Berkshire Buckinghamshire & Oxfordshire Wildlife Trust

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24th July 2025

Dear Jason

25/01510/OUT

Location: Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell

Proposal: Outline planning application for the erection of up to 500 dwellings and commercial floorspace (Use Class E) with associated access, open space and infrastructure - All Matters Reserved except for Access

Objection:

1. **Potential impact on Oxford Meadows SAC**
2. **Potential impact on Blenheim Park SSSI**
3. **Potential impact on Blenheim Park and Woodstock Water Meadows Local Wildlife Sites**
4. **The importance of avoiding impact on UK priority species including breeding birds including skylark**
5. **Lighting and potential impact on priority species bats**
6. **Management of hedgerows in order to achieve BNG**
7. **Management of green space in order to achieve BNG**
8. **The importance of a net gain in biodiversity being in perpetuity**

Thank you for consulting us on the above application. As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology on and around the application site.

Local planning policy

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment of the Cherwell Local Plan 2011- 2031 (Part 1), adopted July 2015 states:

- *"Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated; …*

- *Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity;"*

1. Potential impact on Oxford Meadows SAC

Under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017, a competent authority must only approve a project after having *"ascertained that it will not adversely affect the integrity of the European site."*

The Oxford Meadows SAC contains a key part of what remains and some of the best examples of exceptionally high-quality floodplain meadows (MG4 type). The vegetation of an MG4 type meadow is exceptionally sensitive to changes in water quantity and quality.

The *Report to Inform a Habitats Regulations Assessment (HRA)* submitted with the application identifies several pathways through which harm could come to the Oxford Meadows Special Area of Conservation (SAC). The proposed development has the potential to contribute to high rank pressures faced by the qualifying features of the SAC—namely lowland hay meadows and creeping marshwort. These pressures include:

- Pollution of surface waters
- Human-induced changes to hydrological conditions
- Air pollution
- Recreational pressures

It is essential that both summer and winter water levels are maintained within narrow boundaries of height level for the vegetation type to remain. We therefore consider a detailed ecohydrological report (e.g. one that specifically considers the hydrology in the context of ensuring that there will be impact, through water quality, water quantity (both in total and temporally) on the ecology of the SAC) will be needed to demonstrate no impact on the SAC.

There will also be a need for measures to ensure that anything put in place (such as SuDS schemes) are maintained in perpetuity, with maintenance programmes and the potential for replacement in time if necessary to ensure that there is no reduction over time in the effectiveness of the provision.

However, our primary concern is that this development will plausibly result in significant negative harms to Oxford Meadow SAC due to pollutants and nutrients entering waterways and later being deposited on this site. So far, the developer has not provided adequate evidence that the human induced hydrological changes caused by the development will not impact Oxford Meadows SAC negatively.

Crucially, the developer's claims that the SAC will not be harmed rely on the future delivery of upgraded sewerage infrastructure by a third party—Thames Water. However, Thames Water have yet to confirm that these upgrades will be delivered in time or that the additional capacity will be sufficient to ensure no adverse impacts on the SAC.

ES Chapter 7 paragraph 7.91 states:

> *"The potential for the treatment of wastewater from the proposed development to affect the SAC is examined in the HRA submitted in support of the planning application. It is not clear at this stage whether wastewater will be treated at Woodstock Sewage Treatment Works (STW) or Church Hanborough STW. Thames Water currently has capacity to treat discharges from part, but not all of the proposed development at either works. Treated wastewater from Woodstock STW is discharged into the River Glyme, which enters the lakes at Blenheim Park and joins the River Evenlode near Cassington. Treated wastewater from Church Hanborough STW discharges to Hanborough Stream, which then enters the River Evenlode near Cassington. The River Evenlode joins the River Thames south of Cassington, which then flows adjacent to the SAC. If Thames Water is able to increase its capacity to treat wastewater from the full development, then there will be no significant adverse effects on the SAC"*

In the HRA report the applicant sates at paragraph 7.21:

> *"It is therefore considered that if Thames Water is able to upgrade Church Hanborough STW to meet the capacity requirements of the Proposed Development the Proposed Development, considered alone, will not result an adverse effect on the integrity of Oxford Meadows SAC through water quality impacts".*

In response, Thames Water has stated:

> *'There isn't capacity to serve the development currently but is currently being investigated to upgrade the network'*. (see para 7.18 HRA report)

Thames Water has stated on their website that:

> *"[a]n upgrade is planned for Church Hanborough STW. This will improve its ability to treat the volumes of incoming sewage, reducing the need for untreated discharges in wet weather. The scheme is due to complete in 2027. We expect this location to meet all government targets for storm overflows by 2030 - 2035."*

Given the stringent requirements in the habitat regulations regarding impacts on European sites, and in the absence of concrete confirmation that the infrastructure improvements will be complete and capable of supporting the new inhabitants by the time the development is complete, there remains a foreseeable risk of adverse effects on the SAC therefore the development should not be permitted since it cannot be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated in line with local policy quoted above.

2. Potential impact on Blenheim Park SSSI

Blenheim Park SSSI lies approximately 1.4 km to the west of the proposed development. The SSSI is designated for excellent parkland and woodland pasture habitat, with veteran oaks, ancient woodland with characteristic flora and nationally scarce invertebrates, and lakes of county importance for breeding, migratory and wintering birds. The SSSI is a receptor of high importance as recognised by the applicant at paragraph 7.92.

Paragraph 7.98 goes on to say:

> *"As discussed above, Thames Water currently has capacity to treat part, but not all, of the wastewater produced by the proposed development. If the wastewater is treated at Woodstock STW, the treated wastewater will discharge to the River Glyme, which enters the lakes at Blenheim Park and therefore has the potential to affect the SSSI. If the wastewater is treated at Church Hanborough STW, the treated wastewater will discharge into the River Evenlode downstream of Blenheim Park and there is no potential for an effect on the SSSI. In any event, if Thames Water is able to increase its treatment capacity to treat wastewater from the full development, then there will be no significant adverse effects on the SSSI."*

As stated above in relation to the SAC, it is our view that in the absence of concrete confirmation that the infrastructure improvements will be complete and capable of supporting the new inhabitants by the time the development is complete, there remains a foreseeable risk of adverse effects on the SSSI

In addition it is our view that there remains some potential for recreational impact in the form of physical damage to the woodland ground flora, littering and disturbance of wildfowl by dogs despite what is set out in paragraphs 7.92 to 7.94 due to the proximity of the site to the SSSI and the size of the development in relation to the current size of Woodstock and since not every walker will stick to the paths and not every dog owner will keep their dog on the lead.

There is also the potential for impact from air pollution in the areas closest to the road (see paragraph 7.95) and taking all of these points into consideration it is our view that the development should not be permitted since it cannot be demonstrated the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity in line with local policy quoted above.

3. Potential impact on Local Wildlife Sites

There are five local wildlife sites within 2km of the proposed site:

- Woodstock Water meadows LWS 1.1 km northwest
- Bunkers Hill quarry LWS 1.4 km northeast
- Blenheim Park, New Park and part of Great Park LWS 1.5km west
- Langford Meadows LWS 1.5 km southeast
- Bladon Heath LWS 1.6km south

In our view there is potential for negative recreational impacts in the form of physical damage to the woodland ground flora, littering and disturbance of wildfowl by dogs at both Blenheim Park and Woodstock Water Meadows LWSs due to their proximity to the site, the size of the development in relation to the current size of Woodstock and the presence of public rights of way through the LWSs and since not every walker will stick to the paths and not every dog owner will keep their dog on the lead.

In addition, three is a potential negative impact due to changes in hydrology (water quality and quantity) at Woodstock Water Meadows since the river Glyme runs adjacent to the LWS and

influences its hydrology. In the absence of concrete confirmation that the infrastructure improvements required at the relevant Sewage Treatment works will be complete and capable of supporting the new inhabitants by the time the development is complete (as discussed above).

We would ask that detailed information about the measures in place to ensure that there is no negative impact (temporary or permanent) on the LWSs are submitted at this stage including information about monitoring and enforcement protocols to monitor changes in hydrology or recreational impact on the LWSs and to the measures to be taken to address them if there is evidence of negative impact

4. The importance of avoiding impact on UK priority species including breeding birds including skylark

Policy ESD 10: of the Cherwell Local Plan, quoted above, prohibits development which would result in damage to or loss of habitats of species of principal importance for biodiversity unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.

In addition, DEFRA have provided guidance to competent authorities (including local authorities) on how to comply with the legal requirements of the Conservation of Habitats and Species Regulations 2010 as amended in paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations). The guidance is available at: https://www.gov.uk/guidance/providing-and-protecting-habitat-for-wild-birds

The guidance states that:

> *"You must, as part of your existing duties as a competent authority, take the steps you consider appropriate to preserve, maintain and re-establish habitat that is large and varied enough for wild birds to support their population in the long term….*
>
> *You must use your powers so that any pollution or deterioration of wild bird habitat is avoided as far as possible……*
>
> *There are no national population targets for wild birds. However, you must aim to provide habitat that allows bird populations to maintain their numbers in the areas where they naturally live. ……..*
>
> *You should focus on habitats for wild birds in decline but also maintain habitats supporting wild birds with healthier populations." ……*
>
> *consider bird populations when consulting on or granting consents, such as planning permissions, environmental permits, development or environmental consents, and other consents".*

Paragraph 7.56 of the applicant's ES states:

> *"The breeding bird survey recorded a total of 16 bird species within the site, all of which were recorded defending territories…. There were territories of two SPI and species of conservation concern within the site: one song thrush territory within the woodland and five skylark territories within the arable field. The remaining territories included three amber listed species of conservation concern (dunnock, wren and woodpigeon) …."*

Paragraph 7.84 states:

> *"The proposed development will retain the majority of the hedgerows, woodland and trees that are important habitats for breeding birds, although there will be small losses of hedgerow and woodland. However, as new habitats establish over five to 10 years, the extent of suitable habitat for tree-and shrub-nesting birds is likely to increase, so any reductions would be temporary. In addition, the arable field that will be lost supports five breeding skylark territories. Following the proposed development, this species is unlikely to continue to breed at the site and there will be a reduction in the local population of this SPI of around five territories without specific mitigation for skylark. There is therefore the potential for a reduction in the breeding bird population on site"*

Skylark is a ground nesting species which nests within open vista habitats such as arable field compartments. It is a UK Red List Species whose population has seen a greater than 50% decline in breeding population over the past 25 years.

Paragraph 7.145 states:

> *"It is unlikely that suitable measures can be provided within the proposed development to mitigate the loss of skylark territories adequately, as this species requires open ground to breed. Therefore, provisions for this species will be implemented through the creation of skylark plots within arable land elsewhere within Blenheim Estate's wider landholding. This will provide open areas for skylark to forage in, even once the main crop has become dense in the latter part of the growing season. Skylark plots should comprise a minimum of two 4 m x 4 m plots per hectare and should follow Natural England's (2022) guidance. Skylark plots are to be added at the rate of two per hectare on a minimum of 42 ha of off-site arable land. In accordance with Fox (2022), this provision is considered to be sufficient to provide mitigation for the loss of the five on-site skylark territories."*

We have not been able to find any further information about these compensation areas including their location, current habitat or how they are to be managed for breeding skylark.

This leaves considerable uncertainty around how the displacement of nesting skylark is to be mitigated and, since the mitigation for skylark is fundamental to this application, it should be set out in full at this stage of the application so that it can be analysed and commented on.

In relation to other farmland birds, it is important that the green spaces proposed by the applicant are managed appropriately for the benefit of these species in perpetuity This should also be considered in the zoning of the open access area as some species are particularly vulnerable to disturbance by people and dogs.

Further measures are needed to ensure that there will be no negative impact on priority species, and these measures need to be provided in perpetuity. Without such measures there is potential for

negative impact contrary to Policy ESD10 since we do not consider that "the benefits of the development clearly outweigh the harm", in this case the loss of farmland bird UK priority species.

5. Lighting and potential impact on priority species bats

It is our view that the introduction of lighting into this rural-edge area could potentially have a negative impact on foraging and commuting bats (and potentially also on breeding birds see above).
The applicant's ES states at paragraph 7.48:

> *"The bat assemblage that makes regular use of the site comprises common and soprano pipistrelles and noctules, with smaller numbers of brown long-eared bats, at least one Myotis species, Leisler's bats and barbastelles. Serotine and Nathusius' pipistrelle were recorded at the site, but in such low numbers that they are not considered to be part of the assemblage. The known barbastelle population at Blenheim Park is presumed to be making use of the site as a foraging and commuting resource. This population is considered to be of county importance. The site is likely to be within, but only forms a small part of, the core foraging area for this population. The site is therefore considered to be of district value to this species."*

And at 7.115:

> *"Post-construction, there will be an increase in residential and street lighting as a result of the proposed development. Without an appropriate lighting strategy, a reduction in the value of commuting and foraging corridors is likely to occur. This will be a medium impact, leading to a moderate, significant adverse effect."*

We note that the applicant's Lighting Assessment states at paragraph 11.4:

> *"In keeping with the rural location of the site and to avoid the excessive exterior lighting, it is recommended that al landscaped areas outside the residential development should not be illuminated."*

And at paragraph 11.5:

> "*Identified bat foraging routes should not be illuminated and the use of hedgerows, barrier planting, screening or berms should be considered to create dark corridors on the site. The project ecologist has identified that the entire perimeter of the Land East of Park View is used by bat species for foraging and commuting. This internal perimeter should remain completely dark.*
> *Where foraging and commuting routes cross roads and footpaths, then the street lighting should be omitted to ensure that a dark landscape is maintained. Low level lighting such as bollards with a shielded downward light distribution should be installed when it is absolutely necessary to provide lighting for the safety and security of users."*

However, the words "it is recommended that" and "should not be" mean that there is no certainty provided, and we therefore consider it essential that a detailed lighting strategy is submitted at this stage, setting out how the impact of light spill will be minimised in a form that can be conditioned.

6. Management of hedgerows to achieve BNG

Hedgerows will need to be carefully managed in order to achieve the necessary biodiversity net gain. In general, a rotational cutting regime on a three-year cycle wherever possible (or a two-year cycle where specific reasons justify it) will be of most value to biodiversity. This is for many reasons including allowing the formation of fruit which is a vital winter food source for birds, and allowing butterfly and other invertebrate eggs laid on branches to overwinter. This is an important issue as annual cutting would have a severely detrimental impact on the biodiversity value of the hedgerows.

Rare black and brown hairstreak butterflies are very important in the local area and should be considered in the management of the hedgerows. Newly planted hedgerows should include a significant component of blackthorn, the food plant of both black and brown hairstreaks.

Retained hedgerows should be protected by a buffer zone of minimum 10m either side of the hedgerow. Buffers should be primarily diverse grassland areas alongside the hedgerows so that they are suitable for invertebrates. There should be no built environment and minimal lighting within the buffer zone.

7. Management of green space to achieve BNG

We note the applicant's BNG metric indicates that more than 11 hectares of other neutral grassland of moderate condition will be created, amounting to 70% of the open space provided. Whilst we welcome the ambition to create this high-quality habitat we are concerned that the area will need to be carefully managed in order to achieve this ambition. For example, a negative recreational impact on the grassland will need to be avoided by mowing paths, perhaps creating zones which are managed for biodiversity and where public access is discouraged. We would welcome more detail as to the creation (including the seed mixes to be used) of this habitat and how it is to be managed in the form of a Habitat Management Plan to be provided at this stage so it can be analysed and commented on, since the achievement of the required BNG is fundamental to the acceptability of the application.

8. The importance of a net gain in biodiversity being in perpetuity

Once built, if approved, the development can be reasonably assumed to be there for ever, since even when the buildings are replaced, it would be likely to be replaced by other forms of development. Therefore, the wildlife habitat will be lost for ever and any compensation must be provided for ever. Otherwise, the result is to simply defer a significant loss of biodiversity that should not be occurring either now or in 30 years' time.

The most effective method to ensure that any compensation is provided for ever would be for the land identified for on site or off-site habitat creation and enhancement to be managed for wildlife in perpetuity with money provided by an endowment fund. Such an endowment fund is already commonly used within the Milton Keynes area when agreements are made involving the Parks Trust taking on land.

In perpetuity is considered to be at least 125 years in accordance with legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009). This legislation was used to define in perpetuity in this extract from the Thames Basin Heaths SPA. Para 3.1.5 Thames Basin Heaths Special Protection Area Supplementary Planning Document which states:

> "*The avoidance and mitigation measures should be provided in order that they can function in perpetuity which is considered to be at least 125 years. An 'in perpetuity' period of 125 years has been applied in this SPD in accordance with the legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009."*

On-site or off-site compensation that involves only a 30-year agreement with no guarantee of the long-term security in perpetuity of the wildlife habitat created would not be appropriate. The loss of wildlife habitat on the site will be permanent so the compensation must be permanent.

One way to provide certainty is by means of a trust which would retain management responsibility for the green infrastructure within the scheme. It is essential that this trust and the management responsibility for the scheme are set out clearly and are provided in perpetuity It is also important that the land should be managed by a reputable conservation organisation with considerable expertise in the management of habitat for wildlife.

Green roofs

In order to increase the potential net gain in biodiversity resulting from the development, the applicant should be required to maximise the provision of green roofs and install solar panels on roofs which are not green roofs. The extent of biodiversity will depend on the type of green roof installed. Sedum roofs benefit a limited range of invertebrates and provide foraging for pollinators when in flower. Ecologically designed extensive green roofs can provide good habitat for wildlife, but there are limitations in terms of replicating habitat at ground level due to shallow depth of soils and the drying effect of wind and sun. Research shows that green roofs can provide valuable habitats for wildlife https://livingroofs.org/biodiversity-and-wildlife/). According to www.livingroofs.org, a good green roof designed for biodiversity should include a varied substrate depth planted with a wide range of wildflowers suitable for dry meadows. The inclusion of buildings with green roofs would be another means of increasing biodiversity within the proposed development.

We hope that these comments are useful. Please do not hesitate to get in touch should you wish to discuss any of the matters raised.

Yours sincerely

Nicky Warden

Public Affairs and Planning Officer
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