The Oxfordshire Badger Group

FAO Mr Andrew Murdoch

Oxfordshire City Council

By email only 21 December 2016

Dear Mr Murdoch,

**Location: Land adjacent to Seacourt Park and Ride, Botley Road**

**Reference Number: 16/02745/CT3**

The Oxfordshire Badger Group would like to record their strong objection to this application on the grounds that it fails to protect and recognise the importance of this Green Field site for wildlife including bats, birds and badgers and is in contravention of the Council’s own Biodiversity Action Plan (2015-2020), the Oxford Core Strategy (Policy CS12) and the NPPF( Para 109).

**Our objection focuses on the following:**

**The inadequate badger survey by WYG which we believe does not inform the planning process**

**The lack of adequate mitigation for the loss of badger setts and foraging area and net gain in biodiversity is not demonstrated.**

**Inadequate badger surveys**

The OBG believes that the reports commissioned by Oxford City Council by the London based ecologists WYG fail to give an accurate overview of the location of the badger setts and to adequately assess and mitigate against the considerable impact this major development will have on a protected species.

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 OBG do not consider that the WYG ecology survey, commissioned by the Council does this and we have therefore submitted our own expert badger report based on our records and knowledge of the area built up over 20 years of monitoring of the site. We hope that this will more accurately inform the planning process.

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 be addressed in making a decision.’

If we are to believe the WYG ecological report, one would think that the area is a brown field site of little ecological value. It’s described as falling ‘within the Botley industrial and Retail site area and the Thames North Character area and it is seen as ‘of minor to moderate value’.

The reality is the area is a mixture of grassland, scrub, hedging and woodland which boasts a variety of birds, and badgers, bats and butterflies ( including the rare Adonis Blue ) The site provides a mosaic of habitats and is an important undeveloped wildlife area on the edge of the city.

WYG were commissioned to carry out ecological surveys and a 30 metre buffer around the site was investigated though initially this did not seem to include the adjacent copse.

An initial site walkover was carried out by WYG on 11th October 2014 and further surveys carried out in August 2015 and January 26th 2016 when the floods had final subsided. The badger survey is a year old and should have been updated before the application was submitted. The OBG does not consider that the survey accurately records the badger setts and their current use.

The Environmental and Non-Technical summary August 2016 states:

(8.93) “during construction there will be a loss of one outlier sett which was not in current use in the last check (January 2016). Badgers could dig such a sett elsewhere as there is similar habitat in range of the main sett”

The whole area was flooded in early January so it is hardly surprising the sett was vacated. There is a large sett (18 entrances) which will be lost if the application is approved. There were active holes recorded at this sett on November 8th .The closure of this sett will represent almost a 50% loss for the badgers.

At a meeting at the Council Offices on November 9th, 2016 ,OBG offered to show the Project Manager ,Nick Twigg the current badger activity which is not reflected in WYG’s report, but he declined the offer.

**Inadequate mitigation and no net gain in biodiversity**

The Botley Road has long been an important area for wildlife and is part of the mosaic of habitats around the City. The Council, as the planning authority, has continued to allow building along the road despite it being Flood Plain. An area off Lamarsh Road which was important for wildlife including badgers , was given planning permission and an artificial badger sett was constructed as mitigation. It is now more important than ever that the Green Belt area behind the houses north of Botley Road is not developed to provide a car park.

The NPPF states in Paragraph 109 that the planning system should, “contribute to and enhance the natural and local environment by minimising impacts on 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 net loss of sites and species of ecological value. Where there is an opportunity, development will be expected to enhance Oxford’s biodiversity”

Development on this Green Field site therefore should not only avoid and mitigate adverse ecological impacts but maximise opportunities to achieve a net gain in biodiversity.

The ecologists propose replacement hedge planting to replace those uprooted, but offers little else in terms of other mitigation. This is completely inadequate for a development of this size and in no way compensates for a loss of sett and foraging area .Wildlife corridors giving badgers access to gardens will also be lost. It is claimed in the Environmental and Non-Technical summary states that ‘badgers were not noted to be using the hedgerows for foraging ‘.The fact is that hedgerows are important habitats for badgers in the area.

The Environmental and Non-Technical Summary (8 .93) states

“There will be a loss of one outlier sett which was not in current use on the last check (Jan 2016) Badgers could dig such a sett elsewhere as there is similar habitat in range of the main sett. There will be a loss of foraging habitat. Again similar habitats exist with in arrange of the main sett which will not be impacted.”

This fails to appreciate that the badger territory is limited by housing, an allotment, the existing park and ride and busy road system and any loss of setts or foraging will have a devastating effect on what is a fragile environment. The setts are also on slightly elevated ground further away from the Seacourt Stream, as the area regularly floods.

The ecology report does not address the impact of the almost annual flooding of the area on badgers and the limits this puts on suitable alternative areas for setts. The importance of maintaining wildlife corridors which give access to decking in nearby gardens is essential for their survival during floods. This major development will impede free movement for wildlife.

The impact of 24/7 noise and light on badgers and bats in the area has been underestimated. There is no information on lighting and its potential impact on badgers. Nocturnal species like bats and badgers could be adversely affected by lightspill. It is recognised that the large bus shelter will act as a barrier to commuting bats. The assumption in the Environmental summary that there will be a minor adverse impact on badgers during the construction process is indefensible.

We feel that there is a potential conflict of interests with this development as the City Council is both developer and regulator. It is difficult to see how the Council meets its own key objectives in its Biodiversity Action Plan:

-To act as a responsible landowner for the purpose of conserving and enhancing biodiversity.

- to undertake duties as regulator and policy maker to ensure the continued protection of biodiversity resources in accordance with legislation and to ensure new policies are formulated to promote new development that allows biodiversity to flourish

- to promote the benefits of conserving and enhancing our biodiversity resource to local communities through role as advocate and facilitator.

**Conclusion**

It is difficult to see how Oxford City Council by extending the Seacourt Park and Ride on this unspoilt Green Field site complies with its own policies on protection for the natural environment. The impact of this development on wildlife has been woefully underestimated. If this area is lost to this deeply flawed application, then it will define the City Council as willing to sacrifice our dwindling natural environment and wildlife for short term financial gain. What a terrible legacy that will be.

Yours sincerely,

Julia Hammett

Oxfordshire Badger Group