

Didcot Garden Town HIF 1 Scheme

Environment Agency BNG Comments Response

Oxfordshire County Council

April 2023

Quality information

Prepared by	Checked by	Verified by	Approved by
AM	PC/ EM	MW	AB

Revision History

Revision	Revision date	Details	Authorized	Name	Position

Prepared for:

Oxfordshire County Council

Prepared by:

AECOM Limited
12 Regan Way
Chetwynd Business Park
Nottingham NG9 6RZ
United Kingdom

T: +44 (115) 907 7000
aecom.com

© 2023 AECOM Limited. All Rights Reserved.

This document has been prepared by AECOM Limited ("AECOM") for sole use of our client (the "Client") in accordance with generally accepted consultancy principles, the budget for fees and the terms of reference agreed between AECOM and the Client. Any information provided by third parties and referred to herein has not been checked or verified by AECOM, unless otherwise expressly stated in the document. No third party may rely upon this document without the prior and express written agreement of AECOM.

Table of Contents

1.	Introduction.....	5
2.	Nature conversation and biodiversity	5
3.	Other considerations	8

Appendix A Figure 8.72C and 8.72D Landscape Masterplan Sheet 3 and
4 of 19

1. Introduction

- 1.1 Further comments have been made by the Environment Agency (EA) in relation to planning application R3.0138/21 in their letter dated 13th of March 2023. The EA state that their objection to the planning application is maintained in relation to nature conversation and biodiversity; the original rationale for this objection is set out in their letter dated 14th of April 2022. This response specifically seeks to provide information in relation to the EA's letter dated 13th of March 2023.
- 1.2 The EA has now removed their objection on Flood Risk and Water Framework Directive grounds.
- 1.3 This document provides a response to each relevant line of the aforementioned response. Each comment is set out in "*green, italicised text*" in order to clearly identify comments from the applicants response, which are provided below in black, non-italicised text.

2. Nature conversation and biodiversity

EA Comments dated 14th April 2022 and Applicants Response

- 2.1 In their most recent comments dated 13th of March 2023 the EA state "*The additional details submitted in relation to this topic do not satisfactorily address our earlier concerns. We therefore maintain our objection on grounds of the impact to nature conservation and biodiversity as set out in our response dated 14 April 2022*". The comments below are from the EA's objection from 14 April 2022, responses have been provided against each of these comments. In some instances, these repeat responses already provided in the Regulation 25 Response dated November 2022. ES Addendum dated November 2022 should also be referred too.

The proposed new outfalls, works to existing watercourse outfalls which discharge into various tributaries of the river Thames and other associated works to these watercourses including alterations to the channel width, depth and alignment will present a significant loss of riparian and in-channel semi-natural habitat. This impact is recognised within the Biodiversity Net Gain Assessment, but insufficient mitigation is provided to address this and enhancements to local river habitats have not been considered.

- 2.2 The revised Biodiversity Net Gain (BNG) Assessment, provided in Appendix R of the Regulation 25 Response (November 2022), identified that a small net gain in riparian planting would be achieved at 1.26%. Proposed riparian planting was shown on the revised landscape plans submitted in Appendix V of the Regulation 25 Response (November 2022). The approved restoration plan for the Hanson 'finger lakes' (located south of the River Thames) has been factored into the baseline BNG calculations to avoid double counting of enhancements. The BNG metric and associated assessment report has since been amended to take account of comments from OCC's ecological advisors, please see the Regulation 25 Response (April 2023)¹.
- 2.3 It is considered that all attempts have been made to enhance watercourses within the redline boundary, and thus in control of the applicant. Working with the Trust for Oxfordshire's Environment (TOE) the applicant has secured riparian habitat offsetting on land outside of the redline boundary which will enable the Scheme to achieve 10% net gain for riparian habitats².
- 2.4 These offsite enhancements are unlikely to take place at watercourses identified by the EA in their response form the 13th of March 2023, due to difficulties with agreeing enhancements with

¹ Available through OCC's planning application search facility
<https://myeplanning.oxfordshire.gov.uk/Planning/Display/R3.0138/21>

² A confidential document has been provided to the LPA planning officer for the Scheme as it contains financial information.

landowners that are not previously involved with the Scheme, which would be a protracted process and there is no certainty that negotiations will result in an agreement being achieved.

To overcome our objection the applicant will need to address our concerns and ensure that the Defra Metric 3.0 is being properly applied. Revisions to the submitted Landscape and Biodiversity Management Plan should be submitted.

- 2.5 The BNG Metric was updated to Metric version 3.1, as requested, and the BNG Assessment report was updated and provided in Appendix R of the Regulation 25 Response (November 2022). The Outline Landscape and Biodiversity Management Plan was also updated accordingly and was provided alongside the Regulation 25 Response (November 2022).

We welcome the use of sustainable drainage proposals however, where there are proposals to realign or otherwise modify existing watercourses (e.g., by realigning or inserting hydrobrakes), the ecological impacts, including habitat severance, need to be properly considered.

Some of the described modifications in the drainage strategy were not described in the ecological walkovers for each watercourse, including ditches. Whilst these ditches may not support priority species or habitats, especially when dry, they may be used when wet (e.g., by amphibians) and their predators (e.g., grass-snakes, otters, etc).

- 2.6 All aspects of the Scheme and the associated ecological impacts were considered in Chapter 9: Biodiversity of the Environmental Statement (ES). This chapter was updated following comments from stakeholders and was included in the ES Addendum submitted to OCC in November 2022. In addition, a number of supporting survey reports were updated and provided in this ES Addendum, including Reptile Survey Report; Great Crested Newt Report; Breeding Bird Survey Report; and Otter and Water Vole Survey Report. Further information on the comments addressed is available in the Regulation 25 Request Response (November 2022).

It is also stated that Otters are unlikely to frequent watercourses in the area due to the lack of large fish. However, Otters will feed on amphibians such as frogs and toads and will also use minor watercourses as exploratory and commuting routes. Therefore, their potential presence should not be discounted, and these watercourses should be protected or improved to ensure these species can continue to use or are enabled to use these routes.

- 2.7 It is hard to ascertain exactly which of the application documents this comment is referring to as no reference is given. However, we believe this comment relates to Appendix 9.11 Otter and Water Vole Survey Report, and the habitat descriptions provided in relation to WB15 in Table 4.2 Results of Otter field surveys undertaken within the survey area in 2020. WB15 is a surface water drainage ditch that surrounds the landfill located west of the Scheme and allows water to flow into a large attenuation pond located to the north. The habitat description provided for WB15 states *"The ditch is not ideal for Otters due the absence of holt and couch habitat. Furthermore, the water is shallow with limited potential to support large fish species"*. This table sets out that no signs of Otter activity were recorded across two visits in 2020 during May and August. The habitat description provided in Table 4.3 Results of Water Vole field surveys undertaken within the survey area in 2020 for WB15 also states that *"Ditch has steep banks with aquatic vegetation and Soft Rush Juncus effusus on the margins and a slow flow of water. The ditch is also connected to a waterbody. However, this ditch dries annually..."*. Images provided in Appendix B of the Otter and Water Vole Report show a steep sided ditch, poorly managed with very shallow water present. Moreover, this ditch is not hydrologically connected to any other watercourses that are identified as having potential to support Otter, so it is unlikely to be used as exploration or commuting routes by Otters.
- 2.8 Approximately 125m of this ditch has been included within the redline boundary, in order to facilitate construction of a new access road to Hanson and FCC mineral workings and landfills located west of the Scheme. However, the majority of this ditch is outside of the redline boundary for the Scheme and therefore, is not within the control of the applicant. Moreover, control of the small section of ditch that is within the redline boundary will be passed back to FCC once the Scheme is built, who currently operate the ditch as a surface water drain for their landfill which is located west of the Scheme. This means that the applicant has limited control over any enhancements to this ditch.

We recognise that the replacement culvert on the Moor Ditch being shorter in length is an improvement, in addition to areas of Otter and Badger fencing to reduce the risk of road casualties however, overall, there remains a net deficit in river habitat units as identified in the Biodiversity Net Gain assessment. There is insufficient assessment regarding the choice of the river Thames bank adjacent to the Hansons restoration site as a biodiversity enhancement site and there is a lack of assessment regarding the quality of the current habitat and reasoning as to why the site currently does not support the range of common marginal aquatic plants that are proposed here.

The proposed mitigation is currently inadequate as it ignores the likely impact and opportunities to make more localised improvements to watercourses being directly affected by the scheme. This would remove the penalty applied by the net gain metric due to the impact and mitigation being on different waterbodies.

- 2.9 The proposed enhancement along the northern bank of the Thames is based on the baseline established through River Habitat Surveys (RHS) and the known presence of Invasive Non-Native Species (INNS). It is proposed to enhance the habitats and species that are already present along the River Thames to improve the overall condition of the watercourse. As described previously, the RHS provided robust and detailed assessment of the current condition of the River Thames, comparable with the Modular River Physical Survey (MoRPh) that was interpreted from it. Additionally, there no net deficit in river habitat units was identified, but a net gain of 1.26% was identified (see the BNG Assessment report in Appendix R of the Regulation 25 Response (November 2022)).
- 2.10 It is considered that all attempts have been made to enhance watercourses within the redline boundary, and thus in control of the applicant. Proposed riparian planting was shown on the revised landscape plans submitted in Appendix V of the Regulation 25 Response (November 2022). These plans have since been updated following comments from OCC's landscape advisors, please see the Regulation 25 Response (April 2023)³. As set out above, the applicant has secured riparian habitat offsetting on land outside of the redline boundary which will enable the Scheme to achieve 10% net gain for riparian habitats.

EA Comments dated 13th March 2023 and Applicants Response

- 2.11 The following provides response to the comments set out in the EA's latest comments dated 13th of March 2023.

"We acknowledge that it is proposed to provide mitigation measures on the Meadow Brook and also within the Hanson restoration area. However, drawing number GEN_PD-ACM-EWE-DGT_ZZ_ZZ_ZZ-FG-HD-0010 appears to show that the Meadow Brook is outside of the red line boundary.

The application should examine and demonstrate mitigation measures which can be implemented locally across all water features within the application area. Full consideration of on-site, local mitigation and enhancement should be considered before off-site mitigation is proposed."

- 2.12 The drawing which has been referenced is a water resource features drawing and is used in the full Water Framework Directive report, submitted with the ES Addendum (April 2023)⁴, to identify water resources across the site at a high-level of detail. The Meadow Brook flows through the Site; part of it this watercourse is within the Site boundary and part of it is outside of the Site boundary. Drawings GEN_PD-ACM-ELS-GEN_ZZ_ZZ_ZZ-DR-LV-0003 and 0004 (Figure 8.72C Preliminary Landscape Masterplan Sheet 3 of 19 and Figure 8.72D Preliminary Landscape Masterplan Sheet 4 of 19) show that the channel and land either side of Meadow Brook is included in the redline boundary (see Appendix A)⁵. Moreover, these drawings show

³ Available through OCC's planning application search facility
<https://myeplanning.oxfordshire.gov.uk/Planning/Display/R3.0138/21>

⁴ This document was provided to the EA in December 2022 prior to the submission of the final ES Addendum (April 2023) to allow the EA to have sufficient time to comment.

⁵ Note that the Landscape Masterplans have been revised following a further request for further information, the area of the riparian planting discussed above has not changed. The revised drawings are available through OCC's planning application search facility.

that riparian planting is proposed along southern bank of the Meadow Brook. This has been factored into the Biodiversity Net Gain calculations for the Didcot HIF 1 scheme. It is considered that all attempts have been made to enhance watercourses within the redline boundary, and thus in control of the applicant. Working with TOE the applicant has secured riparian habitat offsetting on land outside of the redline boundary which will enable the Scheme to achieve 10% net gain for riparian habitats.

“Further information should also be provided in relation to enhancements which can be made to all culverts associated with this development, not just culverting on the Moor Ditch.

There are many waterbodies referred to Section of the Environmental Statement Addendum (updated December 2022) which could support protected or notable species but are not scoped into the screening and have not been mentioned in the Biodiversity Net Gain assessment.

These include:

- 4.3.18 (WB6, part of the Moor Ditch),
- 4.3.22 (WB7, an artificial lake),
- 4.3.28 (WB8, flows clockwise and joins Moor Ditch at A4130)
- 4.3.33 (WB9, Moor Ditch section),
- 4.3.43 (WB18, ponded area located next to the railway sidings leading from Hanson quarry),
- 4.3.50 (WB19, large pond located south of Appleford Crossing in a garden),
- 4.4.20 (WB05, roadside drainage ditch which flows along the farm track, south of A415 - flows east-west and joins an unnamed tributary of the Thames),
- 4.4.27 (WB16, wetland area to the south of the River Thames within the floodplain).

2.13 All watercourses and ditches, with the exception of those identified as ‘dry ditches’ as per BNG guidance, have been included in the BNG (River Metric) assessment. This includes all sections of watercourses/ditches referred to in the Water Framework Directive (WFD) assessment report (see ES Addendum April 2023).

2.14 Protected/notable species do not form part of the WFD assessment, with the exception of those species used for WFD classification (i.e., macroinvertebrates and macrophytes). Other Protected/Notable species have been assessed through the ecological assessments (e.g., otter and water vole) and are reported in the Chapter 9: Biodiversity of the ES (see ES Addendum November 2022). Likewise, protected/notable species do not form part of the BNG (River Metric) assessment, although the assessment of habitats that it includes, and the recommendations that it makes, inevitably provide benefits for those species.

“Overcoming our objection

To overcome our objection the applicant will need to address our concerns and ensure that opportunities to deliver protection and enhancement of localised watercourses and water features are proposed.”

2.15 As set out above, the applicant has secured riparian habitat offsetting on land outside of the redline boundary which will enable the Scheme to achieve 10% net gain for riparian habitats.

3. Other considerations

The EA should review the revised BNG report submitted as part of the Regulation 25 Response (April 2023) and the response to further BNG comments contained therein. In addition, the EA should review the revised Landscape Masterplans also provided as part of Regulation 25 Response (April 2023).

Appendix A Figure 8.72C and 8.72D Landscape Masterplan Sheet 3 and 4 of 19

