

03/2/11

Berkshire  
Buckinghamshire  
Oxfordshire



**STATEMENT OF CASE**

**BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE  
WILDLIFE TRUST (BBOWT)**

**In respect of**

**Application for the Proposed Chiltern Railways (Bicester to Oxford  
Improvements) Order under the Transport and Works Act 1992 (TWA)**

**August 2010**

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## **1. Introduction**

The Berkshire Buckinghamshire and Oxfordshire Wildlife Trust ("BBOWT") is one of 47 county-based Wildlife Trusts that work across Britain, together forming the Royal Society of Wildlife Trusts. BBOWT is a registered charity that was established in 1959 and aims to secure a region rich in wildlife for the benefit of its members and the general public. BBOWT represents over 50,000 members principally living within the Upper Thames counties and manages 88 nature reserves across the three counties. BBOWT is the only voluntary organisation in the region concerned with all aspects of nature conservation.

The Berks, Bucks & Oxon Wildlife Trust (BBOWT) submitted objections to the TWA order application in a letter to the Secretary of State for Transport on the 17<sup>th</sup> February 2010. These objections related to:

1. Lack of assurance of continued access to our Woodsides Meadow nature reserve, a Site of Special Scientific Interest (SSSI).
2. Lack of information in relation to ecological impacts, including on Oxford Meadows Special Area of Conservation, several Sites of Special Scientific Interest, Gavray Drive Local Wildlife Site, protected species and Biodiversity Action Plan priority species, and a need for further mitigation measures and biodiversity enhancements.

## **2. BBOWT's Case**

No further information has been submitted to address the above issues; BBOWT will therefore submit that the proposal is unacceptable since it removes access to our landholding at Woodsides Meadow nature reserve without providing appropriate replacement access.

BBOWT will submit that the application does not provide sufficient information to allow an assessment of likely significant affect on Oxford Meadows SAC, as required under Regulation 61 of the Conservation of Habitats and Species Regulations 2010. BBOWT will submit that insufficient assessment has been undertaken of the impact on SSSIs along the route, and on Gavray Drive Local Wildlife Site (LWS). BBOWT will submit that there is insufficient assessment of impact on bats using the Wolvercote tunnel, and insufficient consideration of potential impacts on brown

hairstreak butterflies and tassel stonewort, both listed as species of principal importance under the Natural Environment and Rural Communities Act 2006.

### **3. Access to Woodsides Meadow Nature Reserve (SSSI)**

BBOWT have access rights to Woodsides Meadow nature reserve via Mansmoor Road and the bridleway over the 'BEEBONT' level crossing. We have utilised these access rights since our purchase of Woodsides Meadow in 1989, to allow access for staff and vehicles to undertake nature conservation management of the Site of Special Scientific Interest (SSSI), and to provide access for visitors to the reserve.

Woodsides Meadow is part of the Wendlebury Meads and Mansmoor Closes SSSI. The SSSI status of the site means that as owners we are under an obligation, under Section 28E of the Wildlife and Countryside Act, to manage it appropriately to maintain the conservation interest for which it has been designated. Without access for people, livestock and grass cutting machinery we would be unable to achieve this.

Under Chiltern Railways proposal, the 'BEEBONT' level crossing will be closed, thus cutting us off from our nature reserve. Whilst we understand from Chiltern Railways that they intend to provide us with rights to access via an alternative route, the details within the application do not provide us with any assurance that this will be achieved. We hope that Chiltern Railways will enter into a legal agreement with us to secure continued access to our nature reserve, but the applicant has not yet addressed this issue and we must therefore object to the application.

### **4. Ecological Impacts**

BBOWT will submit that there are a range of potential ecological impacts arising from the proposals for which insufficient information has been provided to determine the extent of impacts additionally in some cases we believe there is a case for further mitigation and enhancement.

#### ***4.1 Direct Impacts on Oxford Meadows Special Area of Conservation (SAC)***

There is a lack of clarity regarding the amount of land-take from the SAC through construction of a bridge ramp at Aristotle Lane and the permanence of this impact. There is a lack of information on the proposed use of an existing track across the SAC and no assessment of the likely effect of this on the SAC.

The extent of the area to be affected and time duration of impacts are key factors in determining the effect on the SAC. The Conservation of Habitats and Species Regulations 2010 require that the competent authority demonstrates no adverse effect on the integrity of the SAC, BBOWT will therefore submit that further detail needs to be provided to enable the impacts to be appropriately assessed.

#### ***4.2 Direct Impacts on Wendlebury Mead and Mansmoor Closes Site of Special Scientific Interest (SSSI)***

The application identifies the need to relocate a building used to house livestock, and identifies land to be acquired or used along the length of the southern side of the railway line to the east of Mansmoor Road. BBOWT will submit that further information is needed regarding these proposals to determine any likely impact on the SSSI, and that mitigation proposals will need to be provided should impacts be identified.

#### ***4.3 Indirect Impacts on the SAC and SSSIs***

Both Oxford Meadows SAC and Wendlebury Meads and Mansmoor Closes SSSI support habitats dependant on a specific hydrological regime. Creation of structures, such as railway crossings near or on both of these sites has the potential to alter this hydrological regime and thus have negative impacts on the wildlife interest for which these sites have been designated. BBOWT will submit that assessment of the impact on the hydrology of these sites needs to be made and appropriate mitigation proposed if necessary.

The EIA which accompanies the application identifies that during operation of the scheme there will be an increase in air pollution, resulting in critical levels of nitrogen and acid deposition being exceeded at several SSSIs. BBOWT will submit that it would be appropriate to investigate mechanisms to avoid impacts from train emissions. Avoidance would offer a more precautionary approach than mitigation of an impact that cannot yet be quantified, as it will only be determined as a result of monitoring. Should it be demonstrated that it is not possible to avoid impacts from train emissions, mitigation will need to be agreed and secured.

#### ***4.4 Gavray Drive Meadows Local Wildlife Site***

BBOWT will submit that insufficient assessment of the cumulative impacts of the proposal and the permitted residential development at Gavray Drive on Gavray Drive Meadows Local Wildlife Site has been undertaken, that the proposals are likely to be detrimental to the Local Wildlife Site through land take and an increase in recreational pressure, and that further mitigation is therefore required.

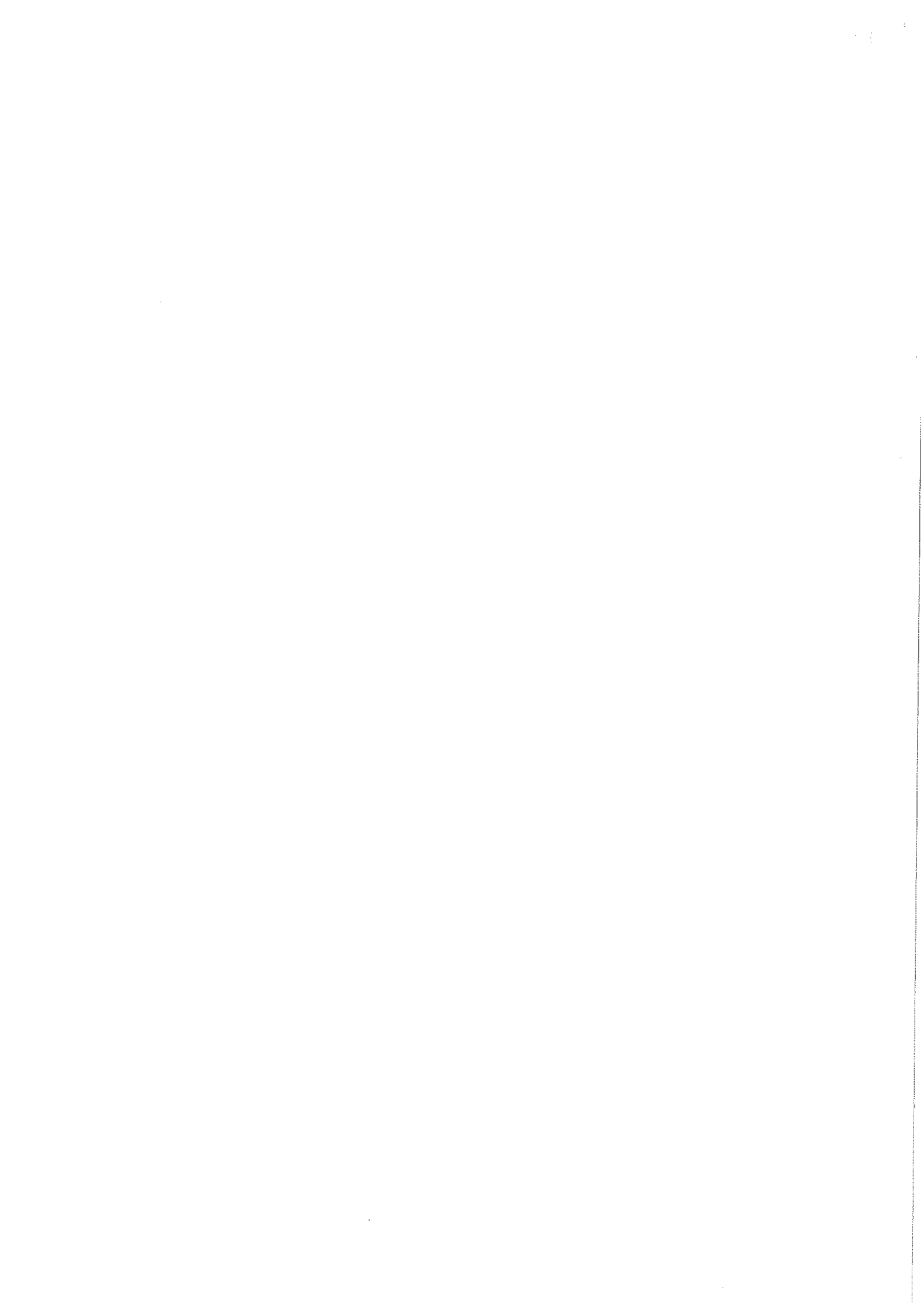
#### **4.5 Protected and Priority Species**

BBOWT will submit that insufficient survey work has been undertaken to establish the potential impact and necessary mitigation for bats using the Wolvercote tunnel. All UK bat species are protected under the Conservation of Habitats and Species Regulations 2010. Also, that insufficient information has been provided to identify whether brown hairstreak (*Thecuia betulae*) butterflies will be affected by the scheme and whether mitigation is necessary, and that insufficient information has been submitted to determine whether there is a likely impact on tassel stonewort (*Tolypella intricata*) and whether mitigation is necessary. These latter two species have been identified as species of principal importance under the Natural Environment and Rural Communities Act 2006.

## **Appendix: List of Reference Documents**

BBOWT may refer to the following documents in evidence and at the inquiry:

- i) Documentation relating to BBOWT's access rights to Woodsides Meadow
- ii) Conservation of Habitats and Species Regulations 2010
- iii) ODPM, 2005, Planning Policy Statement 9, Biodiversity and Geological Conservation
- iv) Natural Environment and Rural Communities Act 2006



10 April 1989

✓ Dear Jenny,

Access to Wendlebury Meads

It is quite true that Mr Honour owns the grass land running from Mansmoor Road to the crossing over the railway line at SP.557177, the point of entry to our field of Wendlebury Meads SSSI. However, on 9th August 1988 Mr Honour acknowledged receipt of Oxfordshire County Council's letter dated 28th July 1988. I now attach a copy of these two items, from Clauses 1 and 4 of which you will see that BBONT, as a successor to the Council, has a right of access "to pass and repass over the same with or without vehicles....". All this is subject to BBONT paying £100 per annum on 1st September each year.

The locking of the gates at each end of this track is clearly approved by both parties in Clause 2 and we must add our lock to the chain. I know of no lock and key having been handed over by Oxfordshire C.C.: have you spoken to Dave Dunlop?

Yours sincerely,

*Valene Gray*

M.T. Horwood  
Conservation Consultant

Enc:

c.c. Dave Dunlop



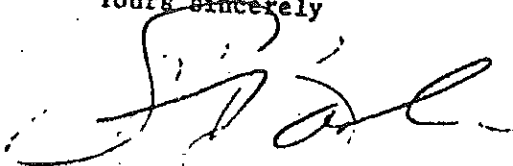
2  
Mr Honour

4. You will continue to keep the access track tidy, carrying out clearance work each year, in return for the payment of £100 per annum contribution from my Council, or its successors in title. Such payment to be made to you on 1 September each year.

Please return the copy letter to me, duly signed whereupon I will instruct Mr Holloway to contact you regarding the provision of the padlock and forward a cheque for £100.

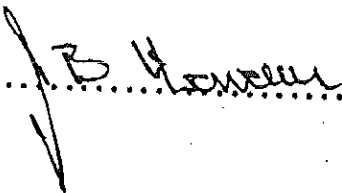
I look forward to hearing from you as soon as possible.

Yours sincerely

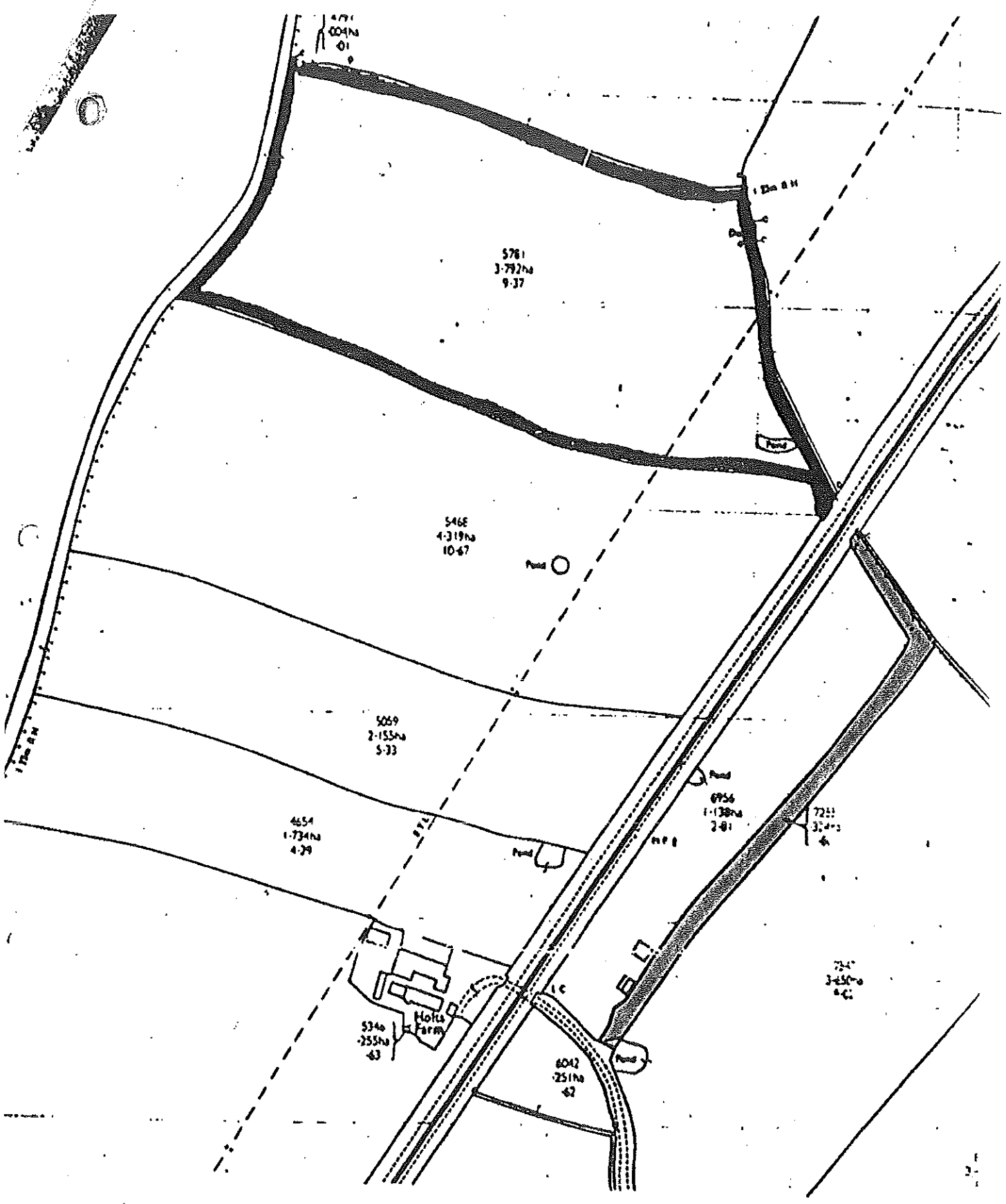


for Chief Valuer

I, Jesse Benjamin Honour of Three Acres Farm, 8 The Broadway, Charlton-On-Otmoor, Oxon, hereby accept the above terms and conditions.

Signed .....  .....

Dated ... 9 ... August, 88



<u>LOT 5, MILL FARM;</u> <u>CHARLTON ON - OTMOOR</u>		<b>OXFORDSHIRE COUNTY COUNCIL</b> <b>DEPARTMENT OF PLANNING &amp; SURVEY SERVICES</b>	
Section Origin <b>DPPS</b>		Date <b>1/17/06/15</b>	
Initials		Scale <b>1/2500</b>	Date <b>8/86</b>

FOR SALE BY TENDER

CHARLTON-ON-OTMOOR

OXFORDSHIRE

Some 9.37 acres Agricultural Land off Mansmoor Road

Tenders to be received  
by 2.00 p.m. on Thursday  
January 12th, 1989

Solicitor:

Messrs Thomas Mallam  
18 High Street  
Woodstock  
Oxon  
OX7 1TF

Tel: 0993-812019

Vendor:

Oxfordshire County Council  
The Chief Valuer  
Dept. of Planning & Property  
Services  
Speedwell House  
Speedwell Street  
OXFORD OX1 1SD

Tel: 0865-815499/815746

LAND OFF MANSMOOR ROAD  
CHARLTON-ON-OTMOOR

LOCATION AND DIRECTIONS:

Charlton-on-Otmoor lies some 10 miles North-east of OXFORD off the A43 between Oxford and Bicester.

The land is situated close to the railway and is reached via a long private road, Mansmoor Road, as indicated on the attached plan.

GENERAL:

The land is part of the renowned OT MOOR and is designated as an Site of Special Scientific Interest (S.S.S.I.) It is therefore likely to be of interest to farmers and conservationists alike.

Details outlining the implications of this designation are attached to these particulars. Further information on this aspect should be obtained from the Nature Conservancy Council direct, c/o The Regional Officer, Foxhold House, Crookham Common, Newbury, Berks. RG15 8EL.

AREA:

The land extends to some 9.37 acres, or thereabouts, as outlined on the attached plan.

TENURE AND POSSESSION:

The property is offered for sale freehold and vacant possession will be given on completion.

TIMBER AND SPORTING:

All timber and sporting rights are included in the sale.

RIGHTS OF ACCESS:

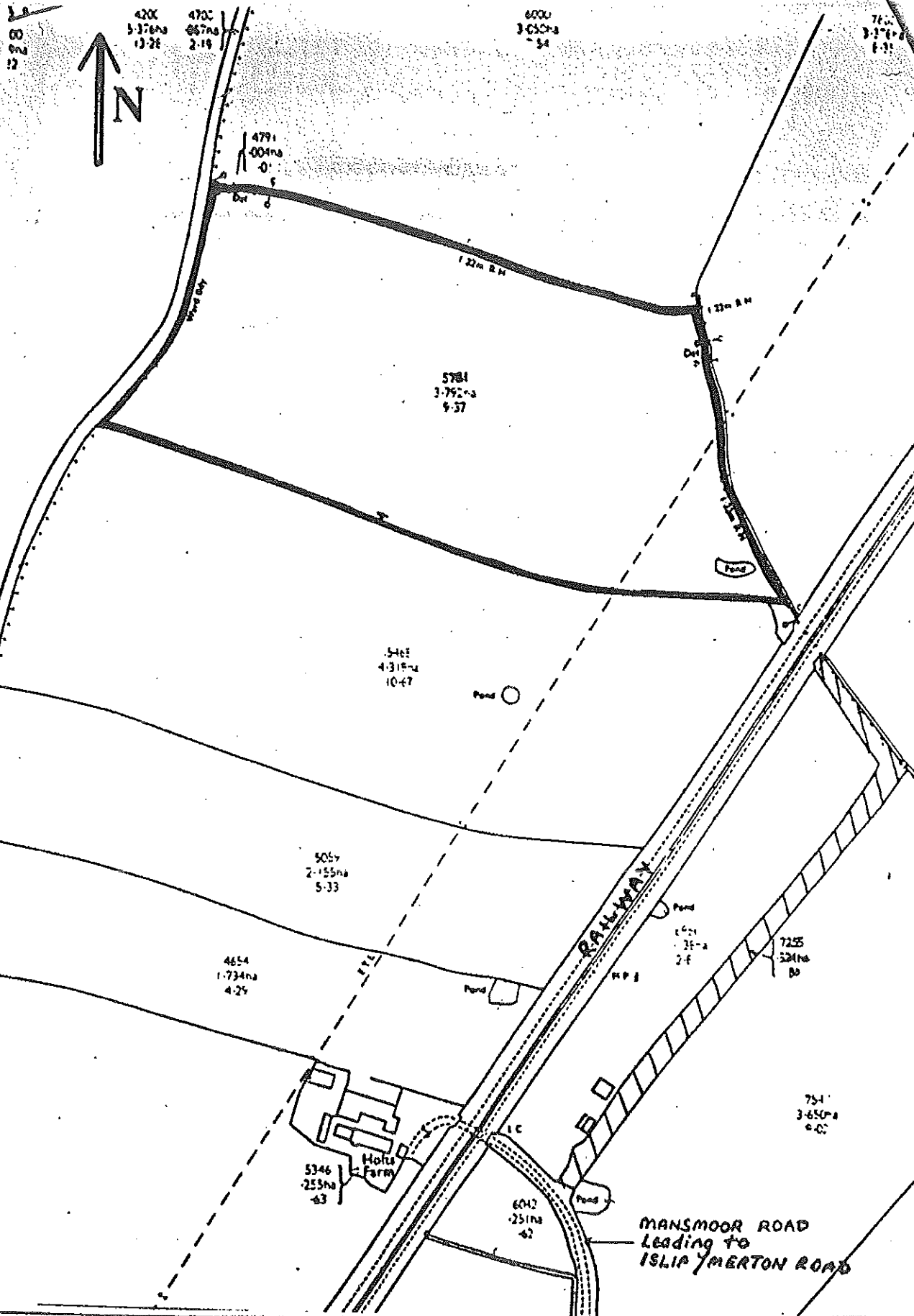
The land enjoys full vehicular and pedestrian access rights along Mansmoor Road.

A formal Agreement exists in respect of access rights along the track between Mansmoor Road and the railway line. Under this Agreement the Purchaser will be liable to pay the owner of the track the sum of £100 per annum in respect of maintenance to the access track.

A copy of this Agreement is attached.

BOUNDARIES:

The Purchaser will be deemed to have full knowledge of boundaries.



<b>OXFORDSHIRE COUNTY COUNCIL</b> DEPARTMENT OF PLANNING & PROPERTY SERVICES	Drawing No. <b>1/17/0/6</b>	Drawn by:
	Scale <b>1:2500</b>	
<b>LAND OFF MANSMOOR ROAD,          CHARLTON-ON-OTMOOR.</b>	REPRODUCED FROM THE ORDNANCE SURVEY SCALE MAP WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE CROWN COPYRIGHT RESERVED. LICENCE NUMBER LA 076805	Date: <b>10/88</b>

