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1 Armstrong Road
Littlemore
Oxford OX4 4XT

FAO: Mr Graeme Felstead
Oxfordshire City Council
planning@oxford.gov.uk

By email only

10th November 2016

Dear Mr Felstead,

Location: Land Adjacent 4 Wychwood Lane Oxford OX3 8HG

Application Reference: 16/02549/FUL

Proposal: Erection of building to provide 4 x 3-bed, 3 x 2-bed and 2 x 1-bed apartments. Provision of amenity space, 22No. car parking spaces and cycle store. Formation of new vehicular access from Lewis Close.

I have recently been informed by residents of Lewis Close that a planning application on land directly adjacent to the Berks, Bucks & Oxon Wildlife Trust (BBOWT) CS Lewis Nature Reserve has been logged. I am concerned that, as neighbouring landowners, we have not been consulted with regard to this application.

As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology on and around the application site.

BBOWT would like to register an OBJECTION to the application on the following grounds:

- **Inadequate ecological baseline information including lack of protected species surveys;**
- **Net gain in biodiversity not demonstrated;**

In addition, we have concerns relating to general impacts on species, habitats and enjoyment of the nature reserve, which should also be taken into account when making a decision.

The proposed development seeks the erection of nine residential apartments, associated access and car parking in the back gardens of 7 Lewis Close and 4 Wychwood Lane at the edge of town. The gardens back onto the CS Lewis Nature Reserve and the open countryside respectively.

BBOWT recognises the residential use of the application site in planning terms and as such we have no in principle objection against development on this site. However, we have a number of concerns with regard to this application, which are outlined below.

Inadequate ecological baseline information / lack of protected species surveys

A Preliminary Ecological Appraisal (PEA) was carried out by Arbtech in March 2016, which identifies the site having potential to support protected species. The PEA highlights in its recommendations the need for protected species surveys, great crested newts and reptiles, both of which are outstanding.

The Chartered Institute for Ecology and Environmental Management (CIEEM) states in its Guidelines for Ecological Report Writing that Preliminary Ecological Appraisals can be used for initial scoping ... *but should not be submitted as part of a planning application unless it can be determined that the project would have no significant ecological effects, no mitigation is required and no further surveys are necessary.* In line with these guidelines planning applications should be accompanied by an Ecological Impact Assessment to allow significant effects on designated sites and protected species to be clearly identified.

The presence of protected species is a material consideration in planning terms, and the results of all relevant surveys should be available to inform the decision on the application. The DEFRA Circular 06/05 states in paragraph 99: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*

In the absence of the reptile survey and great crested newt survey we consider that the ecological baseline has not been fully established. As a result of this ecological effects on habitats and species have not been adequately assessed or mitigated.

In addition, the PEA acknowledges that bats are present in the reserve but does not recommend a bat survey. Considering the close proximity of the development to the nature reserve and the known presence of bats either a bat activity survey should be conducted or a worst case scenario assumed, i.e. bats are using the edge of the reserve for commuting. Assuming this, development should avoid light spill and coming close to the trees and the reserve boundary.

We note that the application proposes the creation of a 3m wide dark corridor along the fence line in order to mitigate potential impacts on bats. We are unconvinced that this can be achieved with the current layout and design and are concerned about the close proximity of the development to the trees, expected light spill from windows, car park and expected lighting along the path leading up the steps to front the doors.

We consider the submitted ecological information inadequate to support a full planning application. Protected species surveys on great crested newt and reptiles should be carried out and impacts on designated sites and protected species (including bats) be identified and mitigated in line with CIEEM guidelines for Ecological Impact Assessment.

No net gain in biodiversity

The development site is located next to the CS Lewis Community Reserve and in short distance from the Brasenose Wood & Shotover Hill Site of Special Scientific Interest (SSSI) and Monks Wood Grassland Local Wildlife Site (LWS). The site is also adjacent to the Shotover Conservation Target Area (CTA), which includes CS Lewis reserve. CTAs are some of Oxfordshire's most important areas for wildlife and they indicate where targeted conservation action will have the maximum benefit.

The National Planning Policy Framework (NPPF) states in para. 109 that the planning system should *"... contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

Policy CS12 of the Oxford Core Strategy states *"Development will not be permitted that results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity [...] Opportunities will be taken (including through planning conditions or obligations) to: [...]"*

- *deliver Biodiversity Action Plan targets and meet the objectives of Conservation Target Areas; [...]*
- *ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford."*

Being mindful of the site's local context and in line with national and local planning policy, we are of the view that development on this site should not only avoid and mitigate adverse ecological impacts but should maximise opportunities for habitat creation and management to achieve a net gain in biodiversity.

The Preliminary Ecological Appraisal suggests that enhancements could comprise bird and bat boxes and the planting of native species within the site to mitigate tree loss. Whilst bird and bat boxes can play a role in supporting species we consider this approach inadequate for a development of this size and in this location next to a nature reserve and a CTA.

We recommend that impacts are avoided as much as possible, e.g. by moving the development further away from the reserve boundary, and that a comprehensive mitigation and enhancement strategy is developed which includes in-built biodiversity measures as well as delivering enhancement in line with the aims and objectives of the CTA and the nature reserve.

Concerns relating to impacts of the development on features of the reserve

Impact on trees along the reserve boundary:

It is our understanding that both gardens are covered by an Area Tree Preservation Order (TPO). As such all trees on site are protected from works and felling, and development should seek to avoid adverse impact on trees. The development requires the removal of a small number of trees including a mature horse chestnut, which regrettably was 'ring-barked' several years ago and now needs to be removed.

The access road runs close to the northern reserve boundary encroaching into the root protection area (RPA) of trees along this boundary. Impacts on the RPAs are often successfully mitigated by using a no-dig construction, however, we are of the view that such measures should only be used as a last resort and development should seek to avoid impacts on trees in the first place.

We are also concerned that the close proximity of the access drive and car parking might put additional pressure on us as managers of the nature reserve by requiring us to manage our boundary trees in a way that avoids falling branches, which could potentially injure people or damage cars.

We are guided by the Council's arboricultural officer on the technical aspects of this but believe that the impacts could be avoided if the development was not accessed from Lewis Close but from Wychwood Lane, which would be more direct.

The design and provision of undercroft parking suggest that the development might require considerable changes in level, the impact of which is difficult to assess with the information given. We are concerned that such changes could also adversely impact on trees near the boundary, in particular during construction.

Supporting information states that the building has been moved further away from the reserve boundary, however, it still comes close to the line of trees, which runs along the eastern reserve boundary (trees no 2 – 21). These currently provide a green screen along the boundary with the nature reserve, which is reasonably effective in views from the nature reserve during the summer months when the trees are in leaf.

Notwithstanding that the trees are protected by a TPO and therefore no works can be done without consent, we are concerned that these trees will come under pressure from residents in the future, who might request them to be crownlifted, thinned or felled to allow more light into the flats. We feel that this issue could be avoided if the building was moved further east into the garden of 4 Wychwood Lane and therefore away from the reserve boundary.

Permeability: The development proposes a close board fence along the boundary with the nature reserve. We are concerned that the fence will restrict permeability and restrict movement of species between the nature reserve and surrounding gardens (eg hedgehogs, badger, deer, amphibians etc). We also consider this a very urban response for a boundary with a nature reserve at the edge of town. We believe it important that any boundary treatment is of a nature that allows for the movement of species and which is sympathetic to the surroundings. If a fence was to be used it should provide gaps at the bottom to ensure permeability. In addition the introduction of a native evergreen boundary hedge (e.g. holly

and yew) along the boundary should be considered to provide a green backdrop in views at a lower level.

Other wildlife, e.g. common toad: CS Lewis supports a large number of priority species including a breeding population of common toads, which annually migrate to and from the pond in the reserve. This has also been confirmed by local residents who have found toads migrating across Lewis Close at certain times of year.

Common toads are seriously declining and are listed as a priority species in the UK Biodiversity Action Plan (UKBAP). Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 requires all public bodies in England to have regard to UKBAP species when carrying out their functions and as such impacts on toads should be avoided and mitigated in a planning context.

The PEA recognises the use of the nature reserve by amphibians but it does not assess the impact of the development on the population of toads nor does it offer mitigation for species spilling over from the reserve. The impacts on the toads by the development should be assessed and appropriate mitigation drawn up to avoid adverse impacts on the toad population.

Lighting: No information on lighting and its potential impact has been submitted with the application. Insensitive lighting could adversely affect nocturnal species such as bats, owls, badgers and more common wildlife that is present in the nature reserve. Whilst we recognise that lighting strategies are often dealt with via a condition we are concerned that even a sensitive lighting scheme might not be fully effective as it is unlikely to control all lightspill, e.g. from windows. We recommend that the apartment block is moved further away from the reserve boundary and that design changes are made to reduce potential light spill from the building.

Pond run-off: The development includes a pond in its southern corner. The pond is likely to be spring fed and 'overflows' into the pond within CS Lewis nature reserve during winter and high water events. The proposed building comes close to the pond and it is unclear whether and to what extent it might affect the nature conservation interest of the pond. In addition, no landscape or ecological management plan have been submitted with the application to outline any proposals for the garden.

We are concerned that a potential increased use of herbicides could lead to a nutrification of the pond, which in turn could affect the water quality of the pond in the nature reserve. Should the development be approved we request that the southern part of the garden is managed as a wildlife garden and that a buffer of semi-natural habitat is provided around the pond to mitigate potential adverse impacts.

Enjoyment of the nature reserve: We normally don't comment on issues of enjoyment or visual intrusion, however, as managers of the CS Lewis community reserve we are concerned about the impact the development might have on the tranquil enjoyment of the nature reserve. The nature reserve is a community reserve and popular with people throughout the year. The apartment block is relatively high and located close to the reserve boundary and as such will be visible from the reserve in particular during the winter months when trees are not in leaf. This together with fencing, car parking and lighting will cause

considerable change in views and in the perception of visitors to the reserve. This might potentially also adversely affect some of our activities in the reserve such as bat walks. Whilst this is not an ecological reason, and for this reason not the main reason for our objection, we feel this should be taken into consideration when the local authority makes its decision.

I hope that these comments are helpful. Should you wish to discuss anything further, please do not hesitate to get in touch.

Yours sincerely,

Haidrun Breith

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