

Grandpont House, Abingdon Road, Oxford

- Site boundary
- Site 100m buffer
- Site 250m buffer
- Site 500m buffer
- ▲ Pond



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Ordnance Survey 0100031673

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Appendix IV: Plant Species which encourage Bats

Please see following pages which are drawn from Gunnell *et al.* (2012).

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Plant Species	Common name	Native	Type	Benefit	Soil	Light	Extensive green roofs	Living walls	Rain Gardens	Hedges/trees	Beds/borders
<i>Acer campestre</i>	Field maple	N	T/S	C	Any	Sun / shade				Y	
<i>Acer platanoides</i>	Norway maple		T	S	Well drained / alkaline	Sun / shade				Y	
<i>Acer saccharum</i>	Sugar maple		T	S	Any	Sun / shade				Y	
<i>Achillea millefolium</i>	Yarrow	N	HP	C,F	Well drained	Sun	Y				
<i>Ajuga reptans</i>	Bugle	N	HP	C,F	Any	Sun / shade	Y				
<i>Anthyllis vulneraria</i>	Kidney vetch	N	HP	F	Well drained	Sun	Y				
<i>Aubrieta deltoidea</i>	Aubrieta		H	F	Well drained	Sun / shade		Y			
<i>Betula pendula</i>	Silver birch	N	T	C	Sandy / Acid	Sun				Y	
<i>Cardamine pratensis</i>	Cuckoo-flower	N	HP	F	Moist	Sun / shade					Y
<i>Carpinus betulus</i>	Hornbeam	N	T	C	Clay	Sun			Y		
<i>Centaurea nigra</i>	Common knapweed	N	HP	C,F	Dry, not acid	Sun	Y				Y
<i>Centranthus ruber</i>	Red valerian		HP	F	Well drained / alkaline	Sun	Y				Y
<i>Clematis vitalba</i>	Old man's beard	N	C	F	Well drained / alkaline	Sun				Y	
<i>Corylus avellana</i>	Hazel	N	S	C	Any dry	Sun / shade		Y		Y	
<i>Crataegus monogyna</i>	Hawthorn	N	S	S,C	Any	Sun / shade				Y	
<i>Daucus carota</i>	Wild carrot	N	Bi	S,C,F	Any	Sun	Y				Y
<i>Dianthus spp.</i>	Pinks	N	A-Bi	F	Well drained	Sun	Y	Y			Y
<i>Digitalis purpurea</i>	Foxglove	N	Bi	C	Well drained	Shade / partial shade				Y	Y
<i>Erica cineria</i>	Bell heather	N	S	F	Sandy	Full sun					Y
<i>Erysimum cheiri</i>	Wallflower		Bi P	F	Well drained	Sun		Y			
<i>Eupatorium cannabinum</i>	Hemp agrinomy	N	H	F	Moist	Sun / shade					Y
<i>Fagus sylvatica</i>	Beech	N	T	C,R	Well drained / alkaline	Sun / shade				Y	
<i>Foeniculum vulgare</i>	Fennel		H	F	Well drained	Sun					Y
<i>Fraxinus excelsior</i>	Common ash	N	T	C,R	Any	Sun / shade				Y	
<i>Hebe spp.</i>	Hebe species		S	F	Well drained	Sun / shade				Y	
<i>Hedera helix</i>	Ivy	N	C	F,C	Any	Sun / shade		Y		Y	Y
<i>Hesperis matronalis</i>	Sweet rocket		H	F	Well drained / dry	Sun / shade					Y
<i>Hyacinthoides non-scripta</i>	Bluebell	N	B	F	Loam	Shade / partial shade		Y		Y	Y
<i>Ilex aquifolium</i>	Holly	N	T	C	Any	Sun / shade				Y	
<i>Jasminum officinale</i>	Common jasmine		C	F	Well drained	Sun		Y			Y
<i>Lavandula spp.</i>	Lavander species		S	F	Well drained / sandy	Sun		Y			Y
<i>Linaria vulgaris</i>	Toadflax	N	HP	C	Well drained / alkaline	Sun	Y				Y
<i>Lonicera periclymenum</i>	Honeysuckle	N	C	F	Well drained	Sun		Y		Y	
<i>Lotus corniculatus</i>	Bird's foot trefoil	N	HP	F	Well drained / dry	Sun	Y				Y
<i>Lunaria annua</i>	Honesty		Bi	F	Any	Sun / partial shade	Y				
<i>Malus spp.</i>	Apple		T	C	Any	Sun				Y	
<i>Matthiola longipetala</i>	Night-scented stock		A	F	Well drained/ moist	Sun			Y		
<i>Myosotis spp.</i>	forget-me-not	N	A	F	Any	Sun	Y	Y			
<i>Nicotiana glauca</i>	Ornamental tobacco		A	F	Well drained/ moist	Sun / partial shade			Y		
<i>Oenothera spp.</i>	Evening primrose species		Bi	F	Well drained/ dry	Sun	Y				
<i>Origanum vulgare</i>	Marjoram	N	HP	F	Well drained/ dry	Sun	Y	Y			
<i>Populus alba</i>	White poplar	N	T	C	Clay loam	Sun				Y	
<i>Primula veris</i>	Cowslip	N	HP	F	Well drained/moist	Sun / partial shade	Y				
<i>Primula vulgaris</i>	Primrose	N	HP	F	Moist	Partial shade	Y	Y		Y	
<i>Prunus avium</i>	Wild cherry	N	T	C	Any	Sun				Y	

Plant Species	Common name	Native	Type	Benefit	Soil	Light	Extensive green roofs	Living walls	Rain Gardens	Hedges/trees	Beds/borders
<i>Prunus domestica</i>	Plum		T	C	Well drained/ moist	Sun				Y	
<i>Prunus spinosa</i>	Blackthorn	N	S	C	Any	Sun / partial shade				Y	
<i>Quercus petraea</i>	Sessile oak	N	T	C,R	Sandy loam	Sun / shade				Y	
<i>Quercus robur</i>	Common oak	N	T	C,R	Clay loam	Sun / shade				Y	
<i>Rosa canina</i>	Dog rose	N	S	C	Any	Sun			Y	Y	
<i>Salix spp.</i>	Willow species	N	S	S,C	Moist	Sun / shade			Y	Y	
<i>Sambucus nigra</i>	Elder	N	T	C	Clay loam	Sun				Y	
<i>Saponaria officinalis</i>	Soapwort	N	HP	F	Any	Sun					
<i>Saxifraga oppositifolia</i>	Saxifrage	N	HP	C	Well drained	Sun	Y	Y			
<i>Scabiosa columbaria</i>	Small scabious	N	HP	F	Well drained/ alkaline	Sun	Y				
<i>Sedum spectabile</i>	Ice plant		HP	F	Well drained/ dry	Sun	Y				
<i>Silene dioecia</i>	Red campion	N	HP	F	Any	Shade / partial shade		Y	Y	Y	
<i>Sorbus aucuparia</i>	Ruwari	N	T	C	Well drained	Sun				Y	
<i>Stachys lanata</i>	Lamb's ears		HP	F	Well drained/dry	Sun	Y				
<i>Symphotrichum spp.</i>	Michaelmas daisies		HP	F	Any	Sun					
<i>Tegetes patula</i>	French marigold		A	F	Well drained/moist	Sun					
<i>Thymus serpyllum</i>	Creeping thyme	N	HP/S	F	Well drained/dry	Sun	Y	Y			
<i>Tilia x europaea</i>	Common lime		Type	C	Any	Sun / shade				Y	
<i>Trifolium spp.</i>	Clover species	N	HP	F	Any	Sun	Y				
<i>Valeriana spp.</i>	Valerian species	N	HP	F	Moist	Sun / partial shade			Y		
<i>Verbascum spp</i>	Mulleins	N	Bi,HP	C	Well drained	Sun	Y				
<i>Verbena bonariensis</i>	Verbena		HP	F	Well drained/moist	Sun					
<i>Viburnum lantana</i>	Wayfaring tree	N	S	C	Any	Sun / shade				Y	
<i>Viburnum opulus</i>	Guelder rose	N	S	C	Moist	Sun / shade			Y	Y	
<i>Viola tricolor</i>	Pansy	N	A	F	Well drained/moist		Y	Y			

The table above is derived from the BCT publication Landscape and Urban Design for Bats and Biodiversity (Gunnell et al., 2012) and lists suggested plant species that can provide benefit for bats either by providing a food source for insects or roost potential. The plants listed are predominately native to Britain. The small group of non-native plants is included for their documented value for wildlife. This list has been checked against Natural England's list of invasive non-native plants.

HP: Herbaceous perennial	T: Tree	A: Annual	Benefit:		
Bi: Biennial	S: Shrub	B: Bulb	C: Moth caterpillar food plant	F: Flowers attract adult moths	
BiP: Biennial perennial	H: Herb	C: Creeper/climber	S: Sap sucking insects (e.g. whiteflies)	R: Good roost potential	

Appendix V: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are the Wildlife and Countryside Act 1981 (WCA; as amended), Countryside and Rights of Way Act 2000 (CRoW; as amended), Natural Environment and Rural Communities Act 2006 (NERC) and the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations; as amended). The Environment Bill (reintroduced to parliament in 2020) is expected to make significant changes to the legislative provisions when enacted.

WCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the European Union Wild Birds Directive (Council Directive 2009/147/EC). It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments & the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the Act places a duty upon all local authorities and public bodies in England and Wales to have regard to the purpose of conserving biodiversity in exercising all of their functions, including by restoring or enhancing habitats and species populations. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity (otherwise known as priority habitats/species as listed in the now superseded UK Biodiversity Action Plan). These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Habitats Regulations 2017 are the principal means by the European Union Habitats Directive (Council Directive 92/43/EEC) was transposed into English and Welsh law, and place a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria in Europe are designated as Sites of Community Importance by the European Commission, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. Since the UK's departure from the European Union the European Commission no longer has a role in designating SACs in the UK. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish a single stage designation process, where the appropriate authority is the decision maker. The selection and designation of SACs is based on the criteria set out in Annex III of the Habitats Directive insofar as it applies to the UK, and having regard to the advice of the appropriate nature conservation body.

The 2019 Amendment Regulations have created a new national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs, existing Special Protection Areas (SPA) originally designated as a result of Council Directive 2009/147/EC on the Conservation of Wild Birds, and any new SACs and SPAs designated under the 2019 Regulations. SACs and SPAs in the UK therefore no longer form part of the EU's Natura 2000 ecological network.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively (European Protected Species (EPS)). Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade in these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations. Under the Habitats Regulations disturbance includes any activity which is likely to: impair the ability of a EPS to survive, breed, reproduce, or rear/nurture its young; impair the ability of a EPS to migrate or hibernate; or significantly affect the local distribution or abundance of the species.

The Environment Act 2021, among other things: established an Office for Environmental Protection; introduced a mandatory requirement for all new development requiring planning permission to achieve a net gain for biodiversity of at least 10% (although implementation of this is transitional); amended the NERC Act duty to conserve biodiversity by explicitly adding a duty to enhance; and requires local authorities to produce local nature recovery strategies.

Badgers (Meles meles)

Badgers are listed under Schedule 6 of the Wildlife and Countryside Act which grants them partial protection. This protection is extended by the Protection of Badgers Act 1992 (Badger Act) which makes it an offence to take, injure or kill a badger, interfere with a sett, sell or possess a live badger, or mark or ring a badger without a licence. Under the Act disturbance is illegal without a licence. Natural England has published guidelines to be adopted when determining whether an activity is 'disturbing' i.e. a licence is required when, for example, using heavy machinery (generally tracked vehicles) within 30m of any entrance to an active sett. Licences are not normally issued during the badger breeding season (December – June inclusive).

Bats (Chiroptera)

Bats and their roosts are fully protected by protected by the WCA and the Habitats Regulations, and seven species of bats are species of principal importance. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a bat.
- ▶ Possess or control a live or dead bat, any part of a bat, or anything derived from a bat.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- ▶ Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- ▶ Make a false statement in order to obtain a licence for bat work.

Birds

Birds are protected by the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to intentionally kill, injure or take away any wild bird. It is also an offence to take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. In addition, certain species are listed

on Schedule 1 of the WCA (such as kingfisher *Alcedo atthis*). This makes it an additional offence to intentionally or recklessly disturb the adults while they are in and around their nest or intentionally or recklessly disturb their dependent young. Such species are considered to be in greater need of legal protection or of high nature conservation priority.

Birds of Conservation Concern ("BoCC4) are included on Red and Amber lists (Eaton *et al.*, 2015). Birds on the Red list are those of highest conservation priority due significant and sustained population decreases and/or range contractions (e.g. house sparrow *Passer domesticus* and starling *Sturnus vulgaris*). Birds on the Amber list are the next most critical group and include species whose population/range have shown moderate declines, or which have recovered to some extent from historical decline, such as dunnock *Prunella modularis*.

Dormouse (*Muscardinus avellanarius*)

Dormouse is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*:

- ▶ Intentionally kill, injure or take a dormouse.
- ▶ Possess or control a live or dead dormouse, any part of, or anything derived from a dormouse.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a dormouse uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a dormouse while it is occupying a structure or place that it uses for shelter or protection.

Great crested newt (*Triturus cristatus*; GCN) (and natterjack toad *Bufo calamita*)

GCN is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a GCN (including its eggs).
- ▶ Possess or control a live or dead GCN, any part of, or anything derived from a GCN.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a GCN uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a GCN while it is occupying a structure or place that it uses for shelter or protection.

Otter (*Lutra lutra*)

Otter is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take an otter.
- ▶ Possess or control a live or dead otter, any part of, or anything derived from an otter.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that an otter uses for shelter or protection.
- ▶ Intentionally or recklessly disturb an otter while it is occupying a structure or place that it uses for shelter or protection.

Reptiles

The four common species (slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, adder *Vipera berus* and grass snake *Natrix natrix*) are partially protected under the WCA. They are protected, *inter alia*, against intentional killing and injuring. The handling and translocation of these reptiles does not require a licence.

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a smooth snake or sand lizard.
- ▶ Possess or control a live or dead smooth snake or sand lizard, any part of, or anything derived from a smooth snake or sand lizard.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a smooth snake or sand lizard uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a smooth snake or sand lizard while it is occupying a structure or place that it uses for shelter or protection.

Water vole (*Arvicola amphibious*)

Water vole is fully protected by the WCA. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a water vole.
- ▶ Possess or control a live or dead water vole, any part of, or anything derived from a water vole.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a water vole uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a water vole while it is occupying a structure or place that it uses for shelter or protection.

Weeds Act 1959 / Ragwort Control Act 2003

This legislation provides for orders to be made for control where notifiable weed species such as ragwort are said to be a problem. The act does not make it illegal to have ragwort (or other weed species) on your land, make it illegal to allow ragwort to spread, or force landowners automatically to control it. However, if DEFRA is satisfied that there are injurious weeds to which this Act applies growing upon any land it may serve upon the occupier of the land a notice in writing requiring them, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

Planning context

National Planning Policy Framework (Section 15: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in July 2021, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ Protecting and enhancing valued landscapes, sites of biodiversity or geological conservation 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;
- ▶ Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- ▶ Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures;
- ▶ Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- ▶ Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The NPPF requires that local 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”.

To protect and enhance biodiversity and geodiversity, the NPPF states that planning policies 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, local planning authorities should aim to protect 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.

The following wildlife sites 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.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK/Local Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts. The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status.

However, as a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the 'UK Post-2010 Biodiversity Framework' in July 2012. The UK lists of priority habitats and species nonetheless remain an important reference source and were used to draw up statutory lists of priority habitats and species in England, Northern Ireland, Scotland and Wales. The priority habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. Where they exist, Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Local Planning Policy

Policy G2: Protection of biodiversity and geo-diversity of the Oxford Local Plan 2036 states:

Development that results in a net loss of sites and species of ecological value will not be permitted. Sites and species important for biodiversity and geodiversity will be protected. Planning permission will not be granted for any development that would have an adverse impact on sites of national or international importance (the SAC and SSSIs), and development will not be permitted on these sites, save where related to and required for the maintenance or enhancement of the site's importance for biodiversity or geodiversity.

Development proposed on land immediately adjacent to the SSSIs should be designed with a buffer to avoid disturbance to the SSSIs during the construction period.

On sites of local importance for wildlife, including Local Wildlife Sites, Local Geological Sites and Oxford City Wildlife Sites, on sites that have a biodiversity network function, and where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be permitted in exceptional circumstances whereby:

- a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and*
- b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and*
- c) where this is shown not to be feasible then compensation measures will be required, secured by a planning obligation.*

Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate off- site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation, consideration will be given to the access, enjoyment and connection to nature that the biodiversity site to be lost has brought to a locality. A management and monitoring plan might be required for larger sites. The calculation should be applied to the whole site.

Appendix VI: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
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- The advice provided in this report does not constitute legal advice. As such, the services of lawyers may also be considered to be warranted.
- Unless otherwise stated in this report, the assessments made assume that the sites and facilities that have been considered in this report will continue to be used for their current planned purpose without significant change.
- All work carried out in preparing this report has utilised and is based upon UEEC Ltd's current professional knowledge and understanding of current relevant UK standards and codes, technology and legislation. Changes in this legislation and guidance may occur at any time in the future and may cause any conclusions to become inappropriate or incorrect. UEEC Ltd does not accept responsibility for advising the Client or other interested parties of the facts or implications of any such changes;
- Where this report presents or relies upon the findings of ecological field surveys (including habitat, botanical or protected/notable species surveys), its conclusions should not be relied upon for longer than a maximum period of two years from the date of the original field surveys. Ecological change (e.g. colonisation of a site by a protected species) can occur rapidly and this limitation is not intended to imply that a likely absence of, for instance, a protected species will persist for any period of time;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Every effort has been made to accurately represent the location of mapped features, however, the precise locations of features should not be relied upon;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out, weather conditions and other variables will influence the results of an ecological survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). Every effort has been made to accurately note indicators of presence of protected, rare and notable species within and adjacent to the site but the possibility nonetheless exists for other species to be present which were not recorded or otherwise indicated by the survey;
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.