deadwood, dead stumps and rotting coppice stools which create an extensive and valuable habitat for fungi and saproxylic (deadwood-breeding) insects. Dr Webb also states that in any natural valuable biodiverse woodland 50% of the trees should be dead and 90% of the biodiversity will be associated with the deadwood and, for maximum diversity, none of the deadwood should be removed in any woodland ecosystem.

Extract:

Bats

8.74 There are two trees within the Site and a further three trees in the woodland off site to the south recorded as having developed features suitable to support roosting bats (see Figure 8.3, Appendix 8.1).

FoSB comment:

We refer to Dr Webb's Stratfield Brake East Woodland Surveys of the adjacent woodland which states: "*Many of the standing dead and dying trees have an abundance of rot holes, peeling*

loose bark and dense ivy which will provide ample bat roosting opportunities and provide for fungal and invertebrate species of deadwood."

We acknowledge that the woodland is not part of the site but due to its proximity suggest that the number of opportunities for roosting bats is much greater than reported by Ecology Solutions and this is just one example of many attempts to downplay the ecological importance of the site.

Birds

FoSB comment: We note that breeding bird surveys were carried out in 2023 and that red-listed and priority species were present. We also note the comment in Appendix 8.1 section 8.5.63 that the area of mixed scrub towards the northern tip of the site is relatively dense in places and was not able to be wholly accessed. As scrub provides an important habitat for birds, notably some red-listed and priority species such as Yellowhammer, we are concerned that not accessing this scrub may have led to the under-recording of some birds including red-listed species.

We are concerned that breeding bird surveys were only carried out in one month (June 2023). Bird Survey Guidelines[2] state:

- As standard it is recommended that six bird survey visits be undertaken as part of a survey for breeding birds.
- The bird breeding season is generally acknowledged to occur from late February to early August inclusive, although the majority of breeding activity occurs between March and early July.
- Therefore, as a general framework, breeding bird survey visits should be spread evenly between late March and early July in order to ensure that the surveys cover resident breeders which start breeding early, as well as migrant breeders which arrive later.

The bird breeding survey did not cover appropriate periods of the nesting season, particularly March, April and May and the number of visits was not sufficient for an accurate assessment. Further bird breeding surveys should be undertaken and should include March, April and May as well as June.

Great Crested Newts

Extract:

8.81. There are no ponds within the Site itself. .....

8.82 .....it is not considered that Great Crested Newts would likely be present within the triangle area of the Site.

[2] https://birdsurveyguidelines.org/methods/survey-method/

FoSB comment: We refer to the Preliminary Ecological Appraisal carried out by Future Network WTC (the consultancy arm of BBOWT) on behalf of FoSB. This was submitted in response to the scoping request.

Section 4.6 on Amphibians states that the site confers minor potential opportunities for amphibians, limited to a single small waterbody which appears to be ephemeral in nature and suitable terrestrial habitat…. It also notes that they are known to occur within 2km of the site but acknowledges the isolation of habitats by major roads.

Great crested newts are European Protected Species and further survey work should have been undertaken. Instead, based on OS maps, and ignoring our Preliminary Ecological Appraisal which was made available, a judgement has been made by Ecology Solutions that Great Crested Newts are not likely to be present.

Whilst exercising professional judgement is reasonable, Ecology Solutions should be aware of our PEA report and should have erred on the side of caution in respect of this protected species. The presence of a waterbody (even if ephemeral) and suitable terrestrial habitat, should have prompted further work to determine whether Great Crested Newts are in fact present.

This work must be undertaken before planning permission can even be considered so that, if necessary, appropriate mitigation can be planned and a licence from Natural England obtained for any works that could affect any Great Crested Newts that might be present.

This is a further example of ruling out the presence of protected species too early which could lead to an understatement of the biodiversity of the site.

Reptiles

Extract:

8.84 Specific surveys for reptiles were commenced in August 2022 and carried out within the Site and within the adjacent Stratfield Brake Sports Ground between September and October 2022. No reptiles were recorded within the Site in 2022,…….

FoSB comment:

The tenant who currently occupies the site told FoSB that all survey equipment was removed as soon as he saw it, which was not long after it had been put in place. He removed it because he didn't know what it was and no-one had sought permission to go on site and place it there. We saw for ourselves the pile of discarded equipment and it included the 'tins' used for reptile surveys.

The following was included in our response to the Scoping Request: *"9. Reptiles: Our comments above regarding the survey which it is claimed took place between August – October 2022 are relevant. Were no reptiles recorded by Ecology Solutions because the survey was not undertaken in a professional manner? The Scoping Request states that the site offers some potential for reptiles. They must therefore be included in the Environmental Statement."*

Cherwell District Council drew Oxford United's attention to our comments in its scoping decision.

It is therefore absolutely no surprise to us that no reptiles were recorded within the site in 2022 and we believe that these surveys must be carried out again.

Invertebrates

Extract:

8.88 Given the habitats present, it is likely an assemblage of common invertebrate species would be present within the Site. ….

FoSB comment:

We refer to Dr Webb's Biodiversity Survey of the Triangle and in particular the 161 invertebrate species that she has so far identified including 42 beetles, 17 butterflies, 7moths,1 lacewing, 4 dragonflies & damselflies, 20 true bugs, 17 bees & ants & wasps, 1 sawfly, 6 grasshoppers & crickets, 30 true flies, 2 molluscs, 14 spiders & harvestmen. Dr Webb also states this is just a small range and nothing like the full species diversity of invertebrates that will be present.

Dr Webb also noted that:

- Common plants can support rare insects; this is the case for the Common Fleabane on site which when 'swept' yielded several individuals of the small rare picture wing fly (Tephritid) ***Myopites inulaedyssentericae*.**
- Very good numbers of common butterflies were found, with the breeding presence of rare Brown Hairstreak Butterfly confirmed.
- Willow can support a big total diversity of invertebrate species; one quote is up to 450 dependent species, which will include: bugs, bees, beetles, flies and moths.
- The non-intensive rotational willow coppice management of the site centre is the best thing that could have happened here to maximise biodiversity, especially of flowers and invertebrates.
- Purple Hairstreak butterflies were seen in summer 2023 in the oak canopy that overhangs out from the wood to the margin of the Triangle area.

Dr Webb explains that an *abundance* of common insects is important as well as diversity. The sheer abundance of common leaf-feeding beetles on the osier coppice growth will be important as a food resource for all species higher up the food web, particularly insectivorous birds and bats. Recent decline of insect populations is causing much concern, but insect decline is not observable here.

In this context Ecology Solutions' statement that an assemblage of common invertebrate species would be present within the Site is a further example of the biodiversity of the site being understated.

Both the range and abundance of invertebrates noted by Dr Webb are relevant for other species further up the food web, including birds and bats which, given the current absence of street lighting along the A4620 Frieze Way, are also likely to be commuting from the bigger Stratfield Brake western woodland area to forage on the Triangle. This is an example of how Ecology Solutions have unacceptably limited their report by deciding that the potential ecological impacts of the Proposed Development are largely confined to the Site itself,

In her report on the woodland, Dr Webb also explains the inter-relationship between the woodland and the Triangle. As stated below, and as Dr Webb observed, insects which breed in the woodland will be using flowers on the Triangle as a food source.

- Deadwood-breeding (saproxylic) insects, mostly beetles and flies, will travel out from their breeding site to the margins and to nearby open areas in May to find flowers for pollen and nectar to build up reserves to complete their life cycles. They will therefore depend on flowering plants outside this woodland, showing how the woodland species are connected to surrounding green diverse habitat of flowering hedgerows and willow coppice. Such a flowery '**sustenance zone'** is abundantly available in the adjacent Triangle area (see separate report on the Triangle wildlife) at least three deadwood-breeding (saproxylic) longhorn beetles are recorded on flowers there; these must have travelled out from Stratfield Brake East deadwood for food.

Extract:

Potential Effects

During Construction

8.98 Impacts: There is potential for disturbance / damage and dust deposition (and potentially other pollution) to the adjacent DWS woodland and nearby Stratfield Brake DWS. No direct or indirect impacts will occur on the Meadows West of the Oxford Canal LWS or any other non-statutory site.

Prior to mitigation, impacts are adverse at the Local (DWS) level and are of Medium sensitivity, Low magnitude and of ***Minor significance.***

FoSB comment:

As explained earlier Natural England has indicated the woodland will be mapped as 'Long Established Woodland' which means it is therefore confirmed to have been present since the 1700-1800. This timeframe does *not* preclude existence before 1600. The adjacent DWS woodland is therefore very old and should be treated with caution and afforded protection in line with its probable status of Ancient Woodland. We therefore refer to the woodland as Ancient Woodland but even if it does not attain this status it is clearly a very old and valuable biodiverse area which should be protected by appropriate buffers.

We do not believe that the planned buffer will provide sufficient protection for the woodland which should be treated as Ancient Wooldand. However, the site plan indicates that the car park, the southern plaza and the southern end of the stadium sit very close to the woodland.

In their '**Planners' Manual for Ancient Woodland and Veteran Trees'** (2019) the Woodland Trust state in relation to providing adequate buffers: '*... As a precautionary principle, a* ***minimum 50 metre buffer*** *should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice*.' We support a 50 metre minimum buffer in order to protect the woodland.

We believe that branches from the woodland are likely to overhang the site over the southern attenuation pond area. This would not be ideal because the leaves and branches will require constant removal. Otherwise they are likely to block the hydrobrake structures in the outflow pipes. There is a danger that someone will decided to cut the trees back for this reason. This would clearly be very damaging to the woodland.

We are also concerned about the proximity of the development including the car park, the southern plaza and the stadium itself to the woodland. Apart from building *on* an Ancient

Woodland, destruction can occur by development *near* or *immediately adjacent to* an Ancient Woodland. Damage can occur then by hydrology change, light pollution, noise pollution, too much public access and trampling of flora (bluebells die from trampling, this also eliminates fungal fruiting) litter, flower-picking/digging, fires destroying trees or deadwood. There is an obvious potential for all of these dangers to the woodland and insufficient information on how the woodland will be protected during the construction and operational phases. As Dr Webb says in her report: to survive in the current pressurised countryside in the south an Ancient Woodland needs a wide undeveloped green unlit buffer and absolutely minimal strictly controlled public access, in some cases access only for essential woodland management.

Even if the woodland is not designated as Ancient Woodland it should be afforded appropriate protection for a woodland of this age and an appropriate buffer *must be* included within the design. This is something that appears to have been overlooked.

Extract:

Table 8.6: Summary of residual effects for ecology and nature conservation

We disagree with many of the assessments of residual effects, but in particular the following for the reasons given above and as annotated below.

Construction phase

Potential damage to retained hedgerows, trees and adjacent woodland
Negligible, not significant

Potential dust deposition (and potentially other pollution) to retained hedgerows, trees and adjacent woodland
Negligible, not significant

Bats
Potential disturbance from lighting on foraging and commuting routes
Negligible, not significant

Great Crested Newts
Potential for killing and injury
Negligible, not significant

Operational Phase

Potential disturbance / damage to adjacent woodland
Negligible, not significant

Loss of habitat
Willow Plantation, modified grassland and Neutral Grassland (low)
Minor-Moderate beneficial, significant
[**FoSB comment:** willow plantation is a diverse habitat and there is no evidence to demonstrate that its removal has anything other than an adverse effect. We object to the continued description of the willow as arable. We challenge this assessment based on our comments above regarding the biodiversity of the willow plantation (SECTION 3) and also our comments regarding the unrealistic nature etc of the mitigation proposals (SECTION 1)]

Loss of habitat
Mixed Scrub (low)
Minor beneficial, not significant
[**FoSB comment:** scrub is an extremely important habitat for bird diversity and there is no evidence to demonstrate that it is being replaced to the extent that it is being removed. We challenge this assessment based on our comments above regarding the biodiversity associated with the scrubland and (SECTION 3) and also our comments regarding the unrealistic nature ETC of the mitigation proposals (SECTION 1)]

Loss of foraging grounds / suitable habitat

Bats
Minor-Moderate beneficial, significant
[**FoSB comment:** Bats will be severely disadvantaged by the loss of invertebrates on the Triangle, additional lighting including on Frieze Way, the heavy footfall that is inevitable on the site including in the evenings, loss of feeding corridors, etc.
We reproduce Thames Valley Police comments on the Scoping Request: *" The site is enclosed with significant tree and hedge planting, which if retained may cause challenges for CCTV operations and lighting. In order to ensure public safety, lighting and planting must ensure maximum surveillance opportunities in external circulation areas to detect and deter crime and ASB"* There is clearly a conflict between lighting for safety and lighting for wildlife (particularly bats) and there is no indication that this has been thought through and reflected in the planning application. Claims of a beneficial effect for bats are incorrect]

Birds
Minor beneficial, not significant
[**FoSB comment:** A lot of the scrub habitat which is so important for bird diversity will be lost. The abundance of invertebrates will be no more and this will impact food supply. The Triangle will be subject to heavy footfall which will affect the red-listed species in particular. Claims of a beneficial effect for birds are incorrect and underestimate the impact on red-listed species such as Linnet]

Great Crested Newts (low)
Minor beneficial, not significant
[**FoSB comment:** Great Crested Newt surveys must be carried out. Claims of a beneficial impact without this are not possible. This is a priority species and a potentially incorrect assumption has been made that they are not present. Heavier footfall will also have a significant impact]

SECTION 4:

Comments on Es Volume 3 Appendix 8.1 Ecology Technical Appendix

Extract:

8.2.15 A member of the development project team conducted a site visit with a member of the Woodland Trust on 25th April 2023. At that meeting, the Woodland Trust were offered the

opportunity to take on the management of this section of woodland (west of the A4260) and to include it as part of the Stratfield Brake nature reserve. However, the Woodland Trust declined the offer and gave a view that the woodland is too isolated and is best suited to non-intervention management in any event.

FoSB comment: The woodland which was offered to the Woodland Trust to manage is not part of the site available to Oxford United who therefore had no authority to make this offer. This statement is no more than a further attempt to understate the ecological value of the woodland.

Extract:

8.2.20 As stated above, the woodland would not be accessible post development and will be protected by a native hedgerow, scrub planting and attenuation features, which will deter people accessing the woodland and will also provide a green corridor along the boundary with the woodland from which a variety of wildlife will benefit. As such, the design of the proposals has sought to ensure no detrimental impacts will occur on the woodland from the proposed development, and thus, its existing ecological value would be unaffected.

FoSB comment: When the site is operating at full capacity (16,000 or more people) a hedgerow, scrub planting and attenuation features might, as is suggested, act as a deterrent but the applicant states that the woodland 'would not be accessible post development'. This is plainly incorrect because these features will *not* prevent access. The sensitive ecosystem of the woodland will therefore be liable to damage and destruction (see our independent ecologist's report for more details).

The statement that the "existing ecological value [of the woodland] would be unaffected" ignores the important interrelationship between the woodland and the site and is also incorrect and misleading.

Extract:

Botanical Surveys and Habitat Classification

8.2.25 Specific, targeted botanical surveys are not considered necessary given the initial Phase 1 Habitat survey conducted identified the habitats present within the Site as largely dominated by common and widespread flora, albeit there are a small number of more notable plant species present in patches around the edges of the grassland.

FoSB comment: This is a further example of Ecology Solutions choosing to rule out further investigation at an inappropriately early stage. The summary of the habitat here understates not only the number of species present, but also their abundance, which is in part due to the way in which the willow is managed by the tenant. Our independent ecologist's report provides further information of this.

Extract:

8.2.29 It is however not considered that the notable species recorded, such as Narrow-leaved Bird's-foot Trefoil Lotus tenuis and Corn Mint Mentha arvensis, are in high abundance across the site and nor does their presence automatically convey that the grassland within the Site as a whole is of high botanical value and warrants further survey..... Nevertheless, it is proposed that areas where these species have been recorded are retained wherever possible on Site and safeguarded during the construction phase. Where retention is not feasible (such as Pyramidal Orchid Anacamptis pyramidalis and Common Spotted Orchid Dactylorhiza fuchsii recorded by

Judith A Webb within the main body of the willow plantation), a transplantation exercise is recommended where the plants will be moved to where these species can be retained on Site post-development. In this circumstance, for example, Narrow-leaved Bird's-foot Trefoil will therefore become part of a more appropriate meadow management scheme as it will involve removing arisings after each cut, which will provide greater opportunity for this species to spread and thrive, potentially resulting in an enhancement over the existing situation.

FoSB comment: Notable species are notable due to their rarity. To suggest that their presence in small numbers makes them irrelevant is misleading.

We refer to our earlier comments in SECTION 2 about whether the proposed mitigation strategy is realistic. A proposal to retain "wherever possible" the areas where these have been found during the construction phase is clearly unrealistic.

Similarly proposals to transplant species such as the orchids so they can be retained on site are equally unrealistic.

Extract:

8.2.31 Consultee responses have questioned the classification of willow plantation being that of 'arable habitat'.

8.2.34 As such, the willow plantation fits within the definition detailed above, provided by UKHab. The UK Habitat Classification Working Group involves a network of dedicated experts who have field-tested and reviewed the classification prior to its publication, and as such, is deemed as an appropriate classification tool to use when classifying the onsite cropland. In general, <u>such habitats are agreed by ecologists to hold limited intrinsic value</u>, as evidenced by the biodiversity scoring attributed to such habitats in Biodiversity Net Gain metrics (developed by and the use of which is endorsed by consultees such as Natural England).

FoSB comment: The willow plantation may fit a technical description of 'arable habitat' and such habitats might be considered to hold limited intrinsic value. However, our independent ecologist's report on both the site and the adjacent woodland and the interrelationship between the two areas demonstrates that the site is not of limited intrinsic value. This is a further example of Ecology Solutions seeking to understate the ecological value of the site and to therefore avoid further surveys. This assessment also ignores the following statement made by Cherwell's Ecology Officer: *"I am in agreement with BBOWT that 'arable' is unlikely to be the best assessment of this habitat in terms of its ecological value within a metric or impact assessment."*

Extract:

Reptile and Bat Surveys

8.2.49 FoSB have questioned whether the reptile and bat surveys went ahead as the tenant of the Triangle had removed the reptile surveying equipment and removed two of the four static bat detectors in August 2022.

8.2.50 Reptile 'tins' were placed on site on 24th August 2022. Where these 'tins' were observed to be missing upon a visit these would be replaced and allowed to bed in again prior to further checks. One period when some 'tins' were observed to be missing coincides with when the

tenant had removed two of the four static bat detectors that were left on site to monitor bat activity. The replacement of missing 'tins' was also a reason why checks were continued into October 2022 (albeit the weather conditions were such that reptiles remain active until late into the year in any event).

8.2.51 As such, it can be confirmed that a robust set of reptile surveys were conducted, albeit were subject to some delays as a result of the above.

8.2.52 Whilst the tenant removed two of the four static detectors that were left out in August 2022, the remainder of the bat surveys continued as normal throughout the rest of the year, and the results of these do not indicate that an assessment would be materially affected by the reduction in detectors in that month. Indeed, as alluded to above, there has been a recent publication of new bat survey guidance and this clearly endorses an approach whereby survey effort is an iterative process dictated by the findings of survey work as it is completed at the professional judgement of an appropriately qualified ecologist, i.e. do findings justify a greater survey effort or not (in the same way whether the failure of detectors/missing detectors would warrant additional survey effort or not – in this case deemed not).

FoSB comment: We dispute Ecology Solutions version of events in respect of bat and reptile surveys. The existence of doubt around these makes the findings unreliable. Professional judgement should not be used to justify an inappropriate level of bat monitoring simply because further work is inconvenient. The reptile and bat surveys should therefore be undertaken again.

Extract:

Natural Capital and Ecosystem Services

8.2.59 An emerging policy, Core Policy 14: Natural Capital and Ecosystem Services (CP14) has been included within the Draft Cherwell Local Plan Review 2040. This policy aims to recognise the value of natural capital assets in terms of the ecosystem services they provide to ensure that planning applications take these assets into account in order for wider benefits of the natural capital to be delivered.

8.2.61 The habitats of lesser intrinsic value in the context of ecological natural capital, which will be lost as part of the proposals, will be replaced by habitats of greater diversity and value. This will be shown within the biodiversity net gain assessment which will be carried out on the proposed development, where a minimum of 10% net gain is anticipated to be achieved.

FoSB comment: At the time of writing we have not yet looked at the BNG calculations which were not initially available. However, the information available (understatement of ecological value of the site, no consideration of the interrelationship between the site and the woodland, insufficient survey work, over-reliance on green rooves, unrealistic expectations around replacement habitat etc etc) strongly suggests that a 10% net gain will not be achieved.

Extract: refer to sections 8.5.84 – 8.5.89 which list the days on which bat activity was monitored.

FoSB comment: One survey was carried out in each of August 2022, September 2022 and October 2022 although we note that GPS data was not available for September and October due to a technical failure. Further surveys were carried out in June 2023 (two) and July 2023 (one). This is six surveys in total with GPS failure in a third of these. Automated bat activity surveys also took place although we dispute the extent of these. This represents a very low level

of survey activity for bats which are known to be present, including rare species. We also refer to our separate comments on bat surveys which refer to the Bat Conservation Trust's good practice guidelines that it is often appropriate to collect data, at least for a year, if not longer. This provides further evidence that further bat survey work is required to produce reliable results.

Extract:

8.5.92 ….. with the woodland edge in the south being the most important area for bats within the Site.

FoSB comment: We note the woodland edge to the south of the site as being the most important for bats according to bat survey work. This provides a further reason for providing a buffer zone for the woodland which is very close to the stadium, the car park, and the southern plaza. All of these areas are likely to be lit and therefore detrimental to bats.

The rare Barbastelle bat has been recorded on site. This bat is the subject of a recent publication (08 March 2024) by Natural England titled *Edition 1 Definition of favourable conservation status for barbastelle bat (RP2974)*. This includes the following:

"*Barbastelles are closely associated with broadleaved woodland containing large numbers of veteran and dead trees which provide them with roost sites. Barbastelles predominantly roost under loose bark, switch roosts frequently and require large numbers of roost trees. Roosts can be spread over a large area, typically 100-200 ha.*

Barbastelles are specialist hunters of moths and generally forage in woodland and over riparian habitats with a diverse structure supporting large numbers of moths. They can travel up to 20 km from roost sites to preferred foraging areas. They generally avoid built-up areas, appear sensitive to disturbance and are light shy.

Barbastelles are widely distributed through southern and central England, but they are uncommon and occur in low numbers. Their range is highly fragmented, reflecting the distribution of their preferred habitat."

This description fits with the habitat associated with the woodland to the south of the site. It is notable that this species is sensitive to disturbance and is light shy. The construction of a stadium on this site presents a clear risk in terms of disruption and light pollution to this bat, both on the woodland to the south of the site, but also on the larger area of woodland on Stratfield Brake.

SECTION 5

FoSB comment on TVERC records as mentioned in Es Volume 1 Chapter 8 Ecology And Nature Conservation:

Various references to TVERC records are made throughout the report. In some instances the records returned have been minimal or zero. However, this is in most instances more likely to reflect the inaccessibility of the site rather than an absence of species so little weight should be given to the lack of records.

The TVERC records have been updated to reflect recent work undertaken by Dr Judy Webb and others but we see no indication that the updated records have been reviewed and taken into account.

SECTION 6

The Scoping Request and BBOWT's comments

The BBOWT response to the Scoping request included the following: *"If the application is pursued then it needs to minimise impact on other habitats as well and incorporate them into proposed wildlife-rich green space. It is essential that a substantial area of wildlife-rich habitat, semi-natural in type, and with no public access to some areas, is maintained and managed for wildlife in the northern part of the triangle as that is critical to maintaining a green corridor for wildlife between Kidlington and Oxford. As already stated above the potential impact on this green corridor is of the utmost concern. Wildlife must be made a priority of any green space within the site."*

We see no indication that this expert advice has been followed. The area to the north is:

- not substantial
- not wildlife rich
- not a priority wildlife area
- there is no management plan to indicate how it will be managed for wildlife
- the effect of heavy footfall has been completely overlooked (16,000 people regularly on the Triangle is a possibility)
- does not fit the criteria to enable it to represent a green corridor
- our comments in SECTION 2 above are also relevant

SECTION 7

FoSB general comment on Es Volume 1 Chapter 20 Summary

Table 20.1 – Design Measures Mitigation Measures

Extract:

The inherent design mitigation that has informed the site layout includes locating the stadium building as far south within the Site as possible, without impacting on the existing woodland block in the south of the Site. This protects this key landscape feature that is designated as a priority habitat under Section 41 of the NERC Act, whilst retaining an open green space in the north of the Site to maintain an open green space between the Proposed Development and the southern edge of Kidlington.

FoSB comment: As stated elsewhere we believe that the existing woodland block should be considered to be Ancient Woodland. Even if it is not, a buffer zone between the development and the woodland is required to protect this very old woodland.

The location of the stadium as far south as possible is damaging to the existing woodland and has the potential to cause damage through hydrology change, light pollution, noise pollution, too much public access and trampling of flora (bluebells die from trampling, this also eliminates fungal fruiting) litter, flower-picking/digging, fires destroying trees or deadwood.

The claim that this will result in an open green space to the north of the site is meaningless. The public access to this area and the number of people who will access the site means that it will not stay green for long and its value will be severely diminished because of features that are designed in to attract footfall (SECTION 2).

Extract:

The hedgerows and trees along the western and eastern boundaries of the central field are partially retained.

and

The vegetation along the Oxford Road and Frieze Way corridors within the Site are predominantly retained

FoSB comment: In its response to the Scoping Request Thames Valley Police specifically mentioned the trees and hedges around the Triangle in the context of public safety. The additional lighting required for safety reasons will conflict with the need to keep lighting as low as possible for wildlife and there is no indication that this has been considered and planned for.

Extract: *The trees and sections of hedgerow identified for removal along these boundaries are required to facilitate the proposed vehicular and pedestrian/cycle accesses to the Site and include the removal of the two Oak trees subject to a TPO.*

FoSB comment: We object very strongly to the removal of the trees which are currently protected by TPOs. While the aboricultural report may consider that these oaks are not in their prime, that is insufficient justification for their removal. One of the trees was recently damaged but that can be expected to heal in time. As they age the trees will provide even more value from a biodiversity perspective.

It is normal for oaks to go stag headed (ie with dead branches) in the crown and reduce their canopy. They can live on for 100s of years after doing this and there are many examples in the local area e.g. the grounds of Blenheim Palace. Reducing the canopy is a strategy to reduce transpirational losses, it does not mean they are in poor condition and about to die. Rot holes and deadwood are normal in trees and home to many animal and fungal species. Any downgrading on this basis, when in fact it is now more capable of sustaining more species and may live on for very many years should not be entertained.

Extract:

8: Ecology and Nature Conservation

Embedded mitigation in the design relates to the landscape design, described above, and include:

- *The protection of the adjacent woodland.*

- *Creation of species-rich wildflower grassland and species-rich amenity grassland, and if deemed necessary, a transplantation exercise of those plants that are of greater conservation value to dedicated areas left for biodiversity.*
- *New native tree and hedgerow planting is proposed of a length/area greater than lost.*
- *Creation of a pond and attenuation features;*
- *Creation of new scrub habitat and hedgerows which will include Blackthorn.*
- *New bird nest boxes and bat boxes will be provided on suitable retained trees within the Site.*
- *Log piles will be created within areas of open space.*
- *Three areas of biodiverse roof are proposed on parts of the north, east and south stands and a green wall is proposed on the northeastern elevation of the stadium to provide additional opportunities for ecological enhancement.*

FoSB comment: As mentioned above we consider that a substantial buffer is required between the woodland and the development area and believe that the current protection of the woodland is inadequate.

It is hard to see how any area of grassland will remain as such, and even harder to see how it will remain species rich, in an area which will encounter such heavy footfall. As mentioned above BBOWT has said that it will be necessary to have protected areas with no public access but we see no signs of this in the plans. In addition the green area at the northern end of the Triangle is next to the plaza and is so small there is no chance that it won't be trampled once 16,000 people are present. This is a fundamental flaw in the ecology and nature conservation plan.

Green rooves can provide some level of biodiversity but this is minimal in comparison to the level of biodiversity that is already present due to the way the Triangle is currently managed.

APPENDIX 1

Extracts from Cherwell District Council's Scoping Response (our emphasis in yellow)

6.7. BBO WILDLIFE TRUST: Detailed comments provided, some of which have been incorporated into this report. The full response is available to view in full on the Council's website.

6.9. CPRE: We are aware of at least two ecological studies focused upon the site which indicate that this would be extremely harmful to the fauna and flora of the area. We have also been informed that some of the claims within the Scoping document in respect of ecological field tests must be evidently questionable given that testing sites were removed and stacked away.

6.13. CDC ECOLOGY: I concur with much of the information given within the BBOWT response submission (dated 8th September) which makes many valid points of aspects that should be included (in addition to NE's annex A). In particular:

Cumulative impacts from surrounding agreed and proposed future developments should be considered particularly on the ecological functioning of habitats in the wider landscape.

Assessment of impacts on designated sites to include air pollution, hydrology, recreation and lighting – particularly for the adjacent LWS -should be included.

I would advise a reassessment of the habitats on site, in particular the value of the willow coppice plantation, in light of submitted independent ecological reports. I am in agreement with BBOWT that 'arable' is unlikely to be the best assessment of this habitat in terms of its ecological value within a metric or impact assessment.

Bird surveys of breeding and wintering birds (to best practice in terms of number of visits) should be carried out. CDC holds (albeit relatively old) records of common sandpiper, skylark, reed bunting, field fare, grasshopper warbler, grey partridge, snipe etc.. on site – most of which are amber or red listed.

Invertebrate surveys or full justification for scoping out. There are multiple records of brown hairstreak using hedgerows in the area and an impact assessment for this species (and potentially other invertebrates) will be required with identification of the level of mitigation required.

Botanical surveys or full justification for scoping this out.

Other species fully considered – in addition to those mentioned within the submission there are records of brown hare and red list birds within 100m of the site. The site is within the Amber zone for suitability for Great Crested Newt (denoting suitable habitat from Nature Space our district licence delivery body) which whilst GCN are discussed is not mentioned.

Impacts on priority habitats on and off site both through direct loss and indirect degradation via shading, increased lighting, differing management, decreased buffer vegetation or increased public access.

In addition: At least a 10% net gain for biodiversity should be achieved on site along with an assessment of options for strengthening and retaining green infrastructure at the design stage. The very high level of public use of the site which will occur at certain times will necessitate some areas to be retained and managed solely for biodiversity to ensure habitats

can function and this may require consideration of off-site options to mitigate for the loss of this function and the loss of ecological connectivity (e.g. green bridges, nature reserve area etc.. would be valuable here).

6.19. FRIENDS OF STRATFIELD BRAKE (FoSB): Detailed response provided, some of which has been incorporated into this report. The full response is available to view on the Council's website.

6.41. CDC KIDLINGTON EAST WARD MEMBER COUNCILLOR IAN MIDDLETON: Detailed comments and reports provided, some of which are incorporated into this report. The full response is available to view on the Council's website.

6.42. CDC KIDLINGTON EAST WARD MEMBER COUNCILLOR FIONA MAWSON: Comments that: I would expect there to be a full EIA on this development. In view of its location and impact on the environment, the main concerns are the traffic management in this increasingly developed area and also the ongoing information presented about the biodiversity impact on the willow plantation.

Ecology and Nature Conservation

8.11. It is agreed that this should be scoped into the ES.

8.12. Your attention is drawn to the comprehensive comments provided by BBOWT. In particular,

the EIA should set out the steps that will be taken to “preserve, manage and re-establish habitat that is large and varied enough for wild birds to support their population in the long term” in relation both to “wild birds that are in decline” and to “wild birds with healthy populations”.

8.13. There are records of the following protected and notable species within or within close proximity to the site: Great Crested Newt, Brown Hairstreak butterfly, Eurasian Badger and West European Hedgehog. Toads are a Priority Species likely to be present, given there are records of other amphibians on/close to the site. The impact on these species and their

habitat should be scoped in.

8.14. The comments of the Council's Ecology Officer should be noted and addressed.

8.15. Your attention is drawn to the comprehensive comments provided by FoSB. In particular, the comments in relation to the ecological survey work they have undertaken should be noted and addressed.

8.16. Your attention is drawn to the comments of Councillor Middleton and FoSB, and in particular, the evidence that data gathered from the survey work undertaken by your ecologists may be incomplete due to monitoring equipment being disturbed/removed by the current tenant before the study was complete.

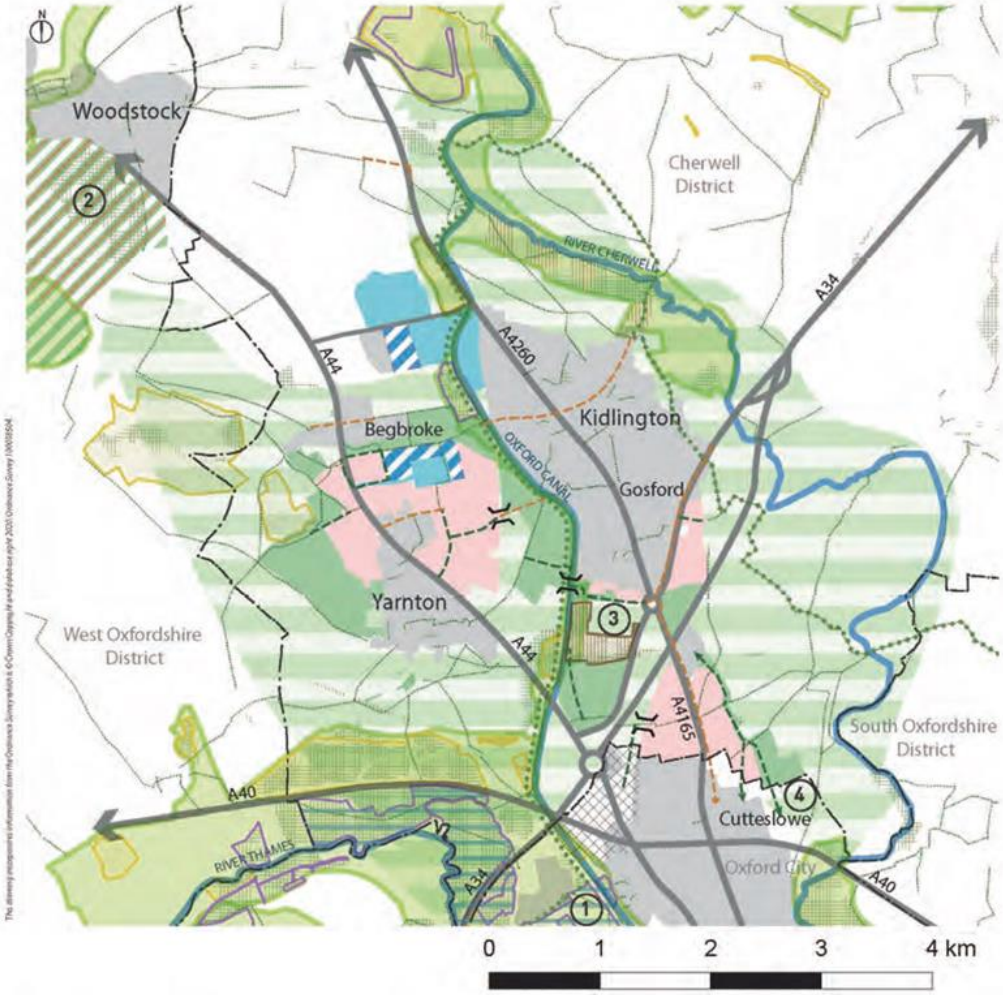
Lighting

8.28. It is agreed that this should be scoped into the ES.

8.29. The EIA should include a lighting management plan to demonstrate how lighting will be avoided or otherwise minimised during both the construction and operational phases including with respect to ecological impacts.

APPENDIX 2

Thematic Map of Green Corridors in the Cherwell Local Plan 2011 – 2031 (on next page)



Green Corridors - For Illustrative Purposes Only

Key

- District boundaries
- Primary waterways
- Strategic green corridor
- Existing settlement
- Proposed residential development
- Existing employment area
- Proposed employment area
- Oxford City proposed Northern Gateway development
- District Wildlife Site
- Local Wildlife Site
- SSSI
- Habitat of Principal Importance (NERC S41 Act, previously BAP)
- Conservation Target Area
- Woodland Trust Site
- Special Areas of Conservation
- World Heritage Site
- Historic Park and Garden
- Existing public right of way
- Proposed new pedestrian, wheelchair and all-weather cycle route
- Proposed walking route on street
- Green Belt Way
- Pedestrian / cycle bridges (wheelchair accessible)

Key green infrastructure

- Proposed green infrastructure and formal recreation provision
- (1) SSSI Port Meadow SSSI
- (2) Blenheim Palace
- (3) Stratfield Brake
- (4) Cutteslowe Park