



# Butterfly Conservation

Saving butterflies, moths and our environment

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(by e-mail only)

Dear Ms Horley

**Re: Land between Birmingham to London Rail line and Gavray Drive, Bicester**

TOWN AND COUNTRY PLANNING ACT 1990  
SCOPING APPLICATION 14/00001/SCOP  
CONSULTATION RESPONSE

Butterfly Conservation view these proposals as a major improvement on previous proposals and feel they largely meet the outstanding requests made in our previous submissions.

However, the long overdue invertebrate survey, in spite of being inadequate, has presented important new evidence which receives no evaluation in the Ecology Baseline Report. In Butterfly Conservation's opinion these inadequacies and omissions need addressing before Cherwell District Council accept this Scoping Application.

Below we make more detailed comments in support of the above statements.

Development down-sizing

Sections 3.0, 3.1 & 3.2 and the Revised Masterplan in Gallagher Estates' Scoping Report detail how the development will be down-sized from previous proposals and not intrude into the designated Local Wildlife Site. As stated in our previous submissions we feel this down-sizing will enable the breeding colonies of the Brown Hairstreak butterfly (Section 41 Species of Principal Importance under the NERC Act), White-letter Hairstreak butterfly (also a NERC Section 41 species) and Black Hairstreak butterfly (nationally rare) to survive as long as future management of the Local Wildlife Site is adequately funded.

We also welcome the intention detailed in the following section 3.3 to take a more considered view on the buffer zone afforded to retained trees and hedgerows. Our view is

that hedgerows need a buffer zone each side of at least 3 metres and ideally 5 metres to allow proper maintenance and ensure they retain their ecological value.

#### Inadequacies of the Terrestrial Invertebrate Survey carried out by Colin Plant Associates (CPA)

The Terrestrial Invertebrate Survey did not include overnight moth trapping. We feel this is a major and serious omission. There are over seventy Section 41 night flying moth species and we have to challenge the statement made in section 2.2.8 of the Survey Report (Appendix EDP4 of the Baseline Ecology Report) that none are likely to be present. There is extremely varied habitat within the site and the presence of a Section 41 night flying moth species cannot be ruled out without overnight moth-trapping.

Section 1.2.1 of the Terrestrial Invertebrate Survey Report shows the 2013 survey consisted of only six day visits two of which were affected by poor weather. We feel this was inadequate and it is notable that this survey did not pick up the known presence of the Brown Hairstreak, White-letter Hairstreak, Black Hairstreak or even the much more common Purple Hairstreak along with several other species of common butterfly which have all been recorded by Butterfly Conservation members. Thus we cannot agree with the second sentence of section 1.3 which states “Our overall ‘tally’ of species at Bicester is undoubtedly lower than we had hoped for at the start of the project. Nevertheless, we are of the opinion that it is fully adequate for the purpose of performing an evaluation of current ecological value”.

We were surprised to learn that an invertebrate survey was carried out in 2005 and can only wonder why the results have not been made available before. The results of the 2005 survey are in fact used to partially compensate for the inadequacies of the 2013 survey but the fact that they are eight years old makes this dubious practice. Also the dates the site were visited in 2005 are not given and there is no indication of the methodologies employed at that time, so we unable to assess how comprehensive it was.

#### Forester Moth (*Adiscita statures*)

In spite of its inadequacies the 2013 Invertebrate Survey did record the day-flying Forester Moth which is a Section 41 Species of Principal Importance under the NERC Act. Incredibly the Ecology Baseline Report makes no reference to the proven presence of this species. Hence there has been no assessment of how the proposed development might affect the “the stable and established population” of this species.

The Terrestrial Invertebrate Survey Report rightly lists the larval foodplants of the Forester Moth as Common Sorrell (*Rumex acetosa*) and Sheep’s Sorrell (*Rumex acetosella*). Reference to the Broadview Ecological Consultants (BEC) Botanical Survey report shows the latter to be absent from the site, this is to be expected owing to the lack of acid soils.



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So at Gavray Drive Meadows the Forester Moth is totally dependent on Common Sorrel which the BEC report shows is present but not uniformly across the site (see Table 1 in the BEC Report). In all but three fields it is either absent or only occasional. The three exceptions are fields 3, 8 & 9 which will all be subjected to full or partial development. In fact the down-sized development as shown on the Revised Masterplan will destroy about two-thirds of the breeding habitat of the Forester Moth almost certainly leading to its demise at the site.

Thus to protect the Forester moth colony the development will need further down-sizing or mitigation via habitat creation. A large area of amenity grassland is to be created in the western half of the development. If the grassland seeding contains a high concentration of Common Sorrel and subsequently receives sympathetic management, which may well conflict with its use as an amenity resource, this area should be capable of supporting the Forester Moth colony along with the retained parts of Fields 8 & 9. However, this habitat would have to be created a two seasons before the total destruction of field 3 and partial destruction of field 8 & 9. This would require the overall development to be double phased with the western half being phase 1 and the eastern half phase 2.

## Nationally Scarce Invertebrate Species

The Terrestrial Invertebrate Survey also recorded 24 Nationally Scarce invertebrate species none of which are Lepidoptera. Again incredibly the Ecology Baseline Report makes no reference to them. As Butterfly Conservation's experience and expertise is focussed on Lepidoptera we do not feel qualified to comment. The advice of appropriate groups/organisations expert in these groups should be sought. Buglife could probably assist in this process.

## Negative tone of the Ecology Baseline Report

The Ecology Baseline Report was prepared by Gallagher Estates ecological consultants namely, the Environmental Dimension Partnership (EDP). Above we have been critical of the major omissions in EDP's contribution by not commissioning overnight moth trapping as part of the Terrestrial Invertebrate Survey and then failing to consider the important species the survey did throw up. The tone of their evaluation of the state of the site is once again unfairly pessimistic by stressing the problems created by neglect of the site rather than highlighting how the Local Wildlife Site could be returned to the wildlife haven it once was by proper and adequately funded management. Even in the face of positive comments made by BEC, CPA and BC regarding respectively the site's botanical diversity, the value of the invertebrate assemblage and the importance of the butterflies they continue to downplay all these aspects. In view of their negative attitude to the site Butterfly Conservation can only express concern regarding previous proposals that they should act as the Ecological Clerk of Works during the construction phase.



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In summary, Butterfly Conservation view these proposals as a major improvement on previous proposals and feel they largely meet the outstanding requests made in our previous submissions.

However, we feel the following actions need to be put in place before the applicants can consider drawing up Scoping Proposals that Cherwell District Council can accept.

- (a) The invertebrate survey should be extended into 2014 and include over-night moth trapping.
- (b) Consideration should be given to how the Forester Moth colony can be safeguarded either by further down-sizing of the development east of the Langford Brook or by on site mitigation.
- (c) Expert advice should be sought on the 24 Nationally Scarce Species thrown up by the Invertebrate survey to date and any more discovered during 2014.

Yours sincerely

Dr Nigel Bourn (Director of Conservation, Butterfly Conservation)

David Redhead (Upper Thames Branch of Butterfly Conservation).