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Sent: 17 September 2025 12:26

To: Jason Traves <Jason.Traves@Cherwell-DC.gov.uk>

Cc: DC Support <DC.Support@cherwell-dc.gov.uk>

Subject: Application No.: 25/01510/OUT - Ecology Reponse

Dear Jason,

Application No.: 25/01510/OUT Proposal: Outline planning application for the erection of up to 500 dwellings and commercial floorspace (Use Class E) with associated access, open space and infrastructure - All Matters Reserved except for Access Location: Land South Of Perdiswell Farm, Shipton Road, Shipton On Cherwell

BNG

I've reviewed the BNG information and have a few comments.

The habitats proposed for creation appear generally precautionary. The open space is split between modified grassland (poor condition), which will be subject to high levels of disturbance, and other neutral grassland, which is expected to reach moderate condition. This should be achievable, but I'd like to see more detail on how the better-quality grassland will be managed to avoid degradation from dogs, people, and general public access.

Similarly, the woodland is proposed to be in good condition. If this area is publicly accessible, I'd be concerned about the feasibility of maintaining it in good condition and the ability to manage it effectively for biodiversity under recreational pressure. There are decent buffers around the woodland and hedgerows, which will need to be carried over into the final layout.

Overall, the plans seem acceptable, subject to further detail on public accessibility and how this will be managed to protect habitat quality. We will need to **secure a Habitat Management and Monitoring Plan (HMMP) via a legal agreement** to secure the gains and ensure monitoring fees can be recouped.

Once the layout is finalised (if not already), we'll require an updated BNG metric, along with revised plans and a report to confirm that the proposed habitats can be delivered as intended. The Biodiversity Net Gain condition is a pre-commencement condition, so we will need to have the final details prior to commencement.

General Ecology Matters

Regarding the general ecology of the site, the following is proposed:

Construction Phase Mitigation:

- A Construction Method Statement (CMS) will be produced with input from an ecologist.

- Protective fencing (e.g. Heras fencing) around retained habitats and trees, with root protection zones.
- Pollution prevention measures during construction.
- Buffer zones and fencing around badger setts; pre-construction badger survey required.
- Precautionary method statement and potential licensing for badger sett closure if needed.
- Soft-felling of trees with bat roost potential under supervision of a licensed bat ecologist.
- Sensitive lighting during construction to avoid disturbance to bats and dormice.
- Precautionary clearance of hedgerows and woodland to avoid harm to dormice. **If dormice are present, a licence will be required.**
- Phased vegetation clearance to avoid harm to reptiles, with ecologist supervision.
- Vegetation clearance outside bird breeding season or under ecologist supervision.

Post-Construction Mitigation and Management:

- A Landscape and Ecological Management Plan (LEMP) will guide habitat creation, management, and monitoring.
- Strategic hedgerow cutting to maintain biodiversity value.
- Woodland management to support tree establishment and biodiversity.
- Rotational mowing regime for grasslands to maintain structure and floristic diversity.
- Restricted access to sensitive grassland areas to prevent disturbance.
- Enhancement of grassland near the scheduled monument in consultation with Historic England.
- Retention of fencing and planting of scrub near badger setts to reduce disturbance.
- Sensitive lighting strategy to avoid illuminating key bat and dormouse habitats.
- Habitat piles and management to support reptile populations.
- Off-site skylark plots to mitigate loss of territories (minimum 2 plots per hectare on 42 ha).
- New native woodland planting to replace lost woodland and enhance ecological corridors.
- Creation of 120 m of new native hedgerow and enhancement of retained hedgerow H3.
- Rough grassland seeded with native species to replace lost grassland.
- Enhancement of retained woodland with scrub and infill planting.
- Planting of native woodland ground flora species after canopy establishment.
- Creation of log and brash piles for reptile refugia.
- Creation of new habitats for breeding birds, including grassland and scrub.
- Installation of 10 dormouse nest boxes and planting of fruiting shrubs.
- Installation of at least 100 integrated bat tubes and 10 bat boxes. **This is insufficient, we require 1 bat/bird box per dwelling.**
- Installation of 100 integrated bird boxes and 15 tree-mounted boxes for nesting birds. **This is insufficient, we require 1 bat/bird box per dwelling.**

I do have some concerns in relation to dormice. The assessment notes that dormice **are assumed to be present** on site but concludes that surveys are not required due to the limited habitat removal. However, the approved access works at outline stage involve the removal of **approximately 0.5 ha of woodland and 35 m of hedgerow** - both of which are habitats that could support dormice. If dormice are present, and their resting places are affected, a licence will be required before any works can proceed. Without this, the developer risks committing an offence.

Dormice are a European Protected Species under the Conservation of Habitats and Species Regulations 2017. It is an offence to:

- deliberately kill, injure, disturb or capture them
- damage or destroy their breeding sites and resting places (even when dormice are not present)
- possess, control or transport them (alive or dead)
- sell, exchange or offer them for sale

They are also protected under the Wildlife and Countryside Act 1981, which makes it an offence to:

- intentionally or recklessly disturb them while they occupy a structure or place used for shelter or protection
- obstruct access to such places
- possess or transport them (alive or dead)
- sell or advertise them for sale

Hazel dormice are listed as a species of principal importance under Section 41 of the Natural Environment and Rural Communities Act (2006) and are considered vulnerable on the Red List for England's Mammals. Their conservation must be considered as part of the planning decision.

The precautionary working method outlined in the report does not align with legal requirements. A licence cannot be obtained without survey data, and proceeding without one could result in an offence. We would expect surveys to be undertaken prior to determination, in line with Section 99 of the Government circular 2005/06 on biodiversity and geological conservation which states 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, otherwise all relevant material considerations may not have been addressed in making the decision.'* And Natural England advice which requires that all developments likely to affect European Protected Species have surveys carried out to inform the planning decision. They should not be conditioned. Since the access works are approved at outline stage and involve habitat removal, **dormouse surveys must be undertaken to inform any necessary licensing requirements.**

Off-site skylark mitigation is proposed, however, I can't find specific details on where this is going to be secured. A full skylark mitigation plan should be provided prior to determination to ensure that the impacts can be adequately mitigated/compensated. The other birds on site were identified in the hedgerows and boundary habitats which

will generally be retained and enhanced – so as long as we have a good management plan for these habitats, this should be fine.

A Badger mitigation plan will be required and updated badger surveys will also be needed prior to commencement. If the setts located within 30m of the development are found to be active and need to be closed, a licence will need to be obtained from Natural England. This can be conditioned.

Besides the above matters, I believe the rest of the protected species and habitat information is adequate at this stage. However, the enhancement features are not sufficient; we expect to see at least 1 bat/bird box per dwelling (though they can be clustered) and the proposals only include about 50% of the required features. This will need to be amended.

We will need to secure:

- CEMP for biodiversity (pre-commencement)
- LEMP (at REM stage)
- Enhancement Plan (amended, at REM stage)
- Pre-commencement badger survey
- Badger mitigation plan and licence (where required) (pre-commencement)
- Dormice licence (pre-commencement)
- Lighting design, in line with ILP Guidance Note 08/23 (REM stage)
- Skylark Mitigation Plan (details should be provided now, and must be secured pre-commencement - since this will require off-site provisions, this should be secured via a legal agreement)

Protected sites:

I have also read the Report to Inform a Habitats Regulations Assessment (HRA) and concur with the BBOWT response (attached) that it has not been demonstrated that there will be no likely significant effects on the SAC or SSSI, or shown that the effects can be mitigated in line with national and local policy. The conclusions of 'no likely significant effect' rely on upgrades to the sewerage infrastructure by Thames Water – however, there isn't enough evidence that this will occur, or certainly that it will occur in time to support the development – which makes it impossible to rule out impacts or conclude that no impact will occur. **More information is required to demonstrate that impacts can be fully mitigated and a likely significant effect ruled out.**

Kind Regards,

Megan Belanger

Consultant Senior Ecologist

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Cherwell District Council

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