



Preliminary Ecological Appraisal

Kyngs Golf and Country Club, Station Road, Market Bosworth, Leicestershire, CV13 ONP

Marrons Planning Ltd

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Marrons Planning Ltd to undertake a Preliminary Ecological Appraisal (PEA) at Kyngs Golf and Country Club, Station Road, Market Bosworth, Leicestershire, CV13 0NP (hereafter referred to as “the site”). The survey was required to inform a planning application for the erection of nine lodges at the site, with associated parking and gravelling the access track (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Designated sites	There is one statutory site within 2km of the site, it being Ashby Canal SSSI located ~1.2km northwest from the site. The site lies within the impact risk zone for for Ashby Canal SSSI, Newton Burgoland Marshes SSSI, and Kendall's Meadow SSSI and the proposed development is not listed as a possible high risk for thses designations. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Leicestershire and Rutland Environmental Records Centre (LRERC).	Given the scale of the proposed development, there is potential for indirect impacts to sites adjacent through increased pollution and possible tree damage.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).
Habitats and flora	There are no notable habitats within the site, but priority woodland habitats are present within 2km of the site, the closest being priority deciduous woodland adjacent to the east of the site. Habitats on site comprise grassland, scrub, and developed land. No protected or notable plant species were recorded during the survey.	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to priority deciduous woodland, indirect effects such as pollution or tree damage could occur during construction. The proposed development will result in the loss of ~0.3ha other neutral grassland and ~0.08ha scrub. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats. There are no protected or invasive non-native plant species within the construction footprint. However, based on the time of year this survey was undertaken, it is possible these species would not be visible.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). Heras fencing should be erected along the woodland to the eastern boundary of the site during the works to prevent encroachment/woodland tree damage.

Amphibians	The site contains suitable habitat for GCN and other more common amphibians for shelter, foraging and hibernation (i.e., scrub, grassland). Furthermore, ~22 ponds (i.e., possible GCN breeding ponds), lie within a 500m radius of the site, many of which connect to the site via grassland habitat.	~0.3ha grassland and 0.08ha scrub will be removed during construction. When georeferencing the proposed development plans over scaled mapping of the site, it is noted that the development area is likely to result in the loss or significant disturbance of ~0.38ha of suitable GCN (i.e. grassland and scrub). If GCN are present within the pond ~20m to the north of the site, this will constitute a loss of ~0.38ha within 100m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces an Amber risk score , which states: Offence Likely .	Environmental DNA (eDNA) surveys will be required of any ponds within 250m of the site (where accessible) to determine the presence or absence of GCN. This will comprise collecting water samples and sending them off for laboratory analysis and such surveys must be undertaken between mid-April and June, in accordance with current survey guidelines (Biggs et al, 2014).
Reptiles	The site contains suitable habitat for reptiles for shelter, foraging, and hibernation (i.e., grassland, scrub). However, based on the size of the site, it is unlikely to support a moderate or large reptile population.	~0.38ha grassland and scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, which is detailed in Tabel 6 of this report.
Roosting bats (trees)	Some of the trees on the site may contain PRFs which may be suitable for roosting bats.	The proposed development may result in the felling/pruning of some on-site trees. This could result in damage/modification/destruction of any bat roosts present and could cause disturbance, death or injury to bats.	A separate GLTA should be undertaken for the on-site trees, in the event of any pruning or felling. This should be completed following the completion of the Arboricultural Impact Assessment (AIA), which will detail the definitive tree loss and retention.
Foraging and commuting bats	On-site grassland, scrub, and scattered trees could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of ~0.38ha of grassland and scrub, and possibly some scattered trees but given their low value and the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which is detailed in Table 6 of this report.
Badger	No badger setts were recorded within the site or immediate surrounding vicinity. However, possible evidence of badger foraging was recorded in close proximity to the boundary. Furthermore, the site is rural and lies adjacent to woodland, so setts in the nearby vicinity are likely to be present.	No works will be undertaken within 30m of a badger sett. ~0.38ha of suitable badger foraging habitat (i.e., grassland, scrub) will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally.	A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.

		However, construction activities could result in the death or injury of badgers, if present.	
Hedgehog	The site contains suitable habitat for hedgehogs for shelter, foraging, and hibernation (i.e., grassland, scrub). It also lies adjacent to suitable woodland habitat. Hedgehog presence on the site/in the nearby vicinity is highly likely.	~0.38ha of grassland and scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.
Otter	The site lies adjacent to a drainage ditch to the south of the site, which may be suitable otter foraging grounds, and connects to a watercourse northwest of the site. No holts or natal dens were identified associated with the ditch during the survey. Otter presence associated with the ditch is likely/possible.	The proposed development will not result in the loss of any riparian habitats. However, due to the presence of the drainage ditch within close proximity of the site, indirect effects such as pollution could occur during construction. Furthermore, construction activities could result in the death or injury of otters, if present.	Owing to the nature of the proposed development and the low potential for impacts to otter, further otter surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.
Water vole	The site lies adjacent to a drainage ditch to the south of the site, which may be suitable water vole foraging grounds, and the banks of the ditch may be suitable for burrow excavation.	No construction works will be undertaken within 5m of the top of the banks of the wet ditch. Therefore, no impacts are anticipated on water vole as a result of the proposed development.	Owing to the nature of the proposed development and the low potential for impacts to water voles, further water vole surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.
Birds	The site contains trees suitable for birds for nest creation.	Some trees may be felled as part of the proposed works. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Any tree felling should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the trees should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Marrons Planning Ltd to undertake a Preliminary Ecological Appraisal (PEA) at Kyngs Golf and Country Club, Station Road, Market Bosworth, Leicestershire, CV13 ONP (hereafter referred to as “the site”). The survey was required to inform a planning application for the erection of nine lodges at the site, with associated parking and gravelling the access track (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SK 40207 03901 and has an area of approximately 1.3ha comprising grassland, scrub and an access track. It is surrounded by rural areas (including grassland and small patches of woodland) with the small settlement of Market Bosworth to the southeast of the site. The Ashby-de-la-Zouch Canal lies ~400m west of the site. A wet ditch also crosses the site boundary, which is connected to a watercourse north of the site (i.e., ~200m north). Other small settlements within range of the site include Wellsborough (west), Carlton (north), and Osbaston (east). The wider landscape comprises rural areas with scattered settlements, with larger settlement of Birmingham and Leicester to the southwest and east, respectively. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Jessica Sibley BSc (Hons) MSc, Consultant Ecologist (Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT) on 19/01/2024.

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

A visual inspection of the trees on the site was undertaken from ground level using binoculars and, where accessible and safe to do so. Habitats were categorised in accordance with the “Bat Surveys for Professional Ecologists —Good Practice Guidelines” publication (Collins, 2023), which are replicated in Table 1 below.

Table 1: Guidelines for assessing the potential suitability of a site for bats

Potential Suitability	Potential Flight-Paths and Foraging Habitats
Negligible	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape and the ecology and biology of species as currently understood.

No Biological Records Data (BRD) was available at the time of writing this report and this should be obtained, and the report updated to enable a robust ecological impact assessment to be completed.

The survey was completed outside of the optimal survey period (April to October) limiting the identification of ground flora species.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below. The presence of non-statutory designated sites within 2km cannot be established without biological records data from Leicestershire and Rutland Environmental Records Centre (LRERC).

The site lies within the impact risk zone for Ashby Canal SSSI, Newton Burgoland Marshes SSSI, and Kendall's Meadow SSSI. The proposed development is not listed as a possible high risk with regard to these designations.

Table 2: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Ashby Canal Site of Special Scientific Interest (SSSI)	~1.2km northwest	The Ashby Canal supports communities of aquatic and emergent plants that are representative of eutrophic standing water bodies in the English lowlands. The diversity of aquatic plants and invertebrates makes this one of the most important water bodies of its type in the East Midlands. The submerged plant community is of particular interest. Mare's-tail <i>Hippuris vulgaris</i>, spiked water-milfoil <i>Myriophyllum spicatum</i> and perfoliate pondweed <i>Potamogeton perfoliatus</i> are locally abundant. Eight other species of pondweed have been recorded including grass-wrack pondweed <i>P. compressus</i> and flat-stalked pondweed <i>P. friesii</i> which are nationally uncommon. Where the canal bed is stony the scarce needle spike-rush <i>Eleocharis acicularis</i> may be found. The floating plant community is also well developed. Yellow water-lily <i>Nuphar lutea</i>, broad-leaved pondweed <i>P. natans</i>, arrowhead <i>Sagittaria sagittifolia</i> and unbranched bur-reed <i>Sparganium emersum</i> are all locally abundant. The emergent fringe is variously dominated by greater pond-sedge <i>Carex riparia</i>, reed sweet-grass <i>Glyceria maxima</i> and branched bur-reed <i>Sparganium erectum</i>. Associated species include lesser water-parsnip <i>Berula erecta</i>, flowering rush <i>Butomus umbellatus</i>, tubular water-dropwort <i>Oenanthe fistulosa</i>, water dock <i>Rumex hydrolapathum</i> and skullcap <i>Scutellaria galericulata</i>. The Ashby Canal retains one of the richest invertebrate communities of eutrophic standing water still to be found in Leicestershire. Nine species of dragonfly have been recorded, including the locally scarce red-eyed damselfly <i>Erythroma najas</i>. The water beetle fauna is diverse and it includes the nationally rare <i>Halplus mucronatus</i>. The canal also supports populations of the native freshwater crayfish <i>Austropotamobius pallipes</i> and of the water shrew <i>Neomys fodiens</i>.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date:	19/01/2024
Temperature	1°C
Humidity	86%
Cloud Cover	10%
Wind	9mph
Rain	None

Habitats and Flora

The following habitats are present within and adjacent to the site:

- Other neutral grassland (g3c) largely unmanaged (521) with one section actively managed (516) with ruderal/ephemeral vegetation (81) scattered trees (32) a gravel bed (310) and a track (839)
- Bramble scrub (h3d)
- Developed land; sealed surface (u1b)
- Broadleaved woodland (w1) fenced from the site (612) (adjacent)
- Drainage ditch (r1) with a line of trees (33) (adjacent)

A description and photograph of each habitat is provided in Table 4.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Primary Code: Other neutral grassland (g3c) Secondary Codes: Unmanaged (521) Actively managed (516) Ruderal/ephemeral vegetation (81) Scattered trees (32) Gravel bed (310) Track (839)	The majority of the site comprises what is most likely managed and unmanaged other neutral grassland (Figures 1 and 2). There is ~10-20% cover of broadleaved herbs and sedges within the sward, with <8 species visible per m² (i.e., ~4-6 species). However, based on the time of year this survey was undertaken, it is likely full species coverage is not visible. Cover of rye-grasses <i>Lolium spp.</i>, is <30%. Species comprise: A: Cock's foot <i>Dactylis glomerata</i>. F: Springy turf moss <i>Rhytidiadelphus squarrosus</i>, red fescue <i>Festuca rubra</i>, and hoary willowherb <i>Epilobium parviflorum</i>. O: Rose <i>Rosa sp.</i>, creeping buttercup <i>Ranunculus repens</i>, creeping thistle <i>Cirsium arvense</i>, deadnettle <i>Lamium sp.</i>, chickweed <i>Stellaria media</i>, common teasel <i>Dipsacus fullonum</i>, and bramble <i>Rubus fruticosus agg.</i> R: Dandelion <i>Taraxacum officinale agg.</i>, and <i>Asteraceae sp.</i> Grassland – Condition Indication: Sward height across the grassland parcel varies with >20% sward height being <7cm, and >20% greater than 7cm (i.e., ~5-60cm), creating microclimates for vertebrates and invertebrates. Cover of bare ground across the grassland parcel is between 1-5%. No bracken <i>Pteridium aquilium</i> was recorded across the habitat parcel. Creeping thistle and creeping buttercup were recorded across the parcel and their cover likely exceeds 5% but is no greater than 10% of the area of the parcel. No non-native invasive species were recorded, at the time of survey. <10 vascular plant species (including forbs) are present per m², but based on the time of year the survey was undertaken, it is likely all would not be visible. Scattered tree species comprise: O: Goat willow <i>Salix caprea</i>, silver birch <i>Betula pendula</i>, and another willow species <i>Salix sp.</i> Trees – Condition Indication: All of the trees across the site are young/semi-mature (i.e., 100%), with none mature. There is no evidence of an adverse impact on tree health by human	 Figure 1. On-site unmanaged grassland.  Figure 2. On-site actively managed grassland.

	activities, and no current pruning regime associated with the trees. The trees retain >75% of their expected canopy for their age range and height. No natural ecological niches are present, associated with the trees (i.e., deadwood, cavities, ivy, loose bark). The trees over sail >20% (i.e., ~60-80%) vegetation beneath (i.e., bramble and grassland).	
Primary Code: Bramble scrub (h3d)	Small sections of the site comprise bramble scrub (Figure 3). Species within the scrub comprise: D: Bramble <i>Rubus fruticosus agg.</i> O: Cock's foot, springy turf moss, hoary willowherb, common teasel, and ivy <i>Hedera helix</i>. R: Bracken. A condition assessment sheet for bramble scrub, under the UK Habitat Classification (UK Hab) is not available, therefore, the scrub was not condition assessed.	 Figure 3. On-site scrub.
Primary Code: Developed land; sealed surface (u1b)	At the entry of the site is a short section of tarmac road. This habitat is typically considered to be low in ecological value.	N/A

Primary Code: Broadleaved woodland (w1) Secondary Code: Fence (612)	The site lies adjacent to broadleaved woodland habitat (Figure 4). This woodland may be a lowland mixed deciduous woodland of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006. Species include (where visible from the fence): O: Common elder <i>Sambucus nigra</i>, hawthorn <i>Crataegus monogyna</i>, and silver birch. This woodland was not subject to a condition assessment as it lies on third-party land and will not be directly impacted by the proposed works.	 Figure 4. Adjacent woodland.
Primary Code: Drainage ditch (r1) Secondary Code: Line of trees (33)	Adjacent to the access track to the site is a drainage ditch and associated line of trees (Figure 5). The ditch is ~1.3km long and looks to connect to a watercourse northwest of the site. The depth of the water in the ditch was ~5cm, at the time of survey. There is light water flow in the ditch. Species on the banks of the ditch include: A: Hawthorn trees. O: Willow trees, bracken, bramble, and cow parsley <i>Anthriscus sylvestris</i>. This drainage ditch and associated line of trees was not subject to a condition assessment as they lie outside of the site boundary and will not be directly impacted by the proposed works.	 Figure 5. Adjacent drainage ditch.

Fauna

An assessment of the suitability of the site for protected or notable species is provided in Table 5.

Table 5: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	BRD
Amphibians	Great Crested Newts (GCN) exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; GCN are typically found within terrestrial habitats up to 500m from breeding ponds (Langton et al. 2001). There are no ponds within the site boundary. However, an aerial imagery review highlights that there are ~22 ponds within a 500m radius of the site boundary, which may be suitable GCN breeding ponds. These ponds were not subject to a Habitat Suitability Index (HSI) assessment, given high the number of ponds and that many lie on third party land. The closest pond to the site boundary is within ~20m, and the furthest is ~400m away, with the other ponds falling within this distance range. Between many of the ponds is grassland habitat, connecting a number of the ponds to the site. The site contains grassland, and scrub which provide good terrestrial opportunities for GCN and other more common amphibians for foraging, refuge, shelter, and hibernation. The presence of GCN within the site is highly likely, given the suitable on-site habitats, and proximity of multiple possible GCN breeding ponds. Common amphibian presence across the site is also highly likely, given the presence of suitable habitat on the site and close proximity of multiple ponds.	There are no EPSLs or class licence returns and there is no pond survey data for GCN within a 500m radius of the site. No BRD has been obtained.
Reptiles	On-site habitat comprises varying-length grassland which may provide suitable foraging grounds for reptiles. There is also scrub, suitable for reptiles for shelter and hibernation. Adjacent east of the site comprises woodland habitat, suitable for shelter, commuting, and dispersal from the site. Adjacent to the west is managed, short grassland, which would likely increase predation risk. The presence of reptiles on the site cannot be discounted, given the presence of suitable habitat and suitable connecting habitat. However, the site is small and unlikely to support a moderate or large viable reptile population.	No BRD has been obtained.
Badgers	No setts, latrines, runs, or hairs were recorded within the site boundary, or along adjacent habitats. However, near to the site boundary a foraging corn cob was recorded (Figure 6), which may be evidence of badgers foraging in the nearby vicinity of the site. There is also suitable habitat for sett excavation in the nearby vicinity of the site (i.e., woodland), and rural land surrounds the site, therefore, badger sett occupation in the nearby vicinity of the site is likely.	No BRD has been obtained.



Figure 6. Foraged corn cob.

Bats	The trees on the site were not subject to a thorough Ground Level Tree Assessment (GLTA). A separate GLTA should be undertaken in the event of the pruning or felling of any on-site trees or adjacent woodland boundary trees, as these trees may contain Potential Roost Features (PRFs) which may be suitable for roosting bats. The grassland, scrub, and scattered trees across the site, are likely suitable foraging grounds for local bat populations. Given the small size of the site but good connectivity to other suitable foraging and commuting habitat for bats (i.e., woodland to the east of the site), the on-site habitats are assessed to provide low to moderate value for foraging and commuting bats.	There are four EPSLs for bats within a 2km radius of the site: • EPSM2009-1495 – Common pipistrelle – Destruction of a resting place • 2020-44716-EPS-MIT-1 – Common pipistrelle – Destruction of a resting place • 2017-31325-EPS-MIT – Brown long-eared – Destruction of a resting place • 2015-14530-EPS-MIT – Brown long-eared, Common pipistrelle – Damage of a breeding site, Damage of a resting place, Destruction of a resting place No BRD has been obtained.
Hazel Dormouse	The site lies outside of the known geographic range for hazel dormice (either natural or reintroduced). The site does not comprise woodland or hedgerow (i.e., suitable hazel dormouse habitat). The presence of hazel dormice on the site or in the nearby vicinity is unlikely.	There are no EPSLs for hazel dormice within a 2km radius of the site. No BRD has been obtained.
Hedgehog	The grassland and scrub on the site are likely suitable for hedgehogs for foraging, shelter, and hibernation. Furthermore, the site lies adjacent to woodland to the east (i.e., suitable hedgehog habitat). The site is rural and hedgehog presence across the site or in the nearby vicinity is highly likely.	No BRD has been obtained.
Otter	Adjacent to the south of the site is a drainage ditch, which may provide suitable foraging grounds for otters. A review of aerial imagery highlights that the ditch is	There are no EPSLs for otters within a 2km radius of the site.

	connected to a watercourse northwest of the site which looks to connect to a wider network of watercourses. No evidence of any holts or natal dens was identified during the survey. However, there may be opportunities for holt or natal den creation within the nearby vicinity of the site. The presence of otters utilising this ditch for foraging cannot be discounted.	No BRD has been obtained.
Water Vole	Adjacent to the south of the site is a drainage ditch, which may provide suitable habitat for water voles. A review of aerial imagery highlights that the ditch is connected to a watercourse northwest of the site which looks to connect to a wider network of watercourses. The banks of the ditch may be suitable for water voles for burrow creation.	No BRD has been obtained.
Birds	No bird's nests were identified during the survey, however, there are some scattered trees on the site, which are likely suitable for nesting birds. As the site is rural, some Schedule 1 species of birds may commute across the site. The site is likely too small to support any significant breeding or wintering bird populations.	No BRD has been obtained.
Invertebrates	The site does not have the habitat structure or diversity suitable for any notable species of invertebrates and will most likely host more common species of invertebrates which may be in larger numbers, given the close proximity of woodland.	No BRD has been obtained.

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the erection of nine lodges at the site, with associated parking and gravelling the access track.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Opportunities ¹ Enhancement
Designated sites	There is one statutory site within 2km of the site, it being Ashby Canal SSSI located ~1.2km northwest from the site. The site lies within the impact risk zone for for Ashby Canal SSSI, Newton Burgoland Marshes SSSI, and Kendall's Meadow SSSI and the proposed development is not listed as a possible high risk for these designations. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Leicestershire and Rutland Environmental Records Centre (LRERC).	Given the scale of the proposed development, there is potential for indirect impacts to sites adjacent through increased pollution and possible tree damage.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).	None.
Habitats and flora	There are no notable habitats within the site, but priority woodland habitats are	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the	Best practice measures to minimise the possibility of pollution must be implemented during construction.	The following habitat creation and enhancement opportunities could

¹ The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	present within 2km of the site, the closest being priority deciduous woodland adjacent to the east of the site. Habitats on site comprise grassland, scrub, and developed land. No protected or notable plant species were recorded during the survey.	proximity of the site to priority deciduous woodland, indirect effects such as pollution or tree damage could occur during construction. There are no protected or invasive non-native plant species within the construction footprint. However, based on the time of year this survey was undertaken, it is possible these species would not be visible.	Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). Heras fencing should be erected along the woodland to the eastern boundary of the site during the works to prevent encroachment/woodland tree damage.	be incorporated into the proposed development: - Planting of native trees, shrubs, and hedgerows. - Planting of species-rich wildflower grassland. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	The site contains suitable habitat for GCN and other more common amphibians for shelter, foraging and hibernation (i.e., scrub, grassland). Furthermore, ~22 ponds (i.e., possible GCN breeding ponds), lie within a 500m radius of the site, many of which connect to the site via grassland habitat.	~0.3ha grassland and 0.08ha scrub will be removed during construction. When georeferencing the proposed development plans over scaled mapping of the site, it is noted that the development area is likely to result in the loss or significant disturbance of ~0.38ha of suitable GCN (i.e. grassland and scrub). If GCN are present within the pond ~20m to the north of the site, this will constitute a loss of ~0.38ha within 100m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces an Amber risk score, which states: Offence Likely.	Environmental DNA (eDNA) surveys will be required of any ponds within 250m of the site (where accessible) to determine the presence or absence of GCN. This will comprise collecting water samples and sending them off for laboratory analysis and such surveys must be undertaken between mid-April and June, in accordance with current survey guidelines (Biggs et al, 2014).	To be confirmed upon completion of the surveys.
Reptiles	The site contains suitable habitat for reptiles for shelter, foraging, and hibernation (i.e., grassland, scrub). However, based on the size of the site, it is unlikely to support a moderate or large reptile population.	~0.38ha grassland and scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: - Scrub clearance will be undertaken outside of the reptile hibernation season (November to February) insofar as is possible. - A staged approach will be adopted for vegetation clearance, whereby the vegetation	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles: - Planting of species-rich wildflower grassland. - Planting of scrub along site boundaries.

			will be strimmed to 15cm and left overnight to allow any reptiles to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter reptiles from the working area. - Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - In the unlikely event that a reptile is identified, works must cease and advice must be sought from a suitably qualified ecologist.	
Roosting bats (trees)	Some of the trees on the site may contain PRFs which may be suitable for roosting bats.	The proposed development may result in the felling/pruning of some on-site trees. This could result in damage/modification/destruction of any bat roosts present and could cause disturbance, death, or injury to bats.	A separate GLTA should be undertaken for the on-site trees, in the event of any pruning or felling. This should be completed following the completion of the Arboricultural Impact Assessment (AIA), which will detail the definitive tree loss and retention.	To be confirmed upon completion of the surveys.
Foraging and commuting bats	On-site grassland, scrub, and scattered trees could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of ~0.38ha of grassland and scrub, and possibly some scattered trees but given their low value and the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: - Light spill on to retained vegetation/adjacent woodland should be avoided. - Use narrow spectrum light sources to lower the range of species affected by lighting. - Use light sources that emit minimal ultra-violet light. - Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: Planting of native trees, shrubs, and hedgerows.

			• Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Badger	No badger setts were recorded within the site or immediate surrounding vicinity. However, possible evidence of badger foraging was recorded in close proximity to the boundary. Furthermore, the site is rural and lies adjacent to woodland, so setts in the nearby vicinity are likely to be present.	No works will be undertaken within 30m of a badger sett. ~0.38ha of suitable badger foraging habitat (i.e., grassland, scrub) will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	A precautionary working method will be implemented during construction, including the following measures: • A toolbox talk will be given to contractors regarding the possible presence of badgers at the site. • A pre-commencement inspection of the site will be undertaken for any new badger activity if works do not commence within three months. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use.	None.

			- Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.	
Hazel dormouse	The site lies outside of the known geographic range for hazel dormice and does not comprise suitable hazel dormouse habitat (i.e., connected hedgerow, woodland).	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	The site contains suitable habitat for hedgehogs for shelter, foraging, and hibernation (i.e., grassland, scrub). It also lies adjacent to suitable woodland habitat. Hedgehog presence on the site/in the nearby vicinity is highly likely.	~0.38ha of grassland and scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction, including the following measures: - Vegetation clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. - A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area. - Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - If any hedgehogs are found in the working area these should be allowed to disperse of	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: Installation of hedgehog houses close to the adjacent woodland, near to sheltered vegetation.

			their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.	
Otter	The site lies adjacent to a drainage ditch to the south of the site, which may be suitable otter foraging grounds, and connects to a watercourse northwest of the site. No holts or natal dens were identified associated with the ditch during the survey. Otter presence associated with the ditch is likely/possible.	The proposed development will not result in the loss of any riparian habitats. However, due to the presence of the drainage ditch within close proximity of the site, indirect effects such as pollution could occur during construction. Furthermore, construction activities could result in the death or injury of otters, if present.	Owing to the nature of the proposed development and the low potential for impacts to otter, further otter surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • A pre-commencement inspection of the site will be undertaken for otters. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to the watercourse and any retained habitats which otters could use. • Best practice pollution prevention measures will be implemented to minimise impacts to the watercourse and any retained habitats that otters could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • In the unlikely event that an otter holt or den is identified, works must cease and advice must be sought from a suitably qualified ecologist.	None.
Water vole	The site lies adjacent to a drainage ditch to the south of the site, which may be suitable water vole foraging grounds, and the banks of the ditch may be suitable for burrow excavation.	No construction works will be undertaken within 5m of the top of the banks of the wet ditch. Therefore, no impacts are anticipated on water vole as a result of the proposed development.	Owing to the nature of the proposed development and the low potential for impacts to water voles, further water vole surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • A pre-commencement inspection of the site will be undertaken for water voles.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for water vole: • Reprofilling ditches to provide suitable banks for burrows, ensuring they hold water permanently

			- Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to the watercourse and any retained habitats which water voles could use. - Best practice pollution prevention measures will be implemented to minimise impacts to the watercourse and any retained habitats that water vole could use. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - In the unlikely event that water voles or evidence of water voles is identified, works must cease and advice must be sought from a suitably qualified ecologist.	and connect to other ditches/watercourses. Planting of aquatic and bankside vegetation, minimising shading
Birds	The site contains trees suitable for birds for nest creation.	Some trees may be felled as part of the proposed works. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Any tree felling should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the trees should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of four bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on retained trees, or the new lodges. Such as: - Vivara Pro WoodStone Swift Nest Box (buildings) - House Sparrow Terrace FSC Nest Box (buildings) - Swallow Nest Bowl (buildings) - Vivara Pro Seville 32mm WoodStone Nest Box (trees) - Vivara Pro Barcelona WoodStone Open Nest Box (trees)

				General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications. Swift and sparrow boxes should be positioned in the eaves and can be incorporated into the plans, during the design stages.
Invertebrates	The site does not have the habitat structure or diversity suitable for any notable species of invertebrates and will most likely host more common species of invertebrates which may be in larger numbers, given the close proximity of woodland.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: Planting of pollinator friendly species.

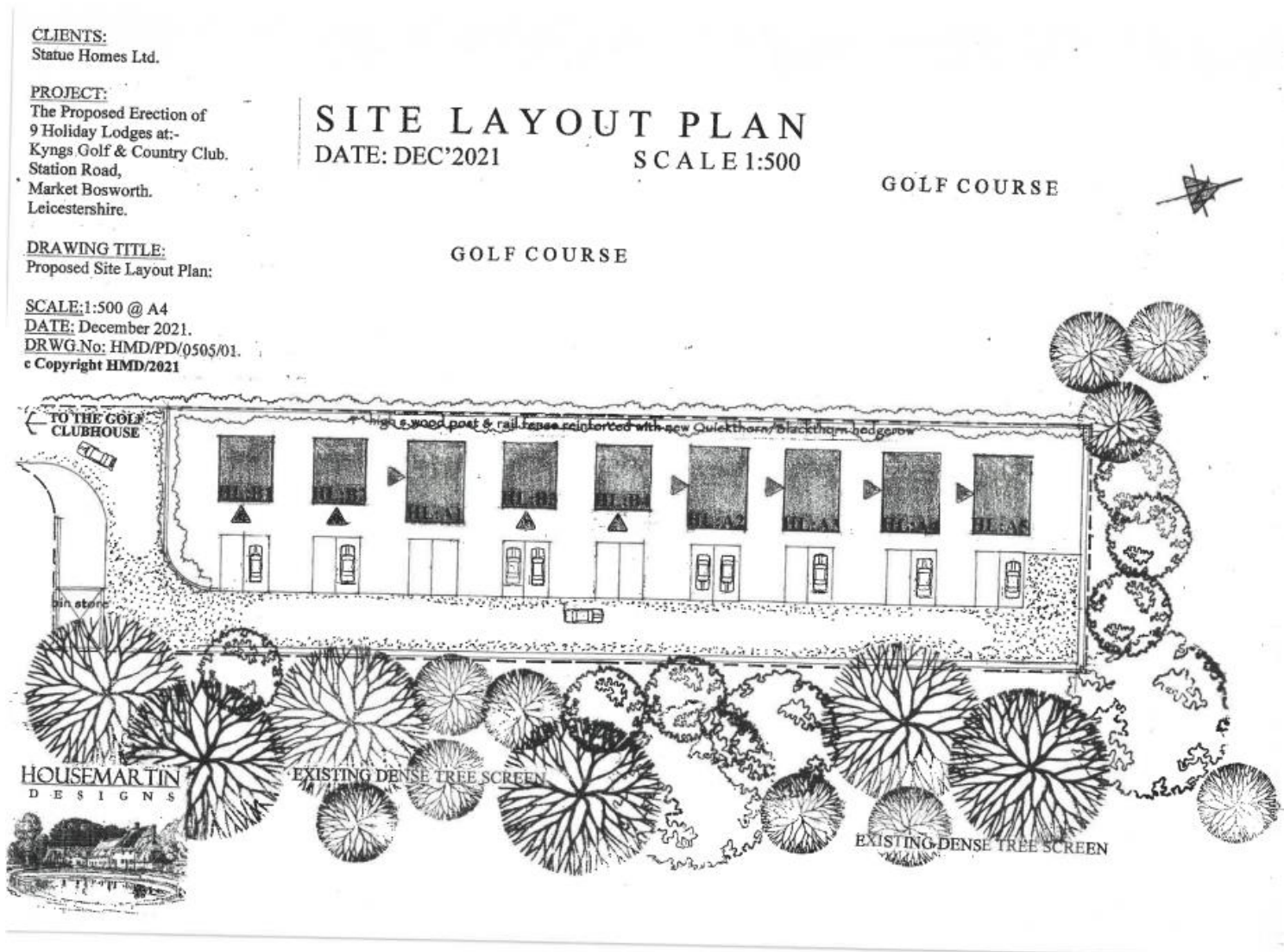
5.0 Bibliography

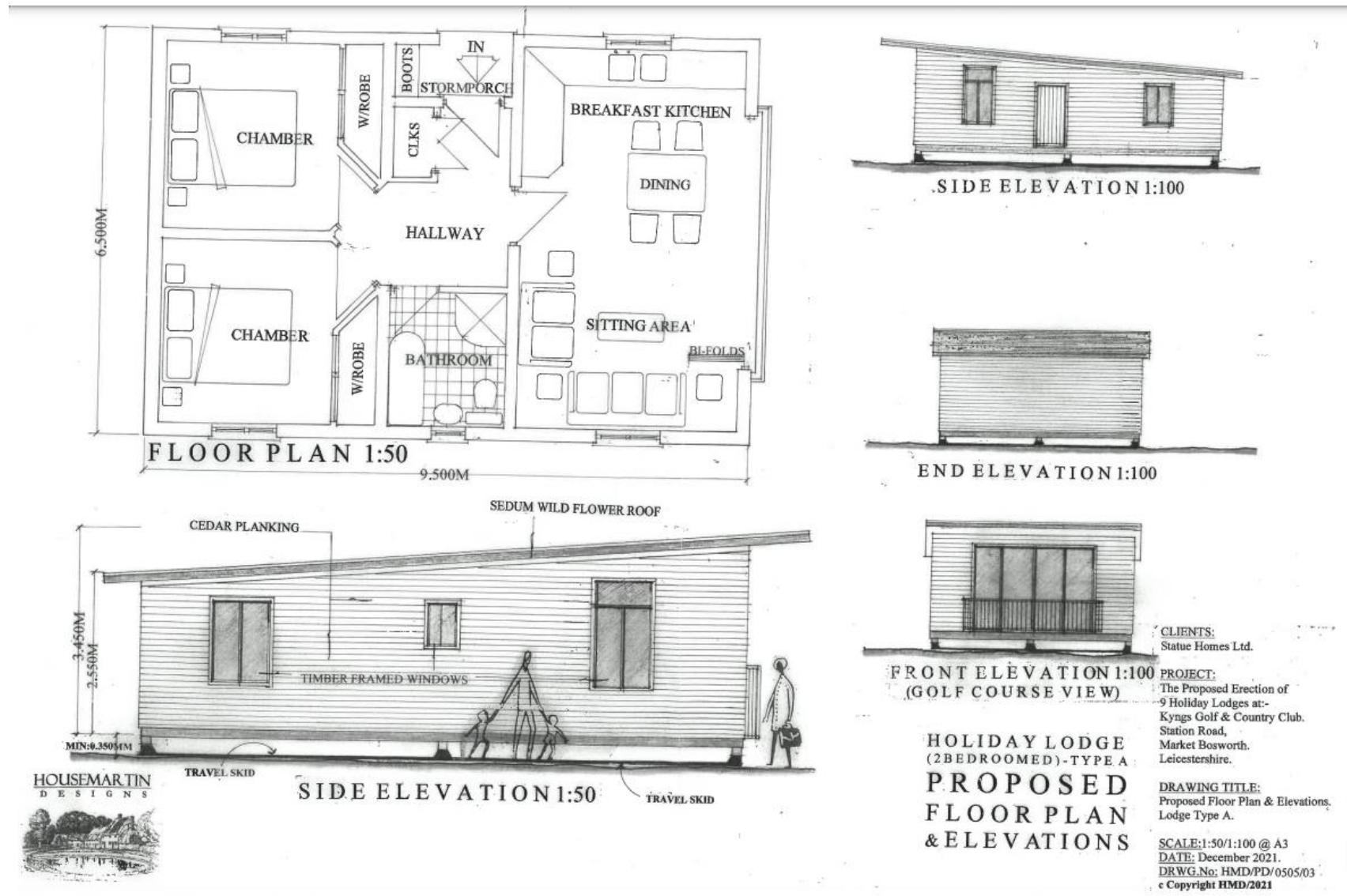
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Appendix 1: Proposed Development Plan





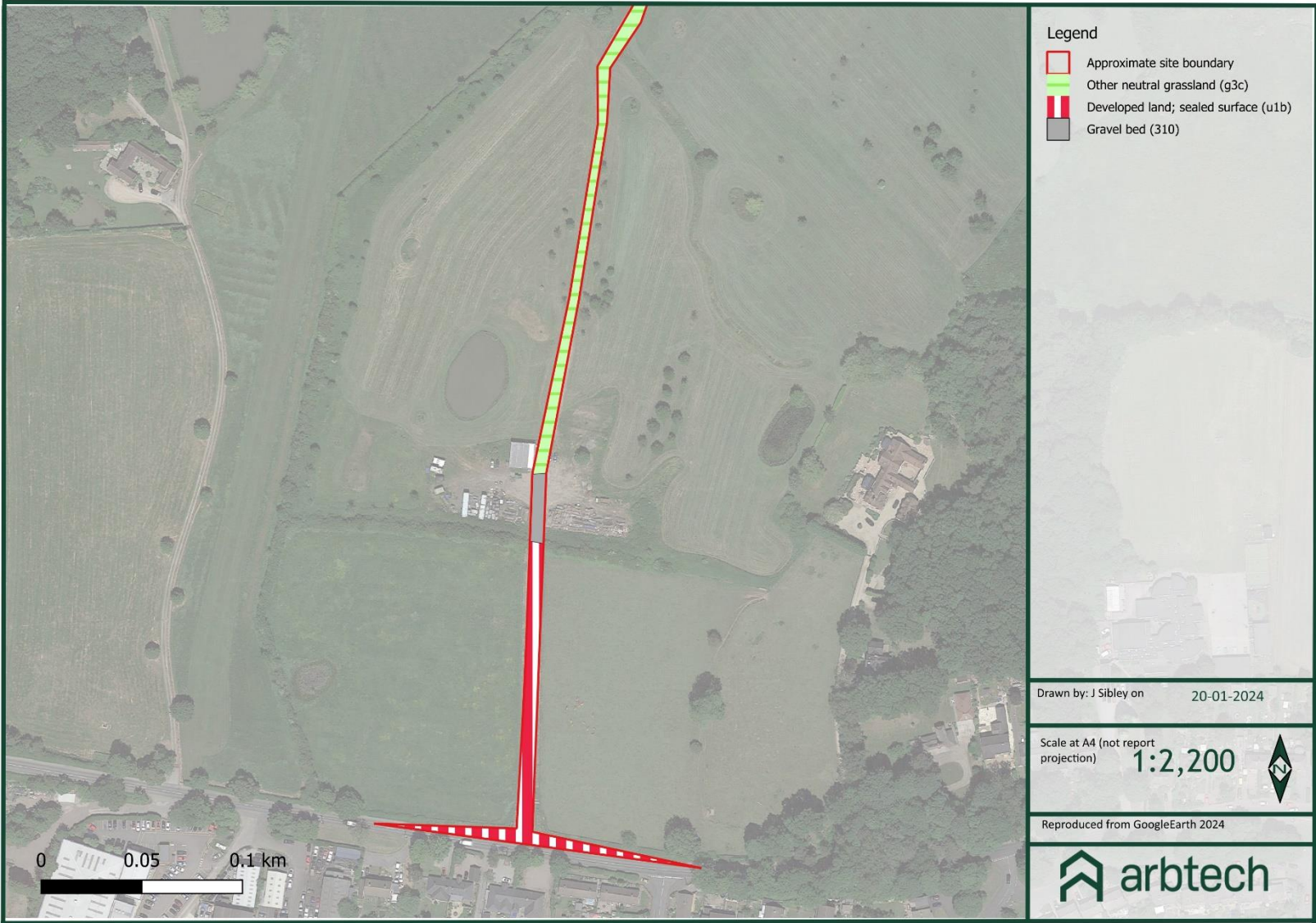
Appendix 2: Site Location Plan



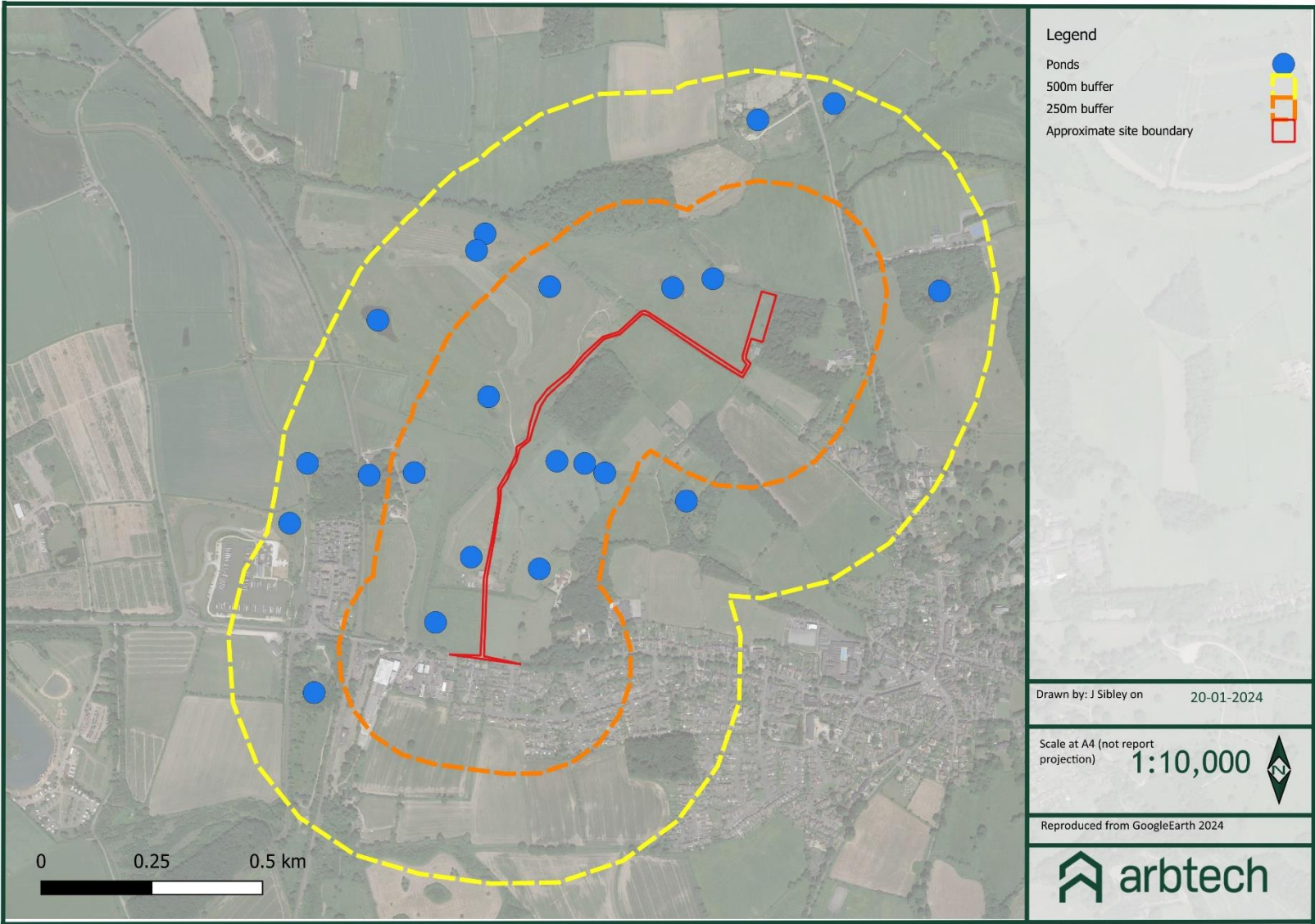
Appendix 3a: Habitat Survey Plan







Appendix 3b: Pond Location Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”.

However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites.

The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett

- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*

- Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY***Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY

Local Development Framework – Core Strategy (December 2009)

The Local Development Framework – Core Strategy can be viewed here: https://www.hinckley-bosworth.gov.uk/info/856/local_development_framework/400/core_strategy

The following planning objectives have implications in relation to biodiversity and the proposed development:

- **THE ENVIRONMENT:**

- **Spatial Objective 9: Identity, Distinctiveness and Quality of Design:**

To ensure development contributes to the local distinctiveness of the borough and enhances both settlement identity and the environment through the quality of sustainable design. Design and other measures will be used to develop strong community identities and neighbourhood pride.

- **Spatial Objective 10: Natural Environment and Cultural Assets:**

To deliver a linked network of green infrastructure, enhancing and protecting the borough's distinctive landscapes, woodlands, geology, archaeological heritage and biodiversity and encourage its understanding, appreciation, maintenance and development.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.