

**Planning Policy**  
**West Berkshire District Council**  
**By email only**

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### **BBOWT response to the West Berkshire Local Plan Review 2022-2039**

Thank you for consulting the Berks, Bucks & Oxon Wildlife Trust (BBOWT) on the Council's Local Plan review. As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology in and around Oxford. As such we have not answered all questions, and those we have answered are only answered in the context of our remit.

#### **3.5 Strategic objectives – none specific to biodiversity – global emergency**

BBOWT is disappointed that addressing the decline in biodiversity is not listed as one of West Berkshire's strategic objectives. The State of Nature 201 report shows that over half (56%) of the UK's wild species have declined in the past 50 years and continue to do so and that more than one in ten species faces extinction. The UK government's 2018 biodiversity indicators show that the decline in the abundance of 'priority species' continues. Therefore, addressing this issue should be a key strategic objective of West Berkshire's local plan.

#### **Policy SP11 Biodiversity and Geodiversity**

BBOWT welcomes the policy on biodiversity and geodiversity aimed at conserving and enhancing biodiversity and delivering a net gain and the addition of wording to protect main rivers. We would suggest this include all rivers and stream corridors.

#### **Biodiversity Net Gain**

The government consulted on the introduction of mandatory biodiversity net gain into the planning system in late 2018 and confirmation of this was announced in spring 2019. The Environment bill passed in 2021 and the New Environment Act (2021) was adopted. The adopted Environment Act sets-out the statutory obligations of this decision in detail.



The legislation sets a minimum gain required in biodiversity units at 10% over base value. However, several leaders in this policy area have already adopted a 20% minimum gain, with robust justification for doing so (See; Lichfield District Council [Biodiversity & Development: Supplementary Planning Document 2016](#), (p.17) & [Oxfordshire's Biodiversity Advisory Group proposals for the Oxfordshire Plan 2050](#)).

Relevant findings from Defra's Impact Assessment document (See; [Biodiversity Net Gain Consultation Impact Assessment, Defra 2018](#)) (21/11/2018) include:

- “..In simple terms, [10%] is the lowest level of net gain that [Defra] could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives.”
- “..Advice from some Natural Capital Committee members suggests that a level of net gain at or above 10% is necessary to give reasonable confidence in halting biodiversity losses.”
- “..The department therefore favours as high a level of net gain as is feasible... The analysis undertaken in this Impact Assessment indicates that the level of requirement makes relatively little difference to the costs of mitigating and compensating for impacts.”

BBOWT's position is therefore to support and actively encourage the universal adoption of a required minimum 20% biodiversity net gain within policy in West Berkshire.

#### Irreplaceable Habitats

Paragraph 180 (c ) NPPF states that “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*” BBOWT believe that irreplaceable habitats should not be developed on and that no amount of a mitigation measures or compensation can never really be adequate when irreplaceable habitat is lost.

*q. Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible. The scale and quality of the compensation measures required will be commensurate to the loss or deterioration of the irreplaceable habitat and will be considered on a site by site basis, including long term management and maintenance.*

BBOWT are concerned about the way this is worded using the term commensurate. There is a danger that commensurate could be interpreted as meaning the same area e.g. some definitions of commensurate use terms such as “corresponding or equal in size or extent or amount”. Whilst this may not be what is intended there is a risk that this is taken to mean that if 1ha of ancient woodland is lost, then 1 ha should be replaced. This would be a vast underexpectation compared to what is widely accepted as being needed in terms of compensation measures for irreplaceable habitats. These habitats are, by definition, irreplaceable and where lost then very large amounts of replacement habitat are needed to even begin to compensate for the loss. For example, in the Natural England report to HS2 on the net gain metric:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565691/review-of-hs2-no-net-loss-metric.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565691/review-of-hs2-no-net-loss-metric.pdf) , Natural England stated the opinion: “23. For a project of this scale, it is the judgement of Natural England that HS2 Ltd should aim to create 30 hectares of new woodland for every hectare lost, where ancient woodland is to be replaced by new woods.” Therefore we consider that alternative wording should be used or else a definition should be attached to commensurate to make clear it is not meaning the same in area but instead compensation of a considerable scale that reflects the huge impact resulting from the loss of irreplaceable habitats.

### **Non-Strategic Site Allocations**

BBOWT welcomes the removal of Land adjoining New Road, Newbury (HELAA site ref: GRE6) from this list as this proposal looked likely to have significant impact on the nearby ancient woodland.

### **Delivering Housing: Policy SP17 NE Thatcham Strategic Site Allocation**

The North East Thatcham Strategic Site Allocation is located within 1.7km of the Kennet and Lambourn Floodplain Special Area of Conservation (SAC). The size of the allocated site and its distance from the SAC would trigger the need for a Habitat Regulations Assessment (HRA) to determine whether development of the site could have any impact on the SAC. The allocated site was not considered in the Habitat Regulations Assessment of the West Berkshire Core Strategy (West Berkshire Council, 2010) and therefore there is no clear evidence that the allocation would not have a significant impact on the SAC.

The site borders six LWSs all comprising woodland, the majority of which are designated as Ancient Woodland. Part of the western side of the site supports the UK Biodiversity Action Plan (UKBAP) Priority Habitat Wood-pasture and Parkland and therefore has the potential to support ancient/veteran trees. There is a significant risk of the woodland/parkland habitats being damaged, destroyed and degraded should the site be developed due to potential construction impacts and increased recreational pressure and threats from anti-social behavior, vandalism and fly-tipping. Sites such as The Plantation LWS are at risk of being enveloped by development which would leave them isolated from the other areas of woodland. We would also like to see provisions of suitable greenspaces for recreation/dogs etc, to mitigate the impact on designated sites, especially associated with increases in development within close distance of designated sites with highly sensitive ground nesting bird populations.

We could not find ecological surveys or assessments for the proposed allocation site that assessed the potential impact on designated sites or identified the potential for protected species to be present. Para. 158 of the NPPF requires Local Planning Authorities to base local plan policies ... *on adequate, up-to-date and relevant evidence* ... As such surveys are required to inform judgements on suitability and capacity of development sites. We consider this particularly important where sites are close to designated sites such as the SAC and

LWS's. The potential lack of ecological surveys would be in conflict with the NPPF and could result in allocations being found unsound.

BBOWT believe that biodiversity has not been considered sufficiently in allocating this site and it is unclear how an allocation of this scale could be developed without a significant impact on biodiversity.

Thank you for consulting us. We hope that these comments are useful. Should you wish to discuss further any of the matters raised, please do not hesitate to contact us.

Yours sincerely,

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