

**From:** Charlotte Watkins <[Charlotte.Watkins@Cherwell-DC.gov.uk](mailto:Charlotte.Watkins@Cherwell-DC.gov.uk)>

**Sent:** Wednesday, August 23, 2023 1:55 PM

**To:** Imogen Hopkin <[Imogen.Hopkin@cherwell-dc.gov.uk](mailto:Imogen.Hopkin@cherwell-dc.gov.uk)>

**Cc:** Planning <[Planning@Cherwell-DC.gov.uk](mailto:Planning@Cherwell-DC.gov.uk)>

**Subject:** RE: 23/01092/F

Hello

There are ecological issues on site which may be able to be dealt with by condition but are addressed below:

### **Bats**

There are bat roosts present on site, the necessary surveys have been carried out and a bat licence will need to be in place pre-commencement with all mitigation outlined. The proposed mitigation is generally appropriate. We must attach a **standard bat licence condition** to any permission with a copy of the licence to be submitted to the LPA.

### **Great Crested Newt**

The preliminary ecological survey highlighted that great crested newts are very likely to use the pond on site, that an offence is highly likely and that the works will be carried out under a district licence. Subsequent eDNA surveys have confirmed that GCN are breeding within the pond (although it doesn't have the specific results of this or when they were carried out) which is less than 50m from the proposed edge of the building work (and I note the pond looks to be less than 5m from the edge of the new proposed driveway).

However the district licence scheme has not been applied for (this has to be done prior to submission) and the further surveys that would be required to use the traditional licensing route have also not been done. They have later submitted a GCN mitigation scheme from another company which does not propose to carry out the works under licence and in some places conflicts with the original report.

The mitigation recommendations from the reports differ - the one from 4acre recommends ground works only occur during the active season for GCN, whereas the Windrush report has no mention of this and determines there to be no terrestrial habitat for GCN on site. The 4acre report states there is some limited GCN habitat on site. Although this preceded confirmation of their presence. Now they are known to be present they are very likely to use available habitat even if just for commuting. Note that 4acre clearly state that a licence will be required in addition to the mitigation scheme outlined. In the Windrush report there is no mention of an official toolbox talk by an ecologist and instead they state that the owner themselves will be making people aware of the presence of GCN on site. At the very least a formal toolbox talk should be given so we can be certain workers on site can ID any GCN and understand the seriousness of an offence against them.

The new driveway alignment brings the vehicle movement within what looks to be 5m of the pond. In my opinion this makes the chance of an offence occurring against GCN more likely either during works or ongoing. I agree with the original ecological report that a district licence would have been the ideal solution here to prevent the possibility of works having to cease when a GCN is seen and to avoid taking the risk of an offence being committed on site.

### **Invasive species**

The Windrush report also makes no mention of *Crassula helmsii* (invasive schedule 9 species) within the pond whereas the 4acre report clearly outlines that this is present and should be removed and that there will be issues with this and the GCN present which may be dealt with by licence. Unless this removal has been carried out in the interim between the two reports? Whilst it is not an offence to have Schedule 9 invasive species on site it is an offence to allow them to spread and not to take

measures to prevent this. This weed can grow from tiny fragments therefore measures will need to be taken to ensure the weed is not spread off site both during any construction work and ongoing.

As they have chosen not to licence the activities on site, as a minimum, in addition to the bat licence we would need to condition the following in some way:

A pre-commencement **updated full mitigation** scheme for GCN should be conditioned which combines the recommendations in the two reports. Currently I feel the Windrush one is lacking some important aspects and the 4acre one repeatedly states they will also obtain a licence which is not suitable as they are not doing so. For their reference it should contain points such as groundworks only carried out within the active phase, tool box talks from an ecologist, ecological supervision for initial works in close proximity to the pond etc.. . The mitigation scheme should also include an enhancement scheme for habitat in the vicinity of the pond for GCN, potentially on the furthest side to ensure that impacts from the proximity to the driveway are minimised as far as possible. This would also help to ensure an overall net gain for biodiversity could be achieved on site which we are obliged to seek from all development.

They should ideally submit a scheme or **action plan** to show how they will deal with the ***Crassula helmsii*** (invasive species) found on site. If it is proposed to remove the weed completely the plan should outline how this will be done and how they will avoid harm to protected species. This does not need to be pre-commencement necessarily but it will need to be ensured that its presence is taken account of when digging etc.. in close proximity to the pond.

A pre-commencement **CEMP for biodiversity** – this does not necessarily need to be conditioned but could help to bring together the various activities that need to be carried out on site before and during construction. As an alternative we could condition adherence to points 7.2, 7.14, 7.15, 7.27 and 7.28 of the preliminary ecological appraisal by 4acre (dated 21/01/22).

Kind regards  
Charlotte

**Dr Charlotte Watkins**  
**Ecology Officer**  
Communities Directorate  
Cherwell District Council  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)