

FAO: Ms Angela Fettiplace
Oxford City Council
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1 Armstrong Road
Littlemore
Oxford
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By email only

16th May 2013

Dear Ms Fettiplace

Planning application ref: 13/00837/CAC

**Application location: Former Ruskin College Site Walton Street Oxford
Oxfordshire**

**Proposal: Demolition of existing buildings on site, excluding 1913 facade to
Ruskin College building facade to Walton Street and Worcester Place**

I have recently become aware of the above referenced planning application and wish to submit the following comments on behalf of the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT). As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology on and around the highlighted proposal area.

The Bat Survey Report submitted with the application identifies that the southern and western aspects of the main building have medium potential for bats and that the rear of the Kitson building has medium potential for casual roosting by bats. Recommendations are made in the report for further survey, including inspection for summer roosts and bat emergence surveys to confirm the presence or absence of bat roosts. To ensure that the risk to bats is fully considered, these surveys should be undertaken prior to determination of the application, this is in line with guidance in paragraph 99 of Circular 06/05 which states:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

All species of bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010. All bats are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, even if the bat is not present at the

time of roost removal. In its role as a local planning authority, the Council should also be aware of its legal duty under Regulation 9(5) of The Conservation of Habitats and Species Regulations 2010 which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

The applicant should be made aware of the potential presence of bats and their statutory protection. The applicant should also be made aware of the requirement for them to apply for a Protected Species Licence from Natural England where development activities may disturb existing bats or damage their resting places.

Further information on the survey requirements for protected species is contained within Natural England’s Standing Advice for Protected Species at the following link;
<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/advice.aspx>

Advice specific to the protection of bats at;

http://www.naturalengland.org.uk/Images/Bats_tcm6-21717.pdf

Natural England’s Standing Advice is a material consideration for the purposes of this planning application. The Standing Advice should therefore be applied to this planning application before determination to ensure that the potential risk to bats is fully considered and necessary survey work undertaken.

If you would like to discuss this further please do not hesitate to get in touch.

Yours sincerely,

Rebecca Micklem
Senior Conservation Officer (Oxon)

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