Addendum – Planning and Regulation Committee 19th January 2026

Agenda Item 5 – Land at Former Wicklesham Quarry MW.0151/23

1. Since the report was published, the committee members have received further representation from a member of the public as summarised below: of the public raising concerns:

2. I am writing to summarise some very important issues relating to the application to be heard by the Planning and Regulation Committee on Monday 19th January concerning Wicklesham Quarry SSSI, Faringdon.
They are listed below and briefly explained with supporting evidence in the attached document.
1) There is a conflict between Faringdon neighbourhood plan and the Local Plan: the Local Plan's strategic policies must take priority.
2) The proposal does not constitute 'sustainable development' defined by the National Planning Policy Framework: (a) it is in conflict with strategic policies of the Local Plan; (b) it is a SSSI to which the 'presumption in favour of sustainable development' does not apply.
3) The proposed development would cause irreparable harm to the Site of Special Scientific Interest.
4) The development would cause substantial harm to the ecology and biodiversity of West Oxfordshire Heights Conservation Target Area.
5) Planning history of the site: Wicklesham quarry has been repeatedly rejected as employment land by the District Council.
6) Major strategic development is outside the scope of a neighbourhood plan.
This application relies on Faringdon neighbourhood plan, which the High Court ruled failed to meet the 'basic conditions' - the legal baseline of a neighbourhood plan. The policy for Wicklesham Quarry SSSI was ruled to be in 'manifest conflict' with the strategic policies of the Local Plan.
Councillors should also be aware that this proposal, which would more than double Faringdon's employment land, is linked to the applicant's aim to develop the whole of Wicklesham Farm as urban land (see point 6) - south of the A420, outside the town's development boundary. This is almost the same size as Faringdon itself.
Neither aim (building on Wicklesham Quarry SSSI or doubling the size of Faringdon) is supported by the Local Plan or by the Vale of White Horse District Council. (The 'Call for Land' Map and Core Policies Map of the 2031 Local Plan are on P. 3.)

1) There is a conflict between Faringdon neighbourhood plan and the Local Plan: the Local Plan's **strategic policies** must take priority.

Planning principles and High Court ruling

- It is a legal requirement that a neighbourhood plan *must* be in general conformity with the strategic policies of the Local Plan in order to meet the '**basic conditions'** (**PPG 065** below).
- The High Court ruled in 2017 against the Vale of White Horse District Council on the ground that Faringdon neighbourhood plan **failed to meet the basic conditions** because of the policy relating to Wicklesham Quarry SSSI, which was in 'manifest conflict' with the strategic policies of the Local Plan. The development boundary is strategic policy CP4. It prevents urban sprawl south of the A420. (See

ADOPTED POLICIES map p. 3)

The Judgment states:

"Neither the examiner nor the District Council were lawfully satisfied that the FNP satisfied the basic condition that the making of the plan was in general conformity with the strategic policies contained in the development plan."

Planning Policy Guidance 065

"Only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to referendum and be made."

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2) The proposal does not constitute 'sustainable development' defined by the National Planning Policy Framework: (a) it is in conflict with strategic policies of the Local Plan; (b) it is a SSSI to which the 'presumption in favour of sustainable development' does not apply.

Sustainable development and neighbourhood planning

NPPF Paragraph 13:

"The application of the presumption [in favour of development] has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."

a) Faringdon's development boundary north of the A420 is **strategic policy CP4** in the 2031 Local Plan. Wicklesham Quarry is south of the Faringdon bypass outside the development boundary.
b) Wicklesham Quarry is a **Site of Special Scientific Interest**. The 'presumption in favour of sustainable development' **does not apply to a SSSI**, where:

"i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed"
"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest". **NPPF Paragraph 11**

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3) The proposed development would cause irreparable harm to the Site of Special Scientific Interest

- Almost the whole 29 acre SSSI would be de-notified if it were built on. Wicklesham Quarry is an internationally important Conservation Review Site - the *only site in the world* where new research can be carried out on the globally unique **Faringdon Sponge Gravels**. **It is a nationally designated site and is protected by strategic policy CP46 of the Local Plan.**

- Both the Geological Society and the Palaeontological Association, the UK's leading science bodies, have objected to the planning proposal. Permanent structures will obliterate the geological record. It is the 'most important educational site in Oxfordshire', and has been suggested as a UNESCO geoheritage site because of its unique geology and role in the history of science.
- (i) Access to the base is essential for new scientific research and (ii) 3 dimensional visibility of the quarry sides is essential for teaching.

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4) Substantial harm to the ecology and biodiversity of West Oxfordshire Heights CTA

- Wicklesham Quarry is part of the Conservation Target Area of West Oxfordshire Heights, protected by strategic policy **CP46,** Oxfordshire's **Biodiversity Action Plan,** and **National Policy**. Urban development will remove this status and eliminate Priority Species, European Protected species and rare habitat.

- The **Biodiversity Report** (Thames Valley Environmental Research Council) lists **over 30 Priority Species**: birds, amphibians, bats and terrestrial mammals, etc. Many depend on the ponds and regular flooding of the aquifer. Wicklesham's biodiversity has been locally famous since the 1950s and earlier – because of its ponds, aquifer and numerous (now rare) species.

- Wicklesham is Faringdon's most important environmental site. Neither its ecology nor biodiversity are acknowledged in the application documents, from which key evidence is absent.

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5) Planning History: Wicklesham has been repeatedly rejected as employment land

- The District Council has repeatedly rejected Wicklesham Quarry for development as employment land*- most recently, for inclusion in the current Local Plan. The District Council stated during Examination in 2016 that the evidence of Faringdon neighbourhood plan was **neither 'clear nor persuasive**.' The Council has stated that Wicklesham quarry was (a) 'far in excess' of Faringdon's needs in the Local Plan period, and (b) outside the development boundary.

- The development boundary and whole area of the SSSI are shown as Strategic Polices **CP4** and **CP46** in the District Council's **Adopted Policies Map, 2019** (P. 3). These policies take precedence over Faringdon neighbourhood plan. Neighbourhood plan policies are defined as 'non-strategic'.

- The Draft 2041 South and Vale Local Plan Policy **SP5** permits only brownfield sites within the development boundary to be allocated for employment use in Faringdon.

*****Employment Land Reviews 2008, 2013; the Preferred Options Report 2014; 2016 Examination of the 2031 Local Plan (Matter 6).

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6) Major strategic development is outside the scope of a neighbourhood plan

- Neighbourhood plans are intended to make provision for '**non-strategic', 'local needs'**.
- A major development of over 29,500 sq.m is outside the scope of a neighbourhood plan. It would have substantial implications- as the applicants recognize- for housing, traffic, roads and infrastructure. These are strategic issues that form part of Part 1 of the Local Plan **Spatial Strategy**.

National Planning Policy Framework (p.76) :
"Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies."
Planning Practice Guidance (Para 004):

"A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies (as outlined in paragraph 13 of the revised National Planning Policy Framework)"

- Wicklesham Quarry SSSI is 'far in excess' of local needs. It is approximately the same size as the whole of Faringdon's existing *developed* employment land. This proposal:
- would undermine the delivery of existing allocated employment sites in Faringdon, &
- seeks to set a precedent and justification for building on the whole of Wicklesham Lodge Farm, which the applicant has put forward for development (see map of VWHDC Call for Land, below.) This would **double the urban area of Faringdon south of the A420**.

Map extract: *Call for Land*, Vale of White Horse District Council (for 2041 South and Vale Local Plan). https://storymaps.arcgis.com/stories/83c42d77f9 104794a8cb49a815ff2352

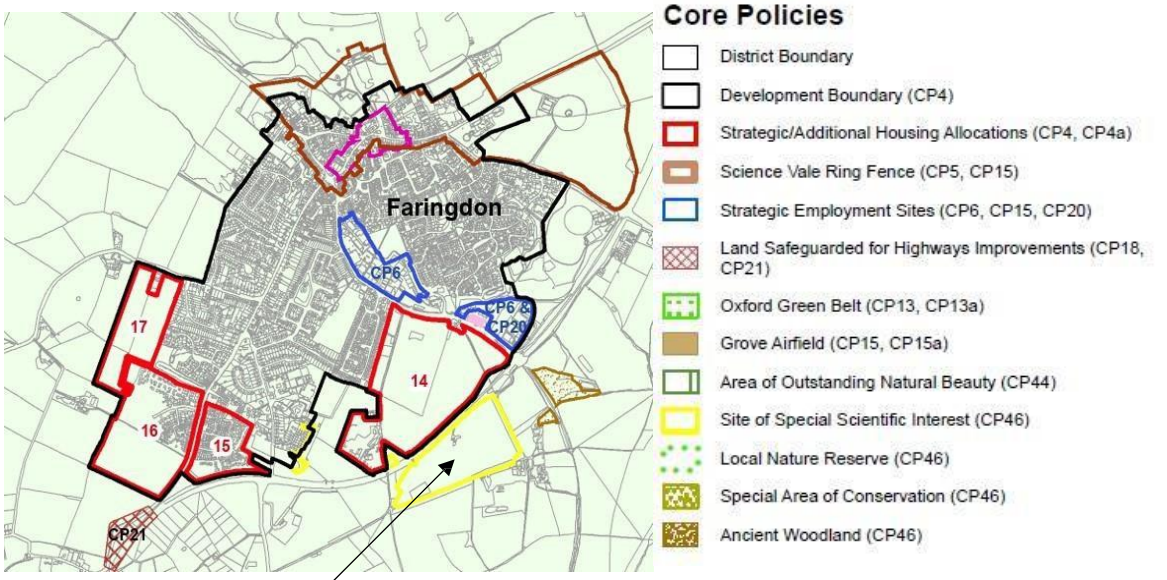
A420 Faringdon bypass

Development Boundary (Core Policy 4) – north side of bypass

Wicklesham Quarry SSSI

Wicklesham Farm- proposed for urban development (not adopted)

Local Plan 2031: Adopted Policies



Wicklesham Quarry SSSI –29 acre SSSI (Core Policy 46)

Officer Response –

i) The status of the Faringdon Neighbourhood Plan is addressed in paragraphs 51 to 53 of the Committee report and it is concluded that it, including policy 4.5B remain part of the Development Plan. Core Policy 4 of the Vale of White Horse Local Plan Local Plan 2031 Part 1 addresses housing need in the District not commercial development as is proposed in the planning application. The presence of a SSSI does not necessarily render development to be not sustainable.

ii) Paragraphs 193 and 194 of the Committee report conclude that the proposed development is sustainable development.

iii) Paragraphs 130 to 134 of the Committee report address geodiversity in relation to the designation of the geological SSSI. Natural England have not objected to the application. It is concluded that the development would not be likely to result in the loss, deterioration or harm to geological conservation interests, subject to conditions to secure the maintenance of the buffer set out on the Parameter Plan, implementation of the Geological Site Management Plan and ongoing provision for public access to the geological features in the quarry faces through a S.106 Agreement. As also set out in these paragraphs, should the committee be minded to approve the application there is a legal requirement to first advise Natural England of the intention to approve the application subject to a S.106 Agreement and conditions and how their advice has been taken into account, prior to issuing any planning permission.

iv) Paragraphs 118 to 129 of the Committee report address biodiversity. The council's Senior Biodiversity Officer has not objected to the application

subject to conditions. It is concluded that the development complies with the relevant Development Plan policies.

v) As set out in point i) above, the status of the Faringdon Neighbourhood Plan is addressed in paragraphs 51 to 53 of the Committee report and it is concluded that it, including policy 4.5B remain part of the Development Plan. Core Policy 4 of the Vale of White Horse Local Plan Local Plan 2031 Part 1 addresses housing need in the District not commercial development as is proposed in the planning application. As set out above in point iii), the designation of an SSSI does not preclude development and it is concluded that the development would be acceptable.

vi) As set out above in points i) and v), the status of the Faringdon Neighbourhood Plan is addressed in paragraphs 51 to 53 of the Committee report and it is concluded that it, including policy 4.5B remain part of the Development Plan. Any proposals for the development of adjacent land including Wicklesham Lodge Farm that may be brought forward would be subject to separate planning applications in the future, do not form part of the application and are not a material consideration in the determination of the application.

Agenda Item 6 - Land at Thrupp Farm, Radley MW.0041/23

1. Since the report was published, further representations have been received from members of the public. The first of these raises a legal point.

2. The first representation argues that the planning permissions in question DD1 and DD2, "ceased to have effect" on 1 November 2016 in the light of the fact that no ROMP application at all had been submitted by the review date of 31 October 2016 and refers to the case of Vattenfall (2008) which they state supports their position. There are statutory time limits within which applications must be determined, but planning authorities and applicants can agree to extend that time. In the Vattenfall case, the applicant and the Council did agree to extend the time for determination, but this agreement was made after the statutory time period for determining the application had expired. This meant that the date that the right of appeal arose was when the date at which the statutory time period for determining the application initially expired and was not the date for determination that was agreed at a later date (some 4 years after the statutory time limit for determination). Note – there was no suggestion that the parties could not agree a later date for determination after the statutory time limit had expired – but this expiry of time was relevant to the date the right to appeal arose.

3. By contrast the correspondence between the Council and the applicant at Radley ROMP indicates that the Council agreed an extension within time although no precise date was specified. Legislation must be interpreted in a way that is compatible with the Human Rights Act and as the Radley Romp concerns an existing planning permission, the legislation should be read in a way that complies with the right to property and the right not to be deprived of that property other than in accordance with the law. This is why it is considered that agreement to extend the time without actually setting a precise date is in compliance with the statutory language in the Environment Act 1995.

4. The Vattenhall case concerned a right to appeal a refusal which the applicant didn't take up in time, but there was no planning permission in existence and so no property rights under consideration. This is a different legal context to the present case and officers are content that the approach the Council has taken in the Radley Romp case is correct.

5. The second representation considers that the conditions in Annex 4 do not adequately deal with the requirements for specific areas to be addressed in the conditions as may be considered necessary. As a consequence conditions intended by Tuckwells for the area to be worked, or directly affected by those works, will apply to the whole DD1/DD2 area. At best this will lead to confusion. At worst it will have totally perverse and unintended consequences. The issue can be seen for example in Conditions 4, 8, 9, 12, 13,15 and 16. At face value they could prevent Tuckwells (and Tarmac) from operating their concrete batching businesses and also prevent the removal of historic contaminated spoil from the ROMP area leading to possible further litigation and delay.

   It is understood why the report gives greater space to the issues about habitat protection, but the issued identified with the Annex 4 Conditions

needs to be put right. The matter is not new and should not be contentious as between Tuckwells and those taking a contrary view. All have an interest in ensuring that the ROMP process leads to a clear and certain outcome for all parts of the DD1/2 area.

It is suggested that something be added on the following lines to the recommended actions at the end of the report.

'C) Before the proposed conditions at Annex 4 are forwarded to the Secretary of State the Director of Economy and Place shall make such amendments as are necessary to ensure that those intended for part only of the ROMP area do not apply to the whole area.'

Officer response: To provide additional clarity and precision to the conditions including with regard to which parts of the areas of planning permissions DD1 and DD2 they refer to the committee Recommendation is amended to read as follows:

RECOMMENDATION

It is RECOMMENDED:

A **That in the absence of there being a position in law to refuse the application to determine the conditions to which planning permission numbers DD1 and DD2 are to be subject despite the significant effect identified through the loss of irreplaceable and priority habitats, refer the application to the Secretary of State for their consideration as to whether to call the application in for their own determination;**

B **Should the Secretary of State decline to call the application in for their own determination, authorise the Director of Economy and Place to determine the conditions to which planning permissions DD1 and DD2 are to be subject including those set out in Annex 4 and with any amendments as considered necessary including to provide greater clarity and precision as to the geographical areas which the conditions apply to, but without the condition restricting development in the areas of irreplaceable and priority habitats.**

6. The third representation raises a further set of comments in relation to the ecology of the site and documents submitted by the applicant has been received which is summarised as follows:

1. Ecological Survey Adequacy

- Survey work is outdated and not aligned with industry best practice.
- Site habitats have changed, invalidating previous baseline assessments.
- Updated, compliant surveys are required before any determination.

2. Significant Adverse Impacts Likely
- Loss of irreplaceable habitats including lowland fen and wet woodland.
- Orchard Lake, a biodiverse habitat, would be largely destroyed.
- Priority species such as common toad are inadequately assessed.

3. Unsupported Claims in Applicant's Technical Note

- Assertions of habitat integrity retention are not credible.
- Proposed positive long-term effects are unsubstantiated.
- No detailed invasive species control or credible restoration strategy.

4. Insufficient Restoration Proposals

- Replacement habitats will not compensate for losses.
- Claims of 'conservation-led' restoration are misleading.
- Existing high-value habitats would be removed.

5. Conflict With National and Local Policy

- Loss of irreplaceable habitats fails NPPF and Local Plan policy tests.
- No demonstration of 'wholly exceptional circumstances'.

6. KC Review Does Not Resolve Ecological Concerns

- It does not demonstrate surveys remain valid.
- Need for updated surveys and enhanced aftercare remains.

7. Errors in the Non-Technical Summary

- Mis-states ecological designations.
- Omits key impacts (e.g., woodland clearance, conveyor effects).
- Mischaracterises habitat types and restoration benefits.
- Uses outdated socio-economic data.

8. Overall Conclusion

- The ROMP proposal is ecologically unsound.
- Current data cannot support reliable assessment or mitigation.
- Determination should not proceed until robust updated surveys and a credible ecological appraisal are provided.

Officer response: The council's Senior Biodiversity Officer has considered this further representation and advises that he agrees with it and that it largely reflects his own response highlighting the inadequate information in the current submission. The conditions he has proposed are designed to request the information that is considered inadequate in the current application. These conditions cover the points raised in the representation.

It is considered that this supports the case for referring the application to the Secretary of State.

In addition to the above, a further late representation has been received adding to the above ecological comments which is summarised as follows:

1. Review of KC Note:
- Several assertions made by the KC lack supporting evidence, including claims of sterilisation of mineral resource and impacts on viability due to loss of irreplaceable habitats.

- Tension noted between claimed high mineral demand and assertion that reduced extraction area is non-viable.
- Assertions regarding compliance with environmental policy are unsubstantiated.
- Legal interpretation regarding surveys, BNG applicability, and restoration feasibility of irreplaceable habitats is questioned.
- Inconsistencies identified in statements about whether ecological surveys are up to date.
- Claims that conditions would be unreasonable or sterilise the permission remain unproven.

2. Review of Planning Development Manager's Draft Conditions:
- Condition 12 should be clarified to require EA approval for herbicide use near watercourses.
- Condition 26 on nesting birds may be unnecessary, duplicative, or should be reworded with emphasis on Schedule 1 species.
- Condition 36 requires strengthened wording to prevent any infrastructure within buffer zones and include barrier fencing.
- Condition 52 should reference ecological surveys prior to restoration design.
- Additional condition recommended requiring an Ecological Mitigation Plan (EMP) based on current surveys.
- Further conditions proposed: invasive species eradication plan (Japanese knotweed, New Zealand pygmyweed) and fencing details.

The proposals set out by the applicant reflects the legal advice they have received and it is considered that relevant issues have been addressed in the committee report. Officers will consider the comments made with regard to the conditions and the amended officer Recommendation provides for amendments to be made to the conditions by the Director of Economy and Place if considered appropriate .

7. The applicant has advised on reviewing the Committee Report, that they note that the Council Ecologist has provided clarity on the ecological monitoring sought in Additional Condition 2. In light of this clarity, the Applicant can now support the inclusion of Additional Condition 2.

8. The applicant does however continue to contest the imposition of Additional Condition 1 which seeks to avoid the loss of irreplaceable and priority habitat and which would restrict working rights which would conflict with planning legislation for a ROMP Application, resulting in the quarry becoming economically unviable. The applicant is pleased to see this has been accepted in the Committee Report in the recommendation that ROMP Application Ref: MW.0041/23 should be determined without the Additional Condition 1.

NB – The applicant's KC Opinion and accompanying ecological technical note are appended below for reference.

IN THE MATTER OF

SCHEDULE 13 OF THE ENVIRONMENT ACT 1995

AND IN THE MATTER OF

LAND AT

THRUPP FARM QUARRY,

THRUPP LANE, RADLEY,

ABINGDON.

OPINION

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1. I am asked to advise H Tuckwell & Sons Ltd ['Tuckwells'] in respect of an application for the Review of Old Mineral Permission ['ROMP'] to Oxfordshire County Council ['the Council'] as Minerals Planning Authority on land at Thrupp Farm Quarry, Thrupp Lane, Radley, Abingdon ['the site'], which is designated a 'dormant' site for the purposes of Sch 13 of the Environment Act 1995. Specifically, I am asked to advise in three conditions proposed by the Council's ecologist. These concern: 'irreplaceable/priority habitat'; 'renewed ecological surveys'; and 'aftercare period'. I am also asked to consider the import of Reg 26(2) of the EIA Regulations 2017.

'irreplaceable/priority habitat':

2. The proposed condition reads:

> *'No development shall take place in areas of irreplaceable or priority habitats as recorded in ES Appendix C Ecological Impact Assessment V2 or Radley Gravel Pits Local Wildlife Site.'*

3. The area within the application site identified for mineral extraction is 14.2ha. It is in four lobes: Phase A, Phase B1, Phase B2 and Phase C. I have been provided with overlay plans which show the extraction area together with priority and irreplaceable habitat. Within the 14.2ha there is 12.32ha of priority habitat, of which there is 6.36ha of irreplaceable habitat. Within the totality of the site (including haul roads etc) of 26.25ha, there is 20.8ha of priority habitat, of which 7.84ha is irreplaceable habitat.

4. To exclude the priority and irreplaceable habitats from the mineral extraction area would leave only 1.88ha of the 14.2ha available, rendering the mineral resource effectively sterilised. Prohibiting development of any kind within the area of priority/irreplaceable habitat within the site as a whole effectively prevents utilisation of the minerals permission under review.

5. *R (oao Sergeant) v Essex CC and Cemex Ltd* [2009] EWHC 2232 (Admin) is support for the proposition that an MPA has a wide discretion in imposing conditions on ROMP applications to protect the environment, but subject '*to the conditions being appropriate for the development permitted by the permissions under review*' [para 76]. A condition which has the effect of nullifying the underlying minerals permission would not be a reasonable condition to impose; it would be a derogation of the grant itself.

6. This is reinforced by national guidance where the PPG indicates that conditions imposed on ROMPs *'should not affect the economic viability of the operation (eg conditions which restrict the total quantity of mineral for extraction)'* [PPG ID: 27-186-20140306].

7. By contrast, the ecology officer appears to be approaching the question of impact on the habitats as if this were an application for planning permission *de novo*. That is not appropriate, as planning permission has already been granted. The condition does not merely regulate the implementation of the permission so as to control harm on the environment; it strikes at the heart of the very permission itself. That fails the legal test of 'reasonableness' and is expressly contrary to the PPG, as indicated above.

8. I should also note, in this context, that the site is some 26.25ha in size,

considerably wider than the 14.2ha identified for mineral extraction, and it is proposed to be

developed in a phased manner over a c.20 year period, with progressive restoration and ecological enhancement as shown on the Concept Restoration Plan.

9. I have been provided with a Technical Note from Tuckwell's ecologist, dated 13th October 2025, which sets out how, as a matter of fact, the application taken as a whole has indeed followed the policy 'hierarchy' for avoidance of harm to habitats: *avoid, mitigate, compensate and enhance* [see p.10 thereof]. Consequently, while not strictly applicable, mineral planning officers at the Council can take comfort that policies for the protection of the environment have been fully taken into account in the development strategy.

Renewed ecological surveys:

10. The proposed condition reads:

> *'No development shall commence until up-to-date surveys for great crested newts, bats, birds, reptiles, otters, water voles, fish and habitat and botanical assessments undertaken in line with best practice guidelines have been submitted to and approved in writing by the County Planning Authority. The up-to-date surveys shall…'*

11. This requirement, it will be noted, is in addition to any survey requirement under the protected species licencing regime.

12. The Ecological Technical Note, October 2025, tabulates the survey work undertaken and when [Table 1, p.2]. In respect of all of those surveys listed, it is noted that they are 'Likely to be valid unless habitats have changed'. Specifically for Great Crested Newts, updated surveys will be required for protected species licencing purposes and for River Condition Assessment, it is stated that this will be updated/validated report will need to be undertaken for BNG purposes.

13. As such, it appears that nothing is required except to establish whether the habitats have changed since the various surveys were undertaken. If they have not, there would be no necessity for the condition to be imposed in the terms sought.

Extended aftercare period:

14. The proposed condition reads:

> *'Prior to commencement of any development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the County Planning Authority. The HMMP shall include the following and cover a minimum of 30 years:*
> *…'*

15. A 30 year aftercare provision is in excess of the 5 year aftercare provision which may be imposed without the consent of the operator. It appears to derive from the standard approach to BNG habitat creation/management. However, as ROMP applications are not applications for planning permission, they are not caught by the statutory requirement for BNG. In addition, I am Instructed that Tuckwells do not consent to an aftercare period in excess of 5 years.

16. The Ecological Technical Note summarises the phased working of the site, with progressive restoration to each phase over a period of c.20 years. Thus the 'aftercare' provision would only be applicable to the period once all extraction had ceased. By then, restoration of the earlier phases could be up to 20 years of maturity and managed for that period. With an aftercare provision of 5 years, the habitats in question will, therefore have been managed, progressively, for between 5 to 25 years.

17. In that context, it would be unreasonable to downplay the effectiveness of the restoration proposals in the absence of an extended aftercare provision to 30 further years. Rather, the condition for an HMMP (or similar) should concentrate on what is to be done in the restoration phases and how it is to be managed within the lifetime of the permission to become well established as the habitat intended.

Regulation 26(2) of the EIA Regs 2017:

18. The phrase highlighted by officers as a matter of concern within Reg 26(2) is that significant effects have been 'addressed'. It appears that they read this as meaning that such effects have been 'resolved' – ie overcome by sufficient mitigation. If so, that is a misreading of Reg 26(2).

19. The context is that Reg 26(2) provides for how a decision-maker concludes that the findings of an ES are 'up to date'. If the significant effects have been 'addressed' in the ES, the decision-maker can so conclude.

20. An ES is required to assess the environmental impacts of a proposed development, with and without mitigation. The decision maker must take that and other environmental information into account when considering whether or not to permit the scheme. It is, thus, an informative, evidential tool to evaluation. What is not required of an ES (or wider environmental information) is that 'solves' an identified impact. For example, it might conclude that there is an impact and that no mitigation is available or proposed or that the proposed mitigation is inadequate to wholly mitigate the impact in question. It then records the residual effect and its significance in EIA terms. The decision-maker is then obliged to take those residual effects into account in making the decision to determine the application.

21. Unlike the effect of the Habitats Regulations, therefore, within an EIA, a unresolved impact is not a bar to the grant of consent. It is a negative which is taken into account in the planning balance. In addition, the context of a ROMP is that permission has been granted, and the conditions (as discussed above) can regulate the manner of its implementation, but cannot derogate from that grant.

22. The test in Reg 26(2) of whether or not the significant effects are 'addressed' is not, therefore, a matter of establishing that the impacts have been removed; rather it is to ensure that the ES records what the significant residual impacts are predicted to be.

Conclusion:

23. A ROMP condition which materially reduces the area to be worked would not be reasonable, as it would derogate from the underlying permission being reviewed. In this case the proposed condition would remove 12.32ha of the 14.2ha of extraction areas and effectively sterilise the site, rendering the

permission unimplementable. It fails the legal test as being unreasonable and is contrary to national guidance.

24. A condition requiring additional ecological surveys appears in this case to be unnecessary unless the habitats have changed since the last surveys were undertaken. This can be verified by Tuckwell's ecological consultants and, if they have not, such a condition would fail the test of necessity.

25. A condition imposing aftercare in excess of 5 years is not agreed to by Tuckwells as the applicant; further, given the phased programme of working and restoration, confidence can be placed in the effective provision of the restored habitat without resorting to a 30 year timeframe applicable to BNG, which does not apply to ROMP applications.

26. The ES is required to record the residual impacts of the scheme; it is up-to-date for the purposes of Reg 26(2) of the EIA Regs 2017 if it 'addresses' the significant effects. Reg 26(2) does not require that those effects (whatever they are) be resolved.

27. For the reasons given above, none of the three conditions proposed by the County Ecologist is appropriate, and Reg 26(2) has been complied with by the ES.

CHRISTOPHER BOYLE KC

16th October 2025

Landmark Chambers, 180 Fleet Street,

London,

EC4A 2HG.

Ecological Technical Note
Radley Lakes, Thrupp, Oxfordshire

1 Introduction

This technical note has been prepared by GE Consulting and presents a summary of Ecology Information for Radley Lakes, Thrupp, Oxfordshire (central OS grid reference: **Error! Reference source not found.**. H. Tuckwell and Sons Ltd and the result from the Ecological Impact Assessments submitted as part of the Environmental Statement for the Thrupp Farm Review of Mineral Planning Permissions (ROMP).

2 Ecological Surveys

A range of ecological surveys have been undertaken to inform the ecological baseline, and inform the assessment. **Table 1** below summarises the surveys. Full details can be found in ES Appendix C Ecological Impact Assessment v2. dated July 2024 which formed the 25-07-2024 ES updates to address 05/07/2024 Regulation 25 Request for Further Information referred to from hereon as the EcIA.

It is important that planning decisions are based on up-to-date ecological reports and survey data. However, it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. In some cases there will be specific guidance on this (such as for the age of data which may be used to support an EPS licence application). In circumstances where such advice does not already exist, the Chartered Institute of Ecology and Environmental Management (CIEEM) has produced an Advice Note – On the Lifespan of Ecological Reports and Surveys (CIEEM, 2019)[1].

Table 1: Baseline Data Collection

Survey Type	Date (s)	Survey Validity (based on CIEEM, 2019)
Desk Study	May 2023 and April 2024	12-18 months - Likely to be valid in most cases. Unlikely that significant further contextual data could be gained via updating the desk study, considering the extent of Site specific surveys undertaken.
Extended UK Habitat Classification Survey and Detailed Botanical Survey	UKHab May 2023 (With ad-hoc updates during further surveys). Botanical Survey May & July 2023.	18 months to 3 years. Update walkover required to validate baseline prior to determination.
Bat Activity Surveys	June, July and August 2021 (AD Ecology) May, June and September 2023	18 months to 3 years – Likely to be valid unless habitats have changed. Extensive data collected since 2021. Further data collection unlikely to provide any further quantitative benefit to mitigation scheme.
Breeding Bird Surveys	2021 and 2022 (AD Ecology) May to August 2023	18 months to 3 years – Likely to be valid unless habitats have changed. Key ecological constraint, but extensive data (both from surveys and via records) that further survey is unlikely to be necessary.
Wintering Birds Surveys	November 2020 & January 2021 (AD Ecology)	More than 3 years – Likely to be valid unless habitats have changed.
Reptile Surveys	July to October 2023	18 months to 3 years – Likely to be valid unless habitats have changed.

[1] https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf

Survey Type	Date (s)	Survey Validity (based on CIEEM, 2019)
Riparian Mammal Survey	June and October 2023	18 months to 3 years – Likely to be valid unless habitats have changed.
GCN Surveys (eDNA)	2022 (AD Ecology), and May 2023	18 months to 3 years. Extensive sampling of waterbodies undertaken, providing good coverage of extent of GCN metapopulation presence/absence in various waterbodies. Updates unlikely to provide further useful information unless habitats have changed
GCN Population Class Size Assessment Survey	May – June 2024	12-18 months - Likely to be valid in most cases unless habitats have changed. Update surveys will be required to inform a European Protected Species Mitigation Licence.
Fish Survey	October 2023	18 months to 3 years – Likely to be valid unless habitats have changed. Further fish surveys considered unlikely to provide further data re: fish presence/populations which could have a material impact on scheme proposals/mitigation unless habitats have changed.
River Condition Assessment	November 2023	18 months to 3 years – Likely to be valid unless habitats have changed. Will need to be updated/validated prior to submission (for BNG purposes).
Invertebrate Surveys	2021 (AD Ecology) Extensive contextual records from Abingdon Naturalist Society	More than 3 years. Extensive records available. Further survey unlikely to provide significant benefit unless habitats have changed.

3 Ecological Input into the ES

3.1 Impacts to Statutory Designated Sites (Section 5.1.1 of EcIA)

There are no internationally designated Sites within proximity to the Site, the nearest being Cothill Fen SAC c. 5.3km to the northwest and Little Wittenham SAC c. 5.9km to the southeast. No direct impacts are anticipated upon either site, though Little Wittenham SAC (and its component SSSI) has some potential for hydrological connectivity with the Site via the River Thames/Isis. However, the SAC is designated solely for its population of GCN utilising two ponds within Little Wittenham Wood, and the only threat/pressure associated with the site is invasive/undesirable species, with hydrological impacts not highlighted.

There are a number of nationally designated sites within the locality, though due to the nature of the scheme, only one – Culham Brake SSSI c. 500m southwest, is considered to be at risk of potential indirect impacts from the scheme. The ROMP Site falls within the Impact Risk Zone for the SSSI, which highlights ROMP applications as posing a likely risk to the SSSI. Culham Brake comprises a small area of willow carr adjacent to a channel directly watered by the River Thames/Isis. The SSSI contains one of

the largest British populations of summer snowflake *Leucojum aestivum* a red databook plant. As such, the SSSI has the potential to be impacted due to its hydrological connectivity with the ROMP Site, with pollution events potentially resulting in adverse effects upon the SSSI.

Enabling and extraction activities at the Site will be controlled via a Construction Environment Management Plan (CEMP), to ensure that works do not result in pollution to the aquatic environment, additionally, groundwater and rainfall will be captured in the quarry void (for each phase) and will be collected in a sump on the quarry floor. The water will be settled to remove any suspended solids, and then discharged into existing surface watercourses. This will be subject to an Abstraction Licence and Environmental Permit issued by the Environment Agency. On this basis no direct impacts upon statutory designated sites are anticipated and indirect impacts can be avoided with suitable working methods in *place.*

3.2 Impacts to Non-Statutory Designated Sites (Section 5.1.2 of EcIA)

Radley Gravel Pits Local Wildlife Site (LWS) covers part of the Site and all of the remaining wider Radley Lakes Site which is within the ownership of the client. Phases A, B1 and some sections of B2 lie outside of the LWS, and as such, no direct impacts upon the LWS are anticipated in respect to these phases.

The citation selection form describes the LWS as follows:

"This large site is a series of former gravel workings and adjacent areas on the flood plain of the River Thames. Some of the pits have been filled with landfill or pulverized fuel ash (PFA), while others remain as waterbodies. Parts of the site have been restored with a strong emphasis on wildlife, while some sections have been left to colonize naturally. Some adjacent areas are still in commercial use. A number of water bodies are present, some long established with low conductivity levels and high biodiversity interest. Others have higher conductivity levels. The emergent and aquatic plants are varied as are the invertebrates.

Some parts of the filled pits have been covered with topsoil and large areas have been left to colonize naturally. Some areas have been planted with trees. Areas developed for wildlife have scrapes with islands and plant introductions. Hedges, ditches, a cycle track and a disused railway track divide the site.

There are a variety of terrestrial habitats with areas of open ground with early successional vegetation, grassland, scrub, woodland, sedgebed, reedbed and small areas of wet woodland. The open ground includes freely drained and waterlogged areas, with a wide variety of ruderals species both native and introduced. The grassland is recent, over former arable or gravel areas. It has species which prefer neutral to calcareous and ungrazed conditions. The scrub is mostly over landfill and is composed of hawthorn and bramble with introduced species such as buddleia. The sedge beds are species rich and include many young willows.

The site also includes Barton Fields Jubilee Wildlife Site which is managed by a local group and includes grassland where the aim is to encourage plant diversity and ditches with records for water vole. Harvest mouse has also been recorded. They have introduced some uncommon wildflowers including spiny restharrow and lesser calamint.

The site provides valuable habitat for birds including summer assemblages of birds associated open water and fen and overwintering gadwall."

The remaining areas of Phase B2 and Phase C lies within the LWS, and as such, mineral excavation activities will result in the loss/removal of habitats present within these areas for the duration of each phase. This includes much of Orchard Lake and its associated marginal habitats and much of the wet

woodland and mosaic of scrub/reedbed which bounds the lake and watercourses which separate the two phases.

Radley Lakes LWS has been subject to extensive and significant human interventions, both historically in connection with construction of the railway (now defunct), and throughout the 20th century in connection with firstly mineral extraction (sand and gravel) and then the use of the voids for the disposal of PFA. Large areas of the LWS are now dominated by PFA. While these areas are anthropogenic in their formation, they have become valuable habitat both for early successional flora, and for a range of invertebrate species as ecological succession progresses.

Due to the phased nature of proposals (i.e. each phase will be worked and then restored), habitat losses will be gradual and phased over the 10-15 year expected period of activity. As such, only a small proportion of the LWS will be impacted at any one time and the overall habitat structure, function and integrity of the site is considered to be maintained throughout the duration of the extraction phase, with alternative and connecting habitat available within the wider LWS and locality for displaced wildlife to move into for continues habitation and foraging etc.

In the medium to long-term the impacted/lost habitats within the ROMP excavation areas will be returned to a larger mosaic of habitats similar to those within the wider Radley Lakes site (i.e. open water lakes, wetland/riparian habitats, grassland, scrub and woodland) which are the result of previous mineral extraction activities. As such, while activities will result in short-medium term negative impacts on the LWS, in the medium-long term, following the phased restoration and subsequent establishment of restored areas and active long-term sensitive management coupled with specific interventions for protected species (as outlined in relevant sections), there will be a positive impact on the LWS.

As outlined above activities at the ROMP Site will be controlled via a Construction Environment Management Plan (CEMP), with any discharges subject to an Abstraction Licence and Environmental Permit issued by the Environment Agency.

Additionally, invasive species including New Zealand Pygmyweed (which is present in Orchard Lake), Himalayan balsam, zebra mussel and any other non-native species will be controlled as a result of extraction activities.

Additional direct or indirect impacts upon other non-statutory designated sites within the locality are not anticipated.

3.3 Impacts to Habitats and Flora (Section 5.2 of EcIA)

As well as direct impacts via loss of habitats within the four operation areas (albeit on a Phase by Phase basis), the scheme could result in both temporary and permanent effects on the ecological receptors associated with the Site. **Of the total 26.25ha ROMP Site it is anticipated that c. 14.2ha will be subject to extraction, as such habitats within the four Phases, will be impacted either permanently (in the case of the terrestrial habitats) or temporarily (for aquatic habitats).** These include a number of Habitats of Principal Importance as identified by the detailed Botanical Survey. These include the following:

- Wet woodland: Around the southern and western parts of the lake in Phase B2 and Phase 3
- Lowland fens: Much of the area of areas Phase A, Phase B1, B2 and around the lakeshore
- Lowland reedbeds: Predominantly in the two watercourses in the west of the site (Phase A and Phase B1) and along the northern edges of these two areas and the southern edge of Phase A. Also, along much of the northern and western edges of the lake.
- Open mosaic habitats on previously developed land: Predominantly along the northern half of the northern haul route but also over much of Area C in the southern section of the northern haul route.

- Lowland meadows: The open areas of Phase A, Phase B1 and Phase B2 which are not identified as fen, greater pond sedge swamp, or reedbed.
- Mesotrophic lakes: The lake comprising much of Phase C.

While the proposals will result in the loss of c. 54% of the total Site area, these losses need to be taken in the context of the scale and nature of the scheme, which will be undertaken in a phased manner over a period of c.20 years with each phase undergoing a comprehensive restoration following completion of extraction as outlined in the Concept Restoration Plan and discussed below. As such, habitat losses/gains will be incremental and phased over this period ensuring continuity of habitats in conjunction with the extensive retained areas around the periphery of the four phases, including minimum 16m buffers to Thrupp Water and Radley Brook (though they will functionally often be larger due to other features i.e. bunds etc.).

Restoration

Due to the nature of the scheme a comprehensive Restoration Strategy will be required to outline the measures and mechanisms to restore and enhance the Site following completion of mineral extraction activities and to ensure successful establishment of mitigatory/compensatory habitats, and to maintain the value of all ecological features in the long-term. Outline measures in relation to the sites restoration are detailed within a Landscape Mitigation and Enhancement Strategy (LMES) and Restoration Plan accompanying the application. Further updates to the LMES and Restoration Plan are expected to be required throughout the course of extraction activities to reflect the changing baseline conditions (as informed by monitoring surveys and licencing requirements as necessary) and provide suitable remediation measures and mitigation and enhancement strategies. Updates to these documents at appropriate intervals could be controlled through an appropriately worded planning condition.

The Restoration Strategy should be designed in anticipation of two aftercare uses; to the north, the focus is upon conservation and to the south a focus upon amenity where lakes will be focused on angling/quiet recreation. In order to achieve the desired landform and habitats desired post-development, the Site will be restored to a range of habitats, comprising:

- Four Lakes - two of which will be subject to conservation led restoration on two for angling/quiet recreation;
- Watercourses;
- Permanent and Ephemeral Ponds/Scrapes;
- Swales and Ditches;
- Reedbeds/Fen;
- Wet Grassland;
- Species Rich Grassland;
- Scrub, Tree and Hedgerow Planting.

In addition, enhancements for protected species will be provided in the form of:

- New Wildlife Pond (for GCN);
- Tree Mounted Bird Boxes;
- Tree Mounted Bat Boxes, to be erected in groups of 2-3);
- Barn Owl Boxes;
- Reptile Hibernacula;
- Artificial Otter Holts.

Indicative locations of these mitigation and enhancement measures are shown on the LMES.

Due to the possible variation in demand for aggregates, and the potential for delays to quarrying by flooding events, the exact start and end dates of each of the restoration phases are impossible to

predict. However, wherever reasonably practicable the restoration of each phase should be completed within one year of the completion of extraction within that phase.

Lakes

A wide bench will be incorporated at water level to allow for the creation of scrapes and micro-shoreline features. These should tie into the existing ground levels outside the extraction area by gentle gradients. The landform should be designed to facilitate the creation of bays, promontories and wider areas of shallow water for the establishment of wetland plant species, reedbed and wet grassland. There will be no import of materials from off-site to create shallows and benches within the new lakes.

Aquatic vegetation will be left to colonise naturally from existing ponds and ditches abutting the restored areas. Where necessary this will be supplemented from aquatic and marginal vegetation transplants derived from existing lakes and wetlands on site.

The lake will be monitored for the presence of invasive aquatic species such Australian swamp stonecrop *Crassula helmsii* which is currently present within Orchard Lake.

Radley Brook

While the watercourse is to be retained and suitably buffered by a minimum of 16m interventions to improve condition, drainage function and value to biodiversity are proposed including:

- Removal of approximately 50% of existing bank top willow trees to reduce shading;
- Improved bank top water related features, allowing back waters or ponds to form following flooding of the river;
- Increasing the diversity of bank face gradient and structures; for example allowing the river to scour out sections of the bank to create overhanging sections;
- Introducing flow deflectors in the channel in the form of berms and benches, tree growth or wooden deflectors to increase the hydraulic and bed feature richness; and
- In terms of long-term management, it is important to be mindful on the diversity and richness of vegetation and tree type on both the bank tops and bank face; these include J shaded and slanting trees as these provide a variety of habitats.

Ponds

A new wildlife pond will be created in a woodland glade ion the north east of the Site. The surface area should be a minimum of 200 m² with a minimum central depth of 1.5 m, and the margins will be graded to provide a shallow submerged shelf around the margin. The ponds will be lined with clay to ensure permanence and left to re-fill naturally.

Macrophyte cover will be encouraged to an optimal 70-80% cover, ideally 25-50% emergent cover and 50-75% submergent cover. This will be achieved by introducing aquatic vegetation along the margins. Vegetation will be imported from a local nursery.

Upon completion the pond will be stock-fenced c. 1m from the banks to discourage use by waterfowl and ensure the banks are not damaged by recreation/dog walking.

Following two years post-creation, if aquatic vegetation has not begun to colonise naturally from existing ponds and ditches abutting the restored areas, aquatic plants will be transplanted from existing on site stock and planted around the pond margins.

Swales and Ditches

Damp swales and ditches will be created and planted with linear blocks of water tolerant shrubs including white willow *Salix alba*, crack willow *Salix fragilis*, osier *Salix viminalis* and alder *Alnus glutinosa* in equal quantities. Planting should be planted on the upper margin of the swales/ditches, leaving a mixture of open and shaded/sheltered sections.

Reedbeds

The vegetation community will be created by planting common reed Phragmites australis stem cuttings at a density of 10 per m² and at a depth of 50 mm, in the period November through February.

Wet Grassland & Species Rich Grassland

Planting should look to replicate those habitats currently present. This should be through a combination of natural vegetation (as this will also allow the creation of Open Mosaic Habitats) and the spreading of green hay, cut from existing grassland areas within Phases A and B1, as well as any other particularly ecologically areas within the ROMP Site.

Where required this can be supplemented with overseeding via the use of appropriate seed mixes as outlined below:

- Germinal Seeds RE2 Lowland Meadow (NVC MG9 Grassland);
- Germinal Seeds RE3 River Floodplain / Water Meadow (NVC MG8 Grassland); and
- Germinal Seeds RE10 Marginal Land (NVC U20 Grassland).

On-site assessment of pH and nutrient levels (prior to seeding) should be undertaken, and amendments to the mix made as required to ensure effective establishment and diversity. Furthermore, it should be noted that whilst every effort will be made to obtain this seed mix, due to fluctuations in availability individual species may have to be substituted or omitted if they are found to be unavailable in that seeding year.

Seeding should be performed in August through early September. If seeding at that time is not possible then a spring seeding in March through May will be necessary, but this is unlikely to be as effective. Where possible seed should be drilled at a sowing ratio of 3-5 g/m², but small sections may be manually broadcast.

Scrub, Tree and Hedgerow Planting

The trees and shrubs will be planted as a double staggered row with plants and rows 450 mm apart. All stock should be pit-planted into the loose substrate and fenced to protect from grazing stock. Where available, local provenance stock should be used as much as is practicable.

Hedgerow and scrub mix is to comprise an even mix of: hawthorn *Crataegus monogyna* (40%); blackthorn *Prunus spinosa* (15%); hazel *Corylus avellana* (10%); grey willow *Salix cinerea* (5%); goat willow *Salix caprea* (5%); field maple *Acer campestre* (10); alder *Alnus glutinosa* (5%) and wild privet *Ligustrum vulgare* (5%).

Some of the habitats present within the Site require further consideration in relation to supporting protected and notable species as further discussed below.

Wider Radley Lakes Site

It is understood that the Oxfordshire Count Ecologist supported the idea of a site wide restoration and management plan for these areas thus ensuring the protection and improvement of the Local Wildlife

Sites. As such the Environmental Statement (Land and Mineral, 2023) has included an outline for the restoration of wider Radley Lakes (outside of the ROMP Site), this is shown on Plan 757-01-05.

With the exception of the Curtis Yard Industrial Estate and the Tarmac Plant shown on Plan no: 757-01-05, the areas within ROMP Areas DD1 and DD2 outside of the Site have either been restored to lakes/ponds or have successfully naturally regenerated to a mosaic of grassland, woodland and scrub.

The naturally regenerated areas are titled 'Previously Worked/Naturally Regenerated' on Plan no: 757-01-05. It is proposed that these areas are subject to a 5-year Restoration Management Plan, which includes:

- Baseline ecological survey;
- Habitat management;
- Opportunities for tree/shrub planting;
- Control of invasive species; and
- Removal of fly tipped waste.

A 'Draft Restoration Management Plan' for this area has been included in the ROMP Application[2]. Within 2 years from the commencement of mineral extraction the 'Draft Restoration Management Plan' shall be reviewed and updated if required and submitted to the Mineral Planning Authority for approval. This document is found in Appendix 5 of the submitted Environmental Statement.

Technical Note

Appendix J Technical Note- Ecology submitted for the 18-02-2025 ES updates to address the 27/01/2025 Regulation 25 Request for Further information was a rebuttal to a rebuttal to then Council Ecologist objection dated 04-12-202 4. This rebuttal does not include Paragraph numbers. The relevant sections are as follows: A meeting was held at Oxfordshire Council offices on 13th January 2025 with Beccy Micklem (Principal Biodiversity Officer, OCC) and Jack Wheeler (Senior Biodiversity Officer, OCC) specifically to discuss this response and a way forward. In the meeting it was suggested that the applicant could seek to compensate for habitat losses on land out with the ROMP application boundary. This included, for example, the creation of lowland fen habitat, a habitat that is considered to be irreplaceable. This is not considered viable due to the fact that the applicant does not own or control land suitable for the creation of lowland fen – a habitat that is reliant on suitable hydrological regimes and specific substrates in order to establish.

The applicant has managed the area of land north and south of Radley Brook (areas identified as lowland fen habitat which includes Phases A, B1 and B2 on Plan 757-01-06) through topping on a regular basis over the years in recognition that sand and gravel extraction would be undertaken. This has maintained the lowland fen habitat and prevented scrub and eventually wet woodland covering these areas through the process of natural succession. Without management intervention the lowland fen habitat would be outcompeted and shaded with scrub and wet woodland becoming the dominant habitats. This would be similar to much of the habitat in the wider area including areas within the ROMP application boundary to the north and east of the proposed phased working areas. With an existing permission in place the applicant had considered this was the appropriate course of management to allow future mineral extraction in these areas to take place without requiring clearance of woodland habitat.

If the ROMP proposals are not implemented there will be no requirement or benefit for the ongoing regular management and maintenance of these areas, and it is considered likely that lowland fen habitat coverage will reduce on site over time. In the medium to long term, it would be predicted that in

[2] The Tarmac Plant is excluded from this scheme as this has permanent planning permission.

the absence of sensitive and appropriate management, the overall ecological value of the ROMP area will be reduced. Primarily this will be as a result of wet woodland dominance, resulting in a gradual reduction in habitat structure, diversity and availability of ecological niches. For example, ponds will become overshaded and choked with vegetation reducing their suitability to support amphibian populations, as has already happened within areas to the north (refer to Figure 3 of the submitted EcIA – ref. 1957-EcIA-NH-VERSION2-REV1), whilst a reduction of grassland and fen habitat types will reduce habitat diversity and areas suitable for reptile basking and foraging. Whilst the habitat types that will result on site in the medium to long term are different in type and extent to the current baseline, the overall benefit of bringing all restoration and ROMP areas under sensitive long-term management are considered to adequately compensate the reduction in extent of high quality and irreplaceable habitats.

For example, there are significant retained areas of lowland fen habitat within buffers that will be suitably protected and brought under favourable management ensuring the long-term viability of this habitat on the site. Other priority habitats of high distinctiveness and quality are proposed to be created, and this is considered to sufficiently compensate for unavoidable habitat losses resulting from the proposals.

The mitigation hierarchy has, therefore, been followed in the design of the proposals as follows (refer to Section 5.2 of the submitted EcIA – ref. 1957-EcIA-NH-VERSION2-REV1 for further details).

Avoid – The proposals retain the Radley Brook with a buffer that includes lowland fen habitat. Significant buffers are provided to boundary vegetation and proposals have sought to avoid the loss of trees and woodland wherever possible.

Mitigate – A comprehensive strategy for the long-term restoration and management of all habitats within the ROMP area is proposed to maximise habitat diversity and benefit biodiversity in the long term.

Compensate – Where unavoidable habitat losses occur as a result of the proposals these will be compensated through the creation of new diverse high-quality habitats as part of the restoration and management plans.

Enhance – It is proposed as part of the proposals to enhance habitats within the wider ROMP area through, for example, selective thinning and woodland management to enhance existing habitats.

Furthermore, new opportunities for a range of wildlife are proposed through provision of artificial otter holts, barn owl boxes, reptile hibernacula and a variety or artificial bat and bird boxes suitable for a variety of species