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BY EMAIL ONLY

Dear Ms. Morrissey / Ms. Tetlow

Planning consultation: OUTLINE:- Up to 1500 dwellings, including affordable housing and up to a 150 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 7,500sqm locally led employment (B1/B2/B8) including link and ride; site for a football association step 5 football facility with publicly accessible ancillary facilities; public open space, associated infrastructure, engineering and ancillary works, (all matters reserved except for means of access to the development); and Full Planning:- development of Phase 1 at the south western corner of the site for the erection of 29 residential dwellings (29 or the 1500 described above) with associated open space, parking and landscaping; with vehicular access provided from Upper Campsfield Road (A4095), Shipton Road and Oxford Road (A44)

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

Thank you for your consultation on the above dated 08 January 2015 which was received by Natural England on 08 January 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (as amended)
Wildlife and Countryside Act 1981 (as amended)
Natural Environment and Rural Communities Act 2006

Objection - Internationally and nationally designated sites

The application site is within 6km of the following European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect the interest features of this site. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within the stated distance of the following European site:



- Oxford Meadows Special Area of Conservation (SAC)

The application site is also within 2km of the following site which is notified at a national level as a Site of Special Scientific Interest.

- Blenheim Park SSSI

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the above sites have been notified. Our concerns are set out below.

Natural England notes that the applicant has provided an air quality assessment which concludes there is no likelihood of significant effects from the proposal upon the above named designated sites. However, this proposal will significantly increase vehicular usage within 200 metres of the European Site and SSSI, resulting in increased emissions to air. An increase in airborne emissions can damage nearby vegetation, either directly or indirectly by causing an increase in levels of pollutants such as nitrogen oxides.

Screening has not indicated that the projected percentage of Process Contributions (PC) of the proposal for all pollutants at certain sites will be <1% of the relevant critical level or load for the most sensitive habitat. The Process Contribution (PC) and Predicted Environmental Concentration (PEC) need to be presented as a percentage of the critical level/loads of the corresponding habitats for each designated site, which can be obtained from APIS (<http://www.apis.ac.uk/>). Where the PC is >1% of a long term critical load or level and the PEC is > 70% there is likely to be a significant effect, which will need to be revisited and looked at in more detail (i.e. must be screened in for further assessment).

Annual Mean NO_x Concentrations

At Park Street, near the Blenheim Park SSSI, an increase of up to 2.64µg/m³ is predicted, resulting in a PC of 8.8% of the 30µg/m³ objective for the protection of vegetation and ecosystems. Also, an increase of up to 0.47µg/m³ at the A34 near the Oxford Meadows SAC results in a PC of 1.6%. Both of these levels are above the 1% threshold of a long term critical load or level, therefore there is likely to be a significant effect on the abovementioned sites.

Nitrogen Deposition

The application also states that the change in nitrogen deposition at Park Street near Blenheim Park SSSI will be 3.7% which is above the 1% threshold.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the European Site and SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to Oxford Meadows SAC and Blenheim Park SSSI contained in this letter, we refer you to Section 28I

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>.

(6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states

that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service. If the form is not attached, it can also be accessed on our website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Elise Batelaan on 07879 800864. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Marc Turner
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Sustainable Development and Regulation