

**From:** Melanie Dodd

**Sent:** 22 January 2018 16:14

**To:** Deborah Smith

**Subject:** 17/04587/FUL Land parcel between Sandy Lane Court and Southgate Court, Sandy Lane, Upper Rissington - biodiversity comments

Hi Deb,

Thank you for consulting me on the above planning application.

The application site already has planning consent for residential development.

An updated Extended Phase 1 Habitat Survey report by Cotswold Wildlife Surveys dated 23 November 2017 (back page) and reference no. 1533-CWS-02 has been submitted with the application. The site was re-surveyed on 20<sup>th</sup> August 2017.

The report refers to great crested newt, common toad, smooth newt and grass snake records 50-60 metres to the east of the application site (a series of ponds), however, these are not evident on GIS. I have therefore spoken to the ecological consultant to ascertain the location of these records, which was confirmed as the housing site to the east of the application site, on the opposite side of the intervening road. The new residential development on the eastern side of the main road has been or is nearly completed, so this forms a barrier to dispersal.

A common lizard was found basking within the "green corridor" on the western edge of the application site (this was not included in the previous ecological survey) and the updated ecology report therefore recommends that a full reptile survey should be carried out during the optimal survey season from April 2018 of both the development area and the green corridor along the western edge. As the site already has planning consent and there is limited potential for reptiles to be using the development area (i.e. the area to be lost to new houses), I recommend that the reptile survey and mitigation strategy can be carried out and submitted for approval as a condition of planning consent in this instance.

The "green corridor" along the western edge of the site is required for landscape mitigation and will provide significant biodiversity enhancement opportunities. This area is likely to be the receptor area for any reptiles found within the development area of the site and therefore should be protected. However, the report refers to the spreading of surplus material excavated from the construction site, which would have an impact upon the existing habitats and any reptiles currently using the site. I therefore recommend that this must be included in the reptile mitigation strategy to ensure that no reptiles are harmed/killed during construction. Part of the green corridor to the north has already been stripped of vegetation and topsoil mounds created. This has led to the colonisation of ruderal plant species and garden escapes. The enhancement of this green corridor for biodiversity should be to maximise its biodiversity value and the report refers to the creation of wildflower meadow and native tree and shrub planting.

Any loss of the existing hedgerow along the eastern boundary along the roadside must be adequately compensated within the development and the planting of a new hedgerow along the western boundary would be sufficient. This should be included in the landscaping scheme for the site. Drawing no. U1/TA/2/3/2 Rev A shows hedgerows, which are satisfactory, but it does not show the wildflower meadow in the green corridor area and no wildlife ponds are shown as a key biodiversity enhancement of the site. I therefore recommend that landscaping details are required to be submitted for approval as a condition of planning consent, incorporating biodiversity enhancements.

Provision for nesting birds and roosting bats should also be incorporated into the built development as a biodiversity enhancement. Details of bird and bat boxes can be submitted for approval as a condition of planning consent.

A Landscape and Ecology Management Plan (LEMP) is also required to ensure effective and appropriate management of the green corridor to enhance its biodiversity value, particularly for reptiles and nesting birds.

No consideration of the 3 derogation tests under the EC Habitats Directive is required in this case as there are no European protected species or sites affected by the proposed development, which already has planning consent.

## CONDITIONS

### (a) Works to be carried out in accordance with submitted report

*The development shall be completed in accordance with the recommendations in Section 4 of the Extended Phase 1 Habitat Survey dated 23<sup>rd</sup> November 2017 prepared by Cotswold Wildlife Surveys subject to any modifications as a result of the reptile survey and mitigation strategy required by **condition (b)** below. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently retained.*

REASON: To ensure that nesting birds, reptiles and other protected and priority species are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

### (b) Reptile survey and mitigation strategy

*No development shall take place until a full reptile survey has been carried out and a mitigation strategy submitted to, and approved in writing by, the LPA (which may result in modifications to Section 4.2 of the Extended Phase 1 Habitat Survey report dated 23<sup>rd</sup> November 2017 prepared by Cotswold Wildlife Surveys). The approved strategy shall then be implemented in full, according to the specified timescales, unless otherwise agreed in writing by the LPA.*

REASON: To ensure that reptiles are protected in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

### (c) Detailed landscaping scheme

*Prior to occupation of the dwelling hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements, including species-rich hedgerows, a wildlife pond, wildflower meadow area, and a 5-year maintenance plan. Where it is intended to create semi-natural habitats, all species used in the planting proposals (including the hedgerows, pond and wildflower meadow) shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.*

REASON: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- (d) *The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.*
- (e) *Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.*

REASON: to ensure the successful establishment of the landscaping and biodiversity enhancements (e.g. habitat creation).

(f) Artificial roosting/nesting sites for bats and/or birds  
*Before development takes place, details of the provision of bat roosting feature(s) and/or nesting opportunities for birds {^SELECT SPECIES^ House martin, House sparrow, Starling, Swift or Swallow} {^SELECT^ into the new buildings and/or boxes in trees} shall be submitted to the local planning authority for approval, including a drawing showing the location(s) and type(s) of feature(s). The approved details shall be implemented ^before the dwelling(s) hereby approved is/are first occupied / within 3 months of the completion of the development hereby approved^ and thereafter permanently maintained.*

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

(g) Landscape and Ecology Management Plan  
*A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:*

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;*
- ii. Landscape and ecological trends and constraints on site that might influence management;*
- iii. Aims and objectives of management;*
- iv. Appropriate management options for achieving aims and objectives;*
- v. Prescriptions for management actions;*
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);*
- vii. Details of the body or organisation responsible for implementation of the plan;*
- viii. Ongoing monitoring and remedial measures;*
- ix. Timeframe for reviewing the plan; and*
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.*

*The LEMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.*

*The approved LEMP shall be implemented in full in accordance with the approved details.*

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

## INFORMATIVE

*Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Further information can be found at the Cotswold District Council website: <http://www.cotswold.gov.uk/residents/planning-building/wildlife-biodiversity/biodiversity-development-management/>*

Kind regards,

**Melanie Dodd (Mrs) MCIEEM**

**Biodiversity Officer**

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Planning Service Customer Feedback Questionnaire - Have we responded to your enquiry or determined your application? - Please take a few minutes to complete our short tick-box questionnaire at the link below to assist us in our continuous programme to improve standards of service to our customers and service users. Thank you. <http://www.cotswold.gov.uk/residents/planning-building/planning/customer-feedback/>

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