

# 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:** 27/09/22

**Recommendation: No objection, subject to conditions**

### Comments

Having reviewed the applicant's letter of 05/09/22, I appreciate that adjustments to the restoration plan have been made to achieve a net gain in biodiversity which meets the trading rules with regards CFGM habitat.

In terms of the request for additional information regarding BNG assessment of river units; in line with BNG guidance, net gain should be delivered across all unit types present on site (hedgerow, area and river) as measured by the metric. The evolution of this application has occurred alongside developments to the biodiversity metric, with clarification now being given with regards applications which include the riparian zone within their redline boundary (as does this application).

I appreciate that no development/encroachment is proposed within the riparian zone, and that proposed measures within this area are directed towards biodiversity enhancement, albeit that they are not reflected specifically in a metric measurement of river units, they do count toward the area unit calculation. Alternative approaches, suggested by the applicant, to avoid measuring river units would result in a reduction to the biodiversity benefits of the scheme and should not be taken forward.

Given the circumstances of this particular application, I am satisfied that the scheme as submitted demonstrates an overall net gain in excess of 10%. 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 take place until a reptile mitigation 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 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 in 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.

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**European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 (as amended) which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

The habitat on and around the proposed development site and ecological survey results indicate that there is a low likelihood of European Protected Species (bats and otter) to be present.

It is considered that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

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