



Cheryl Gagin

Spinney Drive, Botcheston

PRELIMINARY ECOLOGICAL APPRAISAL

April 2023

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EXECUTIVE SUMMARY

- This report details the results of a Preliminary Ecological Appraisal of an area of land located at off Spinney Drive, Botcheston undertaken by FPCR Environment and Design Ltd. (FPCR).
- Poor semi-improved grassland formed the majority of the site. Amenity grassland, dense/continuous and scattered scrub, broadleaved and coniferous trees, wall and a fence line were also present within and/or bounding the site. No habitat was identified as meeting the criteria for classification as Habitat of Principal Importance under the NERC Act.
- Given the intervening distance between all statutory and non-statutory designated sites and the nature and size of the proposed development, no impacts on the nature conservation status of all statutory and non-statutory sites will occur as a result of development during construction and operative phases.
- No active or inactive badger setts or other evidence of use by badgers was identified onsite or within a 30m radius of the site (where accessible).
- No bat roosts were identified within or bounding the site. The majority of suitable commuting and foraging habitat for bats is likely to be retained as part of the proposed development.
- Woody vegetation provided potential nesting opportunities for birds, of which the majority is to be retained as part of the development. To avoid disturbance to nesting birds it is **recommended that any woody vegetation removal is undertaken outside of the breeding bird season** (i.e. avoiding March to September inclusive). If this is not possible a nesting bird check must be undertaken by a suitably qualified ecologist prior to removal, with vegetation removed within 48 hours if this check confirms no active nests are present.
- GCN are unlikely to be present within the site given the 'poor' habitat suitability of ponds P1 and P2 and Natural England's Rapid Risk Assessment considers it unlikely that an offence would be committed. However, as a precaution, it is recommended that site clearance of suitable habitat(s) is undertaken in accordance with reasonable avoidance measures (RAMS).
- It is unlikely that reptiles would be present within the site, but the herpetofauna precautionary working method statement outlined will provide RAMS in respect to reptiles during site clearance works in respect to GCN.

1.0 INTRODUCTION

- 1.1 The following report has been prepared by FPCR Environment and Design Ltd. on behalf of Cheryl Gagin and details the results of a Preliminary Ecological Appraisal of an area of land located off Spinney Drive, Botcheston (hereafter referred to as the 'Site').
- 1.2 The aims of the appraisal are to identify the habitats present and any other features of ecological value within the site, to assess the potential for protected species to be present, identify and describe the potential ecological constraints and impacts of the proposed development, and to set-out appropriate avoidance, mitigation, compensation and enhancement measures which could be implemented where appropriate.
- 1.3 This appraisal has been informed by an ecological desk study and extended Phase I Habitat survey.

Site Location and Context

- 1.4 The site is located within Hinckley and Bosworth District Council and comprised part of a single field centred around OS grid reference SK487057. Most of the site was formed by poor semi-improved grassland, with amenity grassland and dense/continuous scrub additionally present. Broadleaved and coniferous trees and scattered scrub furthermore were present within the site. Habitat forming the boundary included broadleaved and coniferous trees, fence and wall.
- 1.5 Neighbouring land to the north and east included existing dwellings, whilst habitat to the south was a continuation of a grassland field and the habitat to the west was an intensively managed arable land.

Development Proposals

- 1.6 Development proposals (Hinckley and Bosworth ref: 22/01071/FUL) entail a single dwelling bungalow with detached garage and creation of new access off Spinney Drive.

2.0 METHODOLOGY

Desk Study

- 2.1 An ecological desk study was undertaken to collate existing baseline information held by statutory and on-statutory consultees. The following baseline data was collated:
- Records of statutory designated sites of European nature conservation importance (such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites), national/regional nature conservation importance (such as Sites of Special Scientific Importance (SSSIs) and National Nature Reserves (NNR)), and sites of local nature conservation importance (Local Nature Reserves (LNR)) within 5km, 2km and 1km of the site, respectively;
 - Non-statutory designated sites for nature conservation for within 1km of the site, including Local Wildlife Sites (LWS) which are designated on the basis of the habitat(s) they support or the known presence of rare, local and/or declining species, and
 - Records of legally protected or otherwise notable species, including Species of Principal Importance under the Natural Environment & Rural Communities (NERC) Act 2006 from within 1km of the site.
- 2.2 Existing ecological information was requested from Leicestershire and Rutland environmental records centre (LRERC).
- 2.3 Online resources, including data available through the Multi-Agency Geographic Information for the Countryside¹ and Bing maps² were used to supplement information obtained from consultees, and reviewed in order to obtain an overview of statutory designations and identify any features of potential importance for nature conservation in the wider landscape.

Field Survey

Extended Phase 1 Survey Habitats

- 2.4 The field survey was conducted on 14th March 2023 by a suitably experienced ecologist. Survey methods followed the Phase I Survey technique³. This involved a systematic walkover of the site to classify the broad habitat types and to particularly identify any Habitats of Principal Importance for the conservation of biodiversity under the NERC Act 2006.
- 2.5 The survey was 'extended' to include the recording of observation, signs or suitable habitat for any species protected under Part I of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and the Protection of Badgers Act 1992. In addition, species lists were compiled for each habitat type present, and their relative abundances recorded using the DAFOR scale.

¹ Magic [online] <https://magic.defra.gov.uk/MagicMap.aspx>

² Bing Maps <https://www.bing.com/maps>.

³ JNCC 2010. *Handbook for Phase I habitat survey – a technique for environmental audit*, JNCC, Peterborough.

Fauna

Badger

- 2.6 All suitable habitats within the site and accessible land within 30m were searched for evidence of badger *Meles meles* activity. The methodology employed followed that outlined by Harris, Creswell and Jefferies⁴.
- 2.7 Evidence of badger occupation and activity sought included:
- Setts: including earth mounds, evidence of bedding and runways between setts;
 - Latrines: often located close to setts, at territory boundaries or adjacent to favoured feeding areas;
 - Prints and paths or trackways;
 - Hairs caught on rough wood or fencing; and
 - Other evidence: including snuffle holes, feeding and playing areas and scratching posts.

Bats

Ground Level Tree Assessment

- 2.8 Tree assessments were undertaken from ground level, with the aid of a torch and binoculars (where appropriate). This survey was undertaken on 14th March 2023 by a suitably experienced ecologist. During the survey Potential Roosting Features (PRFs) for bats were sought⁵.
- 2.9 Certain factors such as orientation of the feature, its height from the ground, the direct surroundings and its location in respect to other features may enhance or reduce the potential value.
- 2.10 Trees were classified into general bat roost potential groups based upon the presence of these features. Table 1 (below) broadly classifies the potential categories as accurately as possible as well as discussing the relevance of the features. This table is based upon Table 4.1 and Chapter 6 in Bat Surveys for Professional Ecologists: Good Practice Guidelines (J., Collins (Bat Conservation Trust), 2016).
- 2.11 Although the British Standard 8596:2015 document groups trees with moderate and high potential, these have been separated below (as per Table 4.1 in The Bat Conservation Trust Guidelines) to allow more specific survey criteria to be applied.

Table 1: Classification and Survey Requirements for Bats in Trees

Classification of Tree	Description of Category and Associated Features (based on Potential Roosting Features listed above)	Likely Further Survey Work / Actions
High Potential	A tree with one or more Potential Roosting Features that are obviously suitable for larger numbers of bats on a more regular basis and potentially for longer periods of time due to their	Aerial assessment by roped access bat workers (if appropriate) and / or nocturnal survey during appropriate period (May to August).

⁴ Harris, S., Creswell, P. & Jefferies, D. 1989. *Surveying for Badgers*. Occasional Publication of the Mammal Society No. 9.

⁵ British Standard 8596:2015 Surveying for bats in trees and woodland, October 2015.

Classification of Tree	Description of Category and Associated Features (based on Potential Roosting Features listed above)	Likely Further Survey Work / Actions
	size, shelter protection, conditions (height above ground level, light levels, etc) and surrounding habitat. Examples include (but are not limited to); woodpecker holes, larger cavities, hollow trunks, hazard beams, etc.	Following additional assessments a tree may be upgraded or downgraded based on findings. If roost sites are confirmed and the tree or roost is to be affected by proposals a licence from Natural England will be required. After completion of survey work (and the presence of a bat roost is discounted), a precautionary working method statement may still be appropriate.
Moderate Potential	A tree with Potential Roosting Features which could support one or more potential roost sites due to their size, shelter protection, conditions (height above ground level, light levels, etc) and surrounding habitat but unlikely to support a roost of high conservation status (i.e. larger roost, irrespective of wider conservation status). Examples include (but are not limited to); woodpecker holes, rot cavities, branch socket cavities, etc.	A combination of aerial assessment by roped access bat workers and / or nocturnal survey during appropriate period (May to August). Following additional assessments a tree may be upgraded or downgraded based on findings. After completion of survey work (and the presence of a bat roost is discounted), a precautionary working method statement may still be appropriate. If a roost site/s is confirmed a licence from Natural England will be required.
Low Potential	A tree of sufficient size and age to contain Potential Roosting Features but with none seen from ground or features seen only very limited potential. Examples include (but are not limited to); loose/lifted bark, shallow splits exposed to elements or upward facing holes.	No further survey required but a precautionary working method statement may be appropriate.
Negligible/No potential	Negligible/no habitat features likely to be used by roosting bats	None.

* Conservation of Habitat and Species Regulations 2017 (as amended) affords protection to “breeding sites” and “resting places” of bats. The EU Commission’s Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC, February 2007 states that these are places “where there is a reasonably high probability that the species concerned will return”.

Commuting and Foraging

- 2.12 Habitats present within and bounding the site were considered for their potential to support commuting and foraging bats.

Birds

- 2.13 Habitats present within the site were considered for their potential suitability to support nesting birds, in addition to their value as a resource for overwintering bird populations.

Great Crested Newt

- 2.14 As part of the Phase I habitat survey a habitat suitability index (HSI) assessment was completed on accessible ponds within 500m of the Site where suitable habitat connectivity was identified using OS mapping and aerial photographs. The HSI assessment provides a measure of the likely suitability that a waterbody has for supporting great crested newts (GCN). Whilst not a direct indication of whether or not a pond will support the species, generally, those with a higher score are more likely to support GCN than those with a lower score, and there is a positive correlation between HSI scores and ponds in which GCN are recorded. Ten separate attributes are assessed for each pond to calculate the suitability of the ponds to support GCN:

- Location (Area A, B or C within the UK);
- Pond area (size in m²);
- Permanence (how many times it likely dries out in a decade);
- Water quality (invertebrate diversity);
- Shade (percentage of a water body's perimeter shaded);
- Fowl (impact of waterfowl if present);
- Fish (impact of fish if present);
- Pond count (density of ponds within 1km)
- Terrestrial habitat (quality of surrounding habitat); and
- Macrophytes (percentage of surface area occupied).

- 2.15 A score is assigned according to the most appropriate criteria level set within each attribute and a total score calculated of between 0 and 1. These are multiplied together and then the tenth root calculated. Pond suitability is then determined according to the scale shown in Table 2.

Table 2: HSI Scores as a Measure of Pond Suitability

HSI score	Pond Suitability
<0.5	Poor
0.5 - 0.59	Below average
0.6 – 0.69	Average
0.7 – 0.79	Good
>0.8	Excellent

Reptiles

- 2.16 Habitats present within the site were considered for their potential suitability to support reptile populations. These include the presence of features which provide opportunities for reptiles to bask, forage and/or hibernate, and areas of varied vegetation structure in sheltered locations with

sunny aspects and connectivity to other suitable reptile habitats. This assessment was based on the methodology detailed in the Herpetofauna Workers Manual⁶ and the Froglife Advice Sheet⁷.

⁶ Gent, A.H. & Gibson, S.D., eds., 1998. Herpetofauna workers' manual. Peterborough, Joint Nature Conservation Committee.

⁷ Froglife, 1999. *Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10*. Froglife, Halesworth.

3.0 RESULTS

Desk Study (Figure 1)

Statutory Designations

- 3.1 The site is not covered by, and does not lie adjacent to, any statutory designated site of nature conservation.
- 3.2 No international sites designated for nature conservation were located within a 5km radius of the site.
- 3.3 A single national statutory site designated for nature conservation was identified within a 2km radius of the site. Botcheston Bog Site of Special Scientific Interest (SSSI) is located c.0.95km south-west of the site and supports acid grassland and marsh. The site also falls within a SSSI impact risk zone (IRZ) for 'Residential' and 'Rural Residential' planning proposals. However, it is stated on Magic Map that the IRZ (500m-100m) only applies to:
- 'Residential development of 100 units or more' and 'Any residential development of 50 or more houses outside existing settlements/urban areas' and 'Large non residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha'.*
- 3.4 As a result of the above, this development does not meet the requirements in accordance with the above criteria where Natural England would consider impacts to the SSSI to be assessed.

Non-Statutory Designations

- 3.5 The site is not covered by, and does not lie adjacent to, any non-statutory designated site of nature conservation.
- 3.6 Seven non-statutory sites designated for nature conservation and nine potential LWS are located within a 1km radius of the site. The locations of these sites are presented within Figure 1 and a description of these are outlined in Table 3.

Table 3: Non-Statutory Sites of Nature Conservation Interest

Site Name	Designation Status	Closest approx. location to Site (m)	Nature Conservation Reason for Designation
Ratby, grassland and woodland edge west of Burroughs Wood (S)	LWS	360m E	Woodland (probably ancient) with moderately species-rich grassland with rare Lady's Mantle and location of colony of Cow-wheat (VC55 Rare Plant Register species).
Ratby Burroughs (S)	LWS	440m E	Old large Woodland comprising of oak, ash and sycamore, potentially ancient semi-natural. Has carpets of bluebells and wood anemones.
Ratby Burroughs meadows	LWS	695m NE	Moderately species rich grasslands within recent plantation.
Burroughs Wood	LWS	595m NE	Ancient semi-natural woodland (part replanted).

Site Name	Designation Status	Closest approx. location to Site (m)	Nature Conservation Reason for Designation
Burroughs Verge/Bank	LWS	412m E	Mesotrophic grassland.
Change Spinney	LWS	630m E	Mixed Ash, Sycamore and Scots Pine plantation with a few ancient woodland indicators near the stream, including moschatel, wood anemone, yellow archangel and wood sorrel. Also has carpets of bluebells.
Crow and Polebrook Woods and adjacent footpath and bridleway with remnant woodlands	LWS	240m N	Small woods with carpets of bluebells, ancient woodland indicators including wood-sorrel, wood millet, sanicle and wood speedwell.
Hedgerow	pLWS	960m NE	Hedgerow, no recent survey work.
Ratby, pond west of Burroughs	pLWS	505m NE	Pond, no recent survey work.
Hedge	pLWS	460m NW	Hedgerow, no recent survey work.
Hedgerow	pLWS	900m NW	Hedgerow, no recent survey work.
Ratby, pond near Leicestershire Forest Golf-course	pLWS	760m N	Pond, no recent survey work.
Hedgerow	pLWS	890m N	Hedgerow, no recent survey work.
Ratby Burroughs pond	pLWS	580m NE	Pond, no recent survey work.
Hedgerow	pLWS	700m NW	Hedgerow, no recent survey work.
Hedgerow	pLWS	945m SE	Hedgerow, no recent survey work.

Species Records

- 3.7 No records for any protected and/or notable species were identified within the site.
- 3.8 Records provided by the LRERC pertaining to protected or otherwise notable taxa from within the 2km search area are summarised in Table 4.

Table 4: Protected and Notable Species Records within 1km of the site.

Species	Closest Record to Site (approx. m)	Notes
Brown long-eared bat <i>Plecotus auritus</i>	55m NE	Associated with Grange House, with records of a bat roost.
Daubenton's bat <i>Myotis daubentonii</i>	60m W	Records associated with Grange House.
Unidentified <i>Pipistrellus</i> species	665m E	Associated with Grange House, with records of a bat roost.
Common Pipistrelle <i>Pipistrellus pipistrellus</i>	35m NE	Associated with Grange House, Kirby Grange and Main Street. Records consist of summer bat roosts.

Species	Closet Record to Site (approx. m)	Notes
Natterer's bat <i>Myotis nattereri</i>	60m W	Associated with Grange House.
Noctule bat <i>Nyctalus noctula</i>	60m W	Associated with Grange House.
Badger <i>Meles meles</i>	430m S	Records associated with Ratby Burroughs Wood.
Great crested newt <i>Triturus cristatus</i>	460m N	Records associated with Ratby, pond north west of Burroughs Wood, Ratby Forest Hills Golf Course and Botcheston Forest Hill golf-club.
Smooth Newt <i>Lissotriton vulgaris</i>	935m NE	Associated with Ratby, Burroughs Wood.
Common frog <i>Rana temporaria</i>	570m NW	Associated with Botcheston farm.
Birds	73m W	A number of woodland, urban fringe and farmland species of birds located within 1km of the site. Associated mainly with Ratby Burroughs Wood c.500m E of the site.
Lepidoptera	100m N	A number of S41 species mainly associated with Bagworth, Polebrook and Crow Wood.

Field Survey – Habitats

Overview

- 3.9 The habitats described below correspond to those mapped on Figure 2: Phase 1 Habitat Plan. Plant species lists for each habitat are provided in Appendix A.
- 3.10 The majority of the site was formed by poor semi-improved grassland, with amenity grassland, dense/continuous and scattered scrub, broadleaved and coniferous trees also forming habitat within the site.
- 3.11 The site was bound by a wall, broadleaved and coniferous trees and fence line.

Poor Semi-Improved Grassland

- 3.12 The majority of the site was formed by poor semi-improved grassland. At the time of survey, most of the grassland was unmanaged, with a small proportion of the grassland towards the north worn with bare patches. Some recent strimming of areas of the grassland was identified but the majority of the grassland was unmanaged, comprising a long and tussocky sward of c. up to 40cm. Species composition, abundance and diversity was dominated by grasses, including frequently occurring cock's-foot *Dactylis glomerata* and false oat-grass *Arrhenatherum elatius*, and occasional occurring creeping bent *Agrostis stolonifera*, crested dog's-tail *Cynosurus cristatus* and perennial rye-grass *Lolium perenne*. All other species, including all forbs, were recorded as rarely occurring in abundance.

Amenity Grassland

- 3.13 Amenity grassland formed the majority of the northern section of the site and was predominantly present underneath broadleaved tree canopy. At the time of survey, the grassland was frequently

managed via strimming in spring, summer and autumn. The sward exhibited a fine and short structure between up to 3cm. Bulbs including daffodils *Narcissus* and *Crocuses* species were present within the amenity grassland. Species composition, abundance and diversity included frequently occurring crested dog's-tail and perennial rye-grass and occasionally occurring cow parsley *Anthriscus sylvestris*, daffodil and common hogweed *Heracleum sphondylium*.

Dense/Continuous and Scattered Scrub

- 3.14 A small semi-mature area of dense bramble *Rubus fruticosus* agg. was present within the centre of the site. Furthermore, a short line of scattered scrub was present within the south of the site. Standards were all immature, with species including common hawthorn *Crataegus monogyna* and cherry *Prunus* species.

Broadleaved and Coniferous Trees

- 3.15 A number of broadleaved and coniferous trees were present within the site, located towards the north and along the western site boundary. Species were assessed as immature to semi-mature in age and structure. Species included field maple *Acer campestre*, English oak *Quercus robur*, silver birch *Betula pendula*, small-leaved lime *Tilia cordata*, Lombardy poplar *Populus nigra Italica*, Scots pine *Pinus sylvestris*, sweet chestnut and wild cherry *Prunus avium*.

Wall and Fence

- 3.16 A brick-built wall forming the boundary to an adjacent dwelling formed the vast majority of the eastern boundary.
- 3.17 A post and wire fence formed the western site boundary.

Fauna

Badgers

- 3.18 No evidence of badger setts or other sign of badger activity was recorded within the site or accessible land within 30m of the site.
- 3.19 An active rabbit warren (TN1) was present within the site and located within an earth mound below dense/continuous scrub.
- 3.20 An inactive rabbit warren (TN2) was located offsite proximate to the south-eastern corner of the site.

Bats

Roosts

- 3.21 There were no buildings within the site, and no trees were identified with features considered suitable to support roosting bats.

Commuting and Foraging

- 3.22 Given the small site extent, the site is considered unlikely to provide a significant resource for commuting and foraging bats locally. There are however suitable commuting and/or foraging

habitat for bats within the site, albeit limited in extent. These were limited to broadleaved and coniferous trees and the immediate surrounding canopy environment and area.

Birds

- 3.23 Suitable nesting habitat for a range of farmland and urban edge bird species was present in the form of scrub, broadleaved and coniferous trees.
- 3.24 Due to the small and closed nature of the site, and apparent use by the general public utilising the site as a cut through linking to a nearby PRoW, (as evidenced by the presence of the informal footpath), the site is considered to be unsuitable to support the breeding behaviour of ground nesting birds.

Great Crested Newt

Terrestrial Habitat

- 3.25 Parts of the poor semi-improved grassland provided suitable GCN commuting, foraging and sheltering potential.

Waterbody Locations (Figure 3)

- 3.26 A total of nine ponds were identified from maps and aerial imagery within a 500m radius of the site (Figure 3). Access in order to visit and undertake habitat suitability assessments (HSI) was not available at the time of survey in respect to ponds P3, P4, P5, P6 and P8 whilst pond P7 was a dry ditch. Table 5 provides a summary description for each pond viewed during the walkover survey and a Habitat Suitability Index (HSI) assessment.

Table 5: Summary of Pond Descriptions and HSI

Pond Number	Pond Description and habitat between pond and site	Distance from Site	HSI	Photo
P1	Ornamental garden pond heavily stocked with fish surrounded by lawn, garden or hardstanding. Banks formed by rocks and stones.	Adjacent east	0.35 (Poor)	
P2	Ornamental garden pond stocked with fish and surrounded by ornamental hardstanding. Banks formed by stone blocks.	25m east	0.27 (Poor)	

- 3.27 The HSI assessments undertaken on ponds P1 and P2 identified both ponds as providing a 'poor' suitability to support GCN.
- 3.28 Habitat in between both ponds and the site included a sealed hardstanding driveway (Appendix B: Plate 1) and an impermeable 7-8ft. brick-built wall (Appendix B: Plate 2) which extends along the entirety of the eastern site boundary and extends north-east down the property boundary. As such, there are considered major barriers to dispersal for GCN.
- 3.29 Six other ponds were present within the 100m-250m and/or >250m GCN zone of influence (Zoi). Running the site through the GCN Rapid Risk Assessment (RRA) tool provided in the Great Crested Newt Mitigation Licence Method Statement (extract below), considered that an offence is 'highly unlikely' based on the proposed development.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.1 - 0.5 ha lost or damaged	0.1
Land >250m from any breeding pond(s)	0.1 - 0.5 ha lost or damaged	0.005
Individual great crested newts	No effect	0
Maximum:		0.1
Rapid risk assessment result:		GREEN: OFFENCE HIGHLY UNLIKELY

- 3.30 Green offence definitions state:

"Indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required. However, bearing in mind that this is a generic assessment, you should carefully examine your specific plans to ensure this is a sound conclusion, and take precautions (see Non-licensed avoidance measures tool) to avoid offences if appropriate. It is likely that any residual offences would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest."

Reptiles

- 3.31 The sward structure of some areas of poor semi-improved grassland provided suitable commuting and foraging habitat for reptiles. However, given the size of the site and availability of suitable reptile habitat immediately to the south, it is unlikely to provide a significant commuting and foraging resource for reptiles, if present locally.

4.0 DISCUSSION, RECOMMENDATIONS AND CONCLUSIONS

Sites of Nature Conservation Value

- 4.1 Given the intervening distance between all statutory and non-statutory designated sites and the nature and size of the proposed development, no impacts on the nature conservation status of all statutory and non-statutory sites will occur as a result of development during construction and operative phases.

Habitats

- 4.2 The degree to which habitats receive consideration within the planning system relies on a number of mechanisms, including:
- Inclusion within a specific policy, for example veteran trees, ancient woodland and linear habitats within the National Planning Policy Framework (NPPF)⁸;
 - A non-statutory site designation (e.g. LWS);
 - Habitats considered as Habitats of Principal Importance for the conservation of biodiversity as listed within Section 41 of the NERC Act 2006; and
 - Habitats identified as being a Priority Habitat within the national and local Biodiversity Action Plan
- 4.3 No habitat identified during the survey fall within any of the above listed categories. Current proposals are likely to retain all broadleaved and coniferous trees located along the western site boundary. To avoid indirect impacts to trees during the construction period it is recommended that suitable protection is provided in line with BS 5837 Trees in Relation to Design, Demolition and Construction to Construction - Recommendations. In order to facilitate development, it is likely that a small number of broadleaved trees within the north of the site will be required to be removed.
- 4.4 Habitat offering a low ecological value at site level includes poor semi-improved grassland, amenity grassland, coniferous trees and scrub.
- 4.5 Habitat offering higher ecological value entailed broadleaved trees.
- 4.6 Based on the current proposals, it is likely that all poor semi-improved grassland will be unavoidably lost to facilitate rear garden habitat. The amenity grassland located within the north will likely form front garden habitat.
- 4.7 Whilst no POS or GI will be provided, gardens can be designed to provide wildlife friendly habitat. These could include, but not limited to, the provision of small pond(s), tree and shrub/scrub planting and flowering lawns and/or bulb beds. Specific enhancements for fauna are detailed within the below sections.

Fauna

- 4.8 Principal pieces of legislation protecting wild species are Part 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats & Species Regulations 2017 (as amended). Some species, for example badgers, also have their own protective legislation (Protection of Badger Act 1992). The impact that this legislation has on the Planning system is outlined in ODPM

⁸ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

- 4.9 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are impacted by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 4.10 In addition to protected species, there are those that are otherwise of conservation merit, such as Species of Principal Importance for the purpose of conserving biodiversity under the NERC Act 2006. These are recognised in the NPPF, which advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a set of principles including:
- If significant harm to biodiversity resulting from a development cannot be avoided....., adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - 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.
- 4.11 The implications for the proposed development that various species identified from the desk study and field survey, or those that are otherwise thought reasonably likely to occur, are outlined below.

Badger

- 4.12 Badgers are a widespread species that are protected from harm and cruelty by the Protection of Badgers Act 1992.
- 4.13 No evidence of badger activity was identified within the site or on land within 30m of the site (where accessible). From this assessment the presence of badger has not been identified as a statutory constraint to development.

Bats

- 4.14 All UK species of bats and their roosts are afforded protected by the Conservation of Habitats & Species Regulations 2017 (as amended).

Roost Assessment

- 4.15 The presence of a bat roost has not been identified within or bounding the site therefore roosting bats have not been identified as a statutory constraint to development.
- 4.16 As an enhancement to the scheme, it is recommended that two bat boxes are installed onto the SE/S/SW facing aspects of the new dwellings and/or suitably retained trees.

Foraging/Commuting Habitat

- 4.17 Given the small site extent, the site is unlikely to provide a significant resource for commuting and foraging bats locally.
- 4.18 The vast majority of the suitable commuting and foraging resource utilised by bats within the site; broadleaved and coniferous trees, are likely to be retained as part of the proposals.
- 4.19 Micro habitat within gardens including but not limited to pond(s), broadleaved trees, shrub, scrub and flowering lawn can provide suitable foraging habitat for bats.

Birds

- 4.20 All wild bird species are protected while nesting by the Wildlife and Countryside Act 1981 (as amended). This legislation protects wild birds and their eggs from intentional harm, and makes it illegal to intentionally take, damage, or destroy a wild bird nest while it is in use or being built.
- 4.21 Suitable nesting habitat was present in the form of scrub, broadleaved and coniferous trees. The site is considered to be unsuitable to support the breeding behaviour of ground nesting birds.
- 4.22 The majority of the suitable breeding habitat in the form of trees are likely to be retained as part of proposals. A small number of trees will however likely be removed
- 4.23 To avoid disturbance to nesting birds, any woody vegetation clearance should be undertaken prior to the bird-breeding season (i.e. avoiding March to September inclusive) to minimise the risk of disturbance to nesting birds. If this is not possible, habitats will be checked prior to removal by an experienced ecologist and if no nesting birds are identified, the vegetation removed within 48 hours. If active nests are identified, the nest site(s) will be left untouched and suitably buffered from works until all birds have fledged. Specific advice will be provided by the ecologist prior to undertaking the clearance.
- 4.24 As an enhancement, it is recommended that two bird boxes are installed onto the W/N/E facing aspects of new dwellings and/or suitably retained trees.
- 4.25 Micro habitat within gardens including but not limited to broadleaved trees, shrub, scrub and can provide additional nesting habitat for birds.

Great Crested Newt

- 4.26 Parts of the poor semi-improved grassland provided suitable GCN commuting, foraging and sheltering potential.
- 4.27 Ponds P1 and P2, ornamental ponds stocked with fish located within the adjacent dwelling, were assessed as providing a 'poor' suitability to support GCN. Furthermore, a sealed hardstanding driveway and an impermeable brick-built wall is present between both ponds and the site, both providing major barriers to dispersal for GCN. The brick-built wall additionally extends further around the adjacent dwelling away from the site.
- 4.28 As such, due to the 'poor' suitability of ponds P1 and P2 to support GCN, it is unlikely that GCN would be present utilising ponds P1 and P2. Furthermore, the presence of sealed hardstanding and a brick-built wall in between the site and both ponds provides a major barrier to dispersal.

- 4.29 In accordance with the GCN RRA, an offence is considered highly unlikely as a result of development in respects to all ponds located within 100m-500m of the site, even if GCN were present utilising ponds P3-P9. Consultation records provided by the local records centre did not identify any records of GCN associated with these ponds, with the closest record to site located c.460m away from the site. Furthermore, there are no records of GCN from survey data returns and no records of any GCN EPSLs located within a 500m radius of the site.
- 4.30 As such, based on the above discussion, it is considered unlikely that GCN would be present within the site. It is however recommended that as a precaution, site clearance of suitable habitat(s) is undertaken in accordance with reasonable avoidance measures (RAMS) written in a precautionary working method statement in respect to GCN. The precautionary working method statement can be viewed as Section 5.

Reptiles

- 4.31 All British reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 (as amended) and are listed as Species of Principal Importance for the conservation of biodiversity under Section 41 of the NERC Act. Public bodies, such as the Local Planning Authority therefore have a duty to have regard to the conservation of these species.
- 4.32 The sward structure some areas of poor semi-improved grassland provided suitable commuting and foraging habitat for reptiles. However, given the size of the site and availability of suitable reptile habitat immediately to the south, the site is considered unlikely to provide a significant commuting and foraging resource for reptiles, if present locally.
- 4.33 As such, it is unlikely that reptiles would be present within the site, but the herpetofauna precautionary working method statement outlined within section 5 below will provide RAMS in respect to reptiles during site clearance works in respect to GCN.

5.0 HERPETOFAUNA PRECAUTIONARY WORKING METHOD STATEMENT

5.1 To minimise any potential for offences under the relevant legislation during the works, the following precautionary working method statement will be followed.

- Site clearance works should be undertaken during temperatures >5°C.
- Prior to any works commencing a toolbox talk will be completed by an ecological clerk of works (ECoW).
- Upon completion of the toolbox talk suitable grassland areas will undergo finger-tip searches by the ECoW. The grassland and scrub will be mown or strimmed to a height of 150mm under the supervision of the ECoW. Habitats should then be maintained as unsuitable for GCN and reptiles.
- Temporary habitats created during the works (such as excavated material or topsoil) could have the potential to provide temporary areas of shelter or rest for amphibians and reptiles with the subsequent unmitigated removal/disturbance of such temporary habitats potentially resulting in the killing or injury of this species. Any soil mounds or excavated material should be compacted to reduce open gaps into the mound.
- Any open trenches or holes left open overnight should be sloped at one end to a low gradient to allow any wildlife to escape.
- **In the unlikely event a GCN or reptile is found all operations will be stopped immediately and further advice sought from a suitably qualified ecologist.**

APPENDIX A: BOTANICAL SPECIES LIST

Abundance is described on the DAFOR scale.

D = Dominant, A = Abundant, F = Frequent, O = Occasional, R = Rare, LD = Locally Dominant, LA = Locally Abundant, LF = Locally Frequent, LO = Locally Occasional, LR = Locally Rare

Poor Semi-Improved Grassland

Common Name	Scientific Name	DAFOR
Bramble	<i>Rubus fruticosus</i>	R
Bristly oxtongue	<i>Helminthotheca echinoides</i>	R
Burdock species	<i>Arctium sp.</i>	R
Cleavers	<i>Galium aparine</i>	R
Cock's-foot	<i>Dactylis glomerata</i>	F
Common mouse-ear	<i>Cerastium fontanum</i>	R
Common nettle	<i>Urtica dioica</i>	R
Cow parsley	<i>Anthriscus sylvestris</i>	R
Crane's-bill species	<i>Geranium sp.</i>	R
Creeping bent	<i>Agrostis stolonifera</i>	O
Creeping buttercup	<i>Ranunculus repens</i>	R
Creeping thistle	<i>Cirsium arvense</i>	R
Crested dog's-tail	<i>Cynosurus cristatus</i>	O
Cut-leaves crane's-bill	<i>Geranium dissectum</i>	R
Daffodil	<i>Narcissus pseudonarcissus</i>	R
Dandelion	<i>Taraxacum officinale</i>	R
Dock species	<i>Rumex sp.</i>	R
False oat-grass	<i>Arrhenatherum elatius</i>	F
Green alkanet	<i>Pentaglottis sempervirens</i>	R
Hogweed	<i>Heracleum sphondylium</i>	R
Ivy	<i>Hedera sp.</i>	R
Meadow vetchling	<i>Lathyrus pratensis</i>	R
Mugwort	<i>Artemisia vulgaris</i>	R
Perennial rye-grass	<i>Lolium perenne</i>	O
Red fescue	<i>Festuca rubra</i>	R
Rosebay willowherb	<i>Chamerion angustifolium</i>	R
Shepherd's purse	<i>Capsella bursa-pastoris</i>	R
Small nettle	<i>Urtica urens</i>	R
Spear thistle	<i>Echinops sphaerocephalus</i>	R
Yarrow	<i>Achillea millefolium</i>	R

Amenity Grassland

Common Name	Scientific Name	DAFOR
Black medick	<i>Medicago lupulina</i>	R
Cleavers	<i>Galium aparine</i>	R
Cock's-foot	<i>Dactylis glomerata</i>	R
Common bent	<i>Agrostis capillaris</i>	R
Common nettle	<i>Urtica dioica</i>	R
Cow parsley	<i>Anthriscus sylvestris</i>	O
Cowslip	<i>Primula veris</i>	R
Creeping buttercup	<i>Ranunculus repens</i>	R
Crested dog's-tail	<i>Cynosurus cristatus</i>	F
Crocus species	<i>Crocus sp.</i>	R
Daffodil	<i>Narcissus pseudonarcissus</i>	O

False oat-grass	<i>Arrhenatherum elatius</i>	R
Hogweed	<i>Heracleum sphondylium</i>	O
Ivy	<i>Hedera sp.</i>	R
Meadow vetchling	<i>Lathyrus pratensis</i>	R
Perennial rye-grass	<i>Lolium perenne</i>	F
Red fescue	<i>Festuca rubra</i>	R
Small nettle	<i>Urtica urens</i>	R

APPENDIX B: PLATES

Plate 1 – Sealed hardstanding driveway

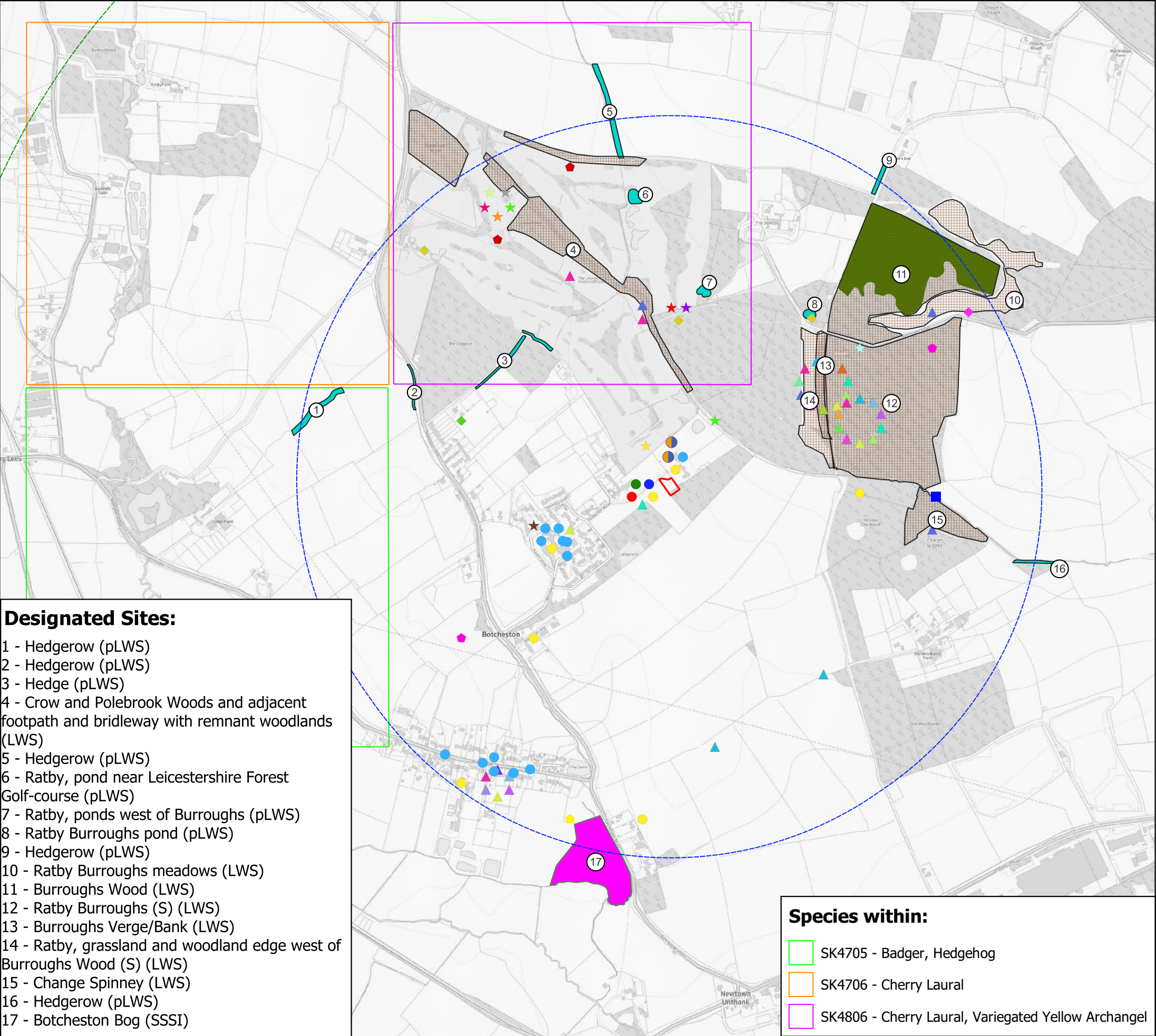


Plate 2 – Impermeable brick-built wall



APPENDIX C: GCN HSI ASSESSMENT

	SI -1	SI - 2	SI -3	SI -4	SI -5	SI -6	SI -7	SI -8	SI -9	SI -10			
Pond Number	Geographical Location	Pond Area	Pond Drying	Water Quality	Shade	Fowl	Fish	Ponds	Terrestrial Habitat	Macrophytes	HSI score	Pond Suitability	Predicted Presence
1	1	0.05	0.9	0.67	1	1	0.01	0.89	0.33	0.35	0.35	Poor	0.03
2	1	0.05	0.9	0.67	1	1	0.01	0.89	0.01	0.8	0.27	Poor	0.03



- Designated Sites:**
- 1 - Hedgerow (pLWS)
 - 2 - Hedgerow (pLWS)
 - 3 - Hedge (pLWS)
 - 4 - Crow and Polebrook Woods and adjacent footpath and bridleway with remnant woodlands (LWS)
 - 5 - Hedgerow (pLWS)
 - 6 - Ratby, pond near Leicestershire Forest Golf-course (pLWS)
 - 7 - Ratby, ponds west of Burroughs (pLWS)
 - 8 - Ratby Burroughs pond (pLWS)
 - 9 - Hedgerow (pLWS)
 - 10 - Ratby Burroughs meadows (LWS)
 - 11 - Burroughs Wood (LWS)
 - 12 - Ratby Burroughs (S) (LWS)
 - 13 - Burroughs Verge/Bank (LWS)
 - 14 - Ratby, grassland and woodland edge west of Burroughs Wood (S) (LWS)
 - 15 - Change Spinney (LWS)
 - 16 - Hedgerow (pLWS)
 - 17 - Botcheston Bog (SSSI)

- Species within:**
- SK4705 - Badger, Hedgehog
 - SK4706 - Cherry Laurel
 - SK4806 - Cherry Laurel, Variegated Yellow Archangel

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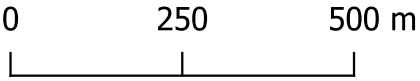
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Key

Site Boundary	Reed Bunting
1km Buffer	Skylark
2km Buffer	Song Thrush
Site of Special Scientific Interest	Starling
Local Wildlife Site	Swift
Potential/Historic Local Wildlife Site	Tree Sparrow
Ancient & Semi-Natural Woodland	Willow Tit

Notable Species

Common Frog	Wren
Great Crested Newt	Yellowhammer
Smooth Newt	Centre-barred Sallow
Brown Long-eared Bat	Dusky Thorn
Common Pipistrelle	Grey Dagger
Daubenton's Bat	Oak Hook-tip
Natterer's Bat	Powdered Quaker
Noctule Bat	Sallow
Pipistrelle Bat species	Small Heath
Bullfinch	Small Phoenix
Cuckoo	Small Square-spot
Dunnock	Wall
House Martin	White-letter Hairstreak
House Sparrow	Chinese Muntjac
Marsh Tit	Cherry Laurel
Redwing	Rhododendron
	Variegated Yellow Archangel



client
Cheryl Gagin

project
Spinney Drive,
Botcheston

drawing title
CONSULTATION PLAN

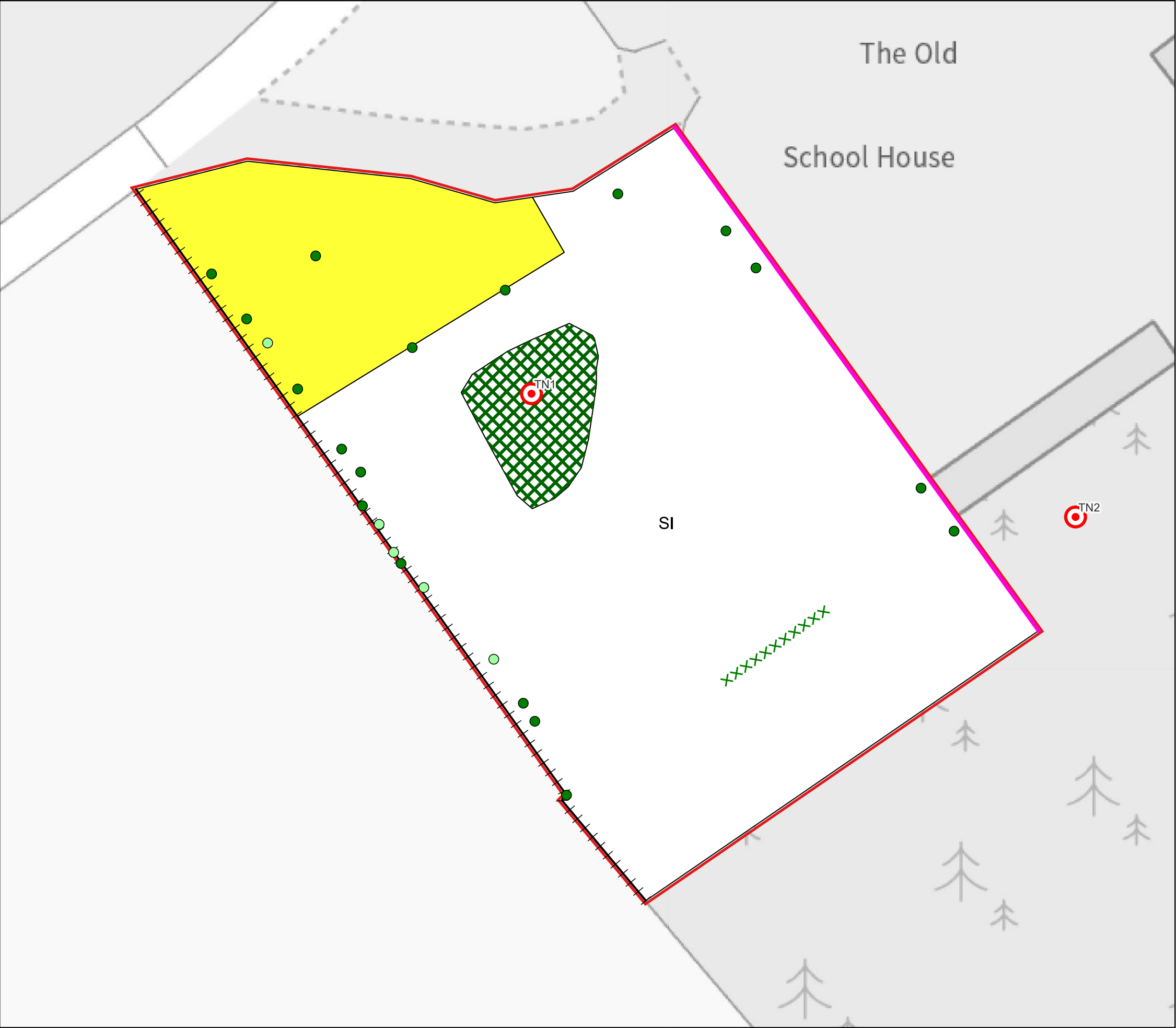
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SE / MPG

issue date
13/3/2023

drawing / figure number
Figure 1

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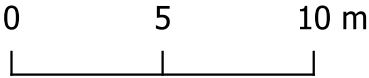


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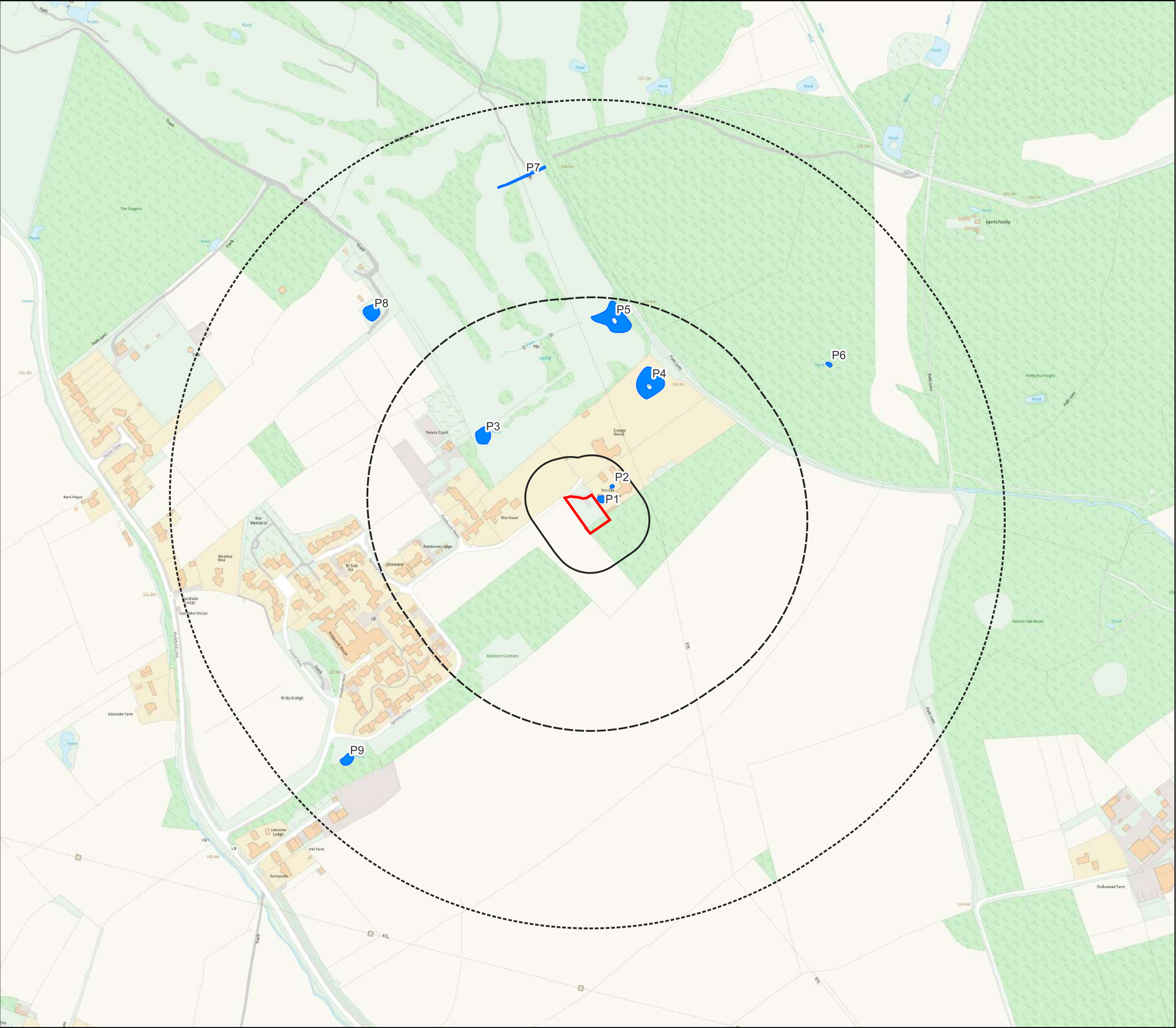
Key:

- Site Boundary
- Cultivated/disturbed land - amenity grassland
- Poor semi-improved grassland
- Scrub - dense/continuous
- Wall
- Fence
- Scrub - scattered line
- Target note
- Coniferous trees
- Broadleaved tree





client
Cheryl Gagin
project
Spinney Drive,
Botcheston
drawing title
PHASE 1 HABITAT PLAN
scale @ A3
1:250
drawing / figure number
Figure 2
drawn
BS/MPG
issue
11/4/2023
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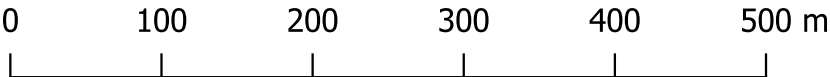


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Key:

- Site Boundary
- 250m Site Boundary Buffer
- 500m Site Boundary Buffer
- Pond



client
Cheryl Gagin
project
Spinney Drive,
Botcheston
drawing title
POND LOCATION PLAN

scale @ A3
1:5,000

drawing / figure number

Figure 3

drawn
MPG/KDG

issue
5/4/2023

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