

Public Document Pack

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 October 2019 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor George Reynolds (Vice-Chairman), Deputy Leader of the Council and Lead Member for Leisure and Sport

Councillor Colin Clarke, Lead Member for Planning
Councillor Ian Corkin, Lead Member for Customers and Transformation
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management and Governance
Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property
Councillor Dan Sames, Lead Member for Clean and Green

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor John Broad
Councillor Les Sibley

Officers: Nick Graham, Director of Law and Governance / Monitoring Officer
Graeme Kane, Chief Operating Officer
David Peckford, Assistant Director: Planning and Development
Claire Taylor, Corporate Director Customers and Organisational Development
Hedd Vaughan Evans, Assistant Director Performance and Transformation
Dominic Oakeshott, Assistant Director (Interim) - Finance
Nicola Riley, Assistant Director: Wellbeing
Aaron Hetherington, Democratic and Elections Team Leader

38 **Declarations of Interest**

There were no declarations of interest

39 **Petitions and Requests to Address the Meeting**

There were no petitions.

The Chairman advised Executive that he had agreed to Councillor Broad addressing the meeting on agenda item 7, Community Nature Plan Restoring and Enhancing Green Spaces, and Councillor Sibley addressing the meeting on agenda items 6, Car Parking Enforcement Policy, and 8, Howes Lane Bridge Marginal Viability HIF Funding.

40 **Minutes**

The minutes of the meeting held on 2 September 2019 were agreed as a correct record and signed by the Chairman.

41 **Chairman's Announcements**

There were no Chairman's announcements.

42 **Community Nature Plan Restoring and Enhancing Nature and Green Spaces**

The Assistant Director, Wellbeing submitted a report which summarised the progress of the 2018-2020 Community Nature Plan and provided clarity on recent government guidance relating to restoring and enhancing nature and green spaces. The report also sought approval for biodiversity net gain guidance; endorsement of seeking a minimum of 10% biodiversity net gain through engagement with the planning process; and approval of biodiversity in the built environment guidance.

At the discretion of the Chairman, Councillor Broad addressed Executive.

Resolved

- (1) That the progress of the Community Nature Plan 2018-20 be noted.
- (2) That recent government guidance relating to restoring and enhancing nature and green spaces be noted.
- (3) That the biodiversity net gain guidance (annexes to the Minutes as set out in the Minute Book) be approved.
- (4) That seeking a minimum of 10% biodiversity net gain through engagement with the planning process be endorsed.
- (5) That a Biodiversity in the Built Environment Good Practice Guide 'Preservation of existing nesting sites and provision of artificial nesting sites' (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

'Restoring and Enhancing Nature and Green Spaces' for the benefit of people and wildlife is a crucial element of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report provides an update on the Community Plan, demonstrating how the Council is fulfilling its statutory biodiversity duty; and seeks approval for recommendations which support guidance that will enable the Council to invest wisely in the District's natural environment and help to contribute to healthy outcomes for people and wildlife.

Alternative Options

Option 1: To reject the recommendations in the report. This is not proposed as the recommendations are in accordance with government guidance, best practice and the Council's statutory biodiversity duty

Option 2: To amend the recommendations in the report. This is not proposed as the recommendations are in accordance with government guidance, best practice and the Council's statutory biodiversity duty

43

Howes Lane Bridge Marginal Viability HIF Funding

The Assistant Director – Growth and Economy submitted a report for members to consider the implications for Cherwell District Council (CDC) entering into a legal agreement with Oxfordshire County Council (OCC) in connection with the delivery of the rail bridge to enable the realignment of Howes Lane in Bicester.

Should the development subsequently become viable, the agreement would require CDC to seek contributions toward the cost of delivery of infrastructure through development receipts and, in accordance with the terms of the funding agreement, spend any released excess MV HIF (Marginal Viability Homes Infrastructure Fund) grant on the delivery of housing.

At the discretion of the Chairman, Councillor Sibley addressed Executive.

Resolved

- (1) That, subject to Oxfordshire County Council completing the Marginal Viability Homes Infrastructure Fund (MV HIF) agreement, it be agreed to:
 - a) enter into a "back-to-back" agreement with OCC to take on the MV HIF obligations seeking to secure funding towards the cost of the delivery of the Howes Lane infrastructure. In addition, to use any excess grant funding (released as a result of the development funds contributing towards the cost of delivering the infrastructure) to deliver housing (subject to any legal issues being resolved and remedied);
- and

- b) delegate to the Assistant Director – Growth and Economy, in consultation with the Lead Member for Economy, Regeneration and Property and the Team Leader – Non-contentious, the negotiation and completion of the agreement with OCC.

Reasons

The conclusion is that the securing of this marginal viability funding from Homes England is a positive development and supports CDCs growth agenda.

Alternative Options

Option 1: Not to pursue the securing of funding. This could delay the provision of the realigned Howes Lane and subsequently some housing delivery and as such is not recommended

Option 2: Not to enter into an agreement with OCC that passes on the obligations to seek to recoup funding and use receipts to deliver housing. This option is not recommended as it is likely to prevent the funding being secured and results in a lost opportunity to release excess grant funding for housing.

44

Results of the Residents' Satisfaction Survey 2019

The Assistant Director – Performance and Transformation submitted a report which summarised the key results from the annual satisfaction survey and identified areas to be reflected in future business and service plans.

Resolved

- (1) That the results of the survey, with particular reference to the priority service areas identified by respondents, be noted.
- (2) That it be agreed that the results and priority service areas identified will be used as part of the business and service planning process for 2020-21.
- (3) That it be agreed to continue to develop the approach of consulting and engaging with our residents, ensuring we reach as many residents as possible making use of all communication tools available to us and keeping residents up to date with progress against the business plan.

Reasons

The annual satisfaction survey provides the Council with a standard source of data for gauging satisfactions levels across the district about service delivery and value for money, which enables informed decision making with regard to service provision and the planning of priorities.

The service specific satisfaction and feedback enables services to react quickly to any issues identified and also provides the council with more frequent satisfaction results.

It is important that the results are used as part of business and service planning and those areas of further investigation are progressed. These further investigations by officers, coordinated by the Insight Team, will provide the council with more detailed customer feedback and insight enabling evidence-based decision making.

Alternative Options

To reject the findings of the satisfaction survey results and not incorporate them as part of the business and service planning process for 2020-21. This has been rejected as the survey provides the Council with a standard source of data for gauging satisfactions levels across the district, which enables informed decision making with regard to service provision and priorities.

45 **Monthly Performance, Finance and Risk Monitoring Report - August 2019**

The Executive Director: Finance (Interim) and Assistant Director: Performance and Transformation submitted a report which summarised the Council's Performance, Risk and Finance monitoring position as at the end of each month.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.

Reasons

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

Alternative Options

Option 1: This report illustrates the Council's performance against the 2019-20 business plan. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

46 **Car Parking Enforcement Policy**

The Assistant Director: Environmental Services submitted a report which presented a proposal to change the car parking enforcement process and overarching Policy, having regard to the comments and findings by the Local Government Ombudsman regarding the conduct of car parking enforcement, and also the length of time that has elapsed since the Policy was last reviewed.

Resolved

- (1) That the report and the recommendations of the Local Government Ombudsman and the action plan to address those recommendations in so far as the same concern the enforcement of excess charges be noted.
- (2) That the revised Car Parking Enforcement Policy (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The recommendations in this report address the Local Government Ombudsman's comments and concerns regarding the Council's car parking enforcement process. In particular it simplifies the approach to parking enforcement by removing from the process at the earliest opportunity the involvement of Bristow and Suter as enforcement agents chasing payment on Apcoa's behalf. Apcoa will now remind customers of outstanding excess charges before referring the matter directly to the Council, who will then decide upon prosecuting that customer in the magistrate's court for the unpaid ECN.

The proposed new Policy takes account of the process proposed.

Alternative Options

To reject the new Car Parking Enforcement Policy and ask officers to reconsider the same having regard to the report from the Local Government Ombudsman

47

Urgent Business

There were no items of urgent business.

48

Financial Management System

The Executive Director Finance (Interim) submitted a report to seek approval for increased capital funding for the replacement of the financial management system following the end of the current contract with Civica.

Resolved

- (1) That additional capital funding for the capital project to replace the financial management system be approved.
- (2) That the estimated revenue impact be noted.

Reasons

The current initial five-year term of the contract with Civica ends on 31 March 2020. The Council approved the replacement and the best route is via a full and open tender process to secure a new finance system that will meet the Council's business needs – initially for a five-year period, but potentially for up to a further five years – possibly providing the finance functionality for the next decade.

Alternative Options

Option 1: Extend the existing contract with Civica for a period of up to five years. This has been rejected due to the limited functionality being provided by the system and the inability to provide the high-quality financial reporting information identified in our user requirements gathering exercises.

49 **Exclusion of the Press and Public**

There being no questions on the exempt appendix it was not necessary to exclude the press and public from the meeting.

50 **Financial Management System - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

The meeting ended at 7.39 pm

Chairman:

Date:

Biodiversity Net Gain

Good practice principles for development

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Introduction

Achieving Biodiversity Net Gain

Designing, building, operating and maintaining - each of these stages of a development scheme generates opportunities to help achieve an overall benefit for biodiversity. Realising these opportunities is vital because biodiversity, and the functions it provides, are essential to sustain our society and economy.

Achieving these net gains in biodiversity, where there are wider benefits for society, is more than simply outweighing losses with gains. It requires doing everything possible to avoid losing biodiversity in the first place, as well as involving stakeholders especially as partners. It also requires the gains in biodiversity to be valuable locally, and to make important contributions towards regional and national priorities for nature conservation. In other words, there is a right way to achieve 'Biodiversity Net Gain' that brings about long-lasting and meaningful benefits for our environment, society and economy.

This 'right way' is articulated in standards and guidelines produced by an international community on achieving No Net Loss and Net Gain targets for biodiversity. In the United Kingdom, the government has international and national commitments on biodiversity that include halting the loss of biodiversity and reaching net gains. Development can contribute significantly towards realising these commitments. However, until now there has been no standard for the UK industry on good practice for achieving Biodiversity Net Gain.

Establishing good practice

CIRIA, CIEEM and IEMA have developed the first UK principles on good practice to achieve Biodiversity Net Gain. These principles provide a framework that helps improve the UK's biodiversity by contributing towards strategic priorities to conserve and enhance nature while progressing with sustainable development. They also provide a way for industry to show that projects followed good practice.

It is important that these principles are tested, refined and improved through feedback and review. CIRIA, CIEEM and IEMA will undertake a first review within 12 months.

Supporting guidance

The principles are broad by necessity so that they apply to a wide-ranging industry. This means that their proper interpretation is critical. CIRIA, CIEEM and IEMA are developing guidance that will contain practical advice on implementing the Net Gain principles and definitions of key terms. This guidance will be available in 2017, and a steering group will be overseeing its production and consultation with a variety of stakeholders.

Part of that stakeholder consultation is discussing a credible, proportionate way to audit implementation of Biodiversity Net Gain. While this is in progress, developments claiming to achieve Biodiversity Net Gain must provide evidence that clearly demonstrates they have implemented and adhered to the good practice principles.

Biodiversity Net Gain

Good practice principles for development

Biodiversity Net Gain is development that leaves biodiversity in a better state than before. It is also an approach where developers work with local governments, wildlife groups, land owners and other stakeholders in order to support their priorities for nature conservation. These ten principles set out good practice for achieving Biodiversity Net Gain and must be applied all together, as one approach.

Principle 1. Apply the Mitigation Hierarchy

Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.

Principle 2. Avoid losing biodiversity that cannot be offset by gains elsewhere

Avoid impacts on irreplaceable biodiversity - these impacts cannot be offset to achieve No Net Loss or Net Gain.

Principle 3. Be inclusive and equitable

Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible, and share the benefits fairly among stakeholders.

Principle 4. Address risks

Mitigate difficulty, uncertainty and other risks to achieving Net Gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.

Principle 5. Make a measurable Net Gain contribution

Achieve a measurable, overall gain¹ for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.

¹ Net Gain has been described as a measurable target for development projects where impacts on biodiversity are outweighed by a clear mitigation hierarchy approach to first avoid and then minimise impacts, including through restoration and / or compensation. Adhering to these Net Gain principles (i.e. pursuing all principles together) will help in under-pinning good practice for achieving and sustaining Net Gain.

Principle 6. Achieve the best outcomes for biodiversity

Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly-justified choices when:

- Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses
 - Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation
 - Achieving Net Gain locally to the development while also contributing towards nature conservation priorities at local, regional and national levels
 - Enhancing existing or creating new habitat
 - Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity
-

Principle 7. Be additional

Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).

Principle 8. Create a Net Gain legacy

Ensure Net Gain generates long-term benefits by:

- Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity²
 - Planning for adaptive management and securing dedicated funding for long-term management
 - Designing Net Gain for biodiversity to be resilient to external factors, especially climate change
 - Mitigating risks from other land uses
 - Avoiding displacing harmful activities from one location to another
 - Supporting local-level management of Net Gain activities
-

Principle 9. Optimise sustainability

Prioritise Biodiversity Net Gain and, where possible, optimise the wider environmental benefits for a sustainable society and economy.

Principle 10. Be transparent

Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

² Biodiversity compensation should be planned for a sustained Net Gain over the longest possible timeframe. For development in the UK, the expectation is that compensation sites will be secured for at least the lifetime of the development (e.g. often 25-30 years) with the objective of Net Gain management continuing in the future.

Acknowledgements

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SLR Consulting

The project team consisted of staff representatives from the three partner organisations, together with industry members of each organisation.

We would like to thank the numerous stakeholders who provided comment on earlier drafts of the principles in the form of online surveys, a consultation workshop and a webinar.

The Biodiversity Net Gain good practice principles were first drafted based on several sources: responses to the UK government's 2013 Green Paper Consultation on Biodiversity Offsetting; experience gained from the national pilot on biodiversity offsetting led by the UK's Department for Environment, Food and Rural Affairs; experience from Network Rail Infrastructure Projects' and from other leading corporations' work on net positive approaches; and also on principles developed for the international community by the Business and Biodiversity Offset Programme.

The draft principles were refined following initial consultation with various stakeholders including government, NGOs, regulators and private and public-sector organisations. The refined version was presented to over 450 professionals during a webinar where the majority supported this approach to Biodiversity Net Gain and the principles. The principles were revised based on feedback received during the webinar, assessed by the project team and the final set are presented in this document. It is envisaged that the principles will be further refined following a period of application, feedback and review.

Supporting guidance

The principles are broad by necessity so that they apply to a wide-ranging industry. This means that their proper interpretation is critical. CIRIA, CIEEM and IEMA are developing guidance that will contain practice advice on implementing the Net Gain principles and definitions of key terms. This guidance will be available in 2017, and a steering group will be overseeing its production and consultation with a variety of stakeholders.

Part of that stakeholder consultation is discussing a credible, proportionate way to audit implementation of Biodiversity Net Gain. While this is in progress, developments claiming to achieve Biodiversity Net Gain must provide evidence that clearly demonstrates they have implemented and adhered to the good practice principles.

How you can get involved

If you would like to be kept informed of progress with our Biodiversity Net Gain practical guidance, please visit www/ciria.org/netgain for further information.

If you are able to sponsor or otherwise contribute towards the cost of developing the Biodiversity Net Gain practical guidance, please contact owen.jenkins@ciria.org

Biodiversity Net Gain

Good practice principles for development



CIRIA is the construction industry research and information association. It is an independent, not-for-profit, member-based research organisation that exists to champion performance improvement in construction. Since 1960, CIRIA has delivered support and guidance to the construction, built environment and infrastructure sectors. CIRIA works with members from all parts of the supply chain to co-ordinate collaborative projects, industry networks and events. Its high quality guidance is delivered to industry through publications, training and other performance improvement activities. www.ciria.org



The **Chartered Institute of Ecology and Environmental Management** (CIEEM) is the leading professional membership body representing and supporting ecologists and natural environment managers in the UK, Ireland and abroad. Our Vision is of a society which values the natural environment and recognises the contribution of professional ecologists and environmental managers to its conservation. We have members drawn from across the employment sectors including local authorities, government agencies, NGOs, environmental consultancy, academia and industry. The diversity of our membership is our greatest strength, enabling us to take an integrated and holistic approach to furthering the management and enhancement of biodiversity and the ecological processes essential to a fully functional biosphere. www.cieem.net



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BIODIVERSITY IN THE BUILT ENVIRONMENT

Good Practice Guide 1

Preservation of existing nesting sites and provision of artificial nesting sites September 2019



Cherwell District Council wants to improve the management of habitats and species as part of new build and the refurbishment of existing buildings

This guidance note aims to draw together the most useful information and reference detailed advice

The key message for planners, builders and developers is preserve existing nest sites wherever you can and also create new nest sites. It is easy and cheap and need not interfere with insulation requirements and low carbon construction

This Good Practice Guide is not a replacement for guidance by an experienced ecologist

Acknowledgements

Front cover photographs

Top left: Schwegler Swift Bricks installed in the upper walls of a care home in new Barnet, North London; photo © Edward Mayer

Top right: Nest places for Swifts created in the cornice of a house in Dulwich, South London; photo © George Mavrias

Bottom left: House Martin clinging to an artificial nest it will later breed in; photo © Joey van Tonder

Bottom right: Nest bricks for bats (Schwegler bat tubes), Oxford Circus, London; photo credit Edward Mayer

Document text

Thanks to Edward Mayer from Swift Conservation and Chris Mason, co-ordinator of the Cherwell Swift Conservation Project, for their contribution, support and guidance

COMMUNITY NATURE PLAN

Cherwell District Council's (CDC's) vision is to work with partners to protect and enhance Cherwell's natural environment not only because of its intrinsic value but also because of the services it provides, its enhancement of people's health and wellbeing and its contribution to economic prosperity.

Our **Community Nature Plan (CNP)** sets out how we will fulfil our duty under the Natural Environment and Rural Communities (NERC) Act 2006 and meet the Act's biodiversity legislation and policy requirements; how the Council complies with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF); and demonstrates the importance of the natural environment, specifically its green spaces and wildlife, to community health and wellbeing and a thriving economy.

The CNP aims to secure improved management of habitats and species as part of new build and the refurbishment of existing buildings.¹ To help achieve this we aim to provide good practice guidance notes on biodiversity and the built environment for developers and planners, and anyone who can influence new build and refurbishment of existing housing stock. This is the first of these guidance notes.

The Council is setting an example of securing improved management of buildings for habitats and species – examples of meeting this aim include swift nest bricks installed in Spiceball Sports Centre in 2009 (left below) and the community sports hall of the Hill, Banbury in 2019 (right below)



WHAT'S THE PROBLEM?

Bats and several species of bird (ie swifts and house martins) are dependent on our buildings for breeding sites but the capacity for our buildings to provide such sites is quickly disappearing across the UK, contributing to a very significant decline in their populations.

A key factor is modern building design where the need for low or zero carbon construction has led to new building techniques, materials and designs which create airtight barriers. As a result, species that traditionally use our buildings are unable to find resting, nesting or roosting sites. **Positive, proactive steps need to be taken.**

¹ Government guidance and policy background is provided in Appendix 1

Loss of nest sites also occurs when buildings and their roofs are repaired or altered. For example, swifts return year after year, not just to the same building, but the same small gap or space in the same building. This might be a gap under the eaves, soffit or bargeboard, or a space at the end of guttering or a gap under the tiles or in the pointing. Once filled in, it can result in a pair of Swifts failing to breed that year, as they are very reluctant to move to alternative sites even if they are available.



Adult Swift in flight; photo © David Moreton

WHAT CAN YOU DO?

New development: building-reliant species of birds and bats can continue to thrive in low and zero carbon buildings but only if biodiversity needs are considered early on in the design process so that measures can be incorporated into buildings at little extra expense. The optimum method is to incorporate nesting and roosting opportunities for birds and bats into the structure of the building or roof space, thereby recreating natural cavities found in older properties. This can be done by using pre-cast “bricks”.

Existing buildings: It is vital to survey for building-reliant species of birds and bats before any maintenance work is carried out. Many opportunities are provided by roofing works and repairs, both for the installation of internal nest “bricks” within the fabric of the building and the provision of external nest boxes.

HOW YOU CAN DO IT

There are many different types and models of species-adapted nest box and “brick” readily available on the market. Nest bricks designed specifically for Swifts have the advantage that they will be used not only by Swifts but also by House Sparrows, Starlings, Blue Tits and Great Tits. These nest bricks are inconspicuous, simple to install and do not require ongoing maintenance. Boxes should be approximately 5 metres or more above ground level and ideally will be sited close to the eaves or bargeboards. In larger buildings optimal height will depend on the design of the building and the surrounding area.

Developments of buildings adjacent to open spaces and/or water bodies could also consider incorporating nest cups under the eaves for House Martins and in open sided buildings for Swallows. Fouling may be an issue so care must be taken where they are sited (e.g. avoid installing over windows or doors) and a gable end location may be most suitable. However, such 'external' nest site provision is not an alternative to integral nest site provision, as these external boxes, retro-fitted to the outside of buildings or nest boxes placed on trees, are less long-lasting than integral 'Swift bricks' and are also vulnerable to removal by householders and, in that case, are unlikely to be replaced. Incorporating nest boxes into the fabric of the building ensures the longevity and safety of the box and minimises maintenance and visual impact.

It is important to include appropriate foraging habitats for birds and bats within any landscape design. Artificial lighting, including floodlighting, should avoid spill onto buildings that may support bat roosts or nesting birds.

The information and advice promoted in this guide is primarily intended for swifts but it is relevant for other species such as house sparrows, starlings and crevice roosting bats.

Essential sources of information are the Swift Conservation and Bat Conservation Trust websites, specifically <https://swift-conservation.org/> and <https://www.bats.org.uk/our-work/buildings-planning-and-development>

Swift Conservation has detailed information about fitting appropriate nest places for Swifts in both new development and existing buildings. Go to <http://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in>

Local advice is also available from the Council and the Cherwell Swifts Conservation Project. Further information is available here - www.cherwell.gov.uk/communitynatureplan

WHAT SPECIES AND HOW MANY IS ENOUGH?

What Species?

Appendix 2 lists actions that should, wherever possible, be taken to incorporate boxes into the built fabric to conserve and enhance key species that rely on nesting opportunities within buildings.

How Many is Enough?

For new development, good practice is the provision of at least the equivalent to one built-in nest box/brick per residential unit and more for large or multi-storey buildings (such as commercial, industrial and public structures). These integral boxes/bricks will be used by a range of building-reliant bird species, such as swifts and house martins, and will also create spaces for crevice-roosting bat species. Integration into the fabric of buildings ensures retention for the lifetime of the development.

Appropriate configurations of provisions would depend on the species or group of species targeted. Aspect, elevation and immediate surroundings will also influence where bricks and roosting opportunities are best sited to encourage use. There is never going to be a "one size fits all" answer to this question and the advice of an ecologist, who has carried out a survey of the area and knows which species it is appropriate to make provision for, is crucial.

Appendix 1

Relevant Guidance and Policy

The National Planning Policy Framework (updated February 2019), Section 15 (conserving and enhancing the natural environment) para 174 states
'To protect and enhance biodiversity and geodiversity, plans should:
(b) 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.

Para 175 states

'When determining planning applications, local planning authorities should apply the following principles:

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity

Updated **Planning Practice Guidance (PPG) on the Natural Environment** (July 2019) details how biodiversity net gain should be delivered. It was launched with the following commentary -

"Building the new homes this country needs must not come at the detriment of our natural heritage. It is right that as we deliver houses for people, we must also provide homes for wildlife too – whether that's for hedgehogs, frogs, newts or birds. The public have told us that protecting wildlife is important to them – so my message to house builders is to harness this support and get building in a way that protects the environment for the next generation" (James Brokenshire MP)

The Cherwell Local Plan 2011 – 2031 (Part 1) Policy ESD 10 (Protection and Enhancement of Biodiversity and the Natural Environment) encourages the inclusion of features such as bird and bat boxes in new development.

Policy ESD 15 (The Character of the Built and Historic Environment) encourages the incorporation of biodiversity enhancement features where possible.

Appendix 2²

Provision for Artificial Nest Sites in New Development

| Species | Actions | Notes |
|----------------------|---|--|
| Common Swift | <ul style="list-style-type: none"> • Install internal (swift) boxes at soffits/eaves level | <ul style="list-style-type: none"> • Any suitable buildings, proximity of existing colony reinforces need for new nest sites • At least five metres above ground level with unimpeded access • For bricks incorporated within the structure of the building any aspect is acceptable but they should not be placed in the immediate vicinity of windows • Nest sites should be reasonably close as Swifts usually nest in colonies • Broadcasting recorded calls throughout the breeding season will increase likelihood of occupation. See www.swift-conservation.org. |
| House Sparrow | <ul style="list-style-type: none"> • Install internal boxes at soffits/eaves level | <ul style="list-style-type: none"> • Suitable buildings within close foraging range of open spaces & green infrastructure • At least two metres above ground level with somewhere to perch in the immediate vicinity • Needs to be shaded. Easterly aspect is best, avoid southerly elevations • Sparrows prefer nesting in loose groups (10-20 pairs) and boxes can be adjacent to each other ideally in groups of six or more. |
| Starling | <ul style="list-style-type: none"> • Install internal boxes at soffits/eaves level | <ul style="list-style-type: none"> • Suitable buildings within close foraging range of open spaces & green infrastructure • At least three metres above ground level with somewhere to perch in the immediate vicinity. Needs to be shaded, easterly aspect is best, avoid southerly aspect • Ideally install a group of nests each >1.5m apart. • Starlings can be noisy so their nests are best sited where they won't be a nuisance. |

² Replicated from the Exeter Residential Design Guide Supplementary Planning Document (2010).

| | | |
|--|--|--|
| <p>Barn Swallow</p> | <ul style="list-style-type: none"> • Create purpose built ledges, inside buildings where they will be secure from predation by cats, rates, etc. • Install pre-formed nest cups to encourage establishment. | <ul style="list-style-type: none"> • Open sided buildings, e.g. carports, porches & bin and cycle stores, etc. within close proximity to green infrastructure, valley parks and other open space • Swallows will need access to their principal nesting material which is mud collected from puddles and the edges of standing water or slow flowing streams • Avoid situations where droppings might become a nuisance. |
| <p>House Martin</p> | <ul style="list-style-type: none"> • Install pre-cast nest cups to encourage establishment. | <ul style="list-style-type: none"> • Buildings with wide soffits/eaves in close proximity to, green infrastructure, the valley parks and other open space • At least five metres of clear space above ground level. Adequate shelter from sun and prevailing weather, avoid South elevations • House martins breed in close knit groups and provided there is an adequate supply of mud from the edges of standing water or slow flowing streams will build clusters of nests • Fixing over doors and windows is best avoided. |
| <p>Garden birds (such as robin, wren, thrush, blackbird and finches and tits)</p> | <ul style="list-style-type: none"> • Install appropriate nest boxes. | <ul style="list-style-type: none"> • Where there is access to adequate public and private open space including gardens • Sheltered from direct sunlight and the prevailing weather. |
| <p>Tawny Owls, Barn Owls and Kestrels</p> | <ul style="list-style-type: none"> • Install appropriate nest boxes | <ul style="list-style-type: none"> • The interface between town and country • Direct access to suitable hunting grounds • The site must be at low risk of disturbance • Seek specialist advice on site suitability. |
| <p>Crevice-dwelling bats* (such as Common Pipistrelle, Soprano Pipistrelle, Nathusius' Pipistrelle, Brandt's and Whiskered Bat)</p> | <ul style="list-style-type: none"> • Leave or create spaces in the wall or behind the cladding • Install ready-made bat boxes into the walls or under the eaves • Create sandwich boards of as least 3 layers with a 1 inch gap to place inside | <ul style="list-style-type: none"> • Crevice dwelling bats can crawl into the smallest spaces although areas of about 1 sqm would be useful for summer nursery roosts • The height of entry can be from 2-7m above ground level • Generally the summer nursery roosts will have a southerly or westerly aspect for solar heating. Male roosts and winter hibernation roosts have a northerly aspect |

| <p>* These bats may not be visible in existing buildings</p> | <p>the roof void, against the battens.</p> | <ul style="list-style-type: none"> • Materials for the roosts should be rough (for grip), non-toxic or corrosive, with no risk of entanglement • The access should not be lit by artificial lighting • Maintain or enhance linear features in the landscape such as tree-liners and hedgerows that the bats can use for cover and flight paths. |
|--|---|--|
| Species | Actions | Notes |
| <p>Roof-void dwelling bats (such as Noctule, Serotine, Leisler's, Daubenton's, Greater Mouse-eared, Barbastelle and Bechstein's) *These bats may be visible on roof timbers in existing buildings</p> | <ul style="list-style-type: none"> • Leave timber joists and/or beams exposed • Install access points such as spaces under the eaves or specially-made holes in the roof tiles. | <ul style="list-style-type: none"> • The height of entry should be from 2-7m above ground level • Generally the summer nursery roosts will have a southerly or westerly aspect for solar heating. Male roosts and winter hibernation roosts have a northerly aspect. • Materials for the roosts should be rough (for grip), non corrosive, with no risk of entanglement • The access should not be lit by artificial lighting • Maintain or enhance linear features in the landscape such as tree-lines and hedgerows that the bats can use for cover and flight paths. |
| <p>Bats need flight space (such as Natterer's and Brown and Grey Long-eared)</p> | <ul style="list-style-type: none"> • Keep roof space untrussed to allow light | <ul style="list-style-type: none"> • The height of entry should be over 2m above ground level • Roosting/nesting dimensions of untrussed roof space should be 2-2.8m (h) x 5m (w) 5m (l) • Maintain or enhance linear features in the landscape such as tree-lines and hedgerows that bats can use for cover and flight paths. |

² Replicated from the Exeter Residential Design Guide Supplementary Planning Document (2010).

Cherwell District Council's Car Park Information and Enforcement Policy 01 October 2019

1. Introduction

Cherwell District Council (**CDC**) provides car parks with short and long stay parking spaces in Banbury, Bicester and Kidlington.

CDC has contracted APCOA Parking (UK) Limited (company no. 2572947) of Wellington House, 4-10 Cowley Road, Uxbridge, Middlesex, UB8 2XW (**APCOA Parking**) to undertake daily management of CDC's car parks, including monitoring and enforcement activities.

This policy sets out:

1. how CDC, via APCOA Parking, manage and regulate car parking activity within its car parks; and
2. the enforcement activity which APCOA Parking is authorised by CDC to take in order to regulate the use of CDC's car parks.

2. Payment Methods

CDC operates Pay & Display, and Pay by Phone at all of its car parks. Pay on Exit is gradually being introduced into car parks where this can be accommodated.

Current car parking tariffs, including excess charges for non-compliance with car park regulations made by CDC, are set out on the ticket machines in each car park.

Vehicle owners and/or drivers (together **Customers**) using CDC's car parks are advised to check the Information Boards prior to parking in one of CDC's car parks and familiarise themselves with the terms on which their vehicle may be parked.

Payment for parking in any of CDC's car parks must be made by Customers in accordance with the tariffs set out on the ticket machine inserts in each car park.

The Pay & Display machines are checked daily by wardens for APCOA Parking to ensure they remain in good working order.

Wardens for APCOA Parking also check vehicles which are parked in CDC's car parks to ensure that the car park regulations are complied with, and that correct payment has been made for each vehicle, or bay occupied.

3. Tariffs and Periods when Charges Apply

Information on the current tariffs, charging periods and other restrictions that apply to particular car parks are displayed on the Information Boards and ticket machines within each of CDC's car parks. These are reviewed annually by CDC and are subject to change.

For more information please visit CDC's website www.cherwell.gov.uk/parking

4. Season Tickets

A range of season tickets are available for use in CDC's long stay car parks for periods of either 5 days (Monday to Friday, or 7 days a week.

Season tickets can be purchased for periods of one, three or twelve months.

For more information and to apply online please visit www.cherwell.gov.uk/parking

5. Blue Badge Holders

Blue Badges must be correctly displayed at all times and the 'time of arrival clock' must be accurately set.

Parking for Blue Badge holders is free of charge in all pay and display, and designated blue badge bays in CDC's car parks **up to the maximum period of stay for that car park, an additional hours parking is permitted** (please refer to the Information Boards in each car park).

6. Use of Additional Spaces (Applicable to all vehicles)

If a vehicle is not parked fully within a single space, additional payment must be made for each additional space wholly, or partially occupied by a vehicle to cover the full period of stay.

7. Payment into next Daytime Period

Customers can pay to park their vehicle in CDC's car parks overnight and into the following day by using the Pay by Phone service.

Details of the tariff to park overnight are displayed on the Information Boards in each car park.

8. Payment for Multiple Days' Parking in long stay Car Parks

Multiple days' parking can be purchased in long stay car parks by using the Pay by Phone service or, at the Cattle Market car park in Bicester, by using the pay on exit barrier.

9. Methods of Payment

CDC's car parks offer a range of methods to pay for car parking, including:

1. cashless payments by credit/debit card;
2. APCOA Connect Pay by Phone application; or
3. cash payments.

For more information please visit www.cherwell.gov.uk/parking

10. Parking Regulations

Regulations covering CDC's car parks have been made in accordance with the Road Traffic Regulation Act 1984. These are criminal, rather than civil, regulations, meaning that in the event a vehicle owner does not park in accordance with the regulations which CDC has made, this could result in a criminal conviction.

The regulations which govern enforcement of parking in CDC's car parks are made in the form of Off-Street Parking Places Orders. These are legal documents that set out what is and is not permitted in CDC's car parks.

The current Off-Street Parking Places Order (**Order**) applicable to CDC's car parks is available for inspection by appointment at CDC's main office at Bodicote House, Banbury, or through CDC's website at www.cherwell.gov.uk/parking.

Enforcement of the Order is achieved through the issue Excess Charge Notices (ECNs) and by prosecution in the Magistrates Court in the event of non-payment of an issued ECN.

Wardens for APCOA Parking issue ECNs for CDC when vehicles are parked in contravention of the Order.

Please note: When payment for parking is made, you are agreeing to abide by the terms and conditions set out in the car park where the vehicle is left.

11. Excess Charge Notices (ECNs)

What is an ECN and what does it mean?

Where a vehicle is parked in contravention of the Order an ECN will be placed on the vehicle by a warden for APCOA Parking which will require the payment of an additional fee, over and above that which would have been required to lawfully park the vehicle.

If an ECN is issued and not paid, the non-payment of the ECN could result in criminal proceedings being issued against the Customer owner and, if convicted:

1. a criminal conviction will be recorded against the Customer;
2. the Magistrates' Court could issue a fine of up to £1000 on conviction for an offence under the Road Traffic Regulation Act 1984; and
3. the Customer could be ordered to pay CDC's costs incurred in prosecuting the offence.

APCOA Parking will accordingly write to Customers once the date for payment of the ECN has passed to remind them of the outstanding ECN and to give them further opportunity to pay (see section 16) before criminal proceedings are commenced.

Why are ECNs issued?

ECNs will be issued where:

1. no valid parking ticket or permit is displayed on the vehicle windscreen/dashboard or paid for online, or by phone.
2. payment for parking has not been made.

3. the parking ticket/Blue Badge/permit was not correctly displayed, or the date and expiry time were not clearly visible.
4. the vehicle was parked for longer than the maximum period paid for or permitted.
5. the vehicle was not parked fully within a designated parking space(s) and payment has not been made for the additional parking space(s).
6. the vehicle was parked in a space designated for disabled persons but was not displaying a valid Blue Badge.
7. the vehicle was parked in a space which is reserved for a particular class (e.g. in a space designated solely for taxis, doctors' vehicles, coaches, buses or vehicles exceeding the designated weight limit).

What fee is payable for an ECN?

CDC operates a tiered system of excess charges. The current tiers of excess charge are:

| Reason for issue of ECN | Early payment | | Payment on time (i.e. within 28 days) | Late payment (i.e. after 28 days) |
|---|--|--|---------------------------------------|-----------------------------------|
| Overstay (i.e. staying longer than period paid for or permitted maximum stay) | £10.00 if paid within 24 hours of ECN being issued | £30.00 if paid after 24 hours but within 14 days of ECN being issued | £60.00 | £100.00 |
| All other breaches of the Order | £40.00 if paid within 14 days of ECN being issued | | £80.00 | £100.00 |

12. Payment of Excess Charges

Customers can pay ECNs in the following ways:-

By Phone: (Mobile charges to be confirmed as per comment)

Debit and Credit Card payments can be made by telephoning APCOA Parking on 0345 319 9635.

Lines are open:

1. Monday – Friday 8:00am to 8:00pm;
2. Saturday 9:00am to 5:00pm; and
3. Sunday - Closed.

In order to pay by phone customers should ensure they have all their details ready including the ECN number.

Online:

Online payment portal address via APCOA Parking's website:
<https://pcnpayments.apcoa.co.uk>

By Post:

Payment can be made by post using cheques or postal orders which should be made payable to APCOA PARKING (UK) Ltd, crossed A/C Payee Only.

Customers should write the ECN number together with their name and address on the back of the cheque or postal order, and send the cheque or postal order together with the completed payment slip to:

APCOA Parking (UK) Limited
PO BOX 1010
Middlesex
UB8 9NT

If paying by post, Customers are advised to allow time for the postal service to deliver the payment. Discounts on early payment of ECNs are only allowed in the event payment is received within the discount periods set out in the table at section 11.

13. Can an ECN be cancelled?

An ECN might be cancelled:

1. In the case of personal illness that results in an overstay – the ECN may be cancelled on the production of a Doctor's certificate or other evidence from a medical professional.
2. In the case of a vehicle breakdown – the ECN may be cancelled on production of a certificate or invoice from a vehicle recovery or repair company.
3. If the Customer has purchased a ticket and if it is clear that the Customer has inadvertently failed to correctly display the ticket – the ECN may be cancelled if it is the Customer's first and only such contravention.

An ECN will not be cancelled if:

1. A ticket had been purchased but the Customer forgot to display the ticket at all, or did not display it correctly for any reason, and the Customer has previously failed to correctly display a ticket;
2. The Customer did not realise they had to pay for parking;
3. The Customer did not realise that they were parked in a restricted parking space;
4. The Customer was only partially occupying another parking space;
5. The Customer was only parked for a few minutes;
6. The Customer cannot afford to pay the ECN;
7. Other vehicles were parked in the same manner and did not receive an ECN;

8. The Customer did not realise the Order had changed; or
9. In the case of an expired ticket; the Customer inadvertently pressed the ticket issue button before all the coins had registered (i.e. enough money was paid for the duration of the stay in the car park but due to the Customer's error this was not captured on the ticket which was issued).

14. Cancelling an ECN

If a Customer considers an ECN should be cancelled then they can submit a request to APCOA Parking to have the ECN reviewed within **28 days** of the date on which the ECN is issued. Any request to review an ECN received after this period has expired will not be considered.

Customers are advised not to pay the excess charge prior to requesting such a review as the payment may not be refunded once paid.

Requests for ECN reviews must be made:

1. Online via(<https://pcnpayments.apcoa.co.uk> CDC's website at www.cherwell.gov.uk/parking; or
2. by post to: APCOA Parking Ltd, PO Box 1010, Middlesex, UB8 9NT.

Any request to review an ECN will not be accepted in person, or by telephone.

ECN review requests will be considered by APCOA Parking who will, having regard to section 13 and the circumstances in which ECNs can or cannot be cancelled, either:

1. cancel the ECN in which case no payment will be required; or
2. uphold the ECN in which case APCOA Parking will provide the Customer with details of the timescales within which payment of the excess charge must be made.

Provided APCOA Parking have received a request for a review of an ECN within 14 days of the date on which the ECN was issued then an allowance will be made to enable the excess charge to be paid at the discounted amount following a review where the ECN is upheld.

15. Complaints

APCOA Parking operates a complaints procedure for Customers dissatisfied with the standard of service, actions or lack of action by APCOA Parking or its staff.

Complaints should be directed to www.apcoa.co.uk/contact via the 'On line' chat facility.

This is not, however, a route to request a review of an ECN when a Customer thinks that it should be cancelled. The process for seeking cancellation of specific ECNs is set out in section 14. Accordingly, any complaint received that seeks to challenge, appeal or otherwise review an ECN through the 'On line' chat facility will be dismissed.

16. Non-Payment of an ECN

If payment for an ECN is not received within 28 days from the date on which the ECN was issued then APCOA Parking will contact the DVLA to request details of the registered keeper of the vehicle which was issued the ECN.

Once in receipt of the registered keeper's details APCOA Parking will write to the registered keeper to request payment of the ECN or, if the registered keeper was not in charge of the vehicle when the ECN was issued, the details of the person who was in charge of it (the **First Reminder**).

If the registered keeper informs APCOA Parking that another person was using their vehicle on the date that the ECN was issued, and provides APCOA Parking with their details, then APCOA Parking will send a First Reminder to that person seeking payment of the ECN from them instead.

In the event that payment of the excess charge is not received within **14 days** of the First Reminder to the registered keeper, or vehicle driver as appropriate, then APCOA Parking will send another reminder (the **Last Reminder**) to that registered keeper or vehicle driver that the ECN remains outstanding, and if payment for the ECN is still not made within **14 days** of the date of the Last Reminder then APCOA Parking will refer the outstanding ECN to CDC to consider criminal proceedings in the Magistrate's Court (see section 17).

17. Criminal Proceedings in the Magistrates' Court

If payment for an ECN has not been received following APCOA Parking's First and Last Reminders in relation to non-payment of an ECN then the unpaid ECN will be referred back to CDC, who will then consider whether it is in the public interest to prosecute the offence of non-payment of the ECN under section 35A of the Road Traffic Regulation Act 1984.

If a registered keeper has refused to provide APCOA Parking with the details of the person who was in control of the vehicle at the time that the ECN was issued then CDC will further consider whether it is in the public interest to prosecute that refusal under section 112 of the Road Traffic Regulation Act 1984.

In the event that CDC determines that it is in the public interest to prosecute an offence for either the unpaid ECN, or refusing to provide driver information, then it will issue proceedings in the local Magistrates' Court.

If CDC does issue such proceedings then the registered keeper, or vehicle driver as appropriate, will be summonsed to the Magistrates' Court where they will have an opportunity to formally defend themselves by challenging the validity of the ECN.

Customers should note that the offences under either section 35A or section 112 of the Road Traffic Regulation Act 1984 are 'summary only' offences meaning that it is possible for CDC to secure a conviction against the registered keeper, or vehicle driver as appropriate, even if they do not attend the Court hearing.

Any person convicted of the offences referred to in this section 17 will receive:

1. a criminal conviction, which may appear on criminal record checks;
2. a fine of up to £1000.00; and

3. a claim to recover all of the costs incurred by CDC in connection with the Court proceedings.

18. Data Protection and use of Personal Data

When undertaking enforcement action in connection with the use of CDC's car parks both CDC and APCOA Parking will process personal data belonging to their Customers, which can include, but is not limited to:

1. Registration numbers of vehicles (including CCTV images and photographs of vehicles taken by wardens);
2. Names and addresses of Customers; and
3. Financial information (such as credit cards or bank account details taken when payment is made).

Full details of the processing of Personal Data undertaken in connection with this policy can be found at [\[insert link to privacy policies\]](#).

19. Miscellaneous

Wardens for APCOA Parking monitor safety and security at CDC's car parks and report any incidents or potential problems to CDC.

Many of CDC's car parks are also covered by CCTV, which is monitored by Thames Valley Police.

Customers are made aware, however, that CDC does not accept any liability for the use of its car parks and vehicles are left in the car parks at the Customers' sole risk.