



**Gavray Drive,
Bicester**

**Proof of Evidence of:
Rob Rowlands**

BSc (Hons), PhD,
MCIEEM, CEnv

In respect of:
Ecology Matters

On behalf of:
Gallagher Estates

**Volume III
SUMMARY**

May 2018
Report Ref:
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**PLANNING
INSPECTORATE**

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Volume III: Summary of Case

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Summary of Case

- 1.1 My name is Dr. Robert Rowlands. I am a Director and professional ecologist at The Environmental Dimension Partnership Ltd (EDP), an independent multi-disciplinary environmental consultancy practice based in Cirencester, Cardiff and Shrewsbury. EDP specialises in the assessment of proposed land use changes.
- 1.2 I have advised Gallagher Estates (the Appellant) on ecological matters relating to Gavray Drive, Bicester (including the Appeal Site) since approximately 2002 and, via my current employer - EDP, since 2005. I also provided expert witness evidence on ecological matters to an appeal which was allowed for the proposed residential development of Gavray Drive (including the Appeal Site) during 2006.
- 1.3 Alongside David Keene of David Lock Associates (DLA), who provides planning evidence to this Appeal on behalf of the Appellant, I also provided evidence on ecology with respect to Gavray Drive, Bicester (including the Appeal Site) to the examination of the now adopted Cherwell Local Plan 2011 to 2031 and, specifically, Policy Bicester 13.
- 1.4 In relation to the current Appeal, EDP was instructed in c. 2013 to progress technical investigations for ecology, landscape/visual, archaeology/heritage and arboriculture to inform an Environmental Impact Assessment (EIA) for the development proposals subject to this Appeal. In relation to ecology, I was responsible for the preparation of the Ecology Chapter of that EIA and I prepared the update of this Chapter during 2018.
- 1.5 The evidence which I have prepared for this Appeal, as set out in my proof of evidence, together with supporting appendices, is true and has been prepared and given in accordance with the Code of Professional Conduct of the Chartered Institute of Ecology and Environmental Management (CIEEM) of which I am a full Member. I confirm that the opinions expressed in my evidence are my true and professional opinions.
- 1.6 I hold a Bachelor of Science degree (First Class Honours) in Environmental Biology from the University of Wales (Aberystwyth) and a PhD from University College Dublin. In addition to being a full Member of CIEEM, I am also a Chartered Environmentalist (CEnv) of the Society for the Environment.

- 1.7 My experience in ecology and nature conservation covers a period of over twenty years. This ranges from practical ‘hands on’ conservation work through to preparing and implementing ecological mitigation strategies for habitats and species for a range of development types.
- 1.8 For four years, as part of my Doctoral research, I developed a strategy for the ecological restoration of industrial peatlands in Ireland, which involved collaborative research work on peatland ecosystems in Canada and Finland.
- 1.9 Since completing my doctoral thesis, I have worked as an ecological consultant in private practice. I have been involved in a range of projects for the private and public sector, including research contracts for statutory agencies. Of particular relevance to this Appeal, I have:
- a. Progressed the ecological matters in relation to several similar urban extension schemes in England and Wales, including providing expert witness evidence at Appeal for some of these sites;
 - b. Undertaken collaborative work with other technical specialists in relation to investigating the impacts of development, including developments similar to those considered at Appeal, on ecological resources; and
 - c. Prepared, agreed and implemented protected species strategies including those relating to European Protected Species (EPS). These strategies include those for great crested newts, breeding birds, bat and reptile species.
- 1.10 I undertake ecological field work including protected species surveys, including those for great crested newts. I hold Natural England class licences for great crested newts and dormice.

Scope of Evidence

1.11 My evidence with respect to ecology has been prepared in response to the decision of Cherwell District Council (CDC), contrary to its Officer's recommendation¹, to refuse outline planning consent at Committee for the development proposals considered by this Appeal. Planning consent was refused for two reasons; as documented in the Notice of Decision². My ecological evidence relates to the first reason only; namely:

1. *"The proposed development represents an inappropriate attempt at piecemeal development of the strategically allocated Bicester 13 site in the Cherwell Local Plan 2011-2031 Part 1 which, in the absence of a single comprehensive application covering the whole of the allocated site, leaves the Council unable to satisfactorily determine whether the proposals would enable development across the whole of the site to properly meet the overall objectives and requirements of Policy Bicester 13. In doing so the proposals fail to demonstrate that the allocated housing total can be appropriately provided across the allocated site in a manner that adequately protects and enhances locally significant ecological interests on the land to the east of Langford Brook which is in direct conflict with the inherent and sustainable balance contained within Policy Bicester 13 between housing delivery and biodiversity enhancement. As a result, the proposals are considered to be contrary to the overall provisions of the Development Plan and the specific requirements of Policies Bicester 13, ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1."*

1.12 My evidence also addresses ecological matters raised by third parties, including Natural England and the Rule 6 Parties to this Appeal.

1.13 For clarity and given significant ambiguity with respect to what is meant by "site" in some of the correspondence/representations relating to the development proposals, in my evidence a clear distinction is made between (as illustrated at **Appendix RR1**):

(i) The Appeal Site (frequently referred to as Gavray Drive West (GDW); but referred to as 'the Appeal Site' in my evidence); and

¹ CDC Planning Case Officer Report to Committee. Committee Date: 18 May and 15 June 2017
[Appendix RR16]

² CDC Notice of Decision (15/00837/OUT) dated 22 June 2017 **[Appendix RR17]**

(ii) The land outside the Appeal Site but within that covered by Policy Bicester 13 (frequently referred to as Gavray Drive East (GDE); and referred to as such in my evidence).

1.14 I will demonstrate in my evidence that the development proposals, proposed on land which has been in regular arable use since at least 2002 and is of negligible ecological value in its own right, conforms fully with all relevant legislation and planning policy; including Policies Bicester 13, ESD10 and ESD11 of the adopted Local Plan. I will also demonstrate why, ecologically, the proposals do not preclude the delivery of the remainder of the development allocated by Policy Bicester 13.

1.15 My evidence should be read in conjunction with the Proof of Evidence prepared by David Keene of DLA on planning matters.

1.16 In consideration of the above, my evidence is structured as follows:

(i) In **Section 2**, I provide a summary of the ecological survey work undertaken and a brief description of the baseline ecology of the Appeal Site;

(ii) In **Section 3**, I summarise the ecology strategy that has been developed to address ecological impacts arising from the proposals both during construction and operation. I will demonstrate that the proposals are unlikely to generate any significant residual adverse effects;

(iii) In **Section 4**, I demonstrate that the proposals conform with relevant legislation and planning policy; including Policies Bicester 13, ESD10 and ESD11 of the adopted Local Plan;

(iv) In **Section 5**, I consider CDC's first reason for refusal;

(v) In **Section 6**, I address ecological matters raised by Natural England and Rule 6 Parties; and

(vi) In **Section 7**, I summarise and conclude.

1.17 As I have demonstrated in **Sections 2** and **3** of my evidence, the Appeal Site has been subject to extensive ecological investigations which have revealed that the Appeal Site in its own right has few ecological constraints to its development. I have also demonstrated

that a robust ecological strategy is proposed which is capable of securing net gain in biodiversity within the Appeal Site. I also demonstrate that the Appeal proposals, subject to the application of suitable conditions and obligations, can have no significant adverse residual effects on ecological resources; including pertinent off-site resources such as the Local Wildlife Site.

- 1.18 Contrary to the first reason for refusal, I have demonstrated that the Appeal Site is in full conformance with all relevant legislation and planning policy including Policy Bicester 13, ESD10 and ESD11 of the adopted Local Plan. I have also demonstrated that, in the event that the Appeal is allowed, that the proposals will not prejudice in any way the delivery of the remainder of the allocated development or its ability in its own right to conform with the same policies.
- 1.19 I consider that ecologically it is appropriate to maximise the quantum of development within the Appeal Site since it is of negligible value compared to the remainder of the allocation and will minimise the quantum of development necessary to be delivered on the remainder of the allocated site (GDE).
- 1.20 In relation to recreational pressure, I consider that the Appeal Proposals could contribute to existing trespass pressures on the LWS, however, this contribution is not considered significant in the context of the existing pressures and measures proposed.
- 1.21 I demonstrate in my evidence that the Appeal proposals are qualitatively and quantitatively capable of delivering a gain in biodiversity and do not preclude the remainder of the allocated development delivering a potentially significant gain in its own right once it is bought forward for planning consent.
- 1.22 In conclusion, I consider that the Appeal proposals are ecologically sound both technically and with respect to legislation and planning policy, will deliver net biodiversity gain, will not prejudice or preclude the delivery of the remainder of the allocated development being consistent with relevant planning policy in its own right and will enable the remainder of the allocated development to come forward promptly for approval. I therefore respectfully request that this Appeal is allowed.