

**From:** Louise Sherwell [<mailto:louisesherwell@warwickshire.gov.uk>]  
**Sent:** 23 January 2018 16:53  
**To:** Planning  
**Cc:** Matthew Parry  
**Subject:** Re: 17/02534/OUT - Land North Of Bicester Avenue Garden Centre Oxford Road Bicester

Hi Matthew,

Regarding the above application, I have read the Ecology chapter of the ES submitted together with the associated technical appendices, and viewed the proposed plans. At the current time we would recommend refusal/deferral of the application and consider there is insufficient information within the ES to fully assess the impacts of the proposals on certain protected and notable species and to ensure no net loss biodiversity as a result of the development. We would be happy to provide further comments and recommendations once the further information has been provided as requested, including suggested condition wording. We have the following comments on the application:

The phase 1 habitat survey was undertaken during May 2017 which is within the optimal time of year for habitat surveys. The site largely comprises an arable field (under a rye grass crop). However in the recent past (according to aerial photography 2014-5), the western most field comprised of rough grassland. This area was identified in 2014 via the CDC Habitat and Land Use Study as rough grassland and also possible Section 41/UK BAP priority grassland habitat. From aerial photography, the hedgerow along the A41 also appears to have been cut back significantly. A log pile and spoil heap were present in the north of the site. Given as this habitat has been cleared and is sown with rye grass it is not possible to determine the value of this area of the grassland. However it is still possible to carry out a Biodiversity Impact Assessment (BIA) calculation based on the value of the habitats at present.

The proposals shown on the Illustrative Masterplan indicate tree/shrub planting and areas of open space, however there is little information regarding the types of habitats proposed within the open spaces, and the D&A statement proposes intensive management, which is not likely to contribute to biodiversity on site. We also have concern that a number of existing hedgerows on the boundaries of the site (including along the A41) and the central ditch D1 appear proposed to be removed. The PEA highlights that the hedgerows on site are all Section 41/ UK BAP priority habitats and the ditch is the most biodiverse habitat on site. Therefore I would strongly recommend the hedgerows and the ditch are retained and protected within the layout of the development. If this is not possible, appropriate mitigation measures will be required to address the loss.

For all major applications, we would recommend that a biodiversity impact assessment (BIA) calculation is provided by the applicant's ecologist, **prior to determination** of the application. This is to inform if a biodiversity gain is expected within the site, which we should seek in line with the NPPF and local plan policy ESD10. The BIA is a useful tool to provide an estimate of the net gain or net loss to biodiversity at the outline stage of the application, based on the existing and proposed habitat creation. Should the proposed works result in a net loss, a biodiversity offsetting scheme would be recommended to be secured via a Section 106 agreement. I've attached the Warwickshire, Solihull and Coventry BIA calculator and guidance notes and happy to discuss if you or the applicant's ecologist need any further information. Inclusion of SuDs within the design and layout of the development would be welcomed to increase biodiversity benefits as part of the scheme.

The site is hydrologically linked to the Bicester Wetland Reserve via the Langford Brook therefore the development may have an impact on the hydrology of the LWS. An assessment of the impacts on the Bicester Wetland Reserve LWS has not been included in the scope of the ES. This will be required.

There should also be clarification regarding the proposals for pond P1 to the south east of the site. Should ditch D1 drain into the pond, there will need to be an assessment of the potential impacts of the removal of the ditch on the pond. Is the ditch D1 proposed to be culverted? We recommend culverting is avoided and the ditch retained as an open drainage feature within the site. The ditch also provides another north-south wildlife feature across the site to the waterbody at Tesco to the north and should be retained.

The ES also does not consider any potential impacts of the development on the existing hedgerows or trees, many of which have suitable bat roost features, as the ES assumed the protection of hedgerows to BS 5837:2012. We have concerns with this, as according to the illustrative masterplan hedgerows and trees are proposed to be removed. Therefore this should be clarified and assessed accordingly should they be proposed to be removed.

### **Bats**

The assessment of the impacts on bat activity is largely considered to be acceptable. However detailed tree assessments should be made for any trees with bat roost potential scheduled for removal or works (e.g. lopping) or affected by lighting. The report indicates that trees have been assessed for bat roost potential however this information appears to be missing from the report. This information will be required **pre-determination** to enable a full assessment on this group of protected species.

The weather conditions for the static detector and the bat transect surveys were not included in the ES - these will need to be provided as part of the report to determine if there were any limitations to the activity survey work undertaken.

Another reason the hedgerow along the A41 should be retained as provides a north-south commuting route for bats, a moderate level of bat activity was recorded at Point 'A' on the bat activity static surveys.

North-south and east-west bat corridors are proposed and are proposed to minimize light spill or a maximum of 1 lux at ground level. I welcome these proposals and would recommend that the detailed external lighting scheme be secured by condition of any approval granted.

### **Nesting birds**

During the Phase 1 survey, several pairs of skylark were observed on site nesting within the arable field (the report states up to four breeding pairs on page 14 and up to three on page 17 so this should be clarified). Skylark are an RSPB Red listed bird species of conservation concern. Red listed species Song thrush were also recorded on site. Within close proximity to the site there are known records of several amber and red-listed bird species (detailed in the table on page 4 of the PEA) including yellowhammer, linnet, lapwing, and amber-listed dunnock and bullfinch. Given the location of the site in close proximity to Bicester Wetland Reserve LWS, and records of farmland bird species in the area and suitable habitat onsite there are likely to be amber/red listed species on site as described in the ES.

The assessment of the site for nesting birds is at a local value, however a breeding bird survey of the site has not been undertaken and the numbers and conservation status of notable

nesting birds is unknown. As such we would recommend that it is best practice that a breeding bird survey of the site is undertaken **prior to determination** of the application to provide further information to inform the assessment and appropriate mitigation measures, in particular should hedgerows be proposed for removal which would result in loss of existing habitat. Please note the surveys should be undertaken in the optimal survey season between April and June.

### **Skylark**

The strip of wildflower meadow where skylark plots are proposed as mitigation for loss of the skylark nesting habitat is not considered to be suitable, as according to the indicative masterplan this location is adjacent to a building, car park, and is proposed to be tree/shrub planted. Skylarks are ground nesting birds requiring open space to nest, away from shrub and tree cover. The open fields to the east of the site at present would be more suitable for skylark, if there is scope for long-term management of this area. However given the skylark records in the local area it is possible there may already be skylark nesting in these fields. Further information will therefore be required **prior to determination** to assess the impact of the proposed development on skylark and to inform mitigation. This should include further surveys to identify the impact of the development on skylark and to identify location(s) for off site compensation - either within the blue line boundary, or if surveys reveal skylark are already present, via an appropriate contribution or a management scheme for a site elsewhere in local area. Skylark plots have been proven to work well on arable, but I would suggest that a more permanent habitat (rough grassland) would be preferable. This option does not require skylark plots but the creation of rough grassland and then management by light grazing or by rotational cutting (one third per year).

### **Reptiles**

A reptile survey has not been undertaken as part of the assessment as it is assumed that reptiles are present on site. However in light of the proposed works and loss of suitable habitat (ditch D1) we would recommend that it is best practice that a reptile survey of the site be undertaken **prior to determination** of the application to determine which species are on site (if any) and inform appropriate mitigation within the layout of the scheme. Please note the survey should be undertaken at the appropriate time of year and weather conditions between April to September (optimal months are April/May and September).

### **Otter**

Potential impacts on otter have been scoped out of the EIA. We agree that it is unlikely that the favourable conservation status of the species would be affected by the proposed development, as suitable habitat for otter resting places are not present. However we would recommend mitigation measures are required during construction to avoid disturbance as otter may be commuting across the site, such as no night time working.

Subject to the above information being provided, we would recommend that habitat protection and mitigation measures are secured within a Construction Environmental Management Plan (CEMP) and that a long term habitat management plan for the site is detailed within a Landscape Habitat Management Plan (LHMP) secured by condition of any approval granted.

I hope this is helpful and please don't hesitate to contact me if you need any further information or have any queries.

Kind regards,

Louise

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