



JSA PLANNING

LAND OFF HIGHAM WAY,
BANBURY,
OXFORDSHIRE

Ecological Assessment

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1. INTRODUCTION

1.1. Background and Proposals

- 1.1.1. Ecology Solutions was commissioned in January 2015 by JSA Planning to prepare an Ecological Assessment for submission as part of a planning application for the site (see Plan ECO1).
- 1.1.2. The proposals for the site are for residential development with associated hardstanding and landscaping.

1.2. Site and Wider Area Characteristics

- 1.2.1. The site consists largely of hardstanding / recolonising ground with occasional buildings. Additional habitats present include areas of scrub, occasional trees, ruderal vegetation and an ephemeral pool. It is bound to the southwest by railway tracks, whilst to the northwest there is existing residential properties and associated infrastructure. The northeast boundary runs parallel to a ditch which connects to industrial drainage ditches running from the north. At the time of survey this contained water.
- 1.2.2. From the site, reptile fencing can be seen in an area of allotments to the north which reportedly underwent a reptile translocation of Common Lizard *Zootoca vivipara*. This area is separated from the site by small drainage ditches and rough grassland.

1.3. Ecological Assessment

- 1.3.1. This document assesses the ecological interest of the site. The importance of the habitats within the site are evaluated with due consideration given to the guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM)¹.
- 1.3.2. Where necessary, mitigation measures are recommended so as to safeguard any significant existing ecological interest within the site and, where appropriate, potential enhancement measures are put forward and reference made to both national and local biodiversity priorities.

¹Institute of Ecology and Environmental Management (2006) *Guidelines for Ecological Impact Assessment in the United Kingdom* (version 7 July 2006). <http://www.ieem.org.uk/ecia/index.html>

2. SURVEY METHODOLOGY

2.1. The methodology utilised for the survey work can be split into three areas, namely desk study, habitat survey and faunal survey. These are discussed in more detail below.

2.2. Desk Study

2.2.1. In order to compile background information on the site and the surrounding area, Ecology Solutions contacted Thames Valley Environmental Records Centre (TVERC) in January 2015.

2.2.2. Further information on designated sites from a wider search area was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC)² database, which uses information held by Natural England and other organisations. This information is reproduced at Appendix 1, and where appropriate on Plan ECO1.

2.3. Habitat Survey Methodology

2.3.1. Habitat surveys were carried out in January 2015 in order to ascertain the general ecological value of the land contained within the boundaries of the site, and to identify the main habitats and associated plant species.

2.3.2. The site was surveyed based around extended Phase 1 survey methodology³, as recommended by Natural England, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail.

2.3.3. Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified.

2.3.4. All the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent in different seasons. Nonetheless, given the habitats present it is considered an accurate and robust assessment has been made.

2.4. Faunal Survey

2.4.1. Obvious faunal activity, such as birds or mammals observed visually or by call during the course of the surveys, was recorded. Specific attention was paid to any potential use of the site by protected species, Biodiversity Action Plan (BAP) species, or other notable species.

²<http://www.magic.gov.uk>

³Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council, reprinted JNCC, Peterborough.

3. ECOLOGICAL FEATURES

3.1. Habitat surveys were undertaken at the site in January 2015. Despite being conducted outside the optimum season for botanical surveys, the vegetation present at the time of survey enabled the habitat types to be satisfactorily identified, and an accurate assessment of the ecological interest of the habitats to be undertaken.

3.2. The following main habitat / vegetation types were identified within the site during the surveys undertaken:

- Recolonising Ground / Hardstanding;
- Disturbed Ground;
- Scrub;
- Ruderal Vegetation;
- Trees;
- Hedgerow;
- Ephemeral Pool;
- Ditch; and
- Buildings.

3.3. The locations of these habitats are shown on Plan ECO2 and are described individually below.

3.4. Re-colonising Ground / Hardstanding

3.4.1. A large proportion of the site is re-colonising ground / hardstanding (see Photograph 1). The hardstanding includes Higham Way and car parking areas associated with the recycling centre.

3.4.2. A number of opportunistic species and early colonising species have become established throughout these areas following the cessation of management or regular use which would normally suppress any vegetation growth. Species present include Bristly Ox-tongue *Helminthotheca echioides*, Smooth Sow-thistle *Sonchus oleraceus*, Ribwort Plantain *Plantago lanceolata*, Common Nettle *Urtica dioica*, Broad-leaved Dock *Rumex obtusifolius*, Bramble *Rubus fruticosus*, Yorkshire Fog *Holcus lanatus*, Willowherb *Chamerion* sp., Chickweed *Stellaria* sp., Black Medic *Medicago lupulina*, Dandelion sp., Cleavers *Galium aparine*, Common Toadflax *Linaria vulgaris*, Perennial Rye Grass *Lolium perenne*, Ivy *Hedera helix*, Herb Robert *Geranium robertianum*, Fescue *Festuca* sp., Cinquefoil *Potentilla* sp., Field Speedwell *Veronica persica*, Bittercress *Cardamine* sp., Creeping Buttercup *Ranunculus repens*, Common Mouse-ear *Cerastium fontanum*, Round-leaved Cranesbill *Geranium rotundifolium*, Spear Thistle *Cirsium vulgare* and Scentless Mayweed *Tripleurospermum inodorum*.

3.5. Disturbed Ground

3.5.1. The south of the site contains a large area of disturbed ground with rubble piles present in areas with recent clearing and spoil movement being noted at the time of survey. It is used sporadically which limits the amount of naturalisation able to take place. Due to this, the vegetation in

the centre has been suppressed whilst the vegetation along the margins has been allowed to establish (see Photograph 2).

- 3.5.2. Species present include Round-leaved Cranesbill *Geranium rotundifolium*, Teasel *Dipsacus sylvestris*, Bristly Ox-tongue *Helminthotheca echioides*, Perforated St. John's Wort *Hypericum perforatum*, Great Mullein *Verbascum thapsus*, Evening Primrose *Oenothera biennis*, Weld *Reseda luteola*, Creeping Thistle *Cirsium arvense*, Rose *Rosa* sp., Butterfly Bush *Buddleja davidii*, Mugwort *Artemisia vulgaris*, Lesser Burdock *Arctium minus*, Common Nettle, Ground Ivy *Glechoma hederacea* and Bracken *Pteridium aquilinum*,

3.6. Scrub

- 3.6.1. Around the margins of the site, primarily associated with the fences and ditches, there are areas of scrub (see Photograph 3). Species present include Hawthorn *Crataegus monogyna*, Butterfly Bush, Elder *Sambucus nigra*, Willow *Salix* sp., Silver Birch *Betula pendula*, Traveller's Joy *Clematis vitalba*, Rosebay Willowherb *Chamerion angustifolium*, Ash *Fraxinus excelsior*, Garlic Mustard *Alliaria petiolata*, American Willowherb *Epilobium ciliatum* and Sycamore *Acer pseudoplatanus*.

3.7. Ruderal Vegetation

- 3.7.1. Throughout the site there are patches of tall ruderal vegetation (see Plan ECO2). Species present include Fat-hen *Chenopodium album*, Cleavers, Bristly Ox-tongue, Smooth Sow-thistle, Field Speedwell, White Dead-Nettle *Lamium album*, Groundsel *Senecio vulgaris*, Comfrey *Symphytum* sp., Spurge *Euphorbia* sp., Herb Robert, Common Nettle, Shepherd's Purse *Capsella bursa-pastoris*, Garlic Mustard, Cow Parsley *Anthriscus sylvestris*, Hogweed *Heracleum sphondylium* and Teasel *Dipsacus sylvestris*.

3.8. Trees

- 3.8.1. There are a small number of semi-mature trees within the site (see Plan ECO2). Species present include Large-eaved Lime *Tilia platyphyllos*, False Acacia *Robinia pseudoacacia*, Cherry *Prunus avium*, Silver Birch *Betula pendula* and Ash.

3.9. Hedgerow

- 3.9.1. Hedgerow H1 is located in the north of the site, separating two areas of hardstanding. H1 is approximately 25m in length and has been lacking formal management for some time (see Photograph 4). The species present include Hawthorn and Bramble.

3.10. Ephemeral pool

- 3.10.1. There is an ephemeral pool located near to the southwest boundary in the centre of the site, which at the time of survey was damp (see Photograph 5). The pool and associated vegetation was surrounded by heras fencing. Species present include Greater Reedmace *Typha latifolia*, Hard Rush *Juncus inflexus*, Reed Canary Grass *Phalaris*

arundinacea, Downy Birch *Betula pubescens*, Ribwort Plantain, Sweet-grass *Glyceria* sp. and Pendulous Sedge *Carex pendula*.

3.11. Ditch

- 3.11.1. Along the northeast and southeast boundaries there is a watercourse associated with industrial drainage from the north (see Photograph 2). This was largely off site but cuts into the site at points. At the time of survey the ditch contained water.

3.12. Buildings

- 3.12.1. There are three main industrial buildings and a number of small temporary buildings on site. The smaller buildings are of no ecological significance whilst the three main buildings are described individually below.
- 3.12.2. Building B1 is of brick construction with a pitched corrugated asbestos roof and panelling (see Photograph 6). The windows along both flanks are boarded up. The single void inside is connected to other warehouse.
- 3.12.3. Building B2 is larger than B1 and has a corrugated iron pitched roof with a single void inside (see Photograph 6).
- 3.12.4. Building B3 is an industrial building with a pitched corrugated asbestos roof (see Photograph 7).

3.13. Background Records

- 3.13.1. No records of notable plant species were returned from specifically within the site.

4. WILDLIFE USE OF THE SITE

4.1. General observations were made during the survey of any faunal use of the site, with specific attention paid to the potential presence of protected species.

4.2. Badgers

4.2.1. No evidence of Badger *Meles meles* was recorded within the site during the survey undertaken.

4.2.2. TVERC returned no records of Badgers from within the search area.

4.3. Bats

4.3.1. The buildings on site were assessed during the walkover survey for their potential to support roosting bats. No signs of bats were recorded and on account of the building fabric and type of buildings they are considered to provide suboptimal opportunities for roosting bats however given the complexity and size of the buildings the presence of this group cannot be discounted.

4.3.2. It is considered that the trees on the site do not possess suitable features that bats could make use of for roosting. The site may be used by foraging or commuting bats.

4.3.3. A single record for both Common Pipistrelle Bat *Pipistrellus pipistrellus* and Noctule *Nyctalus noctula* were recorded approximately 0.5km to the northwest of the site in 2012.

4.3.4. Only one record was recorded of Whiskered Bat *Myotis mystacinus*. This was observed in 2001 approximately 0.6km to the southwest of the site.

4.4. Other Mammals

4.4.1. It is considered that small common mammal species could make use of vegetation within the site, but none of these are likely to be notable species. Rabbits *Oryctolagus cuniculus* were recorded on site during the walkover survey.

4.4.2. An old record originating from 1983 for Water Vole *Arvicola amphibius* was returned as being approximately 1.2km to the northwest of the site.

4.5. Birds

4.5.1. The site is considered to offer some suitable opportunities for both nesting and foraging birds. A number of birds were seen or heard during the course of the surveys and these include: Blackbird *Turdus merula*, European Robin *Erithacus rubecula*, Magpie *Pica pica*, Wood Pigeon *Columba palumbus*.

4.5.2. Information received from the desk study returned a number of bird records from within the search area, although no records were from within the site.

- 4.5.3. One record was returned for Barn Owl *Tyto alba*. This was recorded in 2004 approximately 6.4km to the west of the site.
- 4.5.4. Two records of Common Kingfisher *Alcedo atthis* were returned during the data search. The closest and most recent of these was from 2007 approximately 0.3km to the southwest of site.
- 4.5.5. One record for Eurasian Tree Sparrow *Passer montanus* was returned by TVERC. The record is from 2003 and was recorded approximately 1.4km to the southwest of the site.
- 4.5.6. One record of House Sparrow *Passer domesticus* was returned during the data search. This was recorded approximately 1.6km to the northeast of the site in 2006.
- 4.5.7. A number of birds were returned by TVERC as being approximately 1km east of the site in 1987.

4.6. Reptiles

- 4.6.1. The site contains areas in the southeast, predominantly along the margins and also in the immediate vicinity of the ephemeral pool, which are superficially suitable to support common reptiles. The presence of common reptiles on the site is made more likely given the close proximity of a reptile translocation exercise, visible to the north of the site.
- 4.6.2. Information from planning applications in the vicinity showed that this land is referred to as Land off Thorpe Mead, Overthorpe Industrial Estate, Banbury (Planning reference number: MW.015/06). A reptile survey completed in 2008 of this land recorded a small population of Common Lizards.
- 4.6.3. One record for Grass Snake *Natrix natrix* was returned by the data search. This was recorded in 2003 approximately 0.3km to the southwest of site.

4.7. Amphibians

- 4.7.1. The habitats present on site are considered to be sub-optimal for Great Crested Newts *Triturus cristatus* during their terrestrial phase, whilst the wet ditch and ephemeral pool are unlikely to hold water for any significant period to allow for any successful breeding. Overall the site and habitats therein are considered to be limited for amphibians including Great Crested Newts.
- 4.7.2. Consultation has shown that Great Crested Newt surveys were carried out in 2008 in relation to the planning application referred to above. The watercourses that were surveyed include ditches offsite to the north that appear to be connected to the ditch onsite. One of the ditches dried up part way through surveying. No evidence of amphibians was recorded in any of the ditches and it was noted that the ditch furthest to the south, and therefore closest to the site, contained fish.
- 4.7.3. No Great Crested Newt records were returned as part of the desk study.

- 4.7.4. Given the above it is not considered likely that any amphibians would be present although further regard shall be had as part of the recommended reptile work (see below).

4.8. **Invertebrates**

- 4.8.1. It is likely that any species present would be locally common and would only be temporary displaced from the site. There is no reason to suspect a more elevated and notable assemblage of invertebrates being present.
- 4.8.2. Records returned by the TVERC include one record for Chalk Hill Blue *Polyommatus (Lysandra) coridon* was recorded in 1995 approximately 0.3km to the southwest of the site. Both Large Tortoiseshell *Nymphalis polychloros* and Small Heath *Coenonympha pamphilus* were also recorded here in 1994.

5. ECOLOGICAL EVALUATION

5.1. The Principles of Ecological Evaluation

- 5.1.1. The guidelines for ecological evaluation produced by CIEEM propose an approach that involves professional judgement, but makes use of available guidance and information, such as the distribution and status of the species or features within the locality of the project.
- 5.1.2. The methods and standards for site evaluation within the British Isles have remained those defined by Ratcliffe⁴. These are broadly used across the United Kingdom to rank sites so priorities for nature conservation can be attained. For example, current sites of Special Scientific Interest (SSSI) designation maintains a system of data analysis that is roughly tested against Ratcliffe's criteria.
- 5.1.3. In general terms, these criteria are size, diversity, naturalness, rarity and fragility, while additional secondary criteria of typicalness, potential value, intrinsic appeal, recorded history and the position within the ecological / geographical units are also incorporated into the ranking procedure.
- 5.1.4. Any assessment should not judge sites in isolation from others, since several habitats may combine to make it worthy of importance to nature conservation.
- 5.1.5. Further, relying on the national criteria would undoubtedly distort the local variation in assessment and therefore additional factors need to be taken into account, e.g. a woodland type with a comparatively poor species diversity, common in the south of England, may be of importance at its northern limits, say in the border country.
- 5.1.6. In addition, habitats of local importance are often highlighted within a local Biodiversity Action Plan (BAP). The Oxfordshire BAP has been considered as part of this assessment and is referenced where relevant.
- 5.1.7. Levels of importance can be determined within a defined geographical context from the immediate site or locality through to the international level.
- 5.1.8. The legislative and planning policy context are also important considerations and have been given due regard throughout this assessment.

⁴Ratcliffe, D A (1977). *A Nature Conservation Review: the Selection of Study areas of Biological National Importance to Nature Conservation in Britain*. Two Volumes. Cambridge University Press, Cambridge.

5.2. Habitat Evaluation

Designated Sites

- 5.2.1. **Statutory sites:** Information returned from TVERC, together with analysis of online statutory designation maps, shows that there are no statutory designated sites within or adjacent to the site. The closest such site is Neithrop Fields Cutting Site of Special Scientific Interest (SSSI), which is located approximately 2.4 km to the northwest of the site (see Plan ECO1), and designated on account of its geological interest. The closest statutory site designated for its nature conservation interest is Farthinghoe Local Nature Reserve (LNR) located approximately 4.7 km to the east of the site. The LNR comprises woodland, meadows, scrub and ponds. In view of the distance between the LNR and the site it is considered any redevelopment would not have any direct detrimental impact on the interest features of the LNR.
- 5.2.2. **Non-statutory sites:** Information returned from desk study shows that there are no non-statutory designated sites either within or immediately adjacent to the site. The closest site is River Cherwell Local Wildlife Site (LWS) located approximately 0.6 km to the southeast of the site (see Plan ECO1). There is a variety of common marginal species along the river banks, providing habitat for aquatic invertebrates. This LWS is primarily designated for the bird interest of the site. The low-lying fields in the vicinity flood in winter providing over 1000 hectares of habitat. Species that have been recorded in this area include Bewick's Swan *Cygnus columbianus*, Whooper Swan *Cygnus cygnus*, Mute Swan *Cygnus olor*, Wigeon *Anas penelope*, Teal *Anas crecca*, Mallard *Anas platyrhynchos*, Gadwall *Anas strepera*, Lapwing *Vanellus vanellus*, Pintail *Anas acuta*, Golden Plover *Pluvialis apricaria*, Reed Warbler *Acrocephalus scirpaceus*, Yellow Wagtail *Motacilla flava*, Kingfisher *Alcedo atthis* and Tawny Owl *Strix aluco*.
- 5.2.3. Given the proximity of the LWS to the site boundaries, it is recommended that standard engineering / construction safeguards are adopted to minimise the potential for any adverse effect arising during the clearance or construction phase of the proposed development particularly in relation to potential run-off from the site.
- 5.2.4. A number of additional statutory and non-statutory sites are located in the wider area as identified on Plan ECO1, but no significant adverse effects are anticipated.

Habitats

- 5.2.5. The majority of the site consists of buildings and recolonising ground / hardstanding, which is of low ecological interest. The vegetation on site is considered to be locally common and in itself is of low ecological value but the opportunities that are created for protected species makes them of higher ecological interest.

5.3. Faunal Evaluation

Bats

5.3.1. **Legislation.** All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”). These include provisions making it an offence:

- Deliberately to kill, injure or take (capture) bats;
- Deliberately to disturb bats in such a way as to:-
 - (i) be likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate or migrate; or
 - (ii) affect significantly the local distribution or abundance of the species to which they belong;
- To damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

5.3.1. **Site Usage.** There are no trees within the site that are considered to offer suitable opportunities for roosting bats.

5.3.2. The buildings were assessed as having low potential to support roosting bats and no evidence of bats was recorded associated with these buildings however given the complexity and size of these buildings it is recommended that they be removed in a systematic manner.

5.3.3. In the unlikely event that any bat or evidence of a bat roost is encountered during the demolition work, works should cease and advice sought. It may be necessary to complete the remainder of the works under a Natural England EPS licence.

5.3.4. The site is considered to offer some opportunities for foraging bats. The site currently supports areas of scrub, which are likely to support a good assemblage of invertebrates, and therefore offer opportunities for foraging bats and also offer navigational features. It is recommended that alternative native species are planted to replace and enhance the foraging opportunities.

5.3.5. It is recommended that the design for the lighting scheme for the proposed development have due regard to the potential presence of foraging and commuting bats.

Birds

5.3.6. **Legislation.** Section 1 of the Wildlife and Countryside Act 1981 (as amended) is concerned with the protection of wild birds, whilst Schedule 1 lists species that are protected by special penalties. All species of birds receive general protection whilst nesting.

5.3.7. **Site Usage.** The trees, hedgerow, scrub and ruderal vegetation is of some ornithological interest being suitable for nesting and foraging.

- 5.3.8. Owing to the protection afforded to nesting birds any dense area of vegetation to be removed may be subject to timing constraints. Where it is necessary, this should be undertaken outside the bird nesting season (March to July inclusive) to avoid a possible offence. Removal can be undertaken during the nesting season if surveys by an experienced ecologist confirm the absence of nesting birds prior to removal.
- 5.3.9. No Schedule 1 or Red List bird species were recorded within the site during the course of the survey undertaken.
- 5.3.10. In order to mitigate against the loss of nesting opportunities within the site it is recommended that new areas of landscape planting be provided based around a diverse mixture of native species or species of known wildlife value. Whilst provision of nest boxes / bricks as part of the proposed scheme could also offer further nesting opportunities post development.

Reptiles

- 5.3.11. **Legislation.** Rare, endangered or declining species receive full protection under the Wildlife & Countryside Act 1981 as well as protection under the Conservation of Habitats and Species Regulations 2010. Species that are fully protected are Smooth Snake *Coronella austriaca* and Sand Lizard *Lacerta agilis*. It is illegal to:
- Deliberately kill, injure or take (capture) these reptiles;
 - Deliberately disturb these reptiles in such a way as to be likely:–
 - a) to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate; or
 - b) to affect significantly their local distribution or abundance;
 - Damage or destroy any breeding or resting place used by these reptiles;
 - Intentionally or recklessly obstruct access to any place used by these reptiles for shelter or protection (even if the reptiles are not present at the time);
 - Sell, offer for sale, possess or transport for purposes of sale these reptiles (live or dead animal, part or derivative).
- 5.3.12. Owing to their abundance in Britain, Common Lizard, Slow Worm *Anguis fragilis*, Grass Snake and Adder *Vipera berus* are 'partially protected' under the Wildlife & Countryside Act 1981 (as amended) and as such only receive protection from:
- Intentional killing and injuring;
 - Being sold or other forms of trading.
- 5.3.13. The habitat of common reptiles is therefore not directly protected. However, because of their partial protection, disturbing or destroying their habitat while they are present may lead to an offence.
- 5.3.14. All reptile species are listed as a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act

(NERC) 2006. The NERC Act places responsibility upon public bodies to have regard for the conservation of biodiversity in England.

- 5.3.15. **Site Usage.** The site supports suitable opportunities for this group, particularly along the margins where there is an absence of any formal management regime. Whilst further discrete areas are considered suitable / sub-optimal within the site (areas of ruderal vegetation).
- 5.3.16. It is recommended that targeted reptile surveys are undertaken to ascertain the presence / absence of this partially protected group.
- 5.3.17. The surveys would follow the standard guidelines and utilised squares of thick roofing felt known as 'tins' which are cut to approximately 0.5m x 0.5m. The tins provide shelter and heat up quicker than the surroundings in the morning and can remain warmer than the surroundings in the late afternoon. Being ectotherms (cold blooded), reptiles use them to bask under or upon to raise their body temperature which allows them to forage earlier and later in the day.
- 5.3.18. The survey guidelines produced by Froglife state that a minimum of between 5 to 10 reptile tins should be placed within a survey site. The tins will be allowed a period to 'bed in' before surveys are commenced. The tins would then be checked seven times during suitable weather conditions and when the refugia were not too hot, in line with the recommended guidelines.
- 5.3.19. Other refugia within the application site, such as large rocks and logs, would also be searched beneath for any signs of reptiles during the surveys.
- 5.3.20. Given the small areas of suitable reptile habitat it is not considered that any significant reptile population would be present. It is probable that if present any population could be retained in-situ as part of a suitably designed scheme. Any required mitigation measures should ensure the retained population had potential for dispersal to suitable habitats outside the site boundary.

6. PLANNING POLICY CONTEXT

6.1. The planning policy framework that relates to nature conservation at the site is issued at two main administrative levels: nationally through the National Planning Policy Framework (NPPF); and locally through Cherwell District Council policy documents.

6.2. Any proposed development will be judged in relation to the policies contained within these documents.

6.3. National Planning Policy

6.3.1. The National Planning Policy Framework (NPPF) (March 2012) sets out the Government's requirements for the planning system. It replaces and revokes previous national planning policy, including PPS9 (Biodiversity and Geological Conservation).

6.3.2. The key element of the NPPF is that there should be '*a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*' (paragraph 14). It is important to note that this presumption '*does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined*' (paragraph 119).

6.3.3. A number of policies in the NPPF are comparable to those in PPS9, including reference to minimisation of impacts to biodiversity and provision of net gains to *biodiversity* where possible (paragraph 109) and ensuring that Local Authorities place appropriate weight to statutory and non-statutory nature conservation designations, protected species and biodiversity.

6.3.4. The NPPF also considers the strategic approach which Local Authorities should adopt with regard to the protection, enhancement and management of green infrastructure, priority habitats and ecological networks, and the recovery of priority species.

6.3.5. Paragraph 118 of the NPPF comprises a number of principles which Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments, provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for, applying the protection given to European sites to potential SPAs, possible SACs, listed or proposed Ramsar sites and sites identified (or required) as compensatory measures for adverse effects on European sites, and the provision for the refusal for developments resulting in the loss or deterioration of 'irreplaceable' habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

6.3.6. National policy therefore implicitly recognises the importance of biodiversity such that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits can, in certain circumstances, be obtained.

6.4. Local Policy

Cherwell District Council Local Development Scheme November 2014

- 6.4.1. The Cherwell Local Development Scheme is a plan for the preparation of key planning policy documents.
- 6.4.2. The existing statutory Development Plan comprised the saved policies of the adopted Cherwell Local Plan 1996 and Policy GB1 of the Central Oxfordshire Local Plan (Cherwell) 1992.

Cherwell Local Plan (adopted 1996)

- 6.4.3. The Cherwell Local Plan was adopted in 1996. Under the Planning and Compulsory Purchase Act 2004 certain policies in the Plan were “saved” as of September 2007.
- 6.4.4. Policies saved and carried forward which are of relevance to nature conservation issues include;
- C1 The protection of sites of nature conservation value;
 - C2 Development affecting protected species;
 - C4 Creation of new habitats; and
 - C5 Protection of ecological value and rural character of specified features of value within the district.
- 6.4.5. Cherwell District Council is currently working to prepare:
- C1 The protection of sites of nature conservation value;
 - Cherwell Local Plan 2011-2031 (Part 1)
 - Cherwell Local Plan 2011-2031 (Part 2)
 - Adopted Policies Map
 - Community Infrastructure Levy (CIL) Charging Schedule
 - Supplementary Planning Documents (SPDs) including Banbury Masterplan SPD and Banbury Canalside SPD and Bolton Road Development Area, Banbury SPD.
 - Annual Monitoring Reports (AMRs)
 - Statement of Community Involvement (SCI)

6.5. Discussion

- 6.5.1. The development is proposed on land that is currently of low ecological interest. It is not subject to any statutory or non-statutory nature

conservation designation. Recommendations have been put forward in this report that would fully safeguard the existing ecological interest of the site, and wherever possible, measures to enhance ecological and biodiversity value have been set out.

7. SUMMARY AND CONCLUSIONS

- 7.1. Ecology Solutions was commissioned in January 2015 by JSA Planning to prepare an Ecological Assessment for submission as part of a planning application for the site.
- 7.2. The proposals for the site are for residential development with associated hardstanding and landscaping.
- 7.3. **Statutory Sites.** There are no statutory designations of nature conservation value within the site or immediately adjacent to it. The nearest statutory designated site is Neithrop Fields Cutting Site of Special Scientific Interest (SSSI), which is located approximately 2.4 km to the northwest of the site, and designated on account of its geological interest. The closest statutory site designated for its nature conservation interest is Farthinghoe Local Nature Reserve (LNR) located approximately 4.7 km to the east of the site.
- 7.4. The LNR is sufficiently removed and buffered as to be unaffected by the proposals.
- 7.5. **Non-statutory sites:** Information returned from desk study shows that there are no non-statutory designated sites either within or immediately adjacent to the site. The closest site is River Cherwell Local Wildlife Site (LWS) located approximately 0.6 km to the southeast of the site.
- 7.6. Given the proximity of the LWS to the site boundaries, it is recommended that standard engineering / construction safeguards are adopted to minimise the potential for any adverse effect arising during the clearance or construction phase of the proposed development, particularly in relation to potential run-off from the site.
- 7.7. **Habitats.** The majority of the site consists of buildings and recolonising ground / hardstanding, which is of low ecological interest. The vegetation on site is considered to be locally common and in itself is of low ecological value but the opportunities that are created for protected species makes them of higher ecological interest.
- 7.8. Any proposed landscape scheme should seek to enhance the floristic diversity over the current situation and be based on a diverse mixture of native species or species of known wildlife value.
- 7.9. **Bats.** There are no trees within the site that are considered to offer suitable opportunities for roosting bats. The buildings were assessed as having low potential to support roosting bats and no evidence of bats was recorded associated with these buildings however given the complexity and size of these buildings it is recommended that they be removed in a systematic manner. In the unlikely event that any bats or signs of bats are encountered then works should cease and advice sought from an experienced ecologist.
- 7.10. The site is considered to offer some opportunities for foraging bats. The site currently supports areas of dense scrub, which are likely to support a good assemblage of invertebrates, and therefore offer opportunities for foraging bats and also offer navigational features. It is recommended that alternative native species are planted to replace and enhance the foraging opportunities. It is recommended that the design for the lighting scheme for the proposed

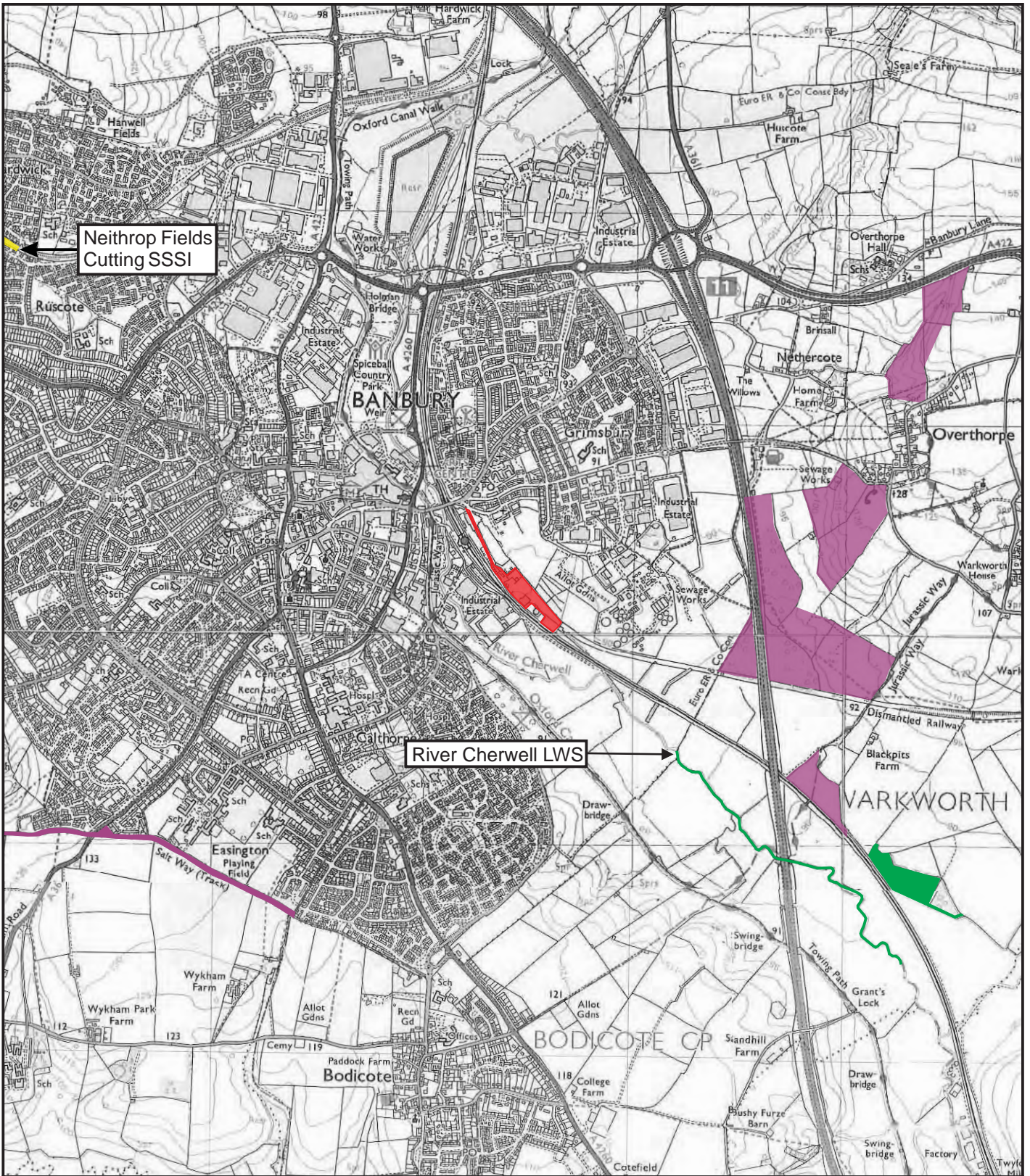
development have due regard to the potential presence of foraging and commuting bats.

- 7.11. **Birds.** Areas of the site are of some ornithological interest due to habitats present which are suitable for nesting and foraging. Owing to the protection afforded to nesting birds any dense area of vegetation to be removed may be subject to timing constraints. Where it is necessary, this should be undertaken outside the bird nesting season (March to July inclusive) to avoid a possible offence. Removal can be undertaken during the nesting season if surveys by an experienced ecologist confirm the absence of nesting birds prior to removal. In order to mitigate against the loss of nesting opportunities within the site it is recommended that new areas of landscape planting be provided based around a diverse mixture of native species or species of known wildlife value.
- 7.12. **Reptiles.** The site supports suitable opportunities for reptiles, particularly in the margins where there is an absence of any formal management regime. Whilst further discrete areas are considered suitable / sub-optimal within the site (areas of ruderal vegetation).
- 7.13. It is recommended that targeted reptile surveys are undertaken to ascertain the presence / absence of this partially protected group.
- 7.14. Given the small areas of suitable reptile habitat it is not considered that any significant reptile population would be present. It is probable that, if present, any population could be retained in-situ as part of a suitably designed scheme.
- 7.15. Overall, subject to appropriate mitigation, on the basis of the current evidence there are not considered to be any overriding ecological reasons why the site could not be developed. The proposed development appears to be in line with all relevant national and local planning policy and with relevant legislation planning policy related to nature conservation.

PLANS

PLAN ECO1

Site Boundary and Ecological Designations



KEY:

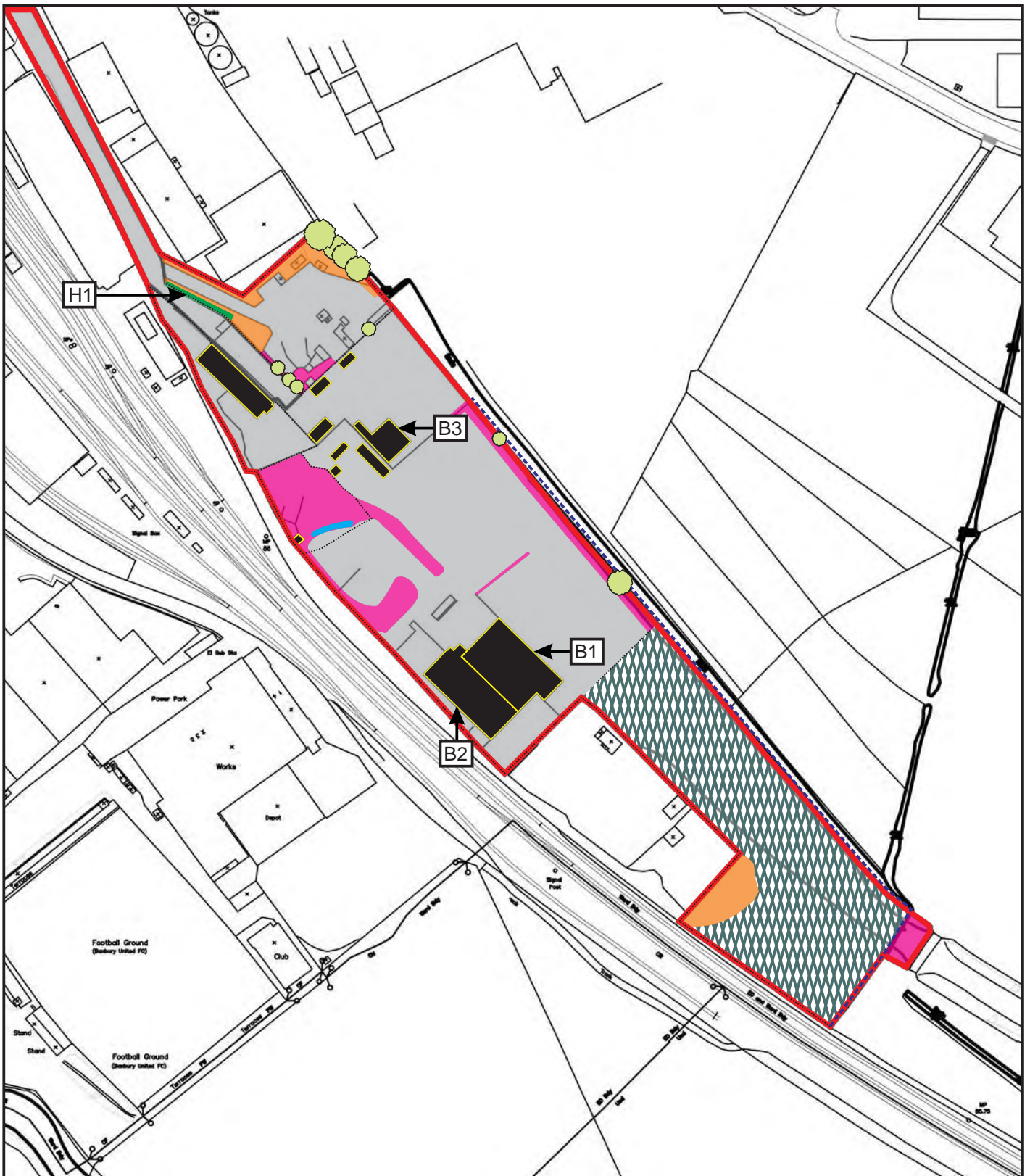
- SITE LOCATION
- SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
- LOCAL WILDLIFE SITE (LWS)
- PROPOSED LOCAL WILDLIFE SITE (LWS)














6504: LAND OFF HIGHAM WAY,
BANBURY, OXFORDSHIRE

PLAN ECO1: SITE LOCATION
AND ECOLOGICAL DESIGNATIONS

PLAN ECO2
Ecological Features



KEY:

- | | | | |
|---|------------------------------------|---|----------------|
|  | SITE BOUNDARY |  | EPHEMERAL POOL |
|  | SCRUB |  | DITCH |
|  | DISTURBED GROUND |  | BUILDINGS (B) |
|  | RUDERAL VEGETATION |  | TREES |
|  | HEDGEROW (H) |  | FENCE |
|  | RECOLONISING GROUND / HARDSTANDING | | |



6504: LAND OFF HIGHAM WAY,
BANBURY, OXFORDSHIRE

PLAN ECO2: ECOLOGICAL
FEATURES

PHOTOGRAPHS

PHOTOGRAPH 1: RECOLONISING GROUND / HARDSTANDING



PHOTOGRAPH 2: DISTURBED GROUND AND DITCH



PHOTOGRAPH 3: SCRUB ALONG NORTHEAST BOUNDARY



PHOTOGRAPH 4: HEDGEROW H1



PHOTOGRAPH 5: EPHEMERAL POOL



PHOTOGRAPH 6: BUILDINGS B1 AND B2 VIEWED FROM THE NORTH



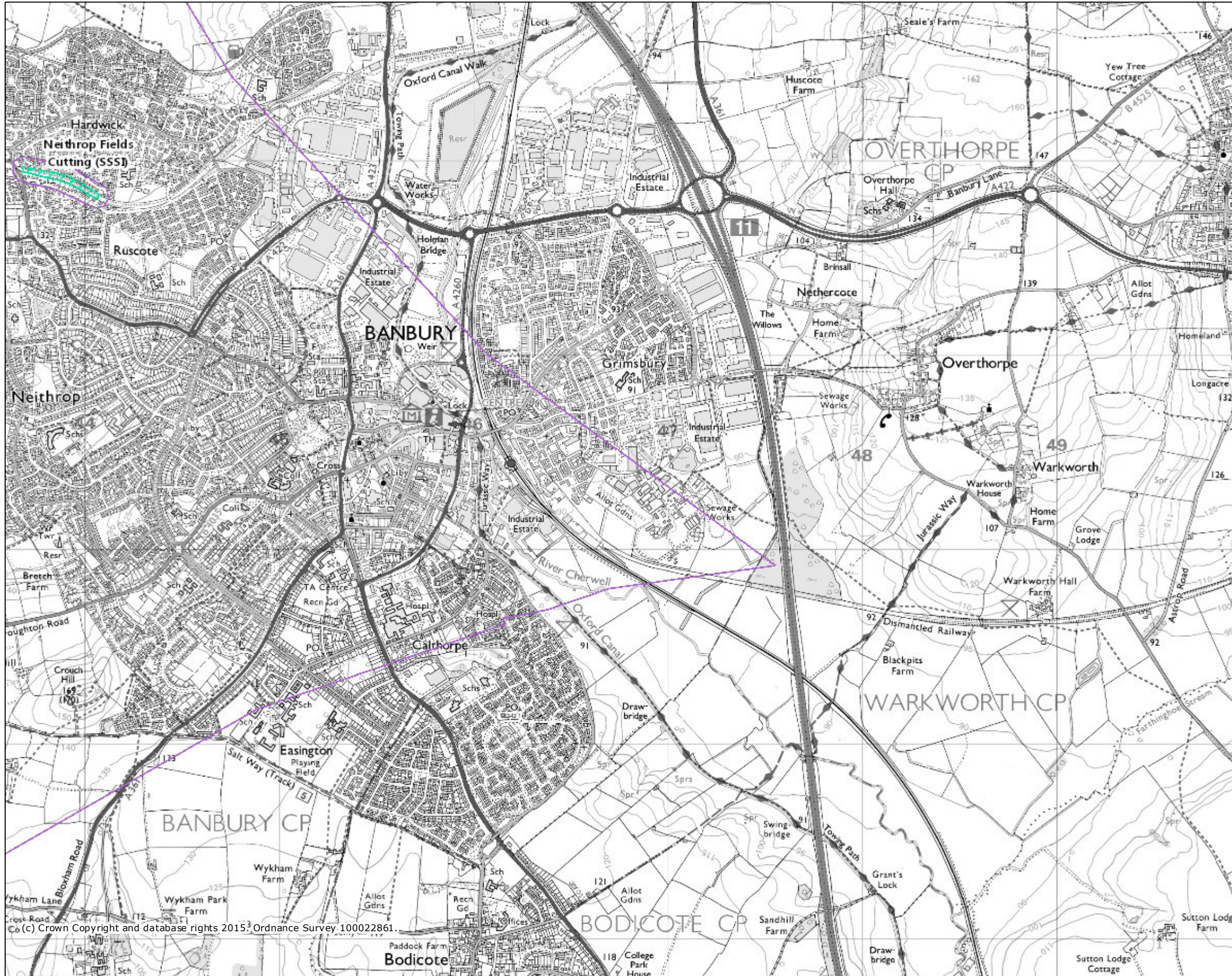
PHOTOGRAPH 7: BUILDING B3 VIEWED FROM THE NORTH










APPENDICES

APPENDIX 1

Information downloaded from MAGIC website



Legend

-  Local Nature Reserves (England)
-  National Nature Reserves (England)
-  Ramsar Sites (England)
-  Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones (England) - For use by Local Planning Authorities to assess planning applications for likely impacts on SSSIs
-  Special Areas of Conservation (England)
-  Special Protection Areas (England)
-  Ancient and Semi-Natural Woodland
-  Ancient Replanted Woodland

Projection = OSGB36
 xmin = 441700
 ymin = 237800
 xmax = 451800
 ymax = 242800

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e c o l o g y s o l u t i o n s f o r p l a n n e r s a n d d e v e l o p e r s