

Please see the consultation response from the Biodiversity Officer:

**22/03240/OUT Land South of Burford Road, Minster Lovell**

Comments relate to the following document:

Ecological Impact Assessment (EclA), RammSanderson, dated November 2022

**Recommendations:**

Acceptable subject to the following conditions:

- No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan – Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
  - i. Risk assessment of potentially damaging construction activities;
  - ii. Identification of ‘biodiversity protection zones’, including root protection zones for retained hedgerows and trees;
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - iv. Details of a precautionary working method statement for the following species: great crested newts, reptiles, ground-nesting birds and dormice;
  - v. Details of a badger sett closure method statement, including precautionary working methods in the event commuting/foraging badgers enter the site;
  - vi. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - vii. The times during construction when specialists ecologists need to be present on site to oversee works;
  - viii. Responsible persons and lines of communication;
  - ix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
  - x. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
  - xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:

- i. Details of planting such as, hedgerows, tree planting, aquatic and emergent vegetation, scrub planting and grassland planting;
- ii. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- iii. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- iv. Details of integrated bird and bat boxes, dormouse nest boxes, reptile hibernacula, hedgehog friendly fencing and bee bricks;
- v. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To protect and enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of West Oxfordshire Local Plan and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The Plan shall include, but not necessarily be limited to, the following information:
  - i. Description and evaluation of features to be managed, including locations shown on a site map;
  - ii. Landscape and ecological trends and constraints on site that might influence management;
  - iii. Details of signage to be incorporated along public footpath informing residents of the ecological importance of pumping station meadow local wildlife site;
  - iv. Aims and objectives of management, including ensuring the delivery of on-site biodiversity net gain;
  - v. Appropriate management options for achieving the aims and objectives;
  - vi. Prescriptions for all management actions;
  - vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
  - viii. Details of the body or organisation responsible for implementation of the plan;
  - ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
  - x. Timeframe for reviewing the plan;
  - xi. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
  - xii. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for foraging bats;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

#### **Comments:**

##### Habitats of ecological importance

Pumping station meadow LWS is located 0.4 km to the north of the site. This local wildlife site is designated for its limestone grassland and previously noted as having the largest population of green-winged orchids in Oxfordshire. The proposed development will result in a net increase of up to 134 dwellings which could result in additional recreational impacts to the designated features of the LWS. Therefore appropriate mitigation should be sought, the submitted consultancy report has recommended signposting along footpaths, informing new residents of the ecological importance of the LWS - this is considered acceptable.

##### Protected/priority species

Great crested newts- the site itself offers sub-optimal habitat for GCN however, boundary hedgerows do provide some refuge. In addition, one pond has been identified 300 m south of the site which isn't separated from the site by any significant barriers to dispersal. The report has recommended a precautionary working method statement to mitigate the risks to GCN- this is acceptable

Reptiles – habitats on site offer sub-optimal conditions however, there are no significant barriers to dispersal and therefore, commuting reptiles cannot be ruled out. The report has recommended careful site vegetation clearance, this can be detailed within a precautionary working method statement.

Badgers- an active single hole outlier sett in current use is located on the site boundary, the consultancy report states a licence from Natural England will be obtained to enable the sett to be closed. A precautionary working method statement will need to be submitted to the LPA prior to the commencement of works, detailing appropriate mitigation, such as storage

of materials, waste and equipment, use of protective fencing and covering open pipework and trenches. These details will provide adequate precautionary mitigation for priority mammal species, such as badger and brown hare.

Dormice- on-site hedgerows provide suitable habitat for dormice, small sections of existing hedgerow will need to be removed to facilitate new accesses. Therefore, a detailed mitigation strategy will need to be submitted, outlining appropriate measures to ensure the species concerned are maintained at a favourable conservation status within their natural range. The applicant has submitted a lighting strategy, demonstrating light spill will not be permitted towards the hedgerows- this is acceptable.

Ground nesting birds- the consultancy report states skylark were observed on-site but has not described the behaviours exhibited by the individuals. Despite this, appropriate mitigation should be secured outlining mitigation that will be implemented in the event ground-nesting birds are present.

### Biodiversity Net Gain

An ecological design strategy is recommended to ensure all habitats and biodiversity enhancement features are designed and implemented to enhance the site for biodiversity.

The submitted Defra BNG 3.1 metric has demonstrated a measurable biodiversity net gain can be delivered on-site as part of the development (10.03% habitat units and 101.18% in hedgerow units). A biodiversity management and monitoring plan is recommended to ensure on-site biodiversity net gain, as detailed in the submitted report is secured and maintained for the required 30-year period.

### Lighting

The submitted lighting report has included an indicative lux level lighting plan recommendations however, additional details will be required at the reserved matters stage to confirm light spill will not be permitted towards retained boundary features, proposed ponds and biodiversity enhancement features.