

13 June 2023

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Ed Barrett
Catesby Strategic Land Ltd

Issued by email only

RE: LAND SOUTH OF BURFORD ROAD, MINSTER LOVELL, OXFORDSHIRE

Dear Ed,

Planning Ref: 22/03240/OUT : Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (amended description) (amended plans).

Having received a late submission of a new objection from Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), which is dated 8th June 2023, and published to the Council's planning page for the application on 12th June 2023, I have been instructed to review this independent objection to the application and provide comment. In doing so, I have reviewed the other relevant consultation responses and provide my commentary on them here also.

It is noted from the outset that this application is made in outline, and that the provisions set out for matters such as biodiversity net gain, protection and habitat creation and so on including those measures recommended by the ecological impact assessment report¹ could be secured by conditions of a granted outline permission, and more detail provided wherever required for a reserved matters application. Also, it should be noted that the layout will be revised for a reserved matters application, but that the principles, including quantum of net gain, will need to be carried forward as per the outline approval, should this application be granted.

Statutory Consultatee Response:

The Statutory Consultee on biodiversity matters, Natural England, has been consulted on the application, and their response (dated 8th March 2023) is available on the Council's application webpage. Natural England have no objections to the application.

Biodiversity Officer Response:

The Council's Biodiversity Officer consultee comments, are several pages in length and do not need to be repeated here; however, in short the Biodiversity Officer's assessment is that the application is acceptable subject to conditions. I have reviewed the recommended conditions set out in the Biodiversity Officer's report, and agree that they are all necessary, and suitably worded, such that they could be discharged, should the application be granted, by the provision of the documents and plans, and incumbent requirements detailed within them.

I include a paraphrased list of the recommended conditions here:

- Submission & approval of a Construction Environmental Management Plan – Biodiversity (CEMP-B), to cover a range of issues, principally associated with the construction phase, but also including details of monitoring, communication, and establishing protection zones, fencing, signage and barriers.
- Submission & approval of an Ecological Design Strategy, to cover such matters as detailed planting plants, specification and provenance of stock, timetables for implantation, details of nesting/habitat boxes/features for a range of species, and details of initial aftercare and long-term maintenance responsibilities.
- Submission and approval of a 30 year Biodiversity Management and Monitoring Plan (BMMP), which shall cover all matters relating to securing biodiversity net gain on the site, the interpretation signage regarding pumping station meadow LWS, management plan objectives, details, prescriptions and work schedules, responsibilities along with a monitoring and plan review schedule, means of communicating the plan and its objectives to residents, and the

¹ RammSanderson, November 2022 RSE_4967_R2_V1_EcIA

requirement to submit a monitoring report to the LPA every 5 years. The legal and funding mechanism to secure the plan long-term are also required to be included in the BMMP.

- Submission & approval of a lighting design strategy for biodiversity, which will cover the identification of areas of the site which are sensitive for foraging bats, and “show how and where the external lighting will be installed, so it can be demonstrated that areas to be lit will not disturb or prevent [bats] using their commuter route”.

Further to the above referenced, recommended conditions, the Biodiversity Officer’s report goes on to make comments on habitats of ecological importance, on which the mitigation provided, is considered acceptable, and on protected and priority species. I have a series of comments on this section, as set out below:

On the subject of great crested newts, reptiles and badger, the Biodiversity Officer states that the recommended Precautionary Method of Working is an acceptable means of dealing with these matters.

Regarding Dormice, the biodiversity officer’s comments request a mitigation strategy specifically for this species. They confirm their acceptance of the lighting strategy, which demonstrates that light spill will not be permitted towards the hedgerows.

On ground nesting birds, the biodiversity officer’s comments request precautionary mitigation.

Although the recommended conditions include an Ecological Design Strategy, that is echoed in the section on Biodiversity Net Gain, and the quantum of gain (10.03% habitat units, and 101.18% in hedgerow units) is set out. This is agreed.

BBOWT Response (received 12th June)

The Wildlife Trust is not a statutory consultee, nor do they perform a consultee function under a service level agreement for the Council in West Oxfordshire District. Their comments therefore carry similar weight to any other interested third party. It is my considered professional opinion, that subject to the recommended conditions set out by the Biodiversity Officer, that the objections of BBOWT are overcome.

The BBOWT objection sets out four points. Points 3 and 4 have been mixed up between the list on page 1, and in the subsequent paragraph text. I respond therefore in the order as set out in the body text of the Trust’s response.

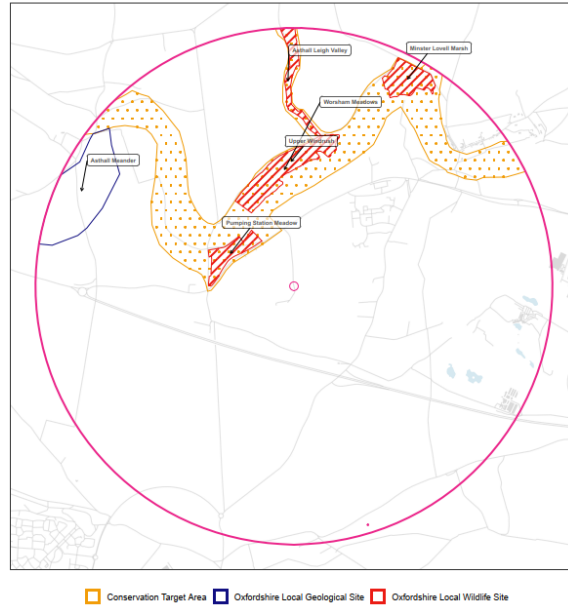
1. Impact on Pumping Station Meadow Local Wildlife Site

Local Wildlife Sites (LWS) are non-statutory designated sites of nature conservation value or interest, designated by Councils or Wildlife Trusts and are not necessarily legally protected, but their protection is linked to policy, and therefore the protection of the Pumping Station Meadow LWS is required for the application to be policy compliant. There is no direct impact, or land take, from the Local Wildlife Site. Therefore as per the wording of policy EH3 (West Oxfordshire Local Plan), we are avoiding loss by design. Therefore the potential impact pathways are, as set out in our EclA, the and in the BBOWT objection, limited to dealing with deterioration and harm caused by indirect impacts, and most presciently these will be construction phase impacts and operational phase impacts.

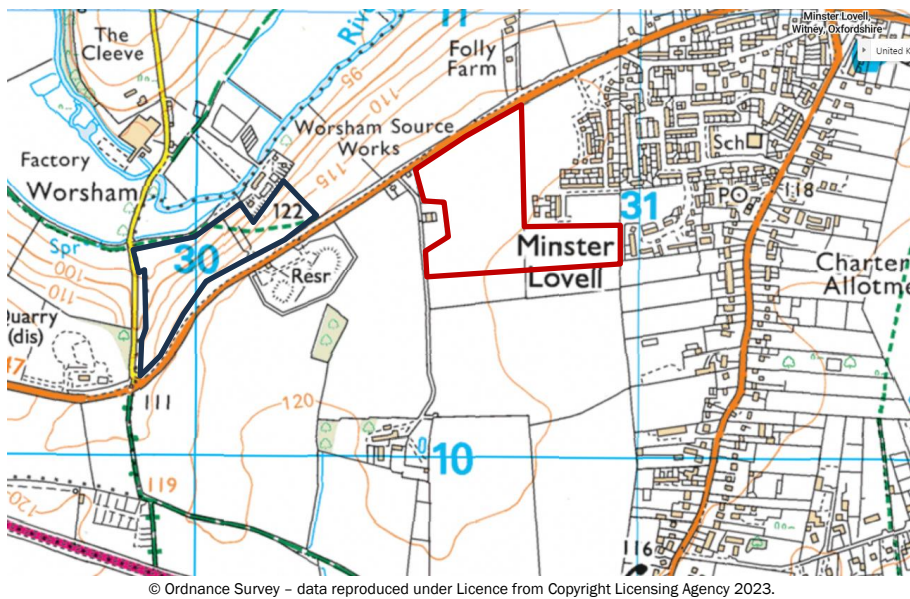
The potential construction phase impacts of noise, dust, vibration, lighting and so on will be controlled by the CEMP-B, as per the list of recommended conditions.

It is acknowledged that impact pathways for recreational impacts are likely, hence the recommendation for mitigation such as interpretation boards. It is our view, and that of the Biodiversity Officer’s view that this measure will be sufficient to avoid deterioration or harm occurring.

Minster Lovell
Designated Sites Map



The above image is an extract from the data search purchased from Thames Valley Environmental Records Centre (TVERC), showing the locations of nearby non statutory designated sites. The location of Pumping Station Meadows is beyond Burford Road, to the west of the application site.



The above image shows an Ordnance Survey map with the application area highlighted in red, and the Pumping Station Meadows in Blue. An internal walking route, around the application site, is available to the inhabitants of the scheme, of approximately 1.3km in length, which will more than likely take the majority of daily morning and evening recreational users away from potentially impacting Pumping Station Meadows.

The LWS is currently not signed on the ground, and is not advertised, or information on it freely available online. Interpretation boards, with clear messaging to its value, requesting walkers to stay on footpaths, to keep dogs on leads, to not pick wildflowers and take all rubbish home with them (amongst other points as per the details which will be supplied in reserved matters) will bring attention to the fact that these fields are valuable, and the public can play a part in looking after them. Reflecting this proposed mitigation, the application proposals will not result in harm or deterioration occurring to the Local Wildlife Site.

2. Priority Species (Dormouse & Skylark)

BBOWT provide out of context quotations of sections of the ECIA which are statements made prior to mitigation being considered. The majority of the application site is arable land, bounded with closely managed hedgerows. Whilst there is some, limited suitable habitats for birds and mammals (such as dormice) to be present on site, the majority of suitable habitats will be retained and enhanced.

A small section of H3 will be removed to facilitate a road and footpath corridor. This hedgerow contains a number of large gaps already, and again, is flailed mechanically on an annual basis. It is therefore less suitable for dormice than other hedgerows on and off site in the surrounding landscape. It is highly unlikely therefore that there will be any effect on dormice, and due to the lack of local records, we suggest that the Biodiversity Officer's recommendation, for a Dormouse Mitigation Strategy to be conditioned.

A mitigation strategy document can be informed by additional surveys following the granting of planning permission if it is deemed necessary, i.e. to complete further more detailed investigations, or to update older survey data. We will review objectively, the need for additional surveys for dormouse at the pertinent time, however at present, we consider specific dormouse surveys to be disproportionate to the likely impacts of the proposals.

No Skylark were recorded within the application site; our survey area extended beyond the application site and recorded skylark off site to the south. We concede that birds and mammals are mobile species and nest sites for skylark can vary from season to season. If therefore, skylark are recorded to be nesting within or within 20m of the application site boundary, mitigation measures for the species will be incorporated into the documents required by the recommended conditions as set out by the Biodiversity Officer. Such mitigation measures could include fenced off sections of suitable habitat on site with distances from hedgerows, buildings and fences over 20m to the central point (for one plot), and/or compensation where required.

3. Net gain in perpetuity

It is a central principle of the Environment Act 2021 that management plans should have a defined term duration. Management in perpetuity to secure BNG is not practicable nor is it required. A plan duration of 30 years has been suggested by the Environment Act, and we have carried that through with our recommendation, as has the Biodiversity Officer, in their recommended condition for a 30 year Biodiversity Management and Monitoring Plan (BMMP).

The fact that a plan has a defined duration is to allow impacts to be offset through the trading of biodiversity units, which are given specific value based on the cost of management to create or enhance biodiversity for a 30 year period. Also this is to allow a landowner to agree another 30 year plan, potentially, at the end of their current plan period, re-assess the baseline at that time, and target a further net gain over the subsequent 30 year plan period.

If management of off-site habitats were required by this scheme to achieve a net gain, management of them ad infinitum would be something that would be impossible to calculate the cost of. Commuted sums would not be able to be arrived at (if they were required).

The Council and BBOWT can take heart and reassurance that the on-site habitats, public open spaces, hedgerows and so on, being created or enhanced in relation to this scheme, will be managed by a management company for the design life of the development. Monitoring surveys will be undertaken at regular intervals for the first 30 years, and corrective actions will be put in place should they be required, and the plan amended and updated on a 5 yearly basis.

4. Hedgerow management to achieve BNG

We take BBOWT's comment about hedgerow hop overs and such like on board, and this will be incorporated into the documents that will be created for the above-referenced recommended conditions.

Other comments:

Green Roofs

This is a housing application and the houses will be sold to members of the public. We have to work within the parameters of that, when producing BIA/BNG assessments. Any land that will be in private ownership, and not part of the public open space, and therefore not managed by an appointed contractor, cannot be used to secure BNG. Green roofs therefore, are unable to be specified on housing land in the main, unless the properties will be rented, and the landlord responsible for their management.

Lighting

On this point we refer to the Biodiversity Officers recommendation for a detailed lighting strategy to be conditioned. These are details of design that are to be dealt with as reserved matters.

I trust this is to your satisfaction. Should you have any queries, or require any clarifications, please do not hesitate to contact me directly.

Yours sincerely,

Oliver Ramm MCIEEM
Director, RammSanderson Ecology Ltd.

For and on behalf of RammSanderson Ecology Ltd.

Enclosures: n/a