

Appendix B

Creation and management of 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy, Oversley Hill Farm, Oversley Green, Alcester, B49 6LR.

SDC/19CC016

Planning Conditions.

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be implemented in accordance with the plans and documents numbered:

- LEHE32/01 Rev A - Location Plan
- LEHE32/05 Rev A – Site Plan
- LEHE32/02 Rev A – Detail Pond A
- LEHE32/03 Rev A – Detail Pond B
- LEHE32/04 Rev A – Detail Pond C
- Indicative Sections – Farm Ponds/ Scrape – Oversley Hill Farm

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: To define the permission and to ensure that the permission is implemented in all respects in accordance with the submitted details.

3. Notwithstanding the details submitted, a separation distance of 2.0 metres shall be provided and maintained between the edge of Pond A and the Public Right of Way AL137a and between the edge of Pond B and the Public Right of Way AL137.

Reason: In order to ensure that the Public Right of Way remains open and accessible.

4. The development hereby approved shall not be commenced until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority and any pre-commencement measures in the approved plan have been implemented. The Plan shall include a working method statement for slow worm and great crested newts; details of pre-commencement checks for great crested newts, badger and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The approved Plan shall be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

Notes

1. Public footpath AL37a and public bridleway AL37 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
2. The applicant must make good any damage to the surface of any public right of way caused during works.
3. If it is proposed to temporarily close public right of way during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.
4. Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.
5. Brown Hare Note:

In view of the nearby records and suitable habitat, and the nature of the development, care should be taken when clearing the ground prior to development, and if evidence of brown hares are found, work should stop while WCC Ecological Services or Natural England is contacted. The brown hare is a priority species for conservation in the UK and are a Species of Principal Importance under section 41 of the NERC act. Hare numbers are still declining which is largely due loss of habitat diversity in the agricultural landscape and a change in agricultural practices. Although this species has no legal protection they have limited protection during the breeding period (1st March - 31st July) through the Ground Game Act 1880 and the Hares Protection Act (1911). The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

6. Generic reptile and amphibian note:

In view of the nearby records / ponds care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

7. General trench note:

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

Development Plan Policies Relevant to the Decision.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

Policy CS.1 Sustainable Development

Policy CS.6 Natural Environment

Policy CS.7 Green Infrastructure

Policy AS.10 Countryside and Villages

Compliance with the Town and Country Planning (Development Management Order) (England) Order 2015

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019