

Our ref: EC05487 009 let pf (FoCK)

12 June 2020

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Dear Mr Frampton

**LAND OFF OAKHURST RISE, CHELTENHAM
PLANNING APPLICATION: 20/00683/OUT**

Thank you for forwarding the consultation response received from Friends of Charlton Kings (FoCK) dated 03 June 2020 regarding outline planning application 20/00683/OUT. I note the consultee has made a number of comments relating to biodiversity at the site, which I have reviewed and consider under the following two broad headings:

- Quality of the Grassland and Qualification as a Gloucestershire Key Wildlife Site; and
- Fauna: Presence and Mitigation Proposed (with specific reference to Badgers, bats, herptiles; and birds)

Quality of the Grassland and Qualification as a Gloucestershire Key Wildlife Site

In regard to the quality of the grassland, an assessment has been undertaken at Section 4.2 of the Ecological Appraisal dated May 2020; and whilst it is acknowledged that a number of indicator species of higher quality grassland are present, the plants are sufficiently scattered and infrequent in the otherwise grass dominated sward indicating the grassland is semi-improved.


I note the consultee claims 20 species from the Gloucestershire Key Wildlife Site listing for grassland has been identified within the site: six species more than stated in evidence presented by FoCK at Appeal APP/B1605/W/19/3227293. Notwithstanding that the six new species apparently identified (the species are not named within the consultation response) seem to occur infrequently within the sward given they were not recorded previously, the consultee has not clearly demonstrated the grassland satisfies the full selection criteria. In this regard, the Gloucestershire Key Wildlife Sites Handbook (GCER, July 2015) states 'A site will be selected if the Selection Panel deems that it fulfils at least one of the general criteria for site selection in Section 2.1, not just because it fulfils the minimum threshold. In any event, the site is not designated as a Gloucestershire Key Wildlife Site.

Fauna: Presence and Mitigation Proposed

Badgers. The consultee claims a video is held demonstrating the minimum population of Badgers within the site is now 5 plus any offspring. The presence of a main sett is not disputed, and the use of a main sett for breeding is typical; usually with only one female Badger in a social group breeding with a litter of 2-3 cubs. However, a mitigation strategy has been devised to retain Badgers within the site through the creation of an artificial sett. In terms of the consultee's comment that artificial setts are 'rarely effective'; this is contrary to the Inspector's thoughts on the matter for Appeal

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APP/B1605/W/19/3227293, who determined he was *'satisfied that this is tried and tested methodology in common use and that the artificial sett could ... accommodate displaced badgers choosing to use it ...'*. This opinion is shared by the County Ecologist, who in their consultation response for the outline application dated 01 June 2020, states *'The revised proposals for mitigating any effect upon and conserving local badgers are acceptable in my view'*.

Bats. In regard to bats, the consultee states *'5 different bats of conservation concern'* have been recorded on site. Use of the site by various bat species is clearly discussed at Section 5.1 of the Ecological Appraisal dated May 2020, with mitigation, compensation and enhancement measures proposed to maintain the local population status of this species.

Herptiles. Within their consultation response FoCK provides photographs of Grass Snake and Slow-worm apparently taken at the site. Both species were recorded by Aspect Ecology at the site in 2019, with low populations of both species determined to be present. In regard to the claim of *'avoiding any industry standard reptile surveys'*, the Ecological Appraisal dated May 2020 clearly sets out at Section 2.3 the methodology followed which accords with relevant best practice guidelines, and at Section 6 sets out the measures proposed to mitigate and enhance the site for reptiles. The County Ecologist is satisfied in the results obtained and concludes within their consultation response, dated 01 June 2020, that the proposals would have *'a neutral to positive impact overall'* on reptiles.

In regard to amphibians, records for Smooth Newt and Common Toad originate from within the site. However, both species would be safeguarded from killing/injury through the mitigation set out at Section 6 of the Ecological Appraisal dated May 2020. In addition, the creation of new wetland habitat under the proposals is considered to provide enhanced breeding habitat compared to the existing situation. The Council Ecologist is satisfied with the mitigation measures and enhancements proposed in regard to amphibians stating they *'are appropriate and relevant to the site and development'*.

Birds. Within their consultation response the consultee includes a table listing birds apparently recorded within the site. A number of the birds are of conservation concern due to varying levels of population decline over the past 25-years; although these species remain fairly common and widespread such that their presence within the site, especially in single or small numbers, is unremarkable. In regard to Red Kite, whilst this re-introduced bird species receives year-round protection under Sch. 1 of the Wildlife and Countryside Act 1981 (as amended) it is identified within the *'least critical'* British Trust for Ornithology (BTO) conservation grouping. In any event, it is not clear from the record whether this bird was recorded within the site or flying over it. In any case, the Ecological Appraisal dated May 2020 sets out measures at Section 6 to mitigate and enhance the site for birds, and in regard to this the County Ecologist concluded *'... the development would likely to have a short term small adverse impact but in the longterm a positive overall outcome is certain'*.

I trust the information herein is helpful in assuring Cheltenham Borough Council that the biodiversity interest at the site has been fully considered under the proposals, and that appropriate mitigation and enhancements are proposed to minimise harm to biodiversity and achieve net gains in biodiversity, in accordance with relevant provisions of national and local planning policy.

Yours sincerely



Dan Walker
Principal Ecologist

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