

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** L&Q Estates

**Proposal:** Discharge of condition 17 (mitigation strategy for badgers) of  
14/01932/OUT

**Expiry Date:** 16 February 2021

**Extension of Time:**

## **1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. This application relates to the larger part of a significant area of land that has been allocated for residential development through the Cherwell Local Plan Part 1 2011-2031 under Policy Banbury 17 for up to 1,345 dwellings. This application comprises the western part of the allocation within the Parish of Banbury town. Outline consent for up to 1,000 dwellings was granted on this site in December 2019.

## **2. CONDITIONS PROPOSED TO BE DISCHARGED**

- 2.1. This application seeks to discharge condition 17 of the outline consent, which requires the submission and approval of a mitigation strategy for badgers prior to the commencement of any development on the site, including any site clearance. This application has been submitted in advance of site clearance works along the Bloxham Road boundary in anticipation of works commencing on the new access into the site. The application is accompanied by a Badger Mitigation Strategy Report.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

14/01932/OUT – outline consent for the erection of up to 1,000 dwellings and associated infrastructure.

## **4. RESPONSE TO CONSULTATION**

- 4.1 Ecology Officer: I have no concerns regarding this strategy and can confirm that I would be happy for condition 17 to be discharged on the basis of this document.

## **5. APPRAISAL**

- 5.1 The site supports several badger setts, in locations where the developer intends to undertake earthworks and construction activities related to the construction of the approved development. Consequently, a planning condition was included requiring the preparation of a mitigation strategy for badgers prior to the commencement of any development or site clearance works. The site has been subject of a number of badger surveys carried out over the years, the latest full survey being November 2018, which is included with this submission. Updated badger walkover survey were also undertaken in July 2019 and again in November 2020.

- 5.2 The application documentation has been assessed by the Council's Ecologist who recommends that based on the submission, the condition can be discharged. The updated surveys have confirmed the precise location of setts and entrances, and mitigation, protective and avoidance measures are set out. A licence should be obtainable as necessary for stages where required.
- 5.3 On the basis of the above, and having regard to the submitted documentation, it is considered that the condition can be discharged accordingly.
- 5.4 The original application was EIA development. The badger strategy submitted seeks to address the issues in respect of badger activity on the site which was considered through the ES submission. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

## **6. RECOMMENDATION**

That Planning Condition 17 of outline approval 14/01932/OUT be discharged based upon the following:

### Condition 17

The Environmental Dimension Partnership Ltd (EDP) Badger Mitigation Strategy parts 1-6 (dated 21 December 2020) – Report Reference: edp5378-r002b, including the appended Update Badger Survey Report undertaken by Wardell Armstrong dated November 2018 – Report Number: E002-18 and the subsequent EDP walkover survey updates dated 31 July 2019 and 9 November 2020 that referenced site monitoring undertaken between November 2019 and January 2020 and again in the period March and April 2020.

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DATE: 27 January 2021

Checked By: Andy Bateson

DATE: 27 January 2021

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