

# Planning Application Response

## Ecology

**To:** Mary Hudson  
**From:** Beccy Micklem, Principal Biodiversity Officer, Oxfordshire County Council  
**Site:** Land at White Cross Farm, Wallingford, Oxfordshire  
**Detail:** Submission of Further Information in relation to Application for Planning Permission Accompanied by an Environmental Statement  
**Reference:** MW.0115/21  
**Date sent:** 02/07/24

### Relevant Policies

#### NPPF

Chapter 15 states that planning decisions should contribute to and enhance the natural and local environment in a number of ways, including by minimising impacts on and providing net gains for biodiversity.

Paragraph 180 (a) sets out that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

#### Oxfordshire Minerals and Waste Core Strategy

##### Policy C7: Biodiversity and geodiversity

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

...,development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity).

...(iii) Development shall ensure that no significant harm would be caused to:

- Local Nature Reserves;
- Local Wildlife Sites;
- Local Geology Sites;
- Sites of Local Importance for Nature Conservation;
- Protected, priority or notable species and habitats,

except where the need for and benefits of the development in that location clearly outweigh the harm

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever

possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

#### Policy M10

Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity.

#### South Oxfordshire Local Plan

##### Policy ENV2: Biodiversity - Designated Sites, Priority Habitats and Species

3. Development likely to result, either directly or indirectly to the loss, deterioration or harm to:

- Local Wildlife Sites
- Local Nature Reserves
- Priority Habitats and Species
- Legally Protected Species
- Local Geological Sites
- Ecological Networks (Conservation Target Areas)
- Important or ancient hedges or hedgerows
- Ancient woodland and veteran trees

will only be permitted if:

- i) the need for, and benefits of the development in the proposed location outweigh the adverse effect on the interests;
- ii) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the interests; and
- iii) measures will be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate or as a last resort, compensate for the adverse effects resulting from development.

#### **Recommendation: Additional information needed**

#### **Comments**

The proposals will result in the loss of approximately 2ha of the priority habitat coastal floodplain grazing marsh. I am satisfied that measures will be provided that compensate for the adverse effects of the loss of this habitat, through the creation of 5.7ha of coastal floodplain grazing marsh, as well as management of approx. 0.5ha of retained coastal floodplain grazing marsh.

National and local policies indicate that no significant harm should be caused to priority habitats, unless the need for and benefits of the proposal outweigh the harm, and the harm cannot be avoided, for example through location on an alternative site. These aspects of the policy approach are not ecological matters and therefore I cannot provide a view on whether the policy requirement has been met.

Putting the consideration of alternatives and needs and benefits aside, I am satisfied that the mitigation and compensation measures that have been incorporated into the scheme are adequate.

However, given that at least 3 years have lapsed since the ecological surveys to support his application were undertaken, I request that the applicant has their ecologist undertake a site visit to inform a review of the ecological appraisal, including whether there have been any changes to habitats, and whether mobile species (including bats, otter, water vole, reptiles, badger and nesting birds) are likely to have moved/changed distribution. They should identify which, if any, surveys need to be updated and suggest appropriate scope, timing and methods for any updated surveys. This is to ensure that ecological assessment of the proposals is based on up-to-date environmental information.

I note that a Concept Restoration Plan has been submitted for consultation; please could the applicant clarify the proposals for the area mapped as reedbed and wet woodland? Whilst reedbed creation is included within the habitat creation calculations, the metric does not indicate creation of wet woodland.

To ensure that the habitats proposed, and the habitat condition anticipated in the metric, are achieved, habitat management and monitoring should be secured for the site for a 30-year period through use of planning conditions or obligations. An aftercare scheme, and habitat management and monitoring plan will be needed to set out how this will be delivered. This should also include species measures as recommended in the Ecological Appraisal, such as bat and bird boxes and log piles.

To ensure protected species are appropriately addressed a number of conditions should be attached.

## **Conditions & Informatives**

### **Conditions**

1. In the event that a period of two years passes from the date of any protected species survey submitted with the application documents and prior to construction commencing, up-to-date surveys shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement. The up-to-date surveys shall:

- Establish if there have been any changes in the presence and/or abundance of protected species; and
- Identify any likely new ecological impacts that may arise from any changes.

Where the surveys indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, a revised ecological mitigation scheme shall be submitted to and approved in writing by the Minerals Planning Authority including a timetable for the implementation of mitigation measures. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To protect notable and protected species and habitats in accordance with OMWCS policy C7, and The Conservation of Species & Habitats

Regulations 2017, The Wildlife and Countryside Act 1981 (as amended) and The Protection of Badgers Act 1992.

2. No works of site clearance, demolition, or construction shall take place until up-to-date water vole and otter surveys have been submitted to and approved in writing by the Minerals Planning Authority prior to commencement. The up-to-date surveys shall:
  - Establish if there have been any changes in the presence and/or abundance of otter or water vole; and
  - Identify any likely new ecological impacts that may arise from any changes.

Where the surveys indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, a revised ecological mitigation scheme shall be submitted to and approved in writing by the Minerals Planning Authority including a timetable for the implementation of mitigation measures. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To protect notable and protected species and habitats in accordance with OMWCS policy C7, and The Conservation of Species & Habitats Regulations 2017 and The Wildlife and Countryside Act 1981 (as amended)

3. Full details of the external lighting scheme shall be submitted to, and approved in writing by, the Minerals Planning Authority. Such details shall include the location, height, design, direction of light, shields, sensors, and timing of lighting. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interests of protecting biodiversity in accordance with NPPF paragraphs 170, 175 and NERC Act 2006.

4. No works of site clearance, demolition, or construction shall take place unless or until a scheme detailing the location and design of bird and bat boxes, including those suitable for kestrel and/or barn owl, has been submitted to and approved in writing by the Mineral Planning Authority. This is to include details on how works will proceed in order to avoid harm to nesting kestrels or other species using the barn owl box and provision of alternative nesting sites. Any works must be carried out in accordance with the approved scheme.

Reason: to ensure the development does not result in biodiversity loss in accordance with NPPF, and OMWCS policy C7.

5. No works of site clearance, demolition, or construction shall place take until a reptile mitigation strategy has been submitted to and approved in writing by the Mineral Planning Authority. No work shall take place other than in accordance with the approved scheme.

Reason: to ensure the protection of reptiles and to ensure the development is in accordance with OMWCS policy C7 and Wildlife and Countryside Act 1981 (as amended)

6. No works of site clearance, demolition, or construction shall take place until an appropriate method for felling of the Silver Birch with low bat roost potential has been submitted and in approved in writing by the Mineral Planning Authority. No work shall take place other than in accordance with the approved scheme.

Reason: to ensure the protection of bats and to ensure the development is in accordance with OMWCS policy C7 and Conservation of Habitats and Species Regulations 2017.

### **Informatives**

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of vegetation should take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive to prevent committing an offence under the Act. Should any works commence within this period, the vegetation must first be surveyed for the presence of nesting or nest-building birds by a suitably qualified ecologist.