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Your Ref: 14/00008/SCOP and 14/00009/SCOP

16th October 2014

Dear Rebecca,

**Re: Scoping Opinion – Residential Development at Land Between Birmingham
London Rail Line and Gavray Drive Bicester.
14/00008/SCOP and 14/00009/SCOP**

Thank you for consulting the Berks, Bucks & Oxon Wildlife Trust (BBOWT) on the above EIA Scoping.

As you are aware, we have been involved as consultees for this site for many years and would hope that this opportunity is taken to overcome some of the long running concerns that we and others have had in terms of the approach to ecology on this sensitive site. Please note that this response is to both 14/00008/SCOP **and** 14/00009/SCOP.

We welcome the additional surveys which have been carried out in 2013.

The EIA should be prepared following the CIEEM 'Guidelines for Ecological Impact Assessment in the United Kingdom' (2006). A data search should be requested from the Thames Valley Environmental Records Centre (TVERC) – we suggest that this is included as part of the desktop study to inform the scope of the EIA.

Net gain in biodiversity

The EIA should demonstrate how the development will result in a net gain in biodiversity (in line with paragraph 109 of the NPPF). This is particularly relevant given the location of part of the proposed sites within the Ray Conservation Target Area, and Policy ESD 11 in the Submission Cherwell Local Plan. **Proposed mitigation and enhancement measures for all identified receptors need to be included within the EIA.**

Assessment of receptors

We welcome the decision to scope in “the overall invertebrate assemblage” following our response to the previous application. However we remain concerned about the proposal to “scope out” the following by not considering them as “Valued Ecological Receptors”:

“the overall bird assemblage” (see paragraph 5.32)

“harvest mouse”

In addition there are several other matters which will need addressing in the EIA as described below.

Overall bird assemblage

Paragraph 5.32 includes “the overall bird assemblage” as “not currently considered to be a VER (Valued Ecological Receptor)”. However the evaluation of the bird surveys considered the site to be of “*no more than district level*” value for breeding birds and of “*local to district to value for wintering birds*”. As this is stating that the site is therefore a significant site for birds in the entire District then this value should be assessed in the EIA. There will clearly be impact on a number of priority species, and birds of conservation concern. Indeed the LWS citation quoted in the Ecology Scoping Report specifically mentions that the site is notable for both priority bird species and Birds of Conservation Concern (see paragraph 3.6). **In conclusion the overall bird assemblage should be assessed as a Valued Ecological Receptor in the EIA.**

Since the original surveys were carried out across the whole site then it is not clear whether the above mentioned reference to the site being of “no more than district level” value for breeding birds and of “local to district to value for wintering birds” is referring more to the east or west site. The bird assemblage should be definitely assessed for 00008 (East) and the ecologists will need to assess whether should be included for 00009 (West).

Harvest Mouse

We welcome the submission of a survey for harvest mouse. There is clear evidence of a population being present on site. Harvest mouse is a priority species and of limited distribution in Oxfordshire. **Therefore the impact on this population should be evaluated in the EIA by including harvest mouse as a Valued Ecological Receptor. Since the original surveys were carried out across the whole site then it is not clear whether it should be considered as a VER for both east and west or just east. Harvest mouse should be definitely assessed for 00008 (East) and the ecologists will need to assess whether should be included for 00009 (West).**

Botanical survey

We welcome the submission of a detailed botanical survey with the Scoping Report. This notes that for a variety of reasons Field 2 was not able to be assessed in sufficient detail to be able to attribute a NVC community. Nevertheless, as this field still has unimproved grassland **then its quality and the impact of development must be evaluated in the context of the EIA for 00008 (East)**

Hydrological assessment

We welcome the note in paragraph 5.27 that the effects of localised raising of ground levels will be considered; **any effect on the hydrology of the retained LWS needs to be taken into account in this assessment.**

Development proposals **should avoid impacts on the Local Wildlife Site**, as per the NPPF, and the following extract from the Cherwell Submission Local Plan 2006-2031 Policy ESD10: *“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.”*

Net Gain in Biodiversity and Ecological Networks

The EIA should also identify opportunities to enhance biodiversity, to achieve a net-gain in biodiversity, in line with the NPPF and the following extract from the Cherwell Submission Local Plan 2006-2031 Policy ESD10: *“In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.”* and *“Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.”*

The application site partly lies within the Ray Conservation Target Area. Conservation Target Areas (CTAs) identify the most important areas for wildlife conservation in Oxfordshire, where targeted conservation action will have the greatest benefit. **Opportunities should be taken to secure biodiversity enhancements that will help achieve the aims of the Ray CTA, which include lowland meadow management, restoration and creation and wet grassland restoration to improve the area for waders and wildfowl**, as indicated by Paragraph B240 of the Cherwell Submission Local Plan 2006-2031 Policy ESD11 states: *“Biodiversity enhancements sought in association with development could include the restoration or maintenance of habitats through appropriate management, new habitat creation to link fragmented habitats, or a financial contribution towards biodiversity initiatives in the Conservation Target Area.”* Further details of the aims and biodiversity targets for this CTA are available from:

<http://www.wildoxfordshire.org.uk/wp-content/uploads/2014/02/Ray-CTA.pdf>

A Biodiversity Mitigation and Enhancement Strategy would be needed as a supporting document for any planning application. This should be incorporated into the final scheme design and describe how biodiversity net gain will be achieved and maintained.

Avoidance of built development in the CTA

We have been consulted on the Draft Modifications to the Cherwell Local Plan and note the reference made to avoiding development in the CTA as follows:

“That part of the site within the Conservation Target Area should be kept free from built development. Development must avoid adversely impacting on the Conservation Target Area and comply with the requirements of Policy ESD11 to secure a net biodiversity gain.”

We have supported the inclusion of this text. **We would point out that the entire area for the development proposed in 14/00008/SCOP (e.g. the eastern side of Langford Brook) lies within the Ray Conservation Target Area and that the development proposed in 14/00008/SCOP is therefore incompatible with the Draft Cherwell Local Plan.**

Biodiversity in Green Infrastructure and the Built Environment

The plans should include green infrastructure within the built environment to retain and create a mosaic of habitats and linear features to ensure that structural diversity and habitat connectivity throughout the site is provided. This should include significant amounts of open space within residential areas, some of which should be earmarked specifically for biodiversity, and some for biodiversity combined with public access. The biodiversity value of recreational areas should also be maximised, for example by the provision of species-rich grassland with an appropriate infrequent mowing regime on the borders of sports pitches. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the green spaces across the site.

Biodiversity enhancements such as the creation of ponds, green roofs, creation of habitat for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design in line with planning policy (NPPF) and the NERC Act, which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas.

Further details on some of the above are contained in:

“Biodiversity Positive: Eco-Towns Biodiversity Worksheet, produced by the Town and Country Planning Association, Communities and Local Government, and Natural England.”

This is downloadable from: <http://www.tcpa.org.uk/data/files/biodiversity.pdf>

Biodiversity benefits from SUDS

As well as providing flood control SUDS can provide significant biodiversity value if biodiversity is taken into account in the design, construction and management of SUDS features. This should be required of any development. Examples include:

- Green and brown roofs;
- Detention basins and swales that can be planted with wildflower rich grassland;
- Reinforced permeable surface for car parks and drives that can also provide wildflower habitat.

I hope these comments are useful; should you wish to discuss any of the matters raised, please do not hesitate to get in touch.

Yours sincerely,

Neil Rowntree
Senior Conservation Officer (Oxfordshire)