

# Ecology Technical Note

## Site Information

|                                 |                  |                       |                                                                                                               |
|---------------------------------|------------------|-----------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Site Name &amp; Location</b> | Plot 8           | <b>Grid Reference</b> | SP 3631 9564                                                                                                  |
| <b>Client Name</b>              | Horiba MIRA Ltd. | <b>Report Number</b>  | RT-MME-182359-01 Rev A                                                                                        |
| <b>Site Area (ha)</b>           | 4.33 ha          | <b>Topography</b>     | The site features a topography that generally slopes towards the waterbodies located to the north of the site |

## Background

Middlemarch have undertaken a suite of ecological assessments and other works at Plot 8, including a Preliminary Ecological Appraisal (Report RT-MME-151432-01) in 2020 and a range of subsequent survey work for protected and notable species completed between 2021 and 2022. These assessments included not only Plot 8, but a wider area spanning to adjacent road networks in the south and east. This Ecology Technical Note will focus on Plot 8 only.

An updated walkover of Plot 8 was completed on the 1st April 2025 by Helen Griffin ACIEEM (Principal Ecological Consultant) and Thomas Weston MSc (Ecological Project Officer). Subsequent site visits have been conducted over the course of the year including 20<sup>th</sup> May 2025 by Tom Docker CECOL MCIEEM (Managing Director), Helen Griffin and Ella Robinson (Principal Consultant) and most recently on 11<sup>th</sup> November 2025 by Thomas Weston, to inform this review.

The following development activities are proposed for Plot 8:

- Provision of units with associated access, car parking and hard and soft landscaping including the creation of two attenuation basins.
- Extension of the existing access road to the north with lighting, signage, associated external works and services.
- Removal of existing temporary attenuation basins.

This technical note summarises key ecological considerations for the development based on the ecological survey work completed to date in order to discharge Conditions 26 and 27 of the MIRA Technology Park outline planning permission 14/00661/CONDIT. The wording of these conditions is as follows:

*26) In accordance with the requirements of the submitted Environmental Assessment, no development shall commence, with the exception of the A5 highways improvements until such time as a further survey for badgers within the application site relevant to the phase of development and a scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.*

*27) In accordance with the requirements of the submitted Environmental Assessment, with the exception of the A5 highways improvements, no development shall commence until such time as method statement detailing measures to prevent harm to Great Crested Newts, provision of new habitat and reinstatement of previous habitat relating to that phase of development has been submitted to an agreed in writing by the Local Planning Authority. The method statement and any mitigation shall be fully implemented before the commencement of any relevant development phase.*

## Ecological Baseline and Potential Impacts

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| <b>Nature Conservation Sites</b>     | <p>Reference to MAGIC<sup>1</sup>, identified one European Statutory Nature Conservation Site within a 10 km search radius. The site in question is Ensor's Pool Special Area of Conservation (SAC), located 5.45 km to the south. The site is separated from this Nature Conservation Site by urban and suburban development within and around Nuneaton, as well as several main transport routes including the A5 and A444. Given the scale of the proposals, intervening urban land and lack of hydrological connectivity, no impacts on Ensor's Pool are anticipated.</p> <p>No UK Statutory Sites were present within 2 km of the site, and although the site falls within a SSSI Impact Risk Zone, the proposals do not fall within the associated risk categories.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Habitats</b>                      | <p>The site is made up of two distinct areas. At the time of survey, the eastern section contained grassland which appeared to have been created from sowing a typical neutral grassland seed mix. The sward height averaged approximately 20 cm with a grass component including meadow grasses <i>Poa</i> spp., red fescue <i>Festuca rubra</i> agg, meadow foxtail <i>Alopecurus pratensis</i>, timothy <i>Phleum pratense</i>, soft brome <i>Bromus hordeaceus</i>, and bent-grasses <i>Agrostis</i> spp. Forbs included locally abundant stands of ox-eye daisy <i>Leucanthemum vulgare</i>, in addition to various occasional and rarely occurring species such as red campion <i>Silene dioica</i>, common legumes including bird's-foot trefoil <i>Lotus corniculatus</i>, red clover <i>Trifolium pratense</i> and vetches <i>Vicia</i> spp., ribwort plantain <i>Plantago lanceolata</i>, common knapweed <i>Centurea nigra</i> and wild carrot <i>Daucus carota</i>. Other habitats within this area included two temporary attenuation basins with associated culverts and drainage features, large areas of bare ground towards the eastern side of the plot and a sparse ruderal margin which abutted the adjacent woodland to the north.</p> <p>The western part of the survey area comprised an arable field which at the time of survey was planted with broad bean <i>Vicia faba</i>. The arable field also featured the same ruderal margin which bordered the adjacent woodland.</p>                                   |
| <b>Protected and Notable Species</b> | <p><b><u>Amphibians including great crested newts</u></b></p> <p>In 2022, the eastern part of Plot 8 was subject to a trapping and translocation exercise for great crested newts under Natural England mitigation licence 2022-61716-EPS-MIT-1. The perimeter fence remains intact around the proposed development area associated with this licence and therefore the risk of great crested newts having accessed this area is considered low.</p> <p>The western portion of the site has been subject to long-term, intensive management as arable cropland and provides very limited terrestrial suitability. The Natural England Rapid Risk Assessment Tool was utilised to provide guidance on the potential licensing requirements, the results of which indicated a result of 'Green: Offence Highly Unlikely'. A licence is therefore not required when assessed solely on habitat loss; however, the expansion of Plot 8 into the adjacent arable field requires installation of great crested newt fencing to form a new perimeter, necessitating a modification to the existing licence.</p> <p>The modification request is in progress and will be submitted early in 2026. The implementation of the associated great crested newt mitigation strategy will ensure that all potential impacts on great crested newts are minimised and will ensure that adequate mitigation is provided in order to uphold the Favourable Conservation Status of this species. An Outline Mitigation Strategy is provided in Appendix 1.</p> |

<sup>1</sup> MAGIC, Available at: <https://magic.defra.gov.uk/MagicMap.aspx>

### **Badger and other terrestrial mammals**

No evidence of badgers was identified within the survey area during the updated walkover; however, badgers are known to be present within the wider site and the sloping topography provides some opportunity for sett-creation. A low number of potential badger sett entrances were identified within the woodland to the north. These were set well back from the proposed development boundaries and are likely to be offered sufficient protection from the majority of disturbance effects by the surrounding woodland vegetation. Nevertheless, it is recommended that the entrances are subject to a pre-works monitoring exercise to record any changes in activity levels and ensure that appropriate mitigating action can be taken, should this be required.

The grassland was suitable for foraging and badgers are known to access site on occasion to commute or forage. The grassland is also considered suitable for hedgehog and brown hare, both of which are known to be present within the wider site. The construction phase of the development has the potential to result in the killing or injury of terrestrial mammals if excavations are left uncovered, and a precautionary recommendation for implementation of appropriate safeguarding measures has been provided.

### **Birds**

The grassland within the survey area was considered sub-optimal for ground nesting bird species to utilise but does present foraging opportunities for a range of common and generalist species. While there are no habitats within the survey area itself for aerial nesting species to utilise, the adjacent woodland edge provides suitable opportunities for this purpose. There is therefore a low risk of disturbance to nesting by nearby works and a precautionary recommendation is provided.

### **Reptiles**

The habitats such as the grassland and rough grassland margins within the site have some limited suitability for more mobile species of reptile (grass snake *Natrix helvetica*). Grass snake are known to be present within northern extents of the wider MIRA landholding and it is possible that this species may pass through to utilise the opportunities on site on occasion. The risk of encountering a grass snake on site is considered low; however, precautionary working methods should be implemented to reduce this risk to negligible. Any measures implemented to ensure legislative compliance for great crested newts, will also by their nature protect reptile species and therefore a separate recommendation has not been made.

## Recommendations

The recommendations below are based on Middlemarch's current understanding of the project. If works are changed in any way these recommendations will need to be amended if appropriate.

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>R1</b> | <b>Great Crested Newt License Licence Modification Request:</b> A modification request will be submitted to Natural England under mitigation licence 2022-61716-EPS-MIT-1. This will include amendments to the mitigation strategy and associated drawings, to ensure the Favourable Conservation Status of this species is upheld on site.                                                                                                                                                                                                                                                                                                                     |
| <b>R2</b> | <b>Terrestrial mammals (including badger):</b> <ul style="list-style-type: none"> <li>A pre-works monitoring exercise of potential sett entrances will take place within the adjacent woodland in order to collect information regarding the status of badgers in proximity to the site. The holes should be subject to monitoring over a minimum of 21 days to establish associated activity levels and ensure that no further action is required.</li> <li>Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside</li> </ul> |

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|           | diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>R3</b> | <b>Nesting birds:</b> Clearance of any suitable vegetation should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use. |

### Quality Assurance

| Date       | Version | Author                                                                                                                  | Checked & Approved By                       |
|------------|---------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| 19/12/2025 | Final   | Thomas Weston MSc (Ecological Project Officer) and<br>Helen Griffin BSc (Hons) ACIEEM (Principal Ecological Consultant) | Tom Docker CEcol MCIEEM (Managing Director) |
| 19/01/2026 | Rev A   | Helen Griffin BSc (Hons) ACIEEM (Principal Ecological Consultant)                                                       | Tom Docker CEcol MCIEEM (Managing Director) |

# Appendix 1

## Outline Mitigation Strategy for Great Crested Newts

# Assessment of Impacts

## Construction Activities and Impact Pathways

The following activities are likely to be required during the works:

- Use of site by construction vehicles;
- Use of site by personnel;
- Use of machinery;
- Vegetation clearance and groundworks;
- Use of lighting for work compounds; and,
- Storage of materials on site.

In the absence of mitigation, these activities have the potential to adversely affect ecological features via the following impact pathways:

- Direct loss or damage to habitats scheduled for retention, in the event that areas outside the construction zone are accessed by vehicles, machinery or people;
- Increased noise and/or visual disturbance from vehicles, people, machinery and lighting;
- Air, ground and water pollution on and adjacent to the site due to emissions from vehicles and machinery;
- Release of dust from machinery and stored materials; and
- Killing, injury or disturbance to fauna during vegetation clearance and groundworks.

## Summary of Potential Impacts in the Absence of Mitigation

### Overview

The main body of the site at Plot 8 comprises an area of grassland containing two temporary attenuation basins. This part of the site has been subject to a trapping and translocation exercise in accordance with a great crested newt development licence (reference 2022-61716-EPS-MIT-1), the perimeter fencing for which remains in-situ. For the purposes of this mitigation strategy, this part of the site will be referred to as the 'Main Site'.

To the west, a small section of the proposed development footprint extends beyond the previously trapped area into an area of adjacent farmland. This area of the site – hereby referred to as the 'Expansion Land' – contains intensive arable cropland and provides minimal terrestrial opportunities for great crested newts.

### Short term impacts

As the Main Site has been subject to trapping and translocation and the Expansion Land contains habitat deemed of limited suitability for amphibians, the short-term impacts associated with the proposed development of Plot 8 are considered minimal.

### Long-Term Impacts

The loss of two temporary attenuation basins and grassland from the site would represent a small additional impact above which was previously assessed under the licence. Nevertheless, given the low number of individuals trapped out during the 2022 translocation exercise (4 no. individuals) and the small scale of additional land required to the west, it is not anticipated that any meaningful long-term impacts would occur as a result of the works proposed.

#### Foraging Habitat

The development of Plot 8 will not lead to a significant loss of foraging habitat over and above what has already been accounted for as part of the existing great crested newt licence.

#### Fragmentation

Any adverse fragmentation effects as a result of the proposed development will be minimal. The site lies immediately to the south of an area of woodland, providing a commuting and foraging resource for great crested newts between the MIRA site and the wider landscape which will continue to function at its existing capacity.

#### Hibernation Sites

The site at Plot 8 does not provide hibernation habitat and therefore no loss of such sites is anticipated.

# Avoidance and Mitigation

## Outline Mitigation Measures for Great Crested Newts

### Great Crested Newt Licence Modification Request

A modification request will be submitted to Natural England under mitigation licence 2022-61716-EPS-MIT-1 including. The below information is provided in outline, with all details to be finalised and confirmed in agreement with Natural England as part of the modification request. The approach is likely to include, but not be limited to the following:

- 1) *Supervised habitat manipulation and soil strip (Main Site, including pond draining) preceded by a short period of trapping and translocation from the temporary attenuation basins.*

As this area has already been subject to exclusion works, the risk of encountering individuals is deemed low. A suitable receptor site will be identified as part of the modification request and if any individuals are identified, the supervising ecologist will advise on the best course of action.

- 2) *Supervised Habitat Manipulation and Soil Strip (Expansion Land)*

Vegetation will be maintained by regular strimming/cutting to ensure it remains unsuitable. Given the result of the Natural England Rapid Risk Assessment Tool ('Green: Offence Highly Unlikely'), no trapping or translocation exercise is proposed.

Site clearance works will be preceded by a walkover completed by a suitably qualified ecologist to ensure the status of the site has not changed prior to any works commencing, after which targeted supervision of clearance activities will be completed as considered necessary in accordance with the method statement agreed with Natural England. The site provides extremely limited suitability for amphibians and no features suitable for winter refuge and as such, the risk of encountering individuals is deemed sufficiently low that such works can be completed at any time of year.

Once the new perimeter fence is in place, the partial removal of the dividing fence to open up the Expansion Land to the Main Site will also take place. This exclusion fencing should only be removed under supervision of an experienced Ecological Clerk of Work, during the season when amphibians are active (weather dependent, but generally between March and October). As above, if any individuals are identified, the supervising ecologist will advise on the best course of action.

Any common amphibians or grass snake which are found during the process will be translocated into an approved receptor area. A separate receptor area will be identified to relocate any grass snake to limit potential impacts of predation.

### General Construction Phase Measures

Implementation of the following additional measures will ensure that there are no impacts on great crested newts (and common amphibians) during the construction period of the proposed development:

- Staff awareness.
  - All contractors should be made aware of the potential presence of great crested newts during the initial site induction and toolbox talk.
  - Amphibians may hide under refuges and staff should demonstrate awareness when working and moving materials. Should an animal other than a great crested newt be found it should be gently moved to a suitable location within habitat well away from the working area. It is important to note that all native amphibians are harmless and the best option if encountered is simply to leave the animal alone or, if it may come to harm, move it to a suitable location within habitat on the closest boundary of the site.

- Monitoring and maintenance of exclusion fencing.
  - The herpetofauna fencing is to be maintained by the client during the site development works. The exclusion fencing should only be removed under supervision of an experienced Ecological Clerk of Work, during the season when amphibians and reptiles are active (weather dependent, but generally between March and October). The external boundary fencing will only be removed on completion of the development.

As a matter of general good ecological practice, the undertaking of sympathetic working practices will reduce the likelihood of an encounter with and harm to amphibians.

## Use of Protective Fencing/Barriers

The areas of habitat scheduled for retention to the peripheries of the site – particularly along the adjacent woodland edge – will be protected throughout the works by the installation of protective fencing. This fencing should ensure the integrity of the Root Protection Area of trees and should meet the requirements of British Standard 5837: 2012 "Trees in relation to design, demolition and construction – recommendations" (where relevant).

## Precautions for Open Excavations

If any excavations are required to be left open overnight, ramps will be left within them to allow fauna to easily exit. Open excavations will be inspected at start of each day to ensure fauna have not become trapped.

## Site Compound and Storage of Materials

Amphibians will utilise stacked materials such as wood, stone, boards or metal sheets as refuges. Active work areas should be kept tidy and materials should be stored off the ground – for example on pallets where possible. Should it be necessary to store materials such as topsoil on site, then these will be stored in raised skips, trailers or containers on raised pallets.

## Pollution Prevention

Environment Agency Pollution Prevention Guidelines were formerly withdrawn in December 2015, although do provide a useful framework for the design of working practices. Guidance on Pollution Prevention for Businesses is provided at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. These guidelines include details for the design of working practices to avoid pollution during construction and will be followed throughout the construction period.

No bulk storage of fuel and other liquids will be permitted on site. Fuels and other liquids which must be stored on site will be kept in bunded containers within habitats of negligible value. Spill kits will be available on site and procedures will be in place to deal with any incidents efficiently and quickly. Refuelling of plant/machinery on site will be avoided. If refuelling is required, then it will be undertaken as far away from notable habitats as possible, over a drip tray.

Appropriate dust suppression measures will be put in place to reduce impacts to habitats and species outside of the works area. The 'Construction Dust Information Sheet' issued by the Health and Safety Executive (2020<sup>2</sup>) provides guidance on controlling construction dust and will be followed throughout the construction period.

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<sup>2</sup> Health and Safety Executive (2020) *Construction Dust – Construction Information Sheet No 36 (Revision 3)*. March 2020.

## Lighting

Lighting will be provided in an approach consistent with surrounding development plots (e.g. the adjacent Plot 9) and will ensure no increased in illumination of key ecological features (i.e. adjacent woodland).

## Noise and Vibration

Reasonable measures will be taken to avoid significant increases in noise and vibration during the construction phase of the development. Any construction works on site will be carried out in accordance with British Standard 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites<sup>3</sup>.

Engines of construction vehicles will be turned off when these vehicles are stationary to minimise noise and vibration disturbance.

## Contingency Measures

Should any unexpected events occur, work will cease and a suitably experienced and qualified ecologist will be contacted to determine the most appropriate way to proceed.

## Compensation and Enhancement

The majority of Plot 8 will be developed and there is little scope of further habitat creation on site. However, the site has connectivity with the woodland to the north and Linear Park to the south which will offer long-term opportunities for dispersal into the wider landscape.

As part of the modification request to the licence, appropriate compensation and enhancement measures will be designed. All details will be confirmed as part of the licence modification and agreed with Natural England.

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<sup>3</sup> British Standards Institution (2009) *BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites*.

# Appendix 2

## Relevant Legislation

Great crested newts (GCN) and the places they use for shelter or protection receive legal protection under the Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly\** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly\** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

\*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

The reader should refer to the original legislation for the definitive interpretation.

GCN are listed a Species of Principal Importance for Nature Conservation in England which means they are a material consideration in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.