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13TH October 2025
Our Ref: DW/E2167/RB-131025

Dear Mr Burton

Furtho Pits, Old Cosgrove Road, Old Stratford – Planning Application WNS/2022/1741/EIA – ecology

I have recently been sent the latest submission from Aspect Ecology on the above site, dated 9th September. For some reason, this purports only to respond to your Council's internal consultation on ecology matters (letter from Paul Evans to yourself dated 15th July 2025), but it also seeks indirectly to rebut matters raised by ourselves and others and referred to in Mr Evans' letter.

In summary, this latest letter from Aspect, on behalf of the applicant, achieves very little progress towards addressing the long-standing inadequacies in the application material on ecology and the flawed assessments that arise from those omissions and errors. It consequently does not remedy the related policy compliance failures attendant with this proposed development scheme and which have been raised before. A number of matters material to determination and the planning balance continue to be ignored outright.

I have contemplated how a further submission on these matters might be of most use to you as case officer, wishing to avoid endless repetition of points already made but repeatedly ignored or disregarded by the applicant's ecological consultants. I hope that by presenting the various issues in table form (**Table 1 attached**) and then considering whether Aspect's latest submission addresses and/or resolves these (right hand column), this might be of best assistance in your determination of this application.

I have taken the issues in the sequence they appear in Aspect's latest letter and then added on to the end the various matters relevant to determination that they continue to elect not to respond to, and which therefore remain outstanding.

Do please feel free to contact me with any queries arising.

Best regards



Dominic Woodfield CEcol CEnv MCIEEM
Director

Table 1 (appended to Bioscan letter 13.10.25)

Matter	Applicant's position as at 9 th September 2025 (per Aspect letter)	Bioscan response/comment	Status of matter
1) Matters Aspect seek to address in their 9 th September Letter			
Extent of Priority Habitat (habitat of Principal Importance) Open Mosaic habitats on Previously Developed Land (OMHPDL)	A further survey and report from Blackstone is provided.	The new survey, by being better timed, is a slight improvement on the previous Blackstone survey which was carried out at completely the wrong time of year (though see under <i>Aira praecox</i> below). However, the evaluation of results suffers from the same flaws in assessment approach, with (<i>inter alia</i>) a fixation on bare ground at a macro level, rather than at a fine matrix level as cited in the Priority habitat description.	Unresolved. The LPA will be aware that Aspect have moved from originally disputing entirely the presence of OMHPDL to now accepting it is present but seeking to drive down the quantum that they are prepared to accept is OMHPDL. In doing so, Aspect continues to rely on demonstrably flawed, contrived and prejudicial interpretations of the Priority Habitat description to attempt to minimise the area of the site that they are prepared to accept as the Priority habitat. Paras 3.1-3.6 of Bioscan's March 2025 submission refer and most of the points there remain essentially unanswered. An accurate survey of the extent of OMHPDL is still required to inform matters such as BNG, compliance with the mitigation hierarchy and policy compliance generally.
Likely efficacy or otherwise of proposed OMH and invertebrate mitigation (principle of using translocated material)	No change – Aspect state that “ <i>given that the substrates (and any seed bank within the substrate) will be exactly the same as that within</i>	Aspect completely disregard a significant number of factors which can temper the prospects of success. They continue, in the first instance, to disregard the importance of soil type and condition in the receptor area,	Unresolved. There remains a very high degree of uncertainty over the prospects for successful OMH re-establishment in the proposed country park area, based on Bioscan's extensive experience with OMH translocation/creation we would anticipate wholesale failure without key factors being addressed.

	<i>the existing OMHPDL, there can be confidence that the creation of OMHPDL will be successful”.</i>	which has a history of arable cultivation. To avoid the latent fertility of this field hindering the prospects of successful re-establishment of OMH would require interventions which are not contemplated by Aspect, nor assessed in the submission material – including soil stripping, soil inversion and or placing material at significant depth. None of these are currently proposed as part of the application, and were they to be, there would need to be a revision to the assessment of construction phase impacts and related factors such as construction vehicle movements (see also below). Bioscan has extensive experience of OMH translocation and compensatory creation and can confirm that success requires far more than just moving the substrate, and even then, is not guaranteed.	Note that what’s being discussed by Aspect is incorrectly referred to by them as mitigation. It is compensation, not mitigation, which is relevant to the mitigation hierarchy and the sequential test in NPPF para 193 (c).
Future uptake of translocated and new	A revision has been made to the proposed	While this is a positive revision to the scheme, in view of the high soil fertility of the proposed	Slight improvement on current proposals, but the challenges to success set out in the row above remain. The revision generates additional significant

OMH habitat by invertebrates	compensation strategy to include delivery of some OMHPDL substrate within the Country Park prior to the removal of the existing OMHPDL. This will be seeded and (potentially, though this is not committed to) left for at least one season before the existing OMHPDL is removed to ensure sufficient time has elapsed to enable early successional species to establish and invertebrate species to locate and utilise the newly created habitat.	country park site (see above row), it is likely that large volumes of substrate would be required to be imported and it is not clear how this will bear upon matters such as flood risk, surface water pollution and landscape nor whether related HGV movements have been assessed ¹ . It is notable that Aspect regards the prospect of this being successful as no higher than ‘reasonably likely’ which engages with the mitigation hierarchy and the compunction to avoid such risk. Given the EIA implications of such advance materials import and placement, the relevant details should not be left to condition.	construction traffic movements and other implications that have not been assessed to date, and could, if not tackled, render the EIA incomplete in scope.
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¹ To cover the proposed OMH areas shown on Aspect drawing 6187/BNG2 attached at Annex 2 to Aspect’s letter with just 0.5m of sandy substrate would require some 32500 cubic metres of material, equating to around 1700 HGV (eight-wheel tipper truck) movements. To create ‘mounds’ as envisaged by Aspect would require substantially more. Without covering the existing soils to at least this depth, latent fertility from the former arable land in the proposed country park area is likely to compromise the success of the proposed OMH creation, through swamping with vegetation.

Use of proprietary EM2 general purpose seed mix	Aspect maintain that the use of this species mix is appropriate	Bioscan note and agree with Paul Evans; comment that “ <i>this is not the right species composition to replicate OMHPDL species in the habitats being lost and does not provide the floral resources required for the invertebrate species emerging in early spring. This is particularly important for the group of spring flying bees which includes many of the most threatened or scarcest species found on the application site (as referred to in the Arachne Ecology report).</i> ”	Unresolved.
Presence of county rare plant early hair grass (<i>Aira praecox</i>)	Blackstone survey in August 2025 could not find the species and it is conjectured by Aspect that one reason might be that it is not present.	Survey of a diminutive spring to early summer flowering annual, on an exposed and free-draining site in August, in a record drought year, is completely inappropriate to give a good chance of encountering this species. The failure to find it is therefore completely unsurprising and in no way a reliable indicator of absence. Given that the Applicant has had ample opportunity to carry out multiple and/or targeted surveys to	Unresolved. This county rare species typical of OMHPDL sites was present in 2023 and should be assumed as still present, contributing to this part of the site’s status as qualifying for non-statutory LWS designation.

		properly document the value of this site, the failure yet again to take advantage of optimal conditions to document the local population of this county rare species is extraordinary.	
Whether the western parcel of the site qualifies for LWS status	Aspect present a table claiming that only one LWS criterion is met (value to invertebrates)	Due to the flawed approach to determination of the extent of OMHPDL on the site (see above) the Aspect assessment fails to recognise that the site meets at least one other LWS criterion. We would also dispute the contention that the scrub component “ <i>does not match either W21 or W22</i> ” as Aspect claim.	Unresolved. Aspect seek to dispute the extent to which the site qualifies for LWS status, but it is notable that they do not really challenge the fact that it meets LWS criteria, just that it isn’t formally designated as yet. In attempting to devalue the site, Aspect seek to place emphasis on the transient nature of OMHPDL. However, all OMHPDL is by its very nature transient - this in no way diminishes the value of the resource on the site nor its conservation value (including high value for invertebrates) and qualification for non-statutory LWS status. The LPA will be aware how much Aspect’s position on this matter has been forced to change by matters of fact brought to their attention from the original application submission and accompanying EclA. This raises professional standards concerns. On the other hand, Bioscan and all other relevant consultees’ position on the conservation importance of this part of the site has been repeatedly vindicated and found to be the safer and more accurate of the competing assessments.

			Aspect seek to advocate that this existing high value site should be destroyed and a facsimile attempted, just because the current site's interest is ephemeral (as is the interest of practically all unmanaged sites). That is of course a nonsensical approach to nature conservation and to the discharge of relevant policies and duties around it and should be summarily rejected.
Revised BNG assessment to exclude unsecured land	Revision made in acceptance of Paul Evans' query around reliance on a portion of the Buckingham Arm canal, which cannot be secured for 30 year BNG term.	The revision is necessary, however it is far from the only or indeed most significant flaw in the BNG assessment. It is notable that Aspect ignore all the other grounds for revision of the BNG assessment – see below.	Inappropriate reliance on Grand Union Canal/Buckingham Arm land may be resolved , but BNG calculation and assessment remains fundamentally flawed – see below.
Management of Dogs Mouth Brook LWS	Alternative fall-back management prescription proposed (cut and take)	Query whether this is subject to the 30-year management agreement required under BNG	Defer to Paul Evans as to whether this matter is resolved.
2) Matters that Aspect / applicant continue to ignore			
High county / regional importance of site's invertebrate assemblage	No engagement with this matter	While there is an attempt to suppress the invertebrate assemblage in the context of LWS designation, there is no real dispute as to the importance of	Unresolved/ignored. The application site is the only known location across both counties for five species, supports the only Buckinghamshire records for five species, and the only Northamptonshire records for eight. A total of fourteen of the recorded species have a total of fewer than five Buckinghamshire

		the site at inter-county (Bucks and Northants) level.	records, with the equivalent total in Northants being nineteen. This indicates that the assemblage is of a level of interest above County level and tipping into Regional level. There can be no doubt that this supports LWS status.
Inaccurate classification/condition assessment of other habitats (i.e. beyond OMH) - Modified grasslands	No engagement with this issue	We note that the revised BNG calculation continues to grade the Modified Grasslands on the site as in 'poor' condition, despite the clear evidence we presented in July 2023 that this was incorrect. The input figure for 'condition' of these grasslands has a very significant effect on the BNG calculation and it is therefore critical to an accurate calculation of the scheme's BNG performance that these inputs are correct. We can advise that correcting the applicant's latest submitted Metric calculation to account for this continued error brings the scheme performance below the level required for current statutory compliance.	Unresolved. The applicant's submitted (and latterly revised) BNG calculation still remains subject to very significant error and any claims of statutory and policy compliance based upon it are demonstrably unreliable.
Inaccurate classification/condition assessment of other	No engagement with this issue	Land proposed for the Country Park is still shown as a baseline of 'cereal crops' in Aspect's BNG calculation. This land had	Unresolved. The applicant's submitted (and latterly revised) BNG calculation still remains subject to very significant error and any claims of statutory and

habitats (i.e. beyond OMH) - cereal crops		already been uncultivated and uncropped for some period prior to 2023, but is now a further two years on into a succession process. It is now a very different baseline habitat. The applicant's BNG calculation therefore requires updating and amending to reflect the current position.	policy compliance based upon it are demonstrably unreliable.
Inadequate assessment: birds	No engagement with this issue	Aspect continue to disregard our comments about omitted bird species, including protected and priority species relevant to the determination process, and have again elected not to do further work on this group to inform the application, despite having had two years to do so.	Unresolved/ignored
Proposals fail to comply with mitigation hierarchy and related policy	No engagement with this issue	Due to a lack of professional standards in the surveys and assessments that informed the development design, the existence of high value resources in this area was not recognised before the submitted development design was settled. This means that the compunction to first avoid impacts on the LWS-qualifying	Unresolved/ignored

		area, in line with the mitigation hierarchy, has clearly not been engaged nor met in the genesis of the scheme. Aspect has attempted to argue that the site's allocation for development in the Local Plan means that avoidance is not possible however that is a gross misrepresentation of how the mitigation hierarchy works. The mitigation hierarchy is not bypassed by reliance on past land-use zonation anomalies or failures – it applies to and turns upon what is present now.	
Proposals fail to comply with mitigation hierarchy and related policy	No engagement with this issue	The applicant is choosing to flatly refuse to retrofit its development design to address the emergence of high value ecological resources and constraints and is instead attempting to leapfrog relevant tiers of the mitigation hierarchy to default to compensation (that is not likely to work). Such subversion of the mitigation hierarchy would potentially open up any decision to grant planning permission to the risk of legal challenge.	Unresolved/ignored



The scheme continues to offend NPPF paras 187 and 193, and adopted Local Plan policies NE4 and NE5	No engagement with this issue	Scheme remains non-compliant with relevant national and local policy and should be withdrawn for comprehensive re-design or refused.	Unresolved/ignored
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Bioscan UK Limited 13.10.2025