

Berkshire  
Buckinghamshire  
Oxfordshire



**Submission by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust**

**in relation to**

**Vale of White Horse Local Plan 2031 Part 1**

**Matter 10 – Strategy for Western Vale Sub-Area (CP20)**

**18<sup>th</sup> December 2015**

## Matter 10 – Strategy for Western Vale Sub-Area (CP20)

### 10.1 Are the Strategic Housing Allocations listed in policy CP20 soundly based and deliverable?

#### (e) North of Shrivenham (site 21)

1. Site 21, North of Shrivenham allocates land for 500 homes within 10 metres of Tuckmill Meadows Site of Special Scientific Interest (SSSI). As such, detrimental indirect impacts of the development on the SSSI are likely, making this strategic housing allocation unsound due to lack of compliance with the Wildlife and Countryside Act 1981 and policy within the NPPF.
2. Tuckmill Meadows SSSI is owned by Vale of the White Horse District Council and managed as a Nature Reserve by the Berks, Bucks and Oxon Wildlife Trust (BBOWT). It supports rare calcareous fen and a complex of neutral and calcareous grasslands. Calcareous fen is a nationally declining habitat and the number of such sites in Oxfordshire has been severely reduced by drainage and agricultural improvement. The fen has developed on poorly drained alluvial soils fed by base-rich springs, as such it is highly dependent on maintenance of a suitable hydrological regime. The site is managed primarily through grazing by Dexter cattle to achieve structural diversity to the vegetation.
3. Section 40 of the NERC Act (2006)<sup>1</sup> states:

*“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*
4. Section 28G of the Wildlife and Countryside Act 1981 (as amended)<sup>2</sup> states that a section 28G authority (which includes the Vale of White Horse District Council) must:

*“Have the duty to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna*

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2006/16/section/40>

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2000/37>

*or geological or physiographical features by reason of which the site is of special scientific interest.”*

5. Under Section 28E of the Wildlife and Countryside Act 1981 (as amended) it is an offence for a SSSI owner and occupier to carry out, cause or allow operations likely to damage a SSSI without consent.
6. Paragraph 118 of the NPPF states:

*‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest’*

It is our opinion that situating 500 dwellings 10 metres from a nationally designated site, with existing public access which forms part of a well-used circular walk contributing to current high levels of visitor pressure, will lead to a significant additional increase in numbers of people visiting the site. This will result in a significant adverse effect on the condition of habitats and the species they support and on the ability of the landowner to manage the site appropriately, which will also result in a further detrimental effect on the condition of habitats.

7. We have serious concerns that the level of visitor pressure resulting from development in this location could make grazing of the SSSI untenable for animal welfare reasons. Worrying of livestock by an increase in dogs in particular is likely to

put this at risk. Grazing of the SSSI is essential in order to maintain its interest features; the site is currently assessed by Natural England as being in unfavourable recovering condition, on the basis that it is under a Higher Level Stewardship (HLS) scheme which requires that it is grazed. From our experience as site managers, we saw a rapid decline in condition during a period (2006-2009) when we were unable to graze the site. Funding from the Trust for Oxfordshire's Environment (TOE) in 2009 allowed us to repair fencing and re-introduce grazing to the site. Our own monitoring has shown improvements in the condition of habitats from 2008-2014, particularly an increase in cover of herb species in the calcareous grassland and fen, and improved fen structure. We do not consider vegetation clearance and cutting by hand is a viable management regime as an alternative to grazing by cattle. The site is grazed by cattle to achieve structural diversity to the vegetation, creating tussocks, areas of bare ground and hollows through localised poaching as the animals move around the site. This cannot be achieved by cutting and clearing, as this will provide an undesired homogenous structure. The Fen Management Handbook<sup>3</sup> states: "*Grazing should generally be considered as the first option over any other form of management; where a fen has been grazed in the past but grazing has stopped for some reason, where there is no history of mowing/cutting and where it is possible to introduce grazing to a fen site to inhibit succession, and where selective removal of vegetation has been identified as the most appropriate form of management.*".

8. In order to address the potential detrimental impact of visitor pressure on the SSSI the Local Plan needs to either identify an alternative site to deliver the 500 homes currently allocated to the North of Shrivenham, or clearly set out a requirement for provision of sufficient alternative greenspace that could divert visitors from the new development away from the SSSI. We do not consider the site allocation to provide sufficient space for delivery of both 500 homes and adequate greenspace to mitigate potential recreational impacts on the SSSI.
  
9. The development template for the North of Shrivenham site allocation currently states: '*....development will be required to meet the following infrastructure requirements ....Contribute towards redressing the identified Green Infrastructure*

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<sup>3</sup> The Fen Management Handbook (2011), Editors a. McBride, I. Diack, N. Droy, B. Hamill, P. Jones, J. Schutten, A. Skinner and M. Street. Scottish Natural Heritage, Perth.

*deficit in the area surrounding Shrivenham. In this regard land adjacent to the site to the north could contribute towards the Green Infrastructure provision.'*

10. There is potential for provision of offset land on the golf course to the north of the application site to divert the majority of visitor pressure away from the SSSI, by making the land more attractive to visitors through appropriate planting and provision of onsite facilities. The use of this land as a 'Country Park' has been suggested as part of a planning application currently under consideration (P15/V1091/O). This land can easily be connected to the less sensitive woodland habitat in the north of the local nature reserve to be incorporated as a diversion of the currently well-used circular walk. A requirement within the Local Plan for development at the North of Shrivenham site allocation to deliver alternative accessible greenspace on the golf course could ensure sufficient mitigation for the visitor pressure generated on the SSSI, and therefore help to make the site allocation sound with respect to the requirements of the Wildlife and Countryside Act and paragraph 118 of the NPPF.
  
11. The Summary of the Site Package presented in the Sustainability Appraisal of the Local Plan 2031 Part 1 concludes (p159) that allocation of the land North of Shrivenham would lead to significant negative effects in terms of the natural environment due to its location next to Tuckmill Meadows SSSI. It also identifies that this would be addressed through site templates, biodiversity, green infrastructure and sustainable design and construction policies. It indicates that the site template requires an ecological buffer zone to the SSSI, however, the site template does not require an ecological buffer zone to the SSSI and in order to help ensure the soundness of the plan this should be rectified.