

# Biodiversity Strategy Report



**Tyler  
Grange**

**Himley Village  
19 January 2023**

TG Report No. 15525\_R01\_VKC\_CW

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## Section 1: Introduction

- 1.1. This Biodiversity Strategy has been prepared by Tyler Grange Group Ltd on behalf of Cala Homes Ltd, and details a strategy of the proposed development site (red line boundary **Figure 1.1**) and Biodiversity Net Gain of the Phase 1 Reserved Matters Application (blue line boundary **Figure 1.1**) at the Site known as Himley Village, Oxfordshire OX26 1RT (hereafter referred to as the 'site'). The site is centred on National Grid Reference SP 55436 23155 and is illustrated in **Figure 1.1** below.



**Figure 1.1:** Indicative site boundary shown by a red line and Phase 1 development area indicated by a blue line (aerial imagery courtesy of Google maps)

- 1.2. The proposal is for a development to provide up to 1,700 residential dwellings (Class C3), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). The development is to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations.
- 1.3. This report has been prepared to discharge condition 10 of the outline planning permission for application no. 22/02375/NMA (amendment to application no. 14/02121/OUT). For the submission of the first application for approval of reserved matters a Biodiversity Strategy report for the site is to be submitted. This report is prepared for the first reserved matters application for the Phase 1 area of the development.



1.4. Condition 10 states that:

*“Prior to or alongside the submission of the first application for approval of reserved matters, a Biodiversity Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of the first reserved matters application. Each reserved matter application shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Biodiversity Strategy and net biodiversity gain. The development shall be carried out in accordance with the approved Biodiversity Strategy.”*

1.5. This report presents the Biodiversity Net Gain (BNG) Assessment for the Phase 1 area of the proposed development for the first reserved matters application. The wider BNG assessment will be completed during the remaining reserved matters applications.

## Site Context

1.6. The site is located immediately to the west of Bicester in Oxfordshire, adjacent to the B4030, and is surrounded by arable land. The M40 is located to the west and Bicester is located to the east of the site.

1.7. Full details of the existing site are provided in **Section 2** of this report. The site predominantly comprises of improved grassland, hedgerows and scattered broadleaved trees. There is a small area of scrub adjacent to the pond in the east of the site and an orchard in the south of the site. Two small single-storey unoccupied buildings are located in the south. There are two ponds located within the site and one pond located to the east outside of the site. The site has some ecologically important features that have the potential to be impacted by the development.

1.8. It is required that a Biodiversity Strategy (delivering a minimum of 10% biodiversity net gain on all new developments) for the site be submitted and approved by the Local Planning Authority (Cherwell District Council) prior to the determination of the first reserved matters application, in accordance with Policies Bicester 1 and ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

## Purpose

1.9. This strategy describes the guiding principles for future development to provide the required certainty that the impacts of the proposed development at the site can be mitigated, and that the proposed development within the Phase 1 Reserved Matters Application will deliver a minimum of 10% biodiversity net gain.

1.10. Therefore, this report:



- Describes and evaluates, using available background data and results of field surveys, the ecological features present within the likely 'zone of influence' (Zoi)<sup>1</sup> of the proposed development (see **Section 2**);
- With reference to policy and legislation listed in **Appendix 1**, describes the ecological issues and opportunities that might arise as a result of development (see **Section 3**); and
- Details the principles of mitigation and enhancement to inform pre-development notifications and strategic landscaping, including requirements to achieve biodiversity net gain, to ensure conformity with policy and legislation listed in **Appendix 1** (see **Section 4**).

## Scope of the Biodiversity Strategy

- 1.11. The Biodiversity Strategy describes the ecological issues, design rationale, likely impacts and requirement for mitigation, mitigation and enhancement proposals including how a minimum of 10% net gain will be delivered as a result of the new development located within the Phase 1 area, a management strategy to ensure delivery and a mechanism to monitor and update the strategy.
- 1.12. Any part of the site area could be put forward for re-development and potential future 'plots' are undefined, so principles have been designed to enable flexibility whilst delivering development in conformity with policy.

## Funding and Responsibility for Delivery

- 1.13. As landowner, Cala Homes Ltd will have the responsibility of implementing the Biodiversity Strategy across the wider site and any strategic landscaping undertaken outside of individual plots.
- 1.14. For individual plots it will be the individual developer's responsibility to implement the mitigation, management and monitoring, in accordance with this Biodiversity Strategy.

## Quality Control

- 1.15. This report was prepared and reviewed by members of the Chartered Institute of Ecology and Environmental Management (CIEEM) who abide by the Institute's Code of Professional Conduct.

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<sup>1</sup> Defined as the area over which ecological features may be subject to significant effects as a result of activities associated with a project and associated activities (CIEEM, 2018).



## Section 2: Ecological Features and Evaluation

### Protected Sites

#### Statutory Designated Sites

- 2.1. The site is not the subject of a statutory designation and there are no European statutory sites (comprising Special Areas of Conservation, Special Protection Areas and Ramsar sites) of ecological interest within 10 km of the site.
- 2.2. The desk study returned three national statutory designated sites within 2 km of the site boundary, which are as follows:
  - Ardley Cutting and Quarry Site of Special Scientific Interest (SSSI), approximately 0.6 km north of the site, designated for its lowland calcareous grassland (dominated by upright brome *Bromopsis erectus* and tor-grass *Brachypodium pinnatum* with other flora including basil thyme *Acinos arvensis* and clustered bellflower *Campanula glomerata*), scrub, ancient woodland and wetland habitats. It is also of geological interest due to its exposures of Jurassic rocks;
  - Bure Park Local Nature Reserve (LNR), c. 1.4 km east of the site, designated for its grass meadow, young broad-leaved woodland, hedges and scrub. A small river (the Bure) runs through the site, feeding a small pond which is home to great crested newts; and
  - Ardley Trackways SSSI, c. 1.6 km northwest of the site, which is of geological interest.
- 2.3. The SSSIs, by virtue of their designation, are considered to be of **national ecological importance** and the LNR to be of **local ecological importance**.

#### Non-statutory Designated Sites

- 2.4. The site does not lie within the boundary of any non- statutory designation, however there are three located within 2 km of the site boundary, which are as follows:
  - Ardley and Heyford Conservation Target Area (CTA), 1 km northwest of the site, designated for its limestone plateau which includes the Upper Heyford Airfield, several quarries near Ardley and the railway line and some trackways. The CTA supports about 50% of the calcareous grassland in the Cherwell District and includes species such as great crested newts *Triturus cristatus*, skylark *Alauda arvensis*, meadow pipit *Anthus pratensis* and butterflies (including small blue *Cupido minimus*, Duke of Burgundy *Hamearis lucina* and green hairstreak *Callophrys rubi*).
  - Trow Pool Local Wildlife Site (LWS), 1.1 km northwest of the site, designated for its two shallow eutrophic ponds and associated vegetation, rich in emergent species including mare's-tail *Equisetum arvense* and spiked water-milfoil *Myriophyllum spicatum*, and trees including alder *Alnus* sp. and crack willow *Salix × fragilis*. LWSs are designated on account of their ecological importance at a county level and hence this site is considered to be of **county ecological importance**; and



- Shakespeare Drive (King's End Conservation Area), 1.1 km east of the site, designated for its semi-improved grassland with lines of trees and marginal strips of plantation woodland and a hard surfaced water channel. Parts of the grassland include elements of lowland meadow with species such as glaucous sedge *Carex flacca*, brown sedge *Carex brunnescens* and cuckooflower *Cardamine pratensis*.

## Habitats and Flora

- 2.5. The habitats present across the site are summarised below, along with a description of the composition of the main plant species present and an assessment of their ecological importance. The locations of the habitats are shown on the **Habitats Features Plan (15525/P03)**.

### Buildings

- 2.6. Two buildings (B1 and B2) were identified within the site boundary. B1 refers to a single storey house/barn conversion in the south of the site and was assessed as having low suitability to support roosting bats. B2 was assessed to have negligible suitability.
- 2.7. Buildings have no inherent ecological value and this habitat type is therefore considered to be of **negligible ecological importance**.

### Garden

- 2.8. A vegetated garden surrounds building B1 in the south of the site. This habitat type is common in the wider landscape and is therefore considered to be of **negligible ecological importance**.

### Hardstanding

- 2.9. A path dissects the southern half of the site, north to south, and is bordered by a ditch and hedgerow. Areas of hardstanding throughout the site provide no inherent ecological value and therefore this habitat type is of **negligible ecological importance**.

### Improved grassland

- 2.10. The majority of the site comprises improved grassland with a short sward height, with two fields showing evidence of recent use as arable. This habitat type is common in the wider landscape and is therefore considered to be of **negligible ecological importance**.

### Native species-rich hedgerows

- 2.11. There are five native species-rich hedgerows that run within or border the site and six native species-rich hedgerows with trees. Hedgerows have inherent ecological value, as they provide habitat opportunities for flora and fauna, and as such are considered to be of **local ecological importance**.





## Orchard

- 2.12. An orchard forms part of the garden to the south of building B1. This habitat provides habitat opportunities for flora and fauna and as such is considered to be of **local ecological importance**.

## Ponds

- 2.13. There are two ponds within the site boundary (P1 and P2). These ponds provide habitat suitable for foraging and dispersal of fauna and as such are considered to be of **local ecological importance**.

## Scattered broadleaved trees

- 2.14. Scattered mature trees are located within the site boundary, including field maple *Acer campestre*, English elm *Ulmus procera* and alder *Alnus glutinosa*. These trees have inherent ecological value, as they provide habitat opportunities for flora and fauna, and as such are considered to be of **local ecological importance**.

## Wet ditches

- 2.15. A network of wet ditches run through the southern half of the site. These ditches provide habitat suitable for foraging and dispersal of fauna and as such are considered to be of **local ecological importance**.

## Broadleaved parkland

- 2.16. A wooded copse surrounding pond P1 comprising mainly alder and an area of broadleaved parkland surrounding pond P2. Trees have inherent ecological value, as they provide habitat opportunities for flora and fauna, and as such this habitat is considered to be of **local ecological importance**.

## Fauna

- 2.17. Habitats within the site may offer opportunities for the following species groups. Species which are considered likely absent from the site based on professional judgement, following consideration the of habitats within the site, signs of species presence at the time of survey and data search records, are not discussed. The potential for protected and priority species to be present within the site is described in **Table 2.1** below.



**Table 2.2:** Existing species and level of importance based on existing baseline information. NERC denotes Habitats and Species of Principal Importance, as defined in the Natural Environment and Rural Communities Act 2006; WCA denotes Wildlife and Countryside Act, 1981 (as amended); Habitats Regulations denotes Conservation of Habitats and Species Regulations 2017 (as amended)

Species	Description	Importance	Legal Protection
<b>Badgers</b>	<p>The desk study returned seven records of Eurasian badger <i>Meles meles</i>, the nearest of which was recorded 0.1 km east of the site in 2010.</p> <p>Three badger setts (one currently inactive and two possibly active) were identified in the southeast of the site during the phase 1 survey. Two latrines were also identified within 10 metres of each other. Large mammal pathways within the grassland habitat are suggestive of habitual usage by badgers and the network of dense hedgerows could potentially contain more active badger setts.</p>	Local	Badgers Act 1992



Species	Description	Importance	Legal Protection
<b>Bats</b>	<p>The desk study returned seven records of bats within 2 km of the site boundary, which were as follows:</p> <ul style="list-style-type: none"> <li>• One record of brown long-eared bat <i>Plecotus auritus</i> recorded 1.5 km south of the site in 2013;</li> <li>• Three records of common pipistrelle <i>Pipistrellus pipistrellus</i> nearest of which was recorded 1 km south of the site in 2013;</li> <li>• Two records of noctule <i>Nyctalus noctula</i>, the nearest of which was recorded 0.9 km east of the site in 2021; and</li> <li>• One record of soprano pipistrelle <i>Pipistrellus pygmaeus</i> was recorded 1.5 km southeast of the site in 2013.</li> </ul> <p>The desk study also returned four European Protected Species (EPS) licences for bat species within 2 km of the site, which were as follows:</p> <ul style="list-style-type: none"> <li>• One licence from 2009 to 2011, less than 0.1 km from the boundary, allowing the destruction of a resting place of brown long-eared bats (EPSM2009-883);</li> <li>• One licence from 2014 to 2019, c. 1 km southwest of the boundary, allowing the damage and destruction of both resting and breeding places of brown long-eared bats and common pipistrelle (2014-3888-EPS-MIT);</li> <li>• One licence from 2016 to 2026, c. 1.5 km southwest of the boundary, allowing the destruction of both resting and breeding places of brown long-eared bats, common pipistrelle and soprano pipistrelle (2016-19678-EPS-MIT);</li> <li>• One licence from 2011 to 2012, c. 1.6 km south of the boundary, allowing the destruction of both resting and breeding places of brown long-eared bats and common pipistrelle (EPSM2010-2344).</li> </ul> <p>Building B1 was assessed as having low suitability for roosting bats and tree T1 (a large mature oak) on the site's southern boundary has features offering bat roosting potential. The site also has potential to support foraging and commuting bats, especially along the hedgerows bordering the fields.</p>	Local	Habitats Regulations; WCA; NERC
<b>Birds</b>	<p>The desk study returned 374 records of Birds of Conservation Concern (BoCC) red-listed species within 2 km of the site (including records of skylark), as well as 2,266 records of BoCC amber-listed species.</p> <p>The dense hedgerows throughout the site are highly suitable for breeding birds and the following species were recorded within the site during the phase 1 habitat survey: red kite <i>Milvus milvus</i>, long-tailed tit <i>Aegithalos caedatus</i>, chiffchaff <i>Phylloscopus collybita</i>, song thrush <i>Turdus philomelos</i>, blackbird <i>Turdus merula</i> and robin <i>Erithacus rubecula</i>.</p>	Local	BoCC red list; NERC



Species	Description	Importance	Legal Protection
<b>Great crested newts</b>	<p>The desk study returned 18 records of great crested newt (GNC) <i>Triturus cristatus</i> within 2 km of the site boundary, the nearest of which was recorded 0.8 km northwest of the site in 2014.</p> <p>There are aquatic habitats on the site, namely two ponds (as well as one offsite) and a network of wet ditches associated with many of the hedgerows. All of these ponds were assessed as suitable for GCN. Although the ditches on site provide suboptimal breeding habitat for GCN, due to their shallow depth and lack of aquatic vegetation, they may be used as dispersal corridors or as foraging habitat, as could the associated hedgerows.</p> <p>The improved grassland habitat on site could also be used by foraging amphibians, moving between ponds and the surrounding habitat within the wider landscape is also suitable for GCN.</p>	Local	Habitats Regulations; NERC
<b>Hazel dormouse</b>	<p>Although the desk study did not return any records of hazel dormouse <i>Muscardinus avellanarius</i> within 2 km of the site boundary, the dense hedgerows within and bordering the site offer suitable habitat for them.</p>	Local	Habitats Regulations; NERC
<b>Reptiles</b>	<p>The desk study returned no records of reptiles within 2 km of the site boundary, however habitats present within the site (in particular the field margins adjoining the hedgerows) are suitable for common reptile species such as common lizard <i>Zootoca vivipara</i> and slow worm <i>Anguis fragilis</i>. The aquatic habitats on site also provide potential habitat for grass snake <i>Natrix helvetica</i>.</p>	Local	NERC; WCA

2.18. The on-site habitats are not considered suitable to support any other protected or priority fauna and no field signs of other species have been identified during surveys undertaken.



# Section 3: Ecological Issues and Requirement for Mitigation

## Proposed Development and Planning Policy Context

- 3.1. As outlined in **Section 2**, features of ecological importance exist on site that are protected by the legislation and planning policy documented in **Appendix 1**.
- 3.2. Issues affecting those ecologically important features, and their legal and policy protection identified in Section 2, above, and how they would be mitigated, are described below.
- 3.3. This Biodiversity Strategy sets out guiding principles for how development can be designed in accordance with the mitigation hierarchy, with impacts assessed and mitigation and enhancement designed and controlled to deliver a minimum 10% biodiversity net gain to be in conformity with planning policy (National Planning Policy Framework (NPPF) paragraphs 174 – 182, Policy ESD 10 of the Cherwell Local Plan and Improvement of Biodiversity and the vision outlined in the Oxfordshire Plan 2050.

## Potential Impacts and Requirement for Mitigation

### Designated Sites

- 3.4. Due to the distance between the site and the statutory and non-statutory sites identified by the data search, no adverse impacts on these sites are expected to arise as a result of the proposed development.

### Habitats

- 3.5. The majority of the habitat within the site (primarily improved grassland) is of negligible ecological importance and the scattered trees, hedgerows and waterbodies are of no more than local ecological importance.
- 3.6. A biodiversity net gain assessment has been completed for only the Phase 1 of the proposed development as part of the Reserved Matters Application and is discussed in **Section 5** of this report.

### Fauna

#### Badgers

- 3.7. The Protection of Badgers Act 1992 consolidates the previous Badgers Acts of 1973 and 1991. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status. As well as protecting the animal itself, the 1992 Act also make the intentional or reckless destruction, damage or obstruction of a badger sett an offence.



3.8. The site has habitat suitable for foraging badgers and evidence of badgers using the site was found during the phase 1 survey. The following precautionary methods of works should therefore be undertaken in response to the proposed development:

- A pre-commencement check for badgers is undertaken at a maximum of three months prior to work commencing on site;
- In the event of recent signs of badger activity, primarily excavation of setts, are recorded on site prior to construction activities, further advice from an ecologist should be sought;
- To ensure badgers are protected from accidental harm during construction, exposed trenches will be covered or have an inclined plank in them overnight, to offer a means of escape, should badgers be commuting across the site;
- Store any chemicals in a secure, inaccessible area overnight;
- Cap any temporarily exposed pipes overnight to prevent badgers from accessing them; and
- Ensure any mounds of freshly dug soil, woodchip or other vegetation are flatted prior to works.

### **Bats**

3.9. In England and Wales, bats and their roosts are protected under the Conservation of Habitats and Species Regulations (2010) and the Wildlife and Countryside Act (1981) (as amended).

3.10. The site has suitability for foraging and commuting bats, in particular the hedgerows, and so any new lighting will need to be designed to be sensitive to habitats likely to be used by commuting and foraging bats.

3.11. A single storey house/barn conversion (building B1) was assessed as having low suitability to support roosting bats and therefore should be subject to a thorough internal and external inspection. One follow-up emergence survey may also be required, if a more thorough internal building inspection does not downgrade this to negligible potential.

### **Birds**

3.12. The existing broadleaved trees, improved grassland, buildings and hedgerows within the site offer foraging and nesting opportunities for birds.

3.13. All wild birds, their nests and eggs are afforded protection under the WCA 1981 (as amended), which makes it illegal to knowingly damage or destroy a nest site while it is in use or being built. It is recommended that any required vegetation clearance works are completed outside of the core nesting bird season (March-August inclusive), although nests can be present at any time of year. Where this is not possible, a pre-clearance nesting bird check should be completed by a suitably experienced ecologist. If nesting birds are found to be present, a buffer zone around any active nests will be instated, with no works to be undertaken within



the buffer zone until all chicks have fledged. A repeat visit by the ecologist will be required to determine if the chicks have fledged.

### **Great crested newts**

- 3.14. The majority of the site improved grassland, which provides sub-optimal habitat for GCN. However, the wet ditches and ponds within the site provide suitable habitat for GCN.
- 3.15. If any loss of a waterbody or suitable terrestrial habitat within 250 m of a known GCN population is proposed as part of the development, further surveys would be required to confirm absence.

### **Hazel dormouse**

- 3.16. In the UK, hazel dormouse is protected under the Conservation of Habitats and Species Regulations (2017) and under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally obstruct or disturb a dormouse while occupying a structure or place used for shelter or protection.
- 3.17. Hedgerows comprising native species, in particular hazel *Corylus avellana*, provide suitable habitat for foraging, commuting and nesting dormice. Removal of hedgerows within the site therefore has potential to disturb dormice, which would be in breach of legislation.
- 3.18. As hedgerows are to be removed as part of the proposals, further surveys will be required to determine presence or absence of dormice.

### **Reptiles**

- 3.19. All reptiles are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally, or recklessly, kill or injure a reptile.
- 3.20. Habitats on site could support common reptile species. Vegetation clearance within the site therefore has potential for cause injury to or kill individuals, which would be in breach of legislation.
- 3.21. Where vegetation is to be cleared as part of the proposals, clearance should be phased under the supervision of a competent Ecological Clerk of Works (ECoW). The first phase would be careful strimming of the grass and herbs to approximately 150mm above ground level. This would then be left for 24 hours to encourage any reptiles present to move away from the works area. The second phase would comprise a fingertip search followed by strimming to ground level and careful stripping of the topsoil. The ECoW would translocate any reptiles discovered to a suitable location outside of the works area. A reptile mitigation strategy detailing this would be expected to be conditioned.



# Section 4: Mitigation and Enhancement Strategy

## Overview

- 4.1. This section:
- Outlines the strategy for achieving biodiversity net gain within future development plots and strategic landscaping, the details of which are currently unknown;
  - Outlines proposed mitigation and enhancement for retained habitats during construction and operation;
  - Outlines the principles of mitigation and enhancement during construction and operation for new development plots and strategic landscaping;
  - Outlines mitigation and enhancement for fauna likely to be using the site during construction and operation; and
  - Outlines the mechanisms for control, monitoring and review.

## Strategy for delivering biodiversity net gain

- 4.2. Central to the delivery of the development, is the delivery of a minimum of 10% biodiversity net gain across all new developments. Given the exact locations and extent of impacts of new developments and strategic landscaping are an unknown, each new development must outline their individual biodiversity strategies for their plot by implementing the approach below:
- At the pre-development notification stage, developers would be required to submit a "Biodiversity Statement". This would need to include a brief outline of how the developer intends to achieve a minimum of 10% net gain on their plot (e.g. habitat creation through site landscaping); and
  - Prior to plot construction, the developer will need to provide certainty on how the net gain will be achieved, including the provision of their own Natural England Biodiversity Metric 3.1. Details required include:
    - The existing plot habitat baseline (recorded in line with the UK Habitat Classification);
    - Proposed on plot habitat creation and enhancements;
    - If a minimum of 10% net gain cannot be achieved on site, liaison with Cala Homes Ltd should be undertaken to determine whether any strategic landscaping projects are coming forward in the same timescale as the plot and if so whether additional habitats units are available that can be "drawn down" from; and





- o If a minimum of 10% biodiversity net gain can still not be achieved, details of a financial contribution for off-site compensation provided (for example through the Trust for Oxfordshire's Environment (TOE) scheme or The Berks, Bucks and Oxon Wildlife Trust (BBOWT) and Finance Earth).
- 4.3. A 'master' Natural England Biodiversity Metric 3.1 will be held by Cala Homes Ltd and each new development will be recorded on this master metric to demonstrate how a minimum of 10% net gain is delivered across all new development.

## Protected Sites

- 4.4. No protected sites within the study area are expected to be impacted by the proposed development.

## Habitats

- 4.5. A biodiversity net gain assessment has been completed for the Phase 1 development area, as shown in **Section 5** below.

## Construction

- 4.6. Where features of ecological importance (such as waterbodies, hedgerows and trees) are being retained but have the potential to be impacted by development proposals, protection measures must be put in place for the duration of construction to ensure the potential for damage or destruction is minimised. For trees and hedgerows this would need to be in line with best practice guidance detailed in BS 5837:2012 'Trees in relation to design, demolition and construction'. Furthermore, pollution prevention controls will need to comply with the Environmental good practice on site guide (fourth edition) produced by CIRIA in 2015.

## Operation

- 4.7. The existing waterbodies on site should be retained and where possible should be subject to the following enhancements:
- Selective scrub control to ensure they do not become overshadowed;
  - Control of invasive species;
  - Relaxing of management of surrounding semi-natural habitats where it does not conflict with landscaping requirements in order to increase available habitat for fauna on site;
  - Where waterbodies have limited semi-natural habitat surrounding them, opportunities should be sought to create habitats wildflower grassland and hedgerows.
- 4.8. Retained hedgerows should be subject to enhancements through gap planting where necessary and additional hedgerow planting should be sought within strategic landscaping and across development plots where it is likely to deliver the most ecological benefit.



- 4.9. New habitats proposed will need to be appropriate for the site and should comprise a combination of the following:
- Waterbodies;
  - Neutral wildflower grassland;
  - Amenity grassland;
  - Mixed scrub;
  - Tree planting; and
  - Hedgerows.
- 4.10. Management of the proposed habitats should be in line with the management prescriptions outlined in **Section 5** of this Biodiversity Strategy.

## Fauna

- 4.11. The mitigation and enhancements measures outlined below are applicable to all future development plots and strategic landscaping proposed by Cala Homes Ltd.

### Badgers

- 4.12. As badgers are known to use the site identified by nearby setts and suitable foraging habitat on site, an update badger survey in advance of site clearance will be undertaken. If new sett(s) found and would be affected by development an appropriate mitigation strategy and, if relevant, licence from Natural England would be required.
- 4.13. During construction, all excavations will be covered or left with suitable egress to allow animals to escape.

### Bats

- 4.14. If building demolition or tree removal is required as part of the development proposals a further check by a licensed bat ecologist will be required. If potential for roosts is identified, further surveys and an appropriate mitigation strategy and licence from Natural England may be required.
- 4.15. Furthermore, all construction works to be undertaken during daylight hours and no additional lighting during the construction period will be used.
- 4.16. Lighting proposed within the new development plot that has the potential to impact bat commuting and foraging corridors (ditches and hedgerows), if they are not already lit, will be in line with the following principles (BCT, 2014):
- No lighting to be incorporated where not necessary;
  - Where necessary, consider limiting the time the lights are illuminated;



- Use of narrow spectrum light sources;
  - Use of light sources that emit minimal ultra-violet light; and
  - Avoiding white and blue wavelengths of the light spectrum.
- 4.17. Bat boxes should also be incorporated into development plot, dependent on their location and likelihood of use. The siting of the bat boxes should take into consideration surrounding habitats, with boxes fronting on to, or adjacent to waterbodies, hedgerows and scattered trees and should avoid areas that will be heavily lit at night.

## **Birds**

- 4.18. Any vegetation clearance should be undertaken outside of nesting bird season (March to August inclusive). If this is not possible, vegetation will be checked by the ECoW prior to clearance. If an active nest is present, an exclusion zone will be set up and no clearance will take place until the young have fledged.
- 4.19. Bird boxes should also be Incorporated Into development plots dependent on their location and likelihood of use. Ideally, they should be sited close to hedgerow/tree habitat or waterbodies.

## **Great crested newts**

- 4.20. If any plot development requires direct loss or direct impacts on any of the on-site waterbodies and within 250m of the pond located to the east of the site, an eDNA survey will need to be undertaken during the appropriate time by a suitability qualified person in order to confirm GCN absence. If absence is confirmed, no further action would be required. If presence is confirmed, an appropriate mitigation strategy would need to be devised in consultation with the Cherwell District Council Technical Specialist (Ecology) and Natural England if required. Depending on potential impacts, this may include the requirement for a European Protected Species (EPS) licence.

## **Hazel dormouse**

- 4.21. Further surveys should be carried out to determine the likely presence/absence of hazel dormice within the site.
- 4.22. Where hedgerows are to be removed as part of the proposals, precautionary working methods should be enforced under the supervision of a suitably qualified ECoW, following a thorough fingertip search of the area that is to be removed.
- 4.23. If a dormouse or evidence of dormice is found during this search or during removal work, then all works must stop and the site will require a Natural England dormouse licence before any further works that may impact dormouse habitat can be undertaken. This licence would detail the appropriate mitigation measures required in order for the removal of hedgerow to continue.



## Reptiles

4.24. Where the potential for reptiles exists, the following Precautionary Working Method Statement (PWMS) should be implemented:

- A toolbox talk will be provided to all contractors on site by a suitably qualified ecologist identifying the reptiles present on site and what they should do if they encounter one on site;
- Hibernacula to be installed within retained boundary habitats (locations to be agreed with suitably qualified ecologist) prior to any vegetation clearance down to ground/grubbing out of roots occurring;
- Hand search by a suitably qualified ecologist of any suitable habitat to be cleared;
- Clearance of suitable habitat to be undertaken during the active season for reptiles (March to September inclusive). This may conflict with breeding bird season so checks by a suitably qualified ecologist will need to be undertaken if this is the case. To avoid this, clearance over the winter period should be down to c.30cm to make habitats unsuitable for breeding birds but not adversely impact upon hibernating reptiles;
- Clearance will be undertaken in a phased manner with vegetation initially being trimmed from 30cm to 15cm, left at least overnight to allow individuals present to move of their own volition;
- Any reptiles identified during these works will be moved in a suitable container by the suitably qualified ecologist to retained suitable habitats;
- Once the suitably qualified ecologist has confirmed that the site is clear of reptiles ensure that thereafter the site is kept close mown; and
- All works to be undertaken under the supervision of the suitably qualified ecologist. If the suitably qualified ecologist considers that numbers being found during the above process are too high for the methodology to be effective work will cease, and the suitably qualified ecologist will produce an updated strategy.

## Mechanisms for Control, Monitoring and Review

4.25. To ensure the delivery of the Biodiversity Strategy for Himley Village and the minimum 10% biodiversity net gain across all new developments the following mechanisms of control would be implemented:

- When a developer produces their 'Biodiversity Statement' this must be informed and reviewed by a suitably qualified ecologist either instructed directly by the developer or by Cala Homes Ltd prior to being submitted to Cherwell District Council.
- The master Biodiversity metric will be administered by a suitability qualified person, to be retained by Cala Homes Ltd. This person will provide the conduit for liaison with Cala



Homes Ltd regarding strategic landscaping plots and off-site providers regarding habitat contributions is required.



## Section 5: Biodiversity Net Gain Assessment

- 5.1. A development achieves biodiversity net gain (BNG) in accordance with a published metric, when the total biodiversity units present post development is higher than that of the biodiversity units present on site prior to development.
- 5.2. A calculation is produced to assess the effects of a scheme on the habitats present versus the proposed compensatory habitat creation and enhancement measures. In order to determine whether offsetting is required, DEFRA's Biodiversity Net Gain Metric 3.1 has been used to calculate the biodiversity value of the site before and after development in terms of 'biodiversity units' to give an overall biodiversity net gain or loss.

### Existing Habitats

- 5.3. The following habitats were identified within the Phase 1 area (blue boundary Figure 1.1), of the reserved matters application, determined during the baseline survey completed on 11 January 2023 and are shown on Habitat Features Plan (**15525/P03**). A summary of each habitat is provided below along with the habitat condition and category it is assigned within the biodiversity net gain metric. The rationale for condition assessments is detailed within the metric.

#### Baseline habitat areas and condition

- **Developed land; sealed surface (0.01 ha):** This category includes the hardstanding, within the Phase 1 development area only. Habitat condition is not applicable to this category within the metric.
- **Modified grassland (0.12 ha):** This comprises the improved grassland within the site and has been assigned a condition of "poor".
- **Traditional orchards (0.02 ha):** This includes the orchard to the south of the buildings in the site and has been assigned a condition of "poor" within the metric.

#### Linear habitats and condition assessment

- **Native species-rich hedgerow with trees (0.16 km):** This category includes the section of the hedgerow running along the southern boundary of the site that lies within the Phase 1 development area. It has been assigned a condition of "good" within the metric.

### Proposed, Enhanced, and Retained Habitats

- 5.4. A summary of each habitat that is retained, enhanced and proposed is provided below along with the habitat condition and category it is assigned within the DEFRA 3.1 biodiversity net gain metric. The rationale for target condition assessments is detailed within the metric.



## Retained habitat areas and target condition

- **Developed land; sealed surface (0.01 ha):** This category includes the hardstanding and buildings within the Phase 1 development area to be retained. Habitat condition is not applicable to this category within the metric.

## Proposed habitat areas and target condition

- **Developed land; sealed surface (0.14 ha):** This includes the hardstanding proposed within the site. Habitat condition is not applicable to this category.

## Retained linear habitats and condition assessment

- **Native species-rich hedgerow with trees (0.1 km):** This category includes the section of the hedgerow running along the southern boundary of the site to be retained. It has been assigned a condition of “good” within the metric.

## Results Summary

- 5.5. As described within the DEFRA Biodiversity Metric 3.1 and summarised below in **Figure 4.1**, based on the habitats present within the site that will be subject to direct impacts and those to be created, the development would achieve a net loss of 100% based on current proposals. There would also be a loss of 37.5% of linear habitat units.

On-site baseline	<i>Habitat units</i>	0.36
	<i>Hedgerow units</i>	2.88
	<i>River units</i>	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	1.80
	<i>River units</i>	0.00
On-site net % change (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	-100.00%
	<i>Hedgerow units</i>	-37.50%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-0.36
	<i>Hedgerow units</i>	-1.08
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-100.00%
	<i>Hedgerow units</i>	-37.50%
	<i>River units</i>	0.00%

**Figure 4.1:** Biodiversity Net Gain Assessment Results Summary, taken from the DEFRA 3.1 Metric.



- 5.6. As shown in Figure 4.1, a net loss of 100% of habitat units and loss of 37.5% of hedgerow units is anticipated following the proposed development. Achieving net gain aligns with the National Planning Policy Framework (2021) in addition to Policy ESD 10 of the Cherwell District Local Plan (see **Appendix 1**). Notably, the net loss of 100% is calculated within the Phase 1 area of the proposed development only and further calculations of the remaining site are to be completed for the remaining Phase of the development.

## Management

- 5.7. The results of the DEFRA 3.1 metric are based on the habitats within the site being maintained at a certain condition, as prescribed by the condition assessment sheets published by DEFRA. A net gain is achieved when the proposed habitats are of a certain condition, as described.
- 5.8. Details of habitat establishment and long-term management could be provided through the production of a Landscape and Ecological Management Plan (LEMP). The LEMP would set out the prescriptions for the establishment and maintenance of the habitats on site for 30 years and would also outline details on additional ecological enhancements such as the positions of bat and bird boxes.





# Appendix 1: Policy and Legislation

## Legislation

- A1.1. Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
  - The Conservation of Habitats and Species Regulations 2017 (as amended);
  - The Countryside and Rights of Way (CROW) Act 2000;
  - The Natural Environment and Rural Communities Act (NERC) 2006;
  - The Hedgerows Regulations 1997; and
  - The Protection of Badgers Act 1992.
- A1.2. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2018 (as amended).
- A1.3. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.
- A1.4. The CROW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.

### **Office of the Deputy Prime Minister (ODPM) Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System**

- A1.5. ODPM Circular 06/05 was prepared to accompany PPS9, however continues to be valid, and material in the consideration of planning applications since PPS9's replacement by the NPPF.
- A1.6. ODPM Circular 06/05 provides guidance on applying legislation in relation to nature conservation and planning in England. Part I considers the legal protection and conservation of internationally designated sites (namely candidate Special Areas of Conservation (cSACs), SACs, potential Special Protection Areas (pSPAs), SPAs and Ramsar sites) and Part II considers the legal protection and conservation of nationally designated sites, namely Sites of Special Scientific Interest (SSSIs).
- A1.7. Part III considers the protection of habitats and species outside of designated areas (particularly UK Biodiversity Action Plan species and habitats, which it states are capable of being a material



consideration in the preparation of local development documents and the making of planning decisions.

- A1.8. Part IV considers species protected by law and states that the presence of a protected species is a material consideration in the consideration of a development proposal that, if carried out, would be likely to result in harm to the species or its habitat and that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

## National Planning Policy

### National Planning Policy Framework (NPPF), July 2021

- A1.9. The National Planning Policy Framework (NPPF) was updated in July 2021 and sets out the Government's planning policies for England and how these should be applied. It replaces the National Planning Policy Framework published in July 2019.

- A1.10. Paragraph 11 states that:

- A1.11. "Plans and decisions should apply a presumption in favour of sustainable development."

- A1.12. Section 15 of the NPPF (paragraphs 174 to 182) considers the conservation and enhancement of the natural environment including habitats and biodiversity (paragraphs 179-182)

- A1.13. Paragraph 174 states that planning and decisions should contribute to and enhance the natural and local environment by:

- "protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

- A1.14. Paragraph 175 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

- A1.15. Paragraph 179 states that in order to protect and enhance biodiversity and geodiversity, plans should:

- "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally



designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

A1.16. When determining planning applications, Paragraph 180 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- “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;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

A1.17. As state in paragraph 181 the following should be given the same protection as habitats sites:

- “potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

A1.18. Paragraph 182 states that the presumption in favour of sustainable development does not apply where the planned project is likely to have a significant effect on a habitat site (alone or in combination with other plans or projects) unless an appropriate assessment has concluded the plan or project will not adversely affect the integrity of the habitats site.



## Local Planning Policy

### The Cherwell Local Plan 2011 – 2031<sup>2</sup>

#### A1.19. Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

*“Protection and enhancement of biodiversity and the natural environment will be achieved by the following:*

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources;*
- The protection of trees will be encouraged, with an aim to increase the number of trees in the District;*
- The reuse of soils will be sought;*
- If significant harm 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 development will not be permitted;*
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated;*
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity;*
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity;*
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity;*

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<sup>2</sup> The Cherwell Local Plan 2011 – 2031 (adopted 2016) Cherwell District Council [Online] Available at: <https://www.cherwell.gov.uk/downloads/download/45/adopted-cherwell-local-plan-2011-2031-part-1-incorporating-policy-bicester-13-re-adopted-on-19-december-2016> [Accessed 17/01/23]



- *Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value 106 Cherwell Local Plan 2011-2031 Part 1 Section B - Policies for Development in Cherwell;*
- *Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution;*
- *Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably;*
- *A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management."*

#### A1.20. Policy ESD 11: Conservation Target Areas

*"Where development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area."*



## Plans:

### **Plan 1: Habitat Features Plan 15525/P03**





### Legend

Redline Boundary

Phase 1 Development Area

#### Habitats

Buildings

Hardstanding

Improved grassland

Broadleaved parkland

Scrub

Ponds

Garden

Orchard

Scattered broadleaved trees

Species-rich hedgerow

Species-rich hedgerow

Species-rich hedgerow with trees

Species-rich hedgerow with trees

Ditch

Fence



Project	Himley Village, Bicester
Drawing Title	Habitats Features Plan
Scale	As Shown (Approximate)
Drawing No.	15525/P03
Date	January 2023
Checked	VKC/RC



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