

# Ecological Assessment



**Former Buzz Bingo Site, Bolton Road, Banbury**

**9<sup>th</sup> December 2021**



**Tyler  
Grange**

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# Summary

- S.1. Tyler Grange Group Ltd were instructed by Planning Issues Ltd in September 2021 to undertake an ecological assessment of a former Buzz Bingo site in Banbury, Oxfordshire, hereafter referred to as the 'site'.
- S.2. The site is dominated by a large building and associated car park with areas of ornamental shrub planting and amenity grassland around the building edges.
- S.3. A planning application for the demolition of the existing building and redevelopment of the car park for a proposed single retirement living building with owner's lounge, associated outdoor amenity and car parking is to be submitted to Cherwell District Council.
- S.4. The site is not covered by any statutory protection, although a number of such sites are present within the local area. Due to the scale of the development and distances from the site, it is considered that there is no potential for adverse effects to any of the identified designated sites during the construction or operational phase of the proposed development.
- S.5. The site has potential to support species of bats and breeding birds and specific surveys have been completed where considered necessary.
- S.6. The proposals represent an opportunity to increase the biodiversity on site and new native tree, hedgerow and shrub planting along with amenity grassland will increase opportunities for wildlife and help the site to achieve a biodiversity net gain, as captured in **Appendix 3**. Overall, the proposed development has a positive change of +352.01% habitat units and a +100% hedgerow unit increase (see **Appendix 4**). To create additional ecological enhancements at the site and in line with local planning guidance, the provision of bird boxes is also recommended to improve opportunities for UK and local priority species.
- S.7. With the implementation of suitable mitigation and enhancement measures, the proposed development would be in conformity with relevant planning policy and legislation, as set out in **Appendix 1**. The strategy could be controlled by appropriately worded planning controls.





# Section 1: Introduction and Methodology

## Introduction

- 1.1. Tyler Grange Group Ltd was instructed by Planning Issues Ltd in September 2021 to undertake an Ecological Assessment of part a former Buzz Bingo site in Banbury, Oxfordshire (hereafter referred to as the 'site'). The site is centred on National Grid Reference SP 45410 40744.
- 1.2. The site currently comprises a single building (formerly Buzz Bingo but currently disused), hardstanding, ornamental shrub and amenity grassland around the building edges (see Plan 14292/P01). The site is in the centre of Banbury surrounded by built development and associated roads.
- 1.3. A planning application for the demolition of the existing building and redevelopment of the car park for a proposed single retirement living building with owner's lounge, associated outdoor amenity and car parking will be submitted to Cherwell District Council.
- 1.4. The purpose of this report is to:
  - Use available background data and results of field surveys, describe and evaluate the ecological resources present within the likely 'zone of influence' (Zol) of the proposed development;
  - Assess ecological issues and opportunities as a result of development; and
  - Where appropriate, describe mitigation and enhancement proposals, together with planning controls to ensure their delivery and conformity with relevant policy and legislation.

## Context

- 1.5. The 'site' is defined by the application red-line boundary (see Plan 14292/P01) and is located in the centre of Banbury. The 'study area' extends to a 2km radius for protected and Priority Species records and non-statutory site designations, extended for 2km for nationally designated statutory sites and a 10km radius for European statutory designated sites.

## Methodology

- 1.6. This Ecological Assessment has been informed by the following, with detailed methods provided at **Appendix 2**:
  - Full desk study and records search from Thames Valley Environmental Records Centre (TVERC);
  - Phase 1 habitat survey; and
  - Preliminary Bat Roost Assessment (PBRA).
- 1.7. The above scope of work has informed the description and assessment of importance of ecological features - in line with the 'Guidelines for Ecological Impact Assessment' published by



the Chartered Institute for Ecology and Environmental Management (CIEEM) (CIEEM, 2018)<sup>1</sup> - the consideration of opportunities and constraints to development, and mitigation and enhancement requirements to ensure conformity with legislation and policy (see **Appendix 1**). All work undertaken complies with British Standard's for Biodiversity – BS42020 (BSI Standards Publication, 2013)<sup>2</sup>.

## Quality Assurance

- 1.8. This report has been prepared and reviewed members of CIEEM who abide by the Institute's Code of Professional Conduct.

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<sup>1</sup> CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.

<sup>2</sup> BSI Standards Publication (2013). Biodiversity – Code of Practice for Planning and Development.



## Section 2: Ecological Features

### Protected Sites

- 2.1 The site is not covered by any statutory or non-statutory designation for nature conservation importance and there are no internationally designated sites within 10km. There are no National Nature Reserves (NNR) or Local Nature Reserves (LNR) and only one Site of Special Scientific Interest (SSSI) within 2km of the site. Neithrop Fields cutting SSSI is designated for its geological importance and is therefore not considered further within this report. The site is not located within any SSSI impact zones.
- 2.2 There are two Cherwell District Wildlife Sites (DWS) and one Proposed Cherwell District Wildlife Site (pDWS) within 2km of the site:
- Grimsbury Reservoir and Wood DWS is located approximately 1.2km north east of the site and is the largest area of standing water in North Oxfordshire. To the north of the reservoir there is a small plantation woodland known to support a range of birds including wintering siskin *Carduelis spinus*, lesser redpoll *Acanthis cabaret* and numerous warblers;
  - The Saltway, Banbury DWS is located approximately 1.8km south west of the site and is an ancient road bounded by hedgerows and woodland strips; and
  - Cherwell Country Park pDWS is located approximately 1.9km north east of the site and comprises wet grassland and fen habitat within the floodplain of the River Cherwell.
- 2.3 These sites have been designated as they are of importance within the Cherwell district so are considered to be of **district ecological importance**.

### Habitats and Flora

- 2.4 There are no priority habitats within or adjacent to the site boundary. The site is dominated by a large building which is of brick construction with a steeply sloping slate mansard roof. The car park comprises hard standing with areas of ornamental shrub planting and amenity grassland around the building edges (see Photographs 1 and 2).



**Photograph 1 and 2:** Eastern aspect of building and ornamental planting and amenity grassland on northern aspect.



- 2.5 The amenity grassland is regularly mown so has a short sward with no obvious species recorded. In addition, there are some undesirable species around the car park edges including broadleaved dock *Rumex obtusifolius* and bramble *Rubus fruticosus* agg.
- 2.6 None of the habitats recorded on site are considered to be of more than **negligible ecological importance**.
- 2.7 There are no trees on site but immediately adjacent to the southern boundary and also overhanging the site access off Bolton Road are two immature silver birch *Betula pendula* trees. These are considered to be **of negligible ecological importance**.

## Fauna

### Bats

- 2.8 There are two European Protected Species Licences (EPSL) for bats within 2km of the site which are for common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and brown long eared bat *Plecotus auritus* from 2009 and common pipistrelle, brown long eared bat and Natterer's bat *Myotis nattereri* from 2010.
- 2.9 The biological records submitted included records of common pipistrelle, soprano pipistrelle, brown long eared bat, Nathusius's pipistrelle *Pipistrellus nathusii*, noctule *Nyctalus noctula*, serotine, *Myotis* sp. and barbastelle *Barbastella barbastellus*. None of these records were associated with the site itself with the majority associated with Bretch Farm, approximately 1.6km west of the site.
- 2.10 During the site visit an internal and external inspection of the building was undertaken (see **Appendix 2** for detailed methodology). The building is of brick construction with a steeply sloping slate mansard roof on the sides topped with corrugated metal (Photograph 1 above). There are wooden soffits below the mansard slate roof (Photograph 3). The building is in extremely good condition with the majority of the roof and soffits completely intact and tight to the brickwork there were no gaps around windows and all windows were intact. The only potential features are identified in **Table 2.1** below.



**Photograph 3:** Eastern aspect of building showing wooden soffits.





- 2.11 Internally, the building comprised a large bingo hall, associated reception, bar, toilets and store/office rooms. There was a false ceiling in place so no loft space present but numerous tiles from the false ceiling had been removed so it was possible to see above where it opened out straight to the corrugated metal roof (Photographs 4, 5 and 6). The metal roof supports appeared flush to the roof itself offering no opportunities for roosting bats. No signs of roosting bats were recorded either externally or internally during the site visit. Given the nature of the building and the results of the survey, it is considered highly unlikely that roosting bats are a feature of the site.



**Photographs 4, 5 and 6:** Inside the building showing the false ceiling and visible roof.

**Table 2.1:** PRA Results

Feature	Description	Photograph
Gap in wooden soffit	Small gap in wooden fascia on north side of the building adjacent to Castle Street. This does offer a potential access into the building; however, it is located on the junction of two busy main roads and situated immediately adjacent to a street lamp and therefore well lit. means it is considered extremely sub-optimal for roosting bats. Furthermore, as outlined above, the inside of the building does not offer suitable roosting potential given it is open up to the metal roof.	
Broken tile.	Single broken tile on north west corner of the building at the junction between the A361 and Castle Street. This does offer a potential opportunity for crevice dwelling bats; however, it is located on the junction of two busy main roads and situated immediately adjacent to a street lamp and therefore very well-lit. It is considered extremely sub-optimal for roosting bats particularly when considering the optimal habitat nearby in the form of the People's Park to the south west, the cemetery to the north west, Spiceball County Park to the north east and the vegetated railway line to the east.	



- 2.12 The building is considered to offer **negligible bat roosting potential**. Furthermore, the building is surrounded by busy roads and is well-lit by streetlamps and given its location in central Banbury is considered highly unlikely to support roosting bats or be of importance to commuting and foraging bats.
- 2.13 It also should be noted that the on-site building warps around Trelawn House, a brick building with pitched slate roof, on its western boundary. This building is outside the red line, so no internal access was possible but externally it looked to be in good condition with no raised roof tiles, gaps in brickworks or soffits. However, only the western aspect is visible so there could be some features present on the other aspects.

### **Birds**

- 2.14 Almost 4000 bird records were provided, none of which were for the site itself. The majority of records are associated with Grimsby Reservoir and Wood DWS and therefore the bird species recorded are highly unlikely to utilise the habitats on site as they require bodies of open water and woodland habitats.
- 2.15 The building, ornamental planting and amenity grassland offer some limited potential for urban species of nesting and foraging birds (such as blackbird *Turdus merula* and pigeon *Columba livia domestica*); however, given the limited nature of these habitats they are unlikely to support a common bird assemblage and are likely to form part of a larger foraging resource. No signs of nesting birds were noted on the building either internally or externally. Therefore, any bird assemblage using the site is likely to be of no more than site ecological importance.

### **Other Species**

- 2.16 Based on the habitats present on site, it is not considered likely to support any other protected or priority fauna.





## Section 3: Potential Impacts, Mitigation and Enhancement

### Proposals

- 3.1. The proposals for the site will result in the demolition of the existing building and loss of all on site habitats. Once cleared a proposed single retirement living building with owner's lounge, associated outdoor amenity and car parking will be constructed. The proposals have been designed to provide enhancements post-development through the planting of new trees, hedgerows and shrub along with amenity grassland, which will provide a gain in native habitats, as captured in **Appendix 3**.

### Potential Impacts and Requirement for Mitigation

- 3.2. Both the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006 gives the importance of conserving biodiversity a statutory basis, requiring government departments (which includes Local Planning Authorities) to have regard for biodiversity in carrying out their obligations (which includes determination of planning applications) and to take positive steps to further the conservation of listed species and habitats. These articles of legislation require Cherwell District Council to take measures to protect species or habitats from the adverse effects of development, where appropriate, by using planning conditions or obligations.
- 3.3. Where there are potential impacts in the construction and/or operational phases of the development to the ecological resources described and evaluated in Section 3, these are described below. Where potential impacts would trigger legislation or planning policy (as set out in **Appendix 1**), the requirement for mitigation is noted.

### Protected Sites

- 3.4. Due to the scale of the development, distances and lack of impact pathways, it is considered that there is no potential for adverse effects to any of the identified designated sites during the construction or operational phase of the proposed development.

### Habitats and Flora

- 3.5. The proposals will require the loss of all site habitats which are of **negligible ecological importance**. The loss of these habitats does therefore not trigger the requirement for mitigation; however, in line with the National Planning Policy Framework (NPPF) and Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment in the Cherwell Local Plan 2011 – 2031 adopted in 2015<sup>3</sup>, the proposals include new native trees, hedgerow and shrub along with amenity grassland, which will utilise species known to be of benefit to wildlife. The additional trees

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<sup>3</sup> Cherwell District Council (2015). The Cherwell Local Plan 2011 – 2031. Part 1 Adopted 20 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016).  
[file:///C:/Users/Hazel/Downloads/Final\\_adopted\\_Local\\_Plan\\_2011\\_2031\\_incorporating\\_re\\_adopted\\_policy\\_Bicester\\_13.pdf](file:///C:/Users/Hazel/Downloads/Final_adopted_Local_Plan_2011_2031_incorporating_re_adopted_policy_Bicester_13.pdf)



and shrub, along with the amenity grassland will therefore provide better quality habitats with greater ecological importance than that which is currently within the redline.

- 3.6. A Biodiversity Net Gain Assessment was completed (**Appendix 4**) which demonstrates that the proposed scheme would result in an overall positive change of +352.01% habitat units and a +100% hedgerow unit.
- 3.7. The two off site silver birch trees are overhanging the site so will need to be protected during construction in line with BS 5837 (2012): Trees in relation to Design, Demolition and Construction<sup>4</sup>.

## Fauna

### Bats

- 3.8. Roosting bats are not considered a feature of the site. There is potential that immediately off site, Trelawn House has some features that are not currently visible although this is considered unlikely given the nature of the building and its current condition. This building will be retained and will not be subject to any lighting during construction.
- 3.9. The site is located in central Banbury in an urban setting surrounded by roads, car parks and other buildings therefore there is very limited opportunity for commuting and foraging bats in the vicinity. Furthermore, the site habitats offering potential suitable foraging habitat are extremely limited. It is unlikely light sensitive species would be present due to the surrounding street lights.
- 3.10. The proposals including the new native trees, hedgerow and shrub along with amenity grassland, will increased the foraging habitat available to bats on site.
- 3.11. Overall, it is considered that the measures detailed would maintain and improve foraging and commuting opportunities for bats, creating an enhancement post-development.

### Breeding Birds

- 3.12. There may be some partial displacement of nesting birds through demolition of the building and clearance of the ornamental planting though this is considered to be minimal given the limited nature of the habitats and the lack of field signs recorded during the site visit.
- 3.13. All wild birds, their nests and eggs are afforded protection under the WCA 1981 (as amended). In order to avoid a breach in the legislation, removal of buildings and ornamental planting (hedgerows and trees), should be undertaken outside the nesting bird season (March to August inclusive). Should this not be possible, a thorough search of the hedges, trees and roof tops would need to be completed by a suitably qualified ecologist immediately prior to removal and demolition, to check for signs of active bird nests. If an active nest is found to be present, an appropriate buffer will need to be retained until the young have fledged and the nest is no longer active, as confirmed by an ecologist.

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<sup>4</sup> BSI Standards Publication (2012). Trees in Relation to Design, Demolition and Construction to Construction – Recommendations BS5837.





- 3.14. The recommended planting would increase the overall habitat available for nesting and foraging birds. As such the improved habitats will provide increased foraging opportunities and may attract an increased species complement compared to existing.
- 3.15. To create a further enhancement for birds nesting opportunities would be created through the provision of nest boxes incorporated into the new buildings, or on suitable retained trees, with such features positioned so as to provide easy access to linear features or grouped as some bird species prefer.
- 3.16. Overall, it is considered that the measures detailed would maintain and improve nesting and foraging opportunities for birds, creating an enhancement post-development.



## Section 4: Conclusion

- 4.1. No ecological features that would affect the principle of development at the site have been identified.
- 4.2. No adverse impacts to any statutory or non-statutory designated sites are anticipated as a result of the development.
- 4.3. In order to provide a net gain in biodiversity the scheme has been designed to include a landscape planting scheme which would include native species planting (**Appendix 3**). Overall, the proposed development has a positive change of +352.01% habitat units and a +100% hedgerow unit increase (**Appendix 4**).
- 4.4. The site was considered to provide limited opportunities to commuting and foraging bats and nesting and foraging birds. These opportunities will remain in the medium to long-term following the proposed planting, and enhancements to the biodiversity value of the site for these species are possible through the provision of bird boxes.
- 4.5. With the implementation and enhancement strategy described in this assessment (outlined in Section 3), it is considered that the proposed development would be in conformity with relevant policy and legislation, as set out in **Appendix 1**.



# Appendix 1: Legislation and Planning Policy

- 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 2018 (as amended);
  - The Countryside and Rights of Way (CROW) Act 2000;
  - The Hedgerows Regulations 1997;
  - The Protection of Badgers Act 1992; and
  - The Natural Environment and Rural Communities Act (NERC) 2006.
- 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 2017 (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.

## **Species and Habitats of Principal Importance and the UK Biodiversity Action Plan**

- A1.5 The UK Post-2010 Biodiversity Framework succeeded the UK BAP partnership in 2011 and covers the period 2011 to 2020. However, the lists of Priority Species and Habitats agreed under the UKBAP still form the basis of much biodiversity work in the UK. The current strategy for England is 'Biodiversity 2020: A Strategy for England's wildlife and ecosystem services' published under the UK Post-2010 UK Biodiversity Framework. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed for the UK BAP remain valuable resources for background information on priority species under the UK Post-2010 Biodiversity Framework.
- A1.6 Priority Species and Habitats identified under the UKBAP are also referred to as Species and Habitats of Principal Importance for the conservation of biodiversity in England and Wales within Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC)



Act 2006. The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

## National Planning Policy

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

A1.7 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.

A1.8 Paragraph 11 states that:

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

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)

A1.9 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"

A1.10 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.

A1.11 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."

When determining planning applications, Paragraph 1780 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."

As stated 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."

- A1.12 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.

## **Cherwell Local Plan 2011 – 2031 – Adopted December 2016**

### **Policy ESD 9: Protection of the Oxford Meadows SAC**

- A1.13 Developers will be required to demonstrate that:

- During construction of the development there will be no adverse effects on the water quality or quantity of any adjacent or nearby watercourse;
- During operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards (and where necessary oil interceptors, silt traps and Sustainable Drainage Systems will be included);
- New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality; and
- Run-off rates of surface water from the development will be maintained at greenfield rates.

### **Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment**

- A1.14 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;
- 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;
- 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; and
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management.



## Appendix 2: Survey Methodology

### Data Search

- A2.1 The aim of the data search is to collate existing ecological records for the site and adjacent areas. Obtaining existing records is an important part of the assessment process as it provides information on issues that may not be apparent during a single survey, which by its nature provides only a 'snapshot' of the ecology of a given site.
- A2.2 This data search covered the study area using the distances defined in the previous section. It was completed in November with the following organisations and resources contacted and consulted:
- Thames Valley Environmental Records Centre (TVERC);
  - Multi-Agency Geographic Information for the Countryside (MAGIC) Interactive Maps, for locations of statutory sites<sup>5</sup>;
  - Section 41 of the Natural Environment and Rural Communities (NERC) Act for Priority Species and habitats in England; and
  - Cherwell District Council website for details of relevant local planning policies and supplementary planning guidance.
- A2.3 Information supplied by these organisations has where relevant, been incorporated into the following report.

### Extended Phase I Survey

- A2.4 An extended Phase I habitat survey of the site was undertaken on 25th August 2021 by Hazel Murrells, Associate Ecologist at Tyler Grange Group Ltd and full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). The habitat survey methodology was based on guidance set out in the 'Handbook for Phase 1 habitat survey' (JNCC, 2010) and entailed recording the main plant species and classifying and mapping habitat types with reference to the Habitat Definitions provided by the UK Habitat Classification Working Group (2018).
- A2.5 Note was taken of the more conspicuous fauna and any evidence of, or potential for the presence of protected or notable flora and fauna. Where access allowed, adjacent habitats were also considered in order to assess the site within the wider landscape and to provide information with which to assess possible impacts within the context of the site boundary.

### Preliminary Roost Assessment

- A2.6 A Preliminary Roost Assessment of a structure is a detailed inspection of its exterior (and interior for a structure) to look for features that bats could use for roosting; known as Potential Roosting Features (PRFs).
- A2.7 The aim of the Preliminary Roost Assessment (PRA) is to determine the actual or potential presence of bats and the need for further survey and/or mitigation. An external ground level preliminary

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<sup>5</sup> Multi-Agency Geographical Information for the Countryside (MAGIC) website (<https://magic.defra.gov.uk/>). Accessed August 2021.



roost appraisal of the building and an internal inspection of accessible loft spaces was undertaken at the same time as the Phase 1 Habitat Survey on the 25<sup>th</sup> August by Hazel Murrells, an experienced ecologist and full member of CIEEM. The location of the building and trees at the site are shown on **Plan 14292/P01**.

- A2.8 The building was classified as negligible potential, based on the evidence discovered during the survey or the observed features. In relation to buildings, signs of a bat roost may include bat droppings, urine splashes, staining and features suitable for allowing bats to access to roost (e.g. gaps behind soffits/damaged weatherboards/hanging tiles/ridge tiles/lifted slates). In relation to trees, signs of a bat roost may include bat droppings, urine splashes, staining. Potential roost features that allow the bat access into the tree include woodpecker holes, frost cracks, deadwood, knot holes and limb wounds.
- A2.9 All surveys were daytime inspections, and the conditions were considered optimal. The building was checked externally and internally where possible.
- A2.10 The potential of the buildings to support roosting bats was assessed using the criteria shown in Table A2.1 below.

**Table A2.1:** Building/Structure Assessment Criteria - adapted from Collins, 2016<sup>6</sup>.

Suitability	Description of roosting habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain Potential Roost Features (PRFs) but with none seen from the ground or features seen with only very limited potential.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.

## Limitations

- A2.11 Internal access to the building was possible but was limited due to a lack of electricity meaning the survey had to be completed by torchlight where there were no windows present. Fortunately, given the nature of the building, as described in Table A2.2 below, it is considered enough information was gathered in relation to the building to undertake an accurate assessment of the bat roosting potential.

<sup>6</sup> Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1.





## Appendix 3: Proposed Landscape Plan





LANDSCAPE STRATEGY MASTERPLAN



KEY

Red line boundary

HARD LANDSCAPE

Parking court. Tarmac.

Paths and patios. 450mm x 450mm flag or similar and approved. Colour: 'Buff'

Resident balcony

Patio furniture

SOFT LANDSCAPE

Proposed fruit tree

Proposed ornamental tree

Proposed street tree

Proposed native tree

Topiary specimens. *Ilex crenata* or *Laurus nobilis* cones

Large specimen shrubs. Thuja 'Smaragd', Phormium 'Jester', Hydrangea of various varieties

Ornamental shrub and herbaceous planting

Low maintenance ground cover planting

Formal low clipped evergreen hedging - *Ilex crenata* to match topiary

Amenity grass areas

Existing trees to be retained

Native shrub buffer planting

Native hedge

Wildflower grass and ecological area

Drift of spring flowering bulbs.

1.2m proposed ornamental hedging

DESIGN PARAMETERS

The site currently consists of a commercial building with car parking, it will now be redeveloped into retirement living apartments. The main entrance to the building is from the parking courtyard to the south with 2 additional pedestrian paths into the site located on the east and north boundaries. The site falls by approximately 3m from the south of the site to the north with this leading to a sloped embankment enclosed by railings. Proposed screening mitigation appears along the northern boundary with an avenue of street trees which are natural screening between the proposed and existing developments. A low growing ornamental hedge designed to delineate the parking court from garden and patio area to the south. The Owners' Lounge and associated patio is on the southern elevation of the proposed building. An outdoor seating area with garden furniture and timber benches will be provided. Constraints including views looking in from neighbouring buildings and screening poor views looking out from the development have been considered. Overall, the proposed landscape design is at a domestic scale, creating homely spaces which allow for small social gatherings and quieter contemplative resting places. The inclusion of the 5 street trees along the frontage create a strong visual appeal to the frontage and link the street scene to the garden shrub planting. Elements of herbaceous planting will be proposed throughout the scheme for seasonal interest.

TREE PLANTING STRATEGY

**Street Trees** are planted on the northern boundary to screen views into the site. Chosen for their compact canopy and seasonal leaf colour.

**Ornamental trees** within the garden of the property will add seasonal interest to the several shrub beds throughout the development.

**Fruit Trees** planted close to other ornamental trees. Sourced from local nurseries of local variety.

**Native trees** will provide additional screening mitigation and support local biodiversity

PLANTING PALETTE - PLANTING PHILOSOPHY

On the main road frontage facing the northern boundary, compact canopy street trees such as *Acer campestre* 'Streetwise' provide important screening for the residents. These are under planted with a native hedge and a bank of wild flower which stretches along the entire front embankment. Moving west this then transitions into a collection of smaller ornamental and fruiting trees which are under planted with native buffer planting and semi-evergreen ornamental native flowering shrubs. This then leads into an the public access area which is heavily planted with more ornamental shrubs, specimens and native trees such as *Carpinus betulus*. The planting style for the amenity spaces will be more formal with seasonal interest and a strong year round evergreen presence. Use of ornamental hedging and topiary specimens will offer instant impact and cohesive structure to the planting beds. Large specimen shrubs chosen for their tone and texture will give an established appearance upon implementation. Flowering shrubs including fragrant perpetual flowering roses, grasses and topiary planting. Proposed planting on the northern elevation of the building will be chosen for their shade tolerance given the height and shadow cast by the building. Smaller local variety and locally sourced fruit trees provide focal points at a small domestic scale whilst boundary tree planting provides screening and enclosure for the residents. Bulbs and herbaceous planting will provide seasonal interest to the site including bee friendly flowering species. Climbers including clematis and honeysuckle will be proposed on boundary treatments. The native hedge and native buffer mix planting along the northern boundary will provide refuge for local fauna. Small ornamental and local fruit trees also aim to improve connectivity and biodiversity across the site. A diverse selection of proposed plant species will provide an overall enhancement to biodiversity with the site having the potential to attract a greater range of invertebrates and therefore providing foraging/nesting habitat for notable urban species.

Sample ornamental shrub bed.

Rev

Initials

Date

Comments

C

AJW

07.12.2021

Client Comments 06.12.2021

B

HNG

01.12.2021

Client Comments 30.11.2021

A

HNG

19.11.2021

Street trees

JBA 21-356 - SK02 Landscape Strategy

Site Bolton Road, Banbury

Churchill Retirement Living

Scale 1:250 @ A1

Rev - C

James Blake Associates Ltd.

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# Appendix 4: Biodiversity Net Gain Assessment Report



# **Former Buzz Bingo Site, Bolton Road, Banbury OX16 0TH Biodiversity Net Gain Assessment Report 14292\_R03\_26<sup>th</sup> November 2021\_HM\_MM**

## **Introduction**

- 1.1 Tyler Grange Group Ltd was instructed by Planning Issues Ltd in September 2021 to undertake a Biodiversity Net Gain (BNG) assessment of a former Buzz Bingo Hall, Bolton Road, Banbury, Oxfordshire, hereinafter referred to as the 'site'. A full planning application is to be submitted to Cherwell District Council in November 2021 for the construction of a single retirement living building with owner's lounge, associated outdoor amenity and car parking. The site is centred on National Grid Reference SP 45410 40744.
- 1.2 To inform the application, an ecological assessment has been produced by Tyler Grange in November 2021 (Report reference: 14292 R02\_EA\_HM\_CW\_26112021) which included the results of a Phase I habitat survey and data search, an assessment of the effects, mitigation and enhancement measures in line with policy and legislation.
- 1.3 The site measures approximately 0.53 hectares and comprises a single building (formerly Buzz Bingo but currently disused), hardstanding, ornamental shrub, tall ruderal, and amenity grassland around the building edges (see Plan 14292/P01) all considered to be of negligible ecological importance. The site is in the centre of Banbury surrounded by built development and associated roads.
- 1.4 As part of the Phase I survey, all habitats were assessed with reference to the UK Habitat Classification (The UK Habitat Classification Working Group, 2018<sup>1</sup>) and the Biodiversity Metric technical supplement (Natural England, 2021<sup>2</sup>) to determine their condition and ecological importance.
- 1.5 This survey work enables the accurate completion of Natural England's (NE) latest BNG metric (The Biodiversity Metric 3.0 Auditing and accounting for Biodiversity Calculator Tool, 2021) which should be reviewed in conjunction with this report. The condition assessments detailed below for the habitats pre and post construction are taken from the Condition Assessment Sheets (Excel format), 2021<sup>2</sup>.

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<sup>1</sup> Available online at: <https://ukhab.org/> [visited 02/08/2021]

<sup>2</sup> Available online at: <http://publications.naturalengland.org.uk/publication/6049804846366720> [visited 02/08/2021]



## Existing Baseline

### Developed Land/Sealed Surface

- 1.6 The majority of the site comprises the existing Bingo Hall and associated car parking. This habitat is of very low distinctiveness and is not allocated a condition.

### Grassland (Modified)

- 1.7 Around the building there are some small patches of modified (amenity) grassland subject to regular mowing. The grassland is of low distinctiveness but is considered to be in moderate condition, passing condition assessment criteria 3 -7.

### Introduced/Ornamental Shrub

- 1.8 There are some limited patches of introduced/ornamental shrub around the building edges. This habitat is of low distinctiveness and in line with the condition assessment can only be considered to be of poor condition.

### Sparsely Vegetated Land (Ruderal)

- 1.9 There are some sparsely vegetated patches of tall ruderal habitat along the northern walled boundary of the car park. This habitat passes condition assessment criteria 2-3 and so is considered to be of moderate condition.

## Proposals

- 1.10 The site is of very limited ecological importance so there are no ecological features that need to be retained and the loss of habitats will not require any specific mitigation. However, specific measures will be undertaken to compensate loss of habitats and impacts that occur, to ensure opportunities for wildlife are provided for the long-term, and an overall ecological enhancement remains.
- 1.11 Protective measures will be implemented during construction to prevent impacts occurring to off-site habitats, such as fencing around the off-site trees.

## Habitat Creation

- 1.12 The habitats that will be present onsite post-development will comprise
- Developed land; sealed surface (c. 0.38ha) which comprises the single retirement living building with associated car park. There is no condition associated with this habitat type.



- Modified grassland (c. 0.05ha) comprising amenity grassland and wildflower planting in the open space, managed to achieve moderate condition.
- Mixed shrub (c. 0.01ha) comprising buffer planting of native shrubs, will be managed to moderate condition.
- Tree planting.
- Introduced shrub.
- Native hedgerow.

## Other Biodiversity Enhancements

- 1.13 In addition to the above points, further measures are to be implemented at the site that will assist with increasing biodiversity, including bird boxes, although they are not considered within the BNG metric which deals with habitats only.
- 1.14 Bird boxes will be built into the fabric of the proposed building which will increase the nesting provision post development.

## BNG Calculator

- 1.15 Based on the current proposals, the net habitat unit change is 0.35 habitat units (baseline = 0.1, post-development = 0.45 habitat units) in addition to a net hedgerow change of 0.67 units. Overall, the development has a positive change of + 352.01% habitat units and a +100% hedgerow unit increase.

## Summary

- 1.16 As required by Policy ESD10, Natural England's (NE) latest BNG metric (The Biodiversity Metric 3.0 Auditing and accounting for Biodiversity Calculator Tool, 2021) has been completed for the development. shows a + 352.01% habitat units and a +100% hedgerow unit increase showing measurable net gain is achievable on the site.
- 1.17 Additional measures include the installation of bird boxes which are not included within the BNG calculator.

**Author: Hazel Murrells BSc MSc MCIEEM CEnv**

**Reviewed By: John Polley BSc (Hons) MCIEEM**

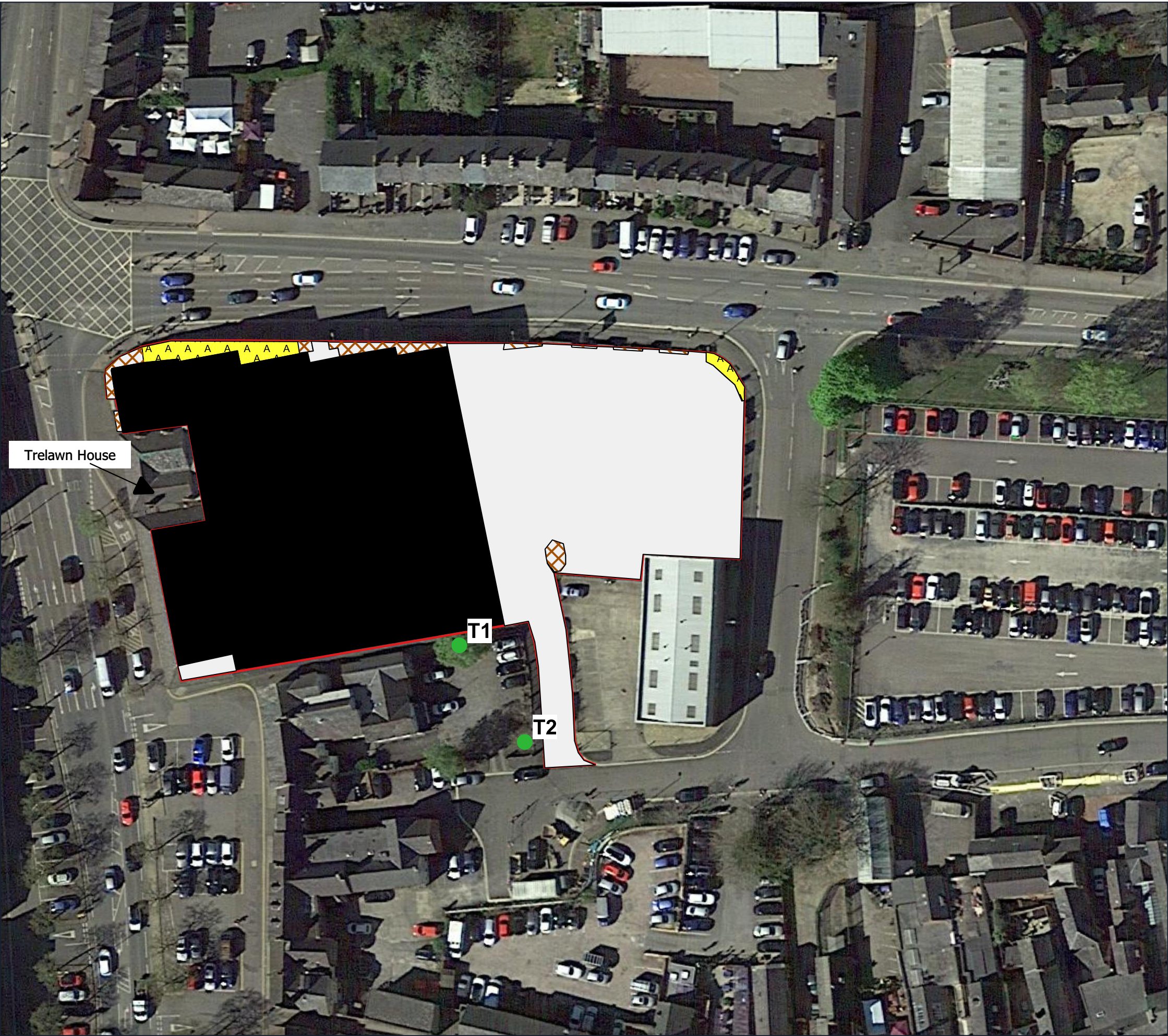
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## Plans:

Plan 1: 14292 P01 Habitat Features







- Redline Boundary
- C3.1 - Other tall herb and fern - ruderal
- J1.2 - Cultivated/disturbed land - amenity grassland
- J1.4 - Introduced shrub
- J3.6 - Buildings
- Hardstanding
- Trees



Project	Buzz Binggo, Banbury, Oxfordshire
Drawing Title	Phase 1 Habitat Plan
Scale	As Shown (Approximate)
Drawing No.	14292/P01
Date	04.11.2021
Checked	HM



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