

Annex EDP 4 Protected Species

Bats

A4.1 All species of British bat are listed as European Protected Species (EPS) on Schedule 2 of the Conservation Regulations (Annex IV (a) to the Habitats Directive). This affords bats protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence to:

- Damage or destroy a breeding site or resting place of a wild individual of an EPS;
- Deliberately capture, injure or kill a wild individual of an EPS;
- Deliberately disturb a wild individual of an EPS wherever they occur, in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce or, in the case of hibernating or migratory species, to hibernate or migrate; or
- Affect significantly the local distribution or abundance of the species to which they belong.

A4.2 Additional protection for bats is also afforded under the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000, making it an offence to intentionally or recklessly disturb bats whilst they are occupying a structure or place that is used for shelter or protection, or to obstruct access to this structure or place. As bats tend to re-use the same roosts, legal opinion is that roosts are protected whether or not bats are currently occupying these resting places/places of shelter.

A4.3 Prior to undertaking any tree works or tree removal further advice should be sought from a suitably qualified ecologist.

Nesting Birds

A4.4 The main bird nesting season is between March and August inclusive. Contractors have a legal responsibility to comply with current legislation relating to breeding birds. Under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, birds, as well as their nests and eggs are protected, and it is an offence to:

- Take, damage or destroy the nest of any wild bird while it is in use or being built;
- Take or destroy the egg of any wild bird; and

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- To disturb any wild bird while it is nest building, or at a nest containing young, or disturb the dependent young of such a bird.

Annex EDP 5

Consideration of Trees within the Design Process

A5.1 Construction activities pose a threat to the successful retention of trees if handled inappropriately. It is important to consider the relationship between development and trees during the design process.

Below-ground Constraints – Root Protection Area

A5.2 The below-ground constraints are defined as the likely spread and distribution of the root system and are depicted on **Plan EDP 1** with pink outlined areas, representing root protection area (RPA) around each surveyed item.

A5.3 The RPA is defined as the minimum area (in m²) around the tree that is deemed to contain sufficient roots and rooting volume to maintain the tree's viability.

A5.4 Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, the shape of the RPA may be modified, but not reduced in area, and its shape should reflect a soundly based assessment of the likely root distribution.

A5.5 Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- The morphology and disposition of the roots, when known to be influenced by past or existing site conditions (e.g. the presence of roads, structures and underground services);
- Topography and drainage;
- The soil type and structure; and
- The likely tolerance of the tree to root disturbance or damage, based on factors such as species, age and condition and presence of other trees.

Above-ground Constraints – Proximity of Trees to Structures

A5.6 The above-ground parts of a tree whilst being more visible and easily protected are a potential constraint to development and consideration should be given to the current and ultimate height and spread of the trees.

A5.7 Where the current and/or ultimate height of a category A, B or C trees will cause an unreasonable obstruction to the proposed development, this must be considered as a constraint. This is usually considered in terms of issues relating to shade and light.

A5.8 The above ground constraints can be a combination of factors such as:

- Shading of buildings and open space – a detailed daylight study may be necessary if any proposed buildings are in the immediate vicinity of retained trees;
- Direct damage to structures;
- Future pressure for removal;
- Seasonal nuisance (e.g. leaf fall blocking gutters, fruit fall creating slippery patches and honey dew dripping on vehicles and surfaces);
- Whether the tree is deciduous or evergreen; and
- Density of foliage.

Appendix EDP 2
Open Space Parameter Plan
(Ref: 239_P12)

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Do not scale from this drawing.
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PLANNING

- Site boundary (22.7ha)
- Residential development area
- Formal/amenity green space
- Informal/natural green space
- Ecological Restoration Zone
- Conservation Target Area
- Local Wildlife Site
- SuDS feature (top of bank shown)
- Existing trees/hedgerows/scrub to be retained
- Existing Public Rights of Way
- Existing recreational routes/footpaths
- Indicative recreational routes/footpaths
- Proposed play space
- Existing watercourses/waterbodies

Rev.	Date	Description
		Land north of Gavray Drive BICESTER
Open Space Parameter Plan		
Job ref: 239	Drawing number: P12	Revision: -
Scale: 1:3,500 @ A3		Date: April 2021

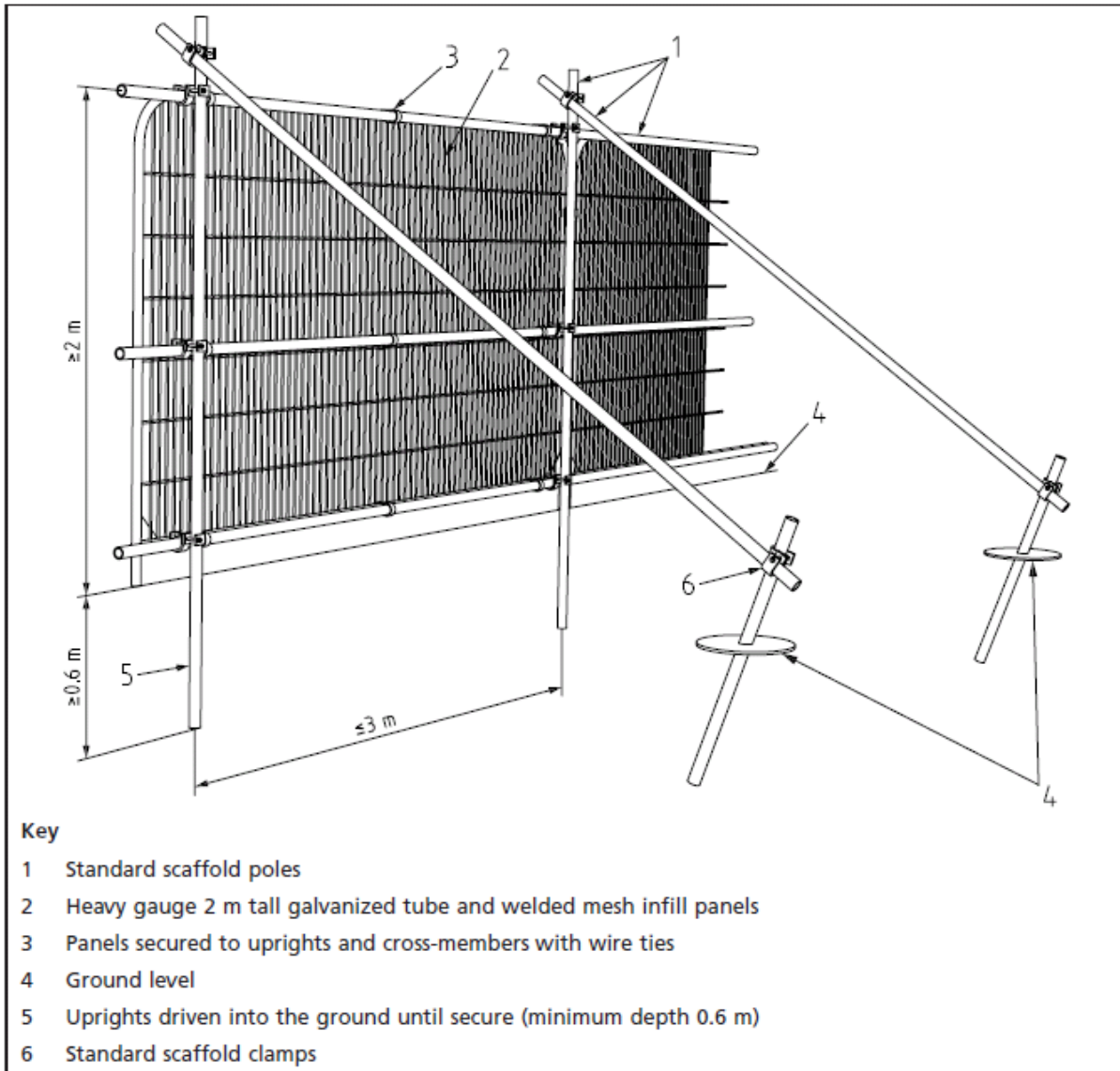


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Appendix EDP 3 Tree Protection Barrier on Scaffold 2.0m High (Extract from BS 5837:2012, Figure 2 'Protective Barrier')



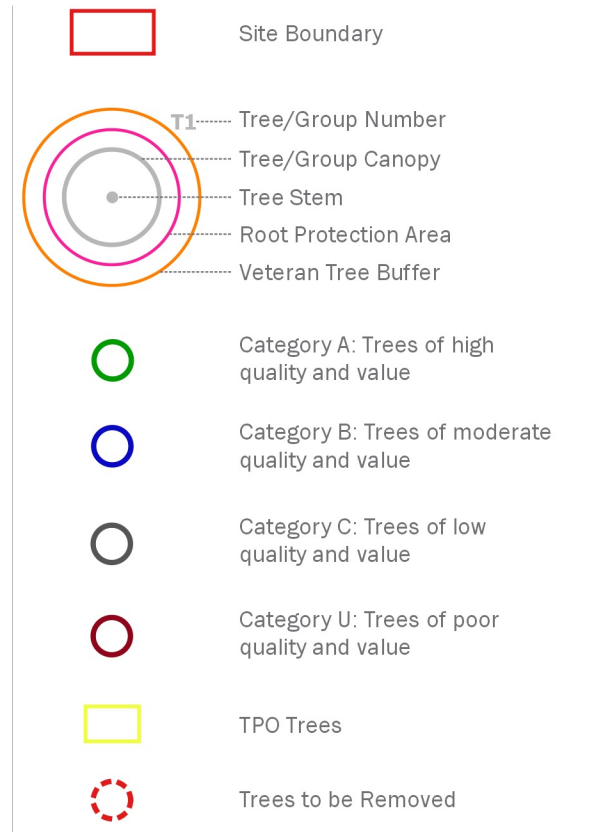
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Plan

Plan EDP 1

Tree Retention and Removal Plan
(edp0124_d168a 15 July 2021 TC/LT)

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client	L&Q Estates	
project title	Gavray Drive, Bicester	
drawing title	Tree Retention and Removal Plan Overview	
date	15 JULY 2021	drawn by TC
drawing number	edp0124_d168a	checked LT
scale	1:3,500 @ A3	QA RB



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