

Land East of Leicester Road, Earl Shilton
(1006771)

Ecological Appraisal

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Executive Summary

- i) **Introduction.** Aspect Ecology has been commissioned by Manor Oak Homes to undertake an Ecological Appraisal in respect of proposed development of land east of Leicester Road, Earl Shilton, Leicestershire.
- ii) **Proposals.** The site is proposed for new residential development, access and associated works, for which a planning application is required.
- iii) **Survey.** The site was surveyed in February 2024 based on standard extended Phase 1 methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, Great Crested Newt and Badger.
- iv) **Ecological Designations.** The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Burbage Common and Woods Local Nature Reserve, which is located approximately 3.4km south west of the site. The nearest non-statutory designation is Thurlaston Brook Candidate Local Wildlife Site, which is located approximately 0.45km north east of the site. All of the ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals.
- v) **Habitats.** The site is formed predominantly by grassland, including grazed by a number of Donkeys, along with associated features including stabling, storage and a small area of garden associated with the adjacent residential property. Appropriate mitigation and protection measures are proposed in order to safeguard the existing habitat value where appropriate, whilst the provision of new, native species-rich habitat planting, along with offsite measures are proposed in order to provide compensation for any losses.
- vi) **Protected Species.** The site generally provides limited opportunities for fauna, including protected and common species. However, potentially suitable habitats has been recorded for Badger and bats, and it is likely that birds nest within suitable habitat at the site and could therefore potentially be adversely affected by the proposals. Where appropriate, mitigation measures are proposed in relation to individual species to ensure that they are fully safeguarded, whilst opportunities exist for the incorporation of enhancement measures to benefit faunal species including those present along with additional species should they colonise in the future.
- vii) **Enhancements.** The proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree planting, new roosting opportunities for bats, and more diverse nesting habitats for birds.
- viii) **Summary.** In summary, the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm.

1 Introduction

1.1 Background and Proposals

- 1.1.1 Aspect Ecology has been commissioned by Manor Oak Homes to undertake an Ecological Appraisal in respect of the proposed development of land east of Leicester Road, Earl Shilton, Leicestershire, centred at grid reference SP 469 984 (see Plan 6771/ECO1), hereafter referred to as 'the site'.
- 1.1.2 The site is proposed for residential development to provide up to 35 no. new dwellings, together with associated access, open space, and landscaping, for which a planning application is required (see Appendix 6771/1).

1.2 Site Overview

- 1.2.1 The site is located in the Borough of Hinckley and Bosworth, Leicestershire. The site is bounded to the west by Leicester Road. South of the site are existing residential properties situated on Clear View Crescent. The eastern site boundary is located adjacent to Spring Gardens, with a small number of existing residential curtilages beyond. The northern site boundary is similarly situated adjacent to a minor road, from which access is available.
- 1.2.2 The site itself is formed largely by existing grazed grassland, with associated boundary features, a small number of trees, structures and associated vegetation.

1.3 Purpose of the Report

- 1.3.1 This report documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, and subsequently provides an appraisal of the likely ecological effects of the proposals. The importance of the habitats and species present is evaluated. Where necessary, avoidance, mitigation and compensation measures are proposed so as to safeguard any significant existing ecological interest within the site and where appropriate, opportunities for ecological enhancement are identified with reference to national conservation priorities and local Biodiversity Action Plans (BAPs).

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings, Leicestershire and Rutland Environmental Records Centre (LRERC) was contacted in September 2023, with data requested on the basis of a search radius of 2km.
- 2.1.2 Information on statutory designations has been obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database, which utilises data provided by Natural England, with an extended search radius (25km). In addition, the MAGIC database was searched to identify the known presence of any Priority Habitats within or adjacent the site.
- 2.1.3 In addition, the Woodland Trust database was searched for any records of ancient, veteran or notable trees within or adjacent to the site.
- 2.1.4 Where relevant information has been received from the above sources, this is reproduced at Appendix 6771/2 and on Plan 6771/ECO2, as appropriate.

2.2 Habitat Survey

- 2.2.1 The site was surveyed in February 2024 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 2.2.2 The site was surveyed based on standard Phase 1 Habitat Survey methodology¹, with reference to UK Habitat Classification v2.0. Accordingly, habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal² to record details on the actual or potential presence of any notable or protected species or habitats.
- 2.2.3 Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified. The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) Checklist.

2.3 Faunal Surveys

- 2.3.1 General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Specific attention was also paid to the potential presence of any protected, rare or notable species, and specific consideration was given to bats, Great Crested Newt and Badger, as described below.

¹ Joint Nature Conservation Committee (2010, as amended) '*Handbook for Phase 1 habitat survey: A technique for environmental audit.*'

² Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) '*Guidelines for Preliminary Ecological Appraisal.*'

Bats³

Visual Inspection Surveys

- 2.3.2 **Buildings.** Buildings within the site were subject to specific internal and external inspection surveys using ladders, torches and binoculars where necessary in February 2024.
- 2.3.3 During the external inspections, particular attention was given to any potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, etc. and for any external signs of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect any inaccessible areas more closely where appropriate.
- 2.3.4 During the internal inspections, evidence for the presence of bats was searched for with particular attention paid to any loft voids and relevant potential roost features and locations, such as ridge boards, rafters, purlins, gable walls, and mortise joints. Specific searches were made for bat droppings that can indicate present or past use and extent of use, whilst other signs that can indicate the possible presence of bats were also searched for, e.g. presence of stained areas, feeding remains, corpses, etc.
- 2.3.5 **Trees.** Trees were assessed for their suitability to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. Suitability for roosting bats was rated based on relevant guidance⁴ as:
- Negligible;
 - Low;
 - Moderate; or
 - High.

- 2.3.6 Any potential roost features identified were also inspected for any signs indicating possible use by bats, e.g. staining, scratch marks, bat droppings, etc.

Badger (*Meles meles*)⁵

- 2.3.7 A detailed Badger survey was carried out in February 2024. The survey comprised two main elements. The first element involved searching for evidence of Badger setts.
- 2.3.8 The second element involved searching for signs of Badger activity such as well-worn paths and push-throughs, snagged hair, footprints, latrines and foraging signs, so as to build up a picture of any use of the site by Badger.

Great Crested Newt (*Triturus cristatus*)

Identification of Potential Breeding Opportunities

- 2.3.9 As a first step in identifying the potential presence of Great Crested Newt at the site, a search was undertaken to identify any relevant water bodies (representing potential

³ Surveys based on: English Nature (2004) 'Bat Mitigation Guidelines' and Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

⁴ Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

⁵ Based on: Mammal Society (1989) 'Occasional Publication No. 9 – Surveying Badgers'

breeding habitats for this species) within 250m⁶ of the site boundary (based on a review of Ordnance Survey mapping and satellite imagery).

2.3.10 Guidance set out within Natural England's Method Statement template, to be used when applying for a Great Crested Newt development licence, states that surveys of ponds within 500m of the site boundary are only required when '(a) data indicates that the pond(s) has potential to support a large Great Crested Newt population, (b) the footprint contains particularly favourable habitat, (c) the development would have a substantial negative effect on that habitat and (d) there is an absence of dispersal barriers.' Given that in this instance, none of the four points listed above are applicable to the site, it is considered that survey of ponds within 500m of the site boundary is not required, and that survey of ponds within 250m represents adequate survey effort.

2.3.11 An HSI study is used to assess the potential of water bodies to support Great Crested Newt. It is undertaken by attributing a score to a number of factors that can affect the presence or absence of this species. Ten factors are utilised in an HSI assessment, as described below:

- *SI1 Location.* The location of the water body within Great Britain;
- *SI2 Pond area.* The size of the water body;
- *SI3 Permanence.* How often the water body dries out;
- *SI4 Water Quality.* The water quality, based primarily on invertebrate diversity;
- *SI5 Shade.* The percentage of the perimeter of the water body that is shaded;
- *SI6 Fowl.* The presence or absence of water fowl;
- *SI7 Fish.* The presence or absence of fish;
- *SI8 Pond Count.* The number of water bodies within 1km of the surveyed water body (not counting those on the far side of major barriers such as roads);
- *SI9 Terrestrial.* The quality of terrestrial habitat surrounding the water body; and
- *SI10 Macrophytes.* The percentage cover of the surface area of the water body covered by macrophytes (aquatic plants).

2.3.12 The overall suitability of the water body is then determined by entering these figures into an equation devised by Oldham *et al.* (2000)⁷. The suitability of water bodies is classed into one of five categories, either 'poor', 'below average', 'average', 'good' or 'excellent'.

2.3.13 This HSI study was undertaken in line with the guidelines developed by Oldham *et al.* and subsequently adapted by ARG UK (2010)⁸. A suitably experienced ecologist undertook the assessment in line with these guidelines, with the study also supplemented by desktop research where appropriate.

2.4 Survey Constraints and Limitations

2.4.1 All of the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The Phase 1 habitat survey was undertaken outside the optimal season, albeit the nature of the habitats within the site allowed for the broad habitat types

⁶ 250m is the typical maximum migratory range of this species, see English Nature (2004) 'An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt *Triturus cristatus*'. English Nature Research Report 576

⁷ Oldham RS, Keeble J, Swan MJS & Jeffcote M (2000) 'Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*)'. Herpetological Journal 10 (4), 143-155

⁸ Amphibian & Reptile Groups of the UK (2010) 'ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index'

to be identified and for an adequate assessment of the intrinsic ecological interest of the site to be made. Where specific constraints or limitations were encountered in regard to individual receptors, these are discussed within the appropriate section, below.

- 2.4.2 Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.

2.5 Ecological Evaluation Methodology

- 2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)⁹, which involves identifying 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). For further details refer to Appendix 6771/3.

2.6 Relevant Planning Policy

National Policy Approach to Biodiversity in the Planning System

- 2.6.1 The National Planning Policy Framework (NPPF)¹⁰ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005¹¹.
- 2.6.2 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss¹², as set out at Paragraph 180, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

- 2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 186:

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

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in*

⁹ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', ver. 1.2, Chartered Institute of Ecology and Environmental Management, Winchester

¹⁰ Department for Levelling Up, Housing and Communities (2023) 'National Planning Policy Framework'

¹¹ ODPM (2006) 'Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice'

¹² DEFRA (2011) 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'

combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019¹³, which involves the following step-wise process:

- **Avoidance** – avoiding adverse effects through good design;
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

2.6.5 The 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 (BS 42020:2019, section 5.5).

2.7 Local Policy

2.7.1 Current planning policy for Hinckley and Bosworth is outlined in the Hinckley and Bosworth Local Plan 2006 to 2026 (formerly Local Development Framework), of which the key Development Plan Document (DPD) is The Hinckley and Bosworth Borough Council Local Development Framework – Core Strategy (adopted 2009). Spatial Objective 10 within the Core strategy is entitled 'Natural Environment and Cultural Assets, which encompasses policies 19, 20, 21 & 22 with two targets. The first target is 'to deliver the green infrastructure network by 2026' and the second target is 'to maintain and enhance areas of biodiversity importance'.

¹³ British Standards Institution (2013) 'Biodiversity – Code of practice for planning and development', BS 42020:2019

3 Ecological Designations

3.1 Statutory Designations

Description

- 3.1.1 The statutory designations of ecological importance that have been identified within the search area around the site are shown on Plan 6771/ECO2.
- 3.1.1 No statutory designations of ecological importance have been identified within the 2km search area around the site.
- 3.1.2 The nearest identified statutory nature conservation designation to the site is Burbage Common and Woods Local Nature Reserve (LNR), which is located approximately 3.4km south west of the site.
- 3.1.3 The closest European-level ecological designation to the site is Ensor's Pool Special Area of Conservation (SAC), which is located approximately 14.4km south west of the site. Ensor's Pool SAC is designated due to the presence of a very large population of White-clawed Crayfish *Austropotamobius pallipes*, for which the pool formerly represented a refuge site due to its isolation from river systems, albeit more recent survey work (Natural England Report ref: IPENSo65) indicates the population of White-clawed Crayfish is likely no longer present.
- 3.1.4 The next nearest European-level ecological designation to the site is the River Mease SAC, which is located approximately 17.5km north west of the site and is designated due to the river habitat present, along with the presence of Spined Loach *Cobitis taenia* and Bullhead *Cottus gobio*, with White-clawed Crayfish and Otter *Lutra lutra* also noted to be present as qualifying features, but not primary reasons for selection.
- 3.1.5 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to help assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site is not located within or adjacent to any identified IRZ of relevance to residential development.

Evaluation

- 3.1.6 The site itself is not subject to any statutory nature conservation designations. All statutory ecological designations in the surrounding area are well removed and separated from the site and given the nature and scale of the proposals, all such designations are unlikely to be affected.

3.2 Non-statutory Designations

Description

- 3.2.1 The non-statutory designations of nature conservation interest that have been identified within the search area around the site are shown on Plan 6771/ECO2.
- 3.2.2 The nearest non-statutory nature conservation designation to the site is Thurlaston Brook, Earl Shilton Candidate Local Wildlife Site (cLWS), which is located approximately 0.45km north east of the site.

- 3.2.3 Information obtained from LRERC also identifies a 'Pool' located approximately 240m east of the site as a former (historic) LWS Designation, albeit this does not appear to represent a current designation.

Evaluation

- 3.2.4 The site itself is not subject to any non-statutory nature conservation designations. All identified non-statutory designations in the surrounding area are well-separated from the site and given the nature and scale of the proposals, these designations are unlikely to be affected.

3.3 Priority Habitats, Ancient Woodland and Notable Trees

Description

- 3.3.1 There are no records of any notable or veteran trees within or adjacent to the site. No woodland has been identified on the MAGIC database to be present within or adjacent to the site.
- 3.3.2 The site itself is not identified to contain any Priority Habitats within the Magic database. No identified Ancient Woodland is located within 2km of the site.

Evaluation

- 3.3.3 No identified Ancient Woodland or ancient/notable trees are located within or adjacent to the site. Whilst the site itself does not appear to contain any identified Priority Habitats, based on available background information.
- 3.3.4 Subject to the implementation of appropriate mitigation measures (including as set out at Chapter 6., where appropriate), it is unlikely that any Priority Habitats or any notable or veteran trees will be significantly affected by the proposals based on the available background information.

3.4 Summary

- 3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and, subject to the implementation of appropriate mitigation measures where appropriate (as described below), it is unlikely that any such designations in the surrounding area will be significantly affected by the proposals.

4 Habitats and Ecological Features

4.1 Background Records

- 4.1.1 No specific records of any protected, rare or notable plant species from within or immediately adjacent to the site are included within the information returned from the Records Centre.
- 4.1.2 A number of records of the Priority Species Cornflower *Centaurea cyanus* were returned from LRERC from the search area around the site, none of which appear to relate to the site or immediately adjacent areas. No evidence for the presence of any of this species within the site was recorded during the survey work undertaken. In addition, records of Schedule 9 Invasive species were returned from the search area around the site, including in particular records of Japanese Rose *Rosa rugosa* from a grid reference apparently located close to the western site boundary with Leicester Road.

4.2 Overview

- 4.2.1 The habitats and ecological features present within the site are described below and evaluated in terms of whether they constitute an important ecological feature and their level of importance, taking into account the status of habitat types and the presence of rare plant communities or individual plant species of elevated interest. The likely effects of the proposals on the habitats and ecological features are then assessed. The value of habitats for the fauna they may support is considered separately in Chapter 5, below.
- 4.2.2 The following habitats/ecological features were identified within/adjacent to the site:
- Semi-improved Grassland;
 - Improved, grazed grassland;
 - Buildings, Hardstanding and Associated Features;
 - Hedgerows;
 - Woodland.
- 4.2.3 The locations of these habitat types and features are illustrated on Plan 6771/ECO3 and individual habitats are described below.

4.3 Priority Habitats

- 4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats which are of principal importance for conservation in England. This list is largely derived from the 'Priority Habitats' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.
- 4.3.2 Of the habitats within the site, the hedgerows are considered to qualify as Priority Habitats and therefore constitute important ecological features. This is discussed further in the relevant habitat sections below.

4.4 Semi Improved Grassland

Description

4.4.1 The eastern part of the site is dominated by semi-improved grassland (see Photograph 1) with grass species including Meadow-grass *Poa* sp., Perennial Rye-grass *Lolium perenne* and Cock's-foot *Dactylis glomerata*. Within the more level northern and southern areas, the most frequent forbs were recorded to be Stinging Nettle *Urtica dioica* and Creeping Buttercup *Ranunculus repens*, whilst within the more sloping central areas more frequent forbs were recorded including Dandelion *Taraxacum* agg., Common Sorrel *Rumex acetosa*, Pignut *Conopodium majus*, Common Mouse-ear *Cerastium fontanum*, Yarrow *Achillea millefolium*, and White Clover *Trifolium repens*.

4.4.2 This habitat is categorised as Other Neutral Grassland g3c under the UK Habitat Classification.

Evaluation

4.4.3 On the basis of the current survey work, the semi-improved grassland present at the site appears typical of grazed grassland, with in particular frequent patches of Stinging Nettle and a uniform, matter sward noted at the time of survey. Nonetheless, it is noted that the survey work was necessarily undertaken at a sub-optimal time for grassland survey and accordingly, in order to provide a more robust assessment it is proposed to revisit the site during the optimal seasonal period for grassland survey (May to August) in order to undertake further grassland survey to confirm the position (including in order to inform the associated Biodiversity Net Gain considerations), the results of which will be reported elsewhere.

4.4.4 In any event, the proposals have been designed to incorporate open space within the east of the site, which will be managed predominantly as wildflower grassland, thereby minimising any losses in the long term and providing potential to incorporate enhanced long-term management of this habitat type.

4.5 Improved, Grazed Grassland

Description

4.5.1 The western part of the site was recorded to be formed by improved grassland (see Photograph 2), which was recorded to be heavily grazed by a number of Donkeys *Equus asinus*, such that in general a uniformly short sward was recorded to be present, with frequent bare areas. Grass species are dominated by Perennial Rye-grass, with locally frequent Creeping Buttercup and other forbs generally very rarely scattered including White, Common Mouse-ear, Common Sorrel and Common Cat's-ear *Hypochaeris radicata*. The improved grassland areas are demarcated by stock fencing, including post and rail fences around the site margins, along with post and wire, and temporary electric fencing within the internal areas.

4.5.2 In addition, a small enclosed area of improved grassland is present within the west of the site, situated between building B2 (see below) and a mature conifer line (see Photograph 3). This area was recorded to be subject to heavy disturbance and use for storage and dumping of manure, with frequent bare areas and tussocky grassland.

4.5.3 The improved grassland habitat is categorised as Modified Grassland g4, with associated secondary code 103 under the UK Habitat Classification.

- 4.5.4 A very small waterbody (apparently representing a drinking feature for livestock) is present at the eastern margin of the donkey-grazed improved grassland (see Photograph 4), at the margin with the semi-improved grassland. At the time of survey (during late winter in an exceptionally wet year), no more than 2cm depth of water was recorded to be present, across an area of 2-3msq, with a concrete based and poached margins. No aquatic or marginal vegetation was recorded to be present. Associated with the waterbody is a very small group of Hawthorn *Crataegus monogyna* is present along with a small number of cultivated Daffodil *Narcissus* sp. within the grassland.

Evaluation

- 4.5.5 The improved grassland present clearly supports a low diversity of common and widespread species typical of agricultural grazed grassland, dominated by palatable grass species such as Perennial Rye-grass, with heavy grazing pressure and high levels of poaching and bare ground as a result. This habitat is common and widespread in the local area and does not appear to support a particularly diverse assemblage, rare or notable species, such that its loss to the proposals is unlikely to be of any ecological significance.

4.6 Buildings, Hardstanding and Associated Features

Description

- 4.6.1 A small number of buildings and structures are present within the site, labelled B1-B3a at Plan 6771/ECO3.
- 4.6.2 B1 is an open chicken coup (see Photograph 5), in use for housing chickens within the residential garden areas associated with an offsite residential property situated south west of the site. Areas of garden immediately surrounding B1 are dominated by bare ground, which is largely devoid of vegetation save for occasional scattered colonising grasses and weeds consistent with the surrounding garden areas, including mown grass lawns and amenity shrub planting, which appears well -maintained and dominated by non-native ornamental species.
- 4.6.3 Building B2 is a small, single storey wooden stabling building, with pitched felt roof further covered with corrugated metal sheeting (see Photograph 6). Associated with building B2 are areas of concrete hardstanding, which is largely devoid of vegetation.
- 4.6.4 Building B3 is an open agricultural building (see Photograph 7) formed by wooden beams, supporting corrugated tin sheeting with substantial gaps such that internally the structure is light and open. Associated with building B3 is a small wooden storage shed of metal frame, metal sheeting and wood construction, with a barrel roof covered in polythene (see Photograph 8).
- 4.6.5 The buildings and hardstanding are categorised as Developed Land: Sealed surface u1b5 and u1b6 respectively under the UK Habitat Classification, with vegetated gardens assigned secondary code 828, whilst bare ground is assigned secondary code 510.

Evaluation

- 4.6.6 The buildings, hardstanding and associated features support a limited range of common and widespread floral species and are inherently of negligible ecological value. As such, they do not form important ecological features and their removal under the proposals is of negligible ecological significance. Potential for the buildings to support faunal species such as roosting bats is discussed below in Chapter 5.

4.7 Hedgerows

Description

4.7.1 Five hedgerows are present at the site, labelled H1, H2, H3, H5 and H7 (consistent with the arboricultural information in relation to the site), marking the existing field boundaries. In addition, a single line of planted conifers is present north of building B2, forming a hedgerow/screen to the building from the north, with dense shading beneath. The hedgerows and conifer line are described in Table 4.1., below.

Table 4.1. Hedgerow details

No.	H	W	Woody species	Avg. per 30m*	Ground flora & climbers	Associated features	Comments (including structure / management)	Likely to qualify #
H1	2m	1.5-2m	Hawthorn, Holly, Elm, Field Maple, Blackthorn, Elder	5	Cleavers, Ivy, Herb Robert, Lords and Ladies, Green Alkanet	None	Continuous, dense roadside hedgerow with no gaps.	N
H2	2m	2m	Beech, Holly	1	Bramble, Honeysuckle	None	Closely managed garden boundary hedge, clipped to 2m x 2m (may be offsite, beyond post and wire stock fence)	N
H3	2m	1.5m	Hornbeam, Field Maple, Hazel	3	Bramble	None	Closely managed garden boundary hedge, clipped to 2m x 1.5m (likely offsite, beyond post and wire stock fence with 1m wide grassy margin.)	N
H5	3-4m	2-3m	Hawthorn, Hazel, Sycamore, Cherry	3	Ivy and Cleavers with occasional cultivated Daffodil	None	Previously flailed boundary hedge with post and rail stock fencing along the east side, beyond which is closely grazed.	N
H7	4-8+m (variable)	3-4m	Hawthorn, Holly, Elder, Hazel, Field Maple, Blackthorn	5	Largely bare, with Cleavers, Nettle and occasional cultivated Daffodil.	Very shallow ditch evident in places but not along entire length.	Boundary hedge with offsite road, thin in places, albeit continuous. Small number of trees present albeit rarely distinct from hedgerow canopy. Substantial damage evident and litter associated with offsite road and associated car parking.	N
Conifer Line	12m	5m	Planted Lawson Cypress	1	None (bare)	None	Ornamental conifer line.	N

Woody species (as listed under Schedule 3 of the Hedgerows Regulations 1997) and woodland ground flora species (as listed under Schedule 2 of the Hedgerows Regulations 1997) underlined, y = young, sm = semi-mature, m = mature, pv = possible veteran, B = bank, W = wall, br = bridleway, f/p = footpath, b/w = byway, (D) = dominant species

* estimated average number of woody species (as listed under Schedule 3 of the Hedgerows Regulations 1997) in any one 30m stretch

likely to qualify – as 'important' under the wildlife and landscape criteria of the Hedgerows Regulations 1997

Evaluation

- 4.7.2 The hedgerows recorded within the site are relatively substantial in nature including a number of standard trees, forming existing field boundaries. Based on the initial survey work undertaken hedgerows H1 and H7 can be considered to be species-rich¹⁴, whilst none of the hedgerows present are likely to qualify as ecologically 'important' under the Hedgerows Regulations 1997.
- 4.7.3 All of the hedgerows within the site are likely to qualify as Priority Habitat based on the standard definition¹⁵, which includes all hedgerows (>20m long and <5m wide) consisting predominantly (≥80%) of at least one native woody species. It has been estimated that approximately 84% of countryside hedgerows in GB qualify as a Priority Habitat under this definition¹³.
- 4.7.4 On this basis, the hedgerows within the site and associated survey area constitute important ecological features, although given the abundance of similar habitats within the surrounding area and wider countryside, are considered to be of importance at the local level.
- 4.7.5 The conifer line comprises a single, non-native species which provides dense cover (in particular likely providing opportunities for nesting birds – see below), albeit offers negligible ecological value in its own right and does not represent an important ecological feature.
- 4.7.6 The proposals incorporate the retention of hedgerows H1, H2, H3 and H5 in their entirety. The majority of H7 will similarly be retained with substantial buffers of open space, albeit minor losses are required in order to facilitate the access into the site from the adjacent road.
- 4.7.7 Retained hedgerows will be protected during the construction phase of the proposals in line with the recommendations included at Chapter 6 below. Furthermore, it is proposed that new hedgerow planting be incorporated in order to link with and strengthen the existing / retained hedgerows which will aim to enhance the value of these features for biodiversity in the long term and provide compensation for any minor losses.

4.8 **Woodland**

Description

- 4.8.1 A small group of trees is present at the north western corner of the site, including Birch *Betula pendula*, Lombardy Poplar *Populus nigra* 'Italica' and a single Scots Pine *Pinus sylvestris*, with understorey vegetation dominated by Hawthorn and Bramble and ground flora of Ivy and Herb Bennet *Geum urbanum*. This habitat is very small, and situated at the site boundary, albeit measures greater than 5m in width and falls outside of the planted line of vegetation, and accordingly, (including under UK Habitat Classification) is considered to represent woodland habitat.
- 4.8.2 Given the nature of the habitat present (particularly given the small size), and associated limited number of trees including Lombardy Poplar and Scots Pine, this habitat is best described as Other woodland – mixed w1h under the UK Habitat Classification .

¹⁴ i.e. five or more native woody species within a 30m length (or four or more in Northern England) – FEP Manual

¹⁵ Based on: Biodiversity Reporting and Information Group (2011) 'UK Biodiversity Action Plan (BAP) Priority Habitat Descriptions', ed. Ant Maddock

Evaluation

- 4.8.3 The area of woodland present is extremely small in size, representing the confluence of 2 hedgerows at the north western corner of the site and includes non-native tree species, albeit provides cover and opportunities for faunal species, linking with the boundary features.
- 4.8.4 The woodland will be retained and incorporated within the open space under the proposals and accordingly, will be subject to protective measures as part of the construction works in line with measures for hedgerows and trees, as set out at Chapter 6.

4.9 Habitat Evaluation Summary

- 4.9.1 On the basis of the above, the following habitats within and adjacent to the site are considered to form important ecological features:

Table 4.1. Evaluation summary of habitats forming important ecological features.

Habitat	Level of Importance
Hedgerows	Local

5 Faunal Use of the Site

5.1 Overview

- 5.1.1 During the survey work, general observations were made of any faunal use of the site with specific attention paid to the potential presence of protected or notable species. Specific survey work was undertaken in respect of Badgers, bats, and Great Crested Newt with the results described below.

5.2 Priority Species

- 5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of species which are of principal importance for conservation in England. This list is largely derived from the 'Priority Species' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority species under the subsequent country-level biodiversity strategies.

- 5.2.2 No Priority Species were recorded within the site during the survey work undertaken.

5.3 Bats

- 5.3.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 6771/4). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. A number of bat species are also considered S41 Priority Species.

- 5.3.2 **Background Records.** No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the LRERC includes records of Serotine *Eptesicus serotinus*, Myotis sp., Brown Long-eared Bat *Plecotus auritus*, Leisler's Bat *Nyctalus leisleri*, Noctule *Nyctale noctule*, Nathusius' Pipistrelle *Pipistrellus nathusii*, Common Pipistrelle *Pipistrellus pipistrellus* and Soprano Pipistrelle *Pipistrellus pygmaeus* within 2km of the site. The closest records are for unspecified bat species roost located approximately 0.5km south west of the site.

5.3.3 Survey Results and Evaluation

Visual Inspection Surveys

Buildings

- 5.3.4 The existing chicken coup (B1) and Buildings B3 and B3a are of construction types that appear to offer negligible potential to support roosting bats.
- 5.3.5 Building B2 forms a small stabling block of wooden construction, with close-fitting tongue and groove facades and a pitched roof. Internally the stabling areas are open into the roof, albeit the roof itself is formed by a former felt-covered wooden roof, with corrugated metal sheeting having been subsequently installed, such that in particular the gaps beneath

individual corrugations provide potential minor individual roosting features, such that overall the building is considered to provide low bat roosting potential. However, all such areas are open to inspection, with in particular the individual 'tubes' present between the corrugated metal sheeting and underlaying roof being open at the eaves, such that each such tube could be clearly inspected using high-powered torches. Similarly, wooden eaves and soffits are open internally and subject to thorough inspection, with no evidence for any use by roosting bats. No evidence of any use by bats was recorded during the thorough inspection survey. Accordingly, given the small size of the building and open nature of relevant potential roosting features, along with the thorough inspection survey possible with no evidence for any use by roosting bats recorded, the presence of any current bat roost can be reasonably rule out at this time.

- 5.3.6 Nonetheless, given the presence of potentially suitable roosting features, should any substantial time elapse prior to works affecting this building, suitable mitigation measure are recommended in order to ensure that roosting bats are appropriately safeguarded in the event they should make any future use of the building, as set out at Chapter 6.

Trees

- 5.3.7 A number of young, semi-mature and mature trees are present at the site, which were subject to survey and appraisal in order to determine any potential suitability to support roosting bats. A small number of the trees present within hedgerows H5 and H7 in particular were noted to support Ivy coverings, which could conceal minor features, albeit no visible features were recorded which appear to offer any specific potential for use by roosting bats. In any event, it is anticipated that any detailed layout in accordance with the current proposals would allow the retention of all relevant trees within these hedgerows, whilst none of the other trees within the were recorded to support features offering potential bat roosting features.
- 5.3.8 As such, subject to the implementation of the recommendations outlined at Chapter 6 below in relation to lighting, it is considered that roosting bats will be fully safeguarded and the proposals are unlikely to result in any adverse effects on bats or their roosts, even should they be present.

Foraging / Commuting

- 5.3.9 The field boundary hedgerows provide linear features and potential foraging corridors that could be used by foraging and commuting bat surveys, whilst the site likely supports a range of common and widespread invertebrate prey species (including coprophilous species associated with livestock dung). The proposals incorporate the vast majority of the existing boundary vegetation and associated corridors and connectivity, whilst the provision of new native planting and vegetation and buffers within the proposed open space areas at the site, will ensure that suitable foraging opportunities and connected corridors remain for use by any foraging/commuting bats present.
- 5.3.10 Accordingly, subject to the implementation of the recommendations outlined at Chapter 6 below (in particular in regard to lighting), along with other ecological enhancements, it is considered that the conservation status of local bat populations will be fully safeguarded (and indeed potentially significantly enhanced) under the scheme.

5.4 Badger

- 5.4.1 **Legislation.** Badger receives legislative protection under the Protection of Badgers Act 1992 (see Appendix 6771/4), and as such should be assessed as an important ecological feature.

The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It is the duty of planning authorities to consider the conservation and welfare impacts of development upon Badger and issue permissions accordingly.

5.4.2 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. Guidance on the types of activity that should be licensed is laid out in the relevant best practice guidance.^{16, 17}

5.4.3 **Background Records:** No specific records of Badger from within or immediately adjacent to the site were returned from the data search. Information received from LRERC includes a number of records of Badger within the surrounding search area, all of which are removed from the site itself.

5.4.4 **Survey Results and Evaluation.** The habitats within the site provide potential foraging opportunities for Badger. No evidence of Badger was recorded during the specific survey work undertaken and, subject to the implementation of safeguarding measures detailed at Chapter 6, this species is unlikely to be adversely affected by the proposals.

5.5 Other Mammals

5.5.1 **Legislation.** A number of other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (e.g. under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species are S41 Priority Species and should be assessed as important ecological features.

5.5.2 **Background Records.** No specific records of other mammals from within or adjacent to the site were returned from the desktop study. A number of records of Priority Species were recorded within 2km of the site including Otter, Water Vole *Arvicola terrestris*, Brown Hare *Lepus europaeus*, Hedgehog *Erinaceus europaeus* and Harvest Mouse *Micromys minutus*.

5.5.3 **Survey Results and Evaluation.** No evidence of any other protected, rare or notable mammal species was recorded within the site, albeit, a Short-tailed Field Vole *Microtus agrestis* was recorded within the offsite road verge associated with Leicester Road adjacent to the site. Other mammal species likely to utilise the site, such as Fox *Vulpes vulpes*, Brown Rat *Rattus norvegicus* and Short-tailed Field Vole remain common in both a local and national context, and as mentioned above do not receive specific legislative protection in a development context. As such, these species are not a material planning consideration and the loss of potential opportunities for these species to the proposals is of negligible significance.

5.5.4 The desktop study returned background records of Hedgehog, Brown Hare and Harvest Mouse within the surrounding area. All three are Priority species, albeit they remain common and widespread in England. The site offers potential opportunities for Hedgehog, in common with the surrounding habitats, particularly in the form of the boundary hedgerows and associated vegetation, the majority of which will be retained under the proposals, whilst in any event these habitats are unlikely to be of importance in a local context.

¹⁶ English Nature (2002) 'Badgers and Development'

¹⁷ Natural England (2011) 'Badgers and Development: A Guide to Best Practice and Licensing', Interim Guidance Document

- 5.5.5 Further, abundant similar opportunities are present within the local area and there is no evidence to suggest the proposals will significantly affect local populations of other mammal this species. However, it is recommended that precautionary safeguards are put in place to minimise the risk of harm to mammal species, including Hedgehog in particular (as set out at Chapter 6., below), in the event this species is present.

5.6 Amphibians

- 5.6.1 **Legislation.** All British amphibian species receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also classed as a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, both Great Crested Newt and habitats utilised by this species are afforded protection (see Appendix 6771/4). Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*. As such, these species should be assessed as important ecological features.
- 5.6.2 **Background Records.** No specific records of Great Crested Newt from within or adjacent to the site were returned from the desktop study. A number of records of Common Frog *Rana temporaria*, Common Toad, Great Crested Newt and Smooth Newt *Lissotriton vulgaris* were returned from the search area surrounding the site. The closest record of Great Crested Newt is located approximately 0.8km south west of the site.
- 5.6.3 **Survey Results and Evaluation.** As set out above, the site contains a single small waterbody, albeit at the time of survey (during late winter in an exceptionally wet year) supported only very small amounts of water (less than 2cm depth and 2-3msq), which is clearly unlikely to provide suitable breeding opportunities for any fully protected amphibian species such as Great Crested Newt.
- 5.6.4 Amphibians, including Great Crested Newt, can range some distance from their breeding pounds', although typically the majority of activity with regard to this species is centred within 100 metres of the breeding pond with a maximum routine migratory range usually occurring within 250 metres of the pond.
- 5.6.5 On the basis of available background mapping and imagery, a further two offsite ponds have been identified within 250m of the site, located approximately 210m west of the site (beyond Leicester Road) and 240m east of the site (representing the former designation identified at Chapter 3, above) respectively. No other offsite waterbodies appear to be present within 250m of the site.
- 5.6.6 In respect of the pond located west of the site, previous survey information is available (prepared by others in relation to planning application ref: 21/00135, available at Hinckley and Bosworth DC website), dated 2020 including eDNA survey and a single conventional survey, confirming the likely absence of Great Crested Newt at that time (CSA Environmental, January 2021). Accordingly, even should the offsite pond east of the site support Great Crested Newt, (and notwithstanding the substantial buffer of proposed open space at the east of the site, such that developed areas would be greater than 250m from the pond), Natural England's Rapid Risk Assessment Tool indicates than any potential for an offence in regard to this species would be highly unlikely.

Extract from Natural England's Rapid Risk Assessment Tool

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

- 5.6.7 Accordingly, given the distance and separation of the site from the offsite ponds, in combination with the available survey work, it is unlikely that any Great Crested Newts would be present within the site, or affected by the proposed development and no further consideration would appear to be required in regard to this species.

5.7 Reptiles

- 5.7.1 **Legislation.** All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 6771/4. All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.
- 5.7.2 **Background Records.** No specific records of reptiles from within or adjacent to the site were returned from the desktop study. Two records of Grass Snake were returned from the desktop study within 2km of the site, both located approximately 1.8km south of the site dating from 2010.
- 5.7.3 **Survey Results and Evaluation.** The internal areas of the site and associated survey area are composed of grazed grassland, including areas of short, heavily grazed improved grass, which are unlikely to provide suitable opportunities for use by reptiles. The boundary vegetation including hedgerows and associated vegetation could provide minor cover and/or potential dispersal corridors for reptile species should they be present within the site, albeit appear relatively isolated from larger potential offsite habitat areas.
- 5.7.4 Nonetheless, should the grassland sward be allowed to develop in the absence of grazing or regular cutting to provide a taller sward, it could likely be used by individual common reptiles (e.g. Slow Worm) should these be present within the wider surroundings. Accordingly, it is recommended that a precautionary approach is taken to any clearance works should grassland areas develop a taller sward, as set out at Chapter 6.
- 5.7.5 Subject to the inclusion of such precautionary measures, it is unlikely that the proposed development would result in any significant adverse effects on any reptile populations or individuals present in the long term (with indeed the proposed development offering the opportunity to incorporate significant enhanced opportunities for this group through provision of wildflower grassland, along with beneficial management within the proposed open space areas.

5.8 Birds

- 5.8.1 Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and are subject to special penalties (see Appendix 6771/4).
- 5.8.2 Conservation Status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status¹⁸. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and or experiencing a high/rapid level of population decline (>50% over the past 25 years). A number of birds are also S41 Priority Species. Red and Amber listed species and priority species should be assessed as important ecological features.
- 5.8.3 Background Records.** Information from the data search included a number of records for bird species within 2km of the site, including the Red Listed species Tundra Swan *Cygnus columbianus*, Merlin *Falco columbarius*, Swift *Apus apus*, Skylark *Alauda arvensis*, House Martin *Delichon urbicum*, Yellowhammer *Emberiza citrinella*, Linnet *Linaria canabina*, Curlew *Numenius Arquat*, House Sparrow *Passer domesticus*, Cuckoo *Cuculus caorus*, Grey Partridge *Perdix perdix*, Herring Gull *Larus argentatus*, Lapwing *Vanellus vanellus*, Lesser Spotted Woodpecker *Dryobates minor*, Marsh Tit *Poecile palustris*, Tree Pipit *Anthus trivialis*, Tree Sparrow *Passer montanus*, Willow Tit *Poecile montanus*, Yellow Wagtail *Motacilla flava*, Spotted Flycatcher *Muscicapa striata*, Starling *Sturnus vulgaris*, Fieldfare *Turdus pilaris* and Whimbrel *Numenius phaeopus*.
- 5.8.4 Survey Results and Evaluation.** Bird species observed within the site and immediately adjacent areas during the Phase 1 survey include Woodpigeon *Columba pallumbus*, Great Tit *Parus major*, Blue Tit *Cyanistes caeruleus*, Wren *Troglodytes troglodytes* and Long-tailed Tit *Aegithalus caudatus*, all of which were associated with the existing boundary hedgerows. In addition, old Swallow *Hirundo rustica* nest was recorded within building B2 during the survey indicating the presence of this species (which would be expected to return during the appropriate seasonal period).
- 5.8.5** None of the birds recorded at site are Red listed as Birds of Conservation Concern, and none are Priority Species. Woodpigeon and Wren are included on the Amber list, albeit both remain common and widespread throughout the UK, whilst suitable (indeed potentially enhanced) opportunities for these species (along with other common birds) will remain present at the site under the proposals.
- 5.8.6** The habitats present are common in the surrounding area and there is no evidence to suggest the site is of elevated value at a local level for this species, which in any case, is common in Great Britain¹⁹. The proposals will result in the loss of vegetation (including small sections of hedgerow to facilitate site access), which could therefore potentially affect any nesting birds that may be present at the time of works. Accordingly, safeguards in respect of nesting birds are proposed, as detailed in Chapter 6 below.

¹⁸ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win I. (2021). 'The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain.' British Birds 114, p.p. 723-747.

¹⁹ Population estimates of birds in Great Britain and the United Kingdom. Musgrove *et al.*, British Birds, 2013

5.9 Invertebrates

- 5.9.1 Legislation.** A number of invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue Butterfly *Maculinea arion*, Fisher's Estuarine Moth *Gortyna borelii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 6771/4. A number of invertebrates are also S41 Priority Species. Where such species are present, they should be assessed as important ecological features.
- 5.9.2 Background Records.** No specific records of invertebrates were returned from within or adjacent to the site. Several records of invertebrates were returned from the LRC, including Blood-vein *Timandra comae*, Brindled Beauty *Lycia hirtaria*, Buff Ermine *Spilosoma lutea*, Cinnabar *Tyria jacobaeae*, Dot Moth *Melanchra persicariae*, Dusky Thorn *Ennomos fuscantaria*, Grey Dagger *Acronicta psi*, Knot Grass *Acronicta rumicis*, Mottled Rustic *Caradrina Morpheus*, Mouse Moth *Amphipyra tragopoginis*, Pale Eggar *Trichiura crataegi*, Powdered Quaker *Orthosia gracilis*, Shaded Broad-bar *Scotopteryx chenopodiata*, Shoulder-striped Wainscot *Leucania comma*, Small Heath *Coenonympha pamphilus*, Small Square-spot *Diarsia rubi* and White Ermine *Spilosoma lubricipeda*, none of which appear to originate from within or adjacent to the site.
- 5.9.3 Survey Results and Evaluation.** The site is likely to offer a range of opportunities for common species of invertebrates, with the boundary hedgerows and vegetation likely to offer the greatest potential for use by a range of common invertebrate species (the vast majority of which will be retained and incorporated into the proposed open space). No evidence to suggest the presence of any more significant invertebrate assemblage or rare or notable species was recorded during the general survey work undertaken, albeit a small number of common invertebrates were recorded during the survey work, including insect species associated with the livestock dung such as *Aphodius equestris* and *Platystethus arenarius*.
- 5.9.4** Accordingly, given the habitat composition of the site and lack of adjacent sites designated for significant invertebrate interest, it is considered unlikely that the proposals will result in significant harm to any protected, rare or notable invertebrate populations, and the site is not considered to support an important invertebrate assemblage.

6 Mitigation Measures and Enhancements

6.1 Mitigation

- 6.1.1 Based on the habitats, ecological features and associated fauna identified within / adjacent to the site, it is proposed that the following mitigation measures (**MM1** to **MM7**) are implemented under the proposals. Further, detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

Hedgerows and Trees

- 6.1.2 **MM1 – Hedgerow and Tree Protection.** All hedgerows and trees to be retained within the proposed development (including the small area of woodland at the north western corner of the site) shall be protected during construction in line with standard arboricultural best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / hedgerows.

Bats

- 6.1.3 **MM2 – Update Survey/Building B2.** Should any considerable time (e.g. >2 years) elapse between the survey work detailed above and any development works, a further survey of building B2 should be undertaken prior to the commencement of works to confirm the continued absence of bats.
- 6.1.4 Any removal of roof covering or other structures/parts of the building with potential to support roosting bats, should be undertaken with care during favourable weather conditions (e.g. not during heavy rain, high winds or unseasonable low temperatures) under an appropriate watching brief. Should any bats be encountered, works would need to stop and Aspect Ecology contacted so that suitable mitigation can be agreed prior to works recommencing. This may potentially involve discussion with Natural England and acquisition of a development licence for works to resume.
- 6.1.5 **MM3 – Felling of Trees Supporting Bat Roosting Potential.** None of the trees present at the site have been identified to support clear potential roosting features, whilst none of the trees supporting thick Ivy have been identified for removal under the proposals. However, should trees develop suitable features and/or a need for works to these trees be identified at a later stage (e.g. for health and safety purposes) it is recommended a suitably qualified ecologist is consulted to advise on any further survey requirements and mitigation measures. Such measures may include climbing inspections to investigate potential roosting features and soft felling of trees under an ecological watching brief.
- 6.1.6 **MM4 – Sensitive Lighting.** Light-spill onto retained and newly created habitat, in particular the retained hedgerows and boundary vegetation (especially along the northern and eastern boundaries), will be minimised in accordance with good practice guidance²⁰ to reduce potential impacts on light-sensitive bats (and other nocturnal fauna). This may be

²⁰ Bat Conservation Trust and Institute of Lighting Professionals (2018) 'Guidance Note 08/18: Bats and artificial lighting in the UK'; Stone, E.L. (2013) 'Bats and lighting: Overview of current evidence and mitigation guidance.'; ILP (2011) 'Guidance notes for the reduction of obtrusive light' Institution of Lighting Professionals, GN01:2011.

achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

- **Light exclusion zones** – ideally no lighting should be used in areas likely to be used by bats. Light exclusion zones or ‘dark buffers’ may be used to provide interconnected areas free of artificial illumination to allow bats to move around the site;
- **Appropriate luminaire specifications** – consideration should be given to the type of luminaires used, in particular luminaries should lack UV elements and metal halide and fluorescent sources should be avoided in preference for LED luminaries. A warm white spectrum (ideally <2,700K) should be adopted to reduce the blue light component;
- **Light barriers / screening** – new planting (e.g. hedgerows and trees) or fences, walls and buildings can be strategically positioned to reduce light spill;
- **Spacing and height of lighting units** – increasing spacing between lighting units will minimise the area illuminated and allow bats to fly in the dark refuges between lights. Reducing the height of lighting will also help decrease the volume of illuminated space and give bats a chance to fly over lighting units (providing the light does not spill above the vertical plane). Low level lighting options should be considered for any parking areas and pedestrian / cycle routes, e.g. bollard lighting, handrail lighting or LED footpath lighting;
- **Light intensity** – light intensity (i.e. lux levels) should be kept as low as possible to reduce the overall amount and spread of illumination;
- **Directionality** – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow;
- **Dimming and part-night lighting** – lighting control management systems can be used, which involves switching off/dimming lights for periods during the night, for example when human activity is generally low (e.g. 12.30 – 5.30am). The use of such control systems may be particularly beneficial during the active bat season (April to October). Motion sensors can also be used to limit the time lighting is operational.

Other Mammals (including Badger and Hedgehog)

6.1.7 MM5 – Mammal Construction Safeguards. In order to safeguard any mammal species that may enter the site during construction works, the following measures will be implemented:

- Any trenches or excavations within the site that are to be left open overnight will be provided with a means of escape should any mammals enter. This could simply be in the form of a gently graded ramp or roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
- Any temporarily exposed open pipes (>150mm outside diameter) should be blanked off at the end of each working day so as to prevent species such as Badgers gaining access as may happen when contractors are off-site;
- Any trenches/pits will be inspected each morning to ensure no Badgers or other mammals have become trapped overnight. Should individuals become trapped in a trench it will likely attempt to dig itself into the side of the trench, forming a

temporary sett. Should a trapped Badger be encountered a suitably qualified ecologist will be contacted immediately for further advice;

- The storage of topsoil or other 'soft' building materials in the site will be given careful consideration. Badgers will readily adopt such mounds as setts. So as to avoid the adoption of any mounds, these will be kept to a minimum and any essential mounds subject to daily inspections with consideration given to temporarily fencing any such mounds to exclude Badgers;
- The storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming Badgers;
- Fires will only be lit in secure compounds away from areas of Badger activity and not allowed to remain lit during the night; and
- A watching brief should be maintained for Hedgehog and other small mammals throughout any clearance works;
- Any piles of material already present on site, particularly vegetation/leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled/removed by hand and checked for Hedgehog prior to the use of any machinery/disposal;
- Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs occupying the pile. If this cannot be avoided, material should be stored within a container such as a skip to prevent animals from gaining access. Any material which has been stored on the ground overnight should be moved prior to burning to allow a thorough check for any animals which may have been occupying the pile;
- Unsecured food and litter will not be left within the working area overnight.
- Given that no evidence of Badgers has been recorded within or adjacent to the site it is considered that Badgers do not currently pose a constraint to development. Nonetheless, Badgers are dynamic animals and levels of Badger activity can rapidly change at a site, with new setts being created at any time. In line with good practice, it is therefore recommended that should any significant time pass (over 12 months) prior to the progression of works, an update check survey is carried out prior to commencement of site works in order to confirm the current status of Badgers at the site.

Reptiles

- 6.1.8 **MM6 – Precautionary Mitigation.** As a precautionary measure to minimise any minor risk of harm to reptiles in the unlikely event they are present, a precautionary approach to vegetation clearance is proposed should tall sward grassland remain at the site (should works be due to proceed at other times, e.g. following close grazing, such that the grassland sward remains short, no further measures would appear to be required). Prior to site works, grassland areas to be affected will be subject to directional cut to a height of approximately 150mm during suitable weather conditions, to encourage any individual reptiles to disperse to retained habitats. All arisings should be removed and cut areas left for at least 24 hours to allow reptiles (or other fauna) to disperse. This exercise should be undertaken during the active reptile season (March/April to September/October).

Nesting Birds

- 6.1.9 **MM7 – Timing of Works.** To avoid a potential offence under the relevant legislation, no clearance of suitable vegetation should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance.

6.2 Biodiversity Enhancements

- 6.2.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities and the local Biodiversity Action Plan (BAP). The recommendations and enhancements summarised below are considered appropriate given the context of the site and the scale and nature of the proposals. Through implementation of the following ecological enhancements (**EE1** to **EE5**), the opportunity exists for the proposals to deliver a number of biodiversity net gains at the site.

Habitat Creation

- 6.2.2 **EE1 – New Planting.** The proposals include a number of new trees and substantial planting buffers, as shown within the proposed landscape strategy (Appendix 6771/1). Where practicable, new planting will be comprised of native species of local provenance, including species appropriate to the local area. Suitable species for inclusion within the planting will include locally appropriate native trees, including climate-change resistant species, such as Oak, Ash and Field Maple, whilst native shrub species of particular benefit would likely include fruit and nut bearing species which would provide additional food for wildlife, such as Blackthorn, Hawthorn, Crab Apple *Malus sylvestris*, Hazel and Elder.
- 6.2.3 **EE2 – Wildflower Grassland.** The proposals incorporate areas of new wildflower grassland, which will further enhance opportunities for biodiversity. It is recommended that the new wildflower grassland area be created using an appropriate wildflower mixture (informed by any relevant findings associated with the in season grassland condition survey) including species of local provenance and managed in the long term to maximise wildlife value.
- 6.2.4 **EE3 – Wetland Features.** The proposals will include attenuation features as part of the drainage design, including (taking into account the need for appropriate flood drainage functionality) the detailed design of drainage features to incorporate features of benefit to wildlife. Where possible, at the appropriate stage it is recommended that detailed designs look to incorporate features such as permanent standing water, sinuous margins and wetland habitats where possible. Creation of such habitats will provide opportunities for a range of wildlife while also helping to attenuate surface water run-off.

Bats

- 6.2.5 **EE4 - Bat Boxes.** It is recommended that a number of bat boxes be incorporated within the proposed development. The provision of bat boxes will provide new roosting opportunities for bats in the area, such as Soprano Pipistrelle, a national Priority Species. So as to maximise their potential use, the bat boxes should ideally be situated on suitable retained trees,

erected as high up as possible and sited in sheltered wind-free areas that are exposed to the sun for part of the day, facing a south-east, south or south-westerly direction. In addition, where architectural design allows, a number of integrated bat boxes / roost features should be incorporated into a proportion of the new buildings. The precise number and locations of boxes / roost features should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Birds

- 6.2.6 **EE5 - Bird Boxes.** It is recommended that new bird nesting provision be incorporated under the proposals. In particular, where possible nesting bricks/boxes should be incorporated within the design of new buildings, in order to offer nesting opportunities for declining species such as House Sparrow *Passer domesticus* (Priority Species) and Swift *Apus apus* (Red Listed species). In addition, a number of boxes should be sited on retained trees as high up as possible, ideally facing north or east (thus avoiding the wettest winds and the strongest sunlight). The precise number and locations of nesting bricks/boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Invertebrates

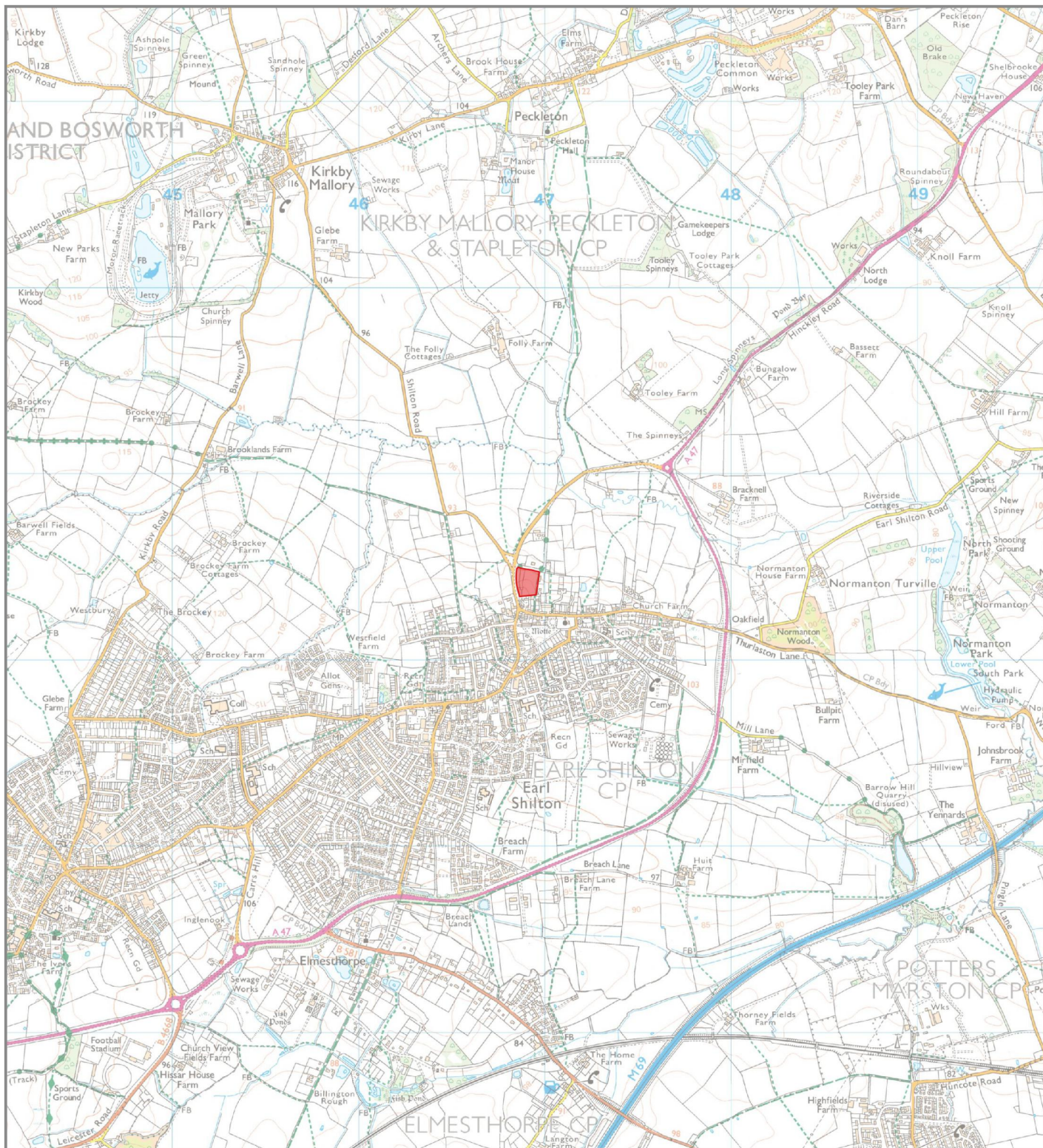
- 6.2.7 **EE6 – Habitat Piles.** It is recommended that a number of wood piles be created (using deadwood arising from clearance works where this is available), located within areas of new planting/open space in order to provide potential habitat opportunities for invertebrate species, which in turn could provide a prey source for a range of other wildlife. In addition, the provision and management of new native landscape planting will likely provide additional opportunities for invertebrates at the site in the long term.
- 6.2.8 **EE7 – Bee Bricks.** It is recommended that a number of bee bricks be incorporated within the proposed development thereby increasing nesting opportunities for declining populations of non-swarming solitary bee populations. Ideally, bee bricks should be located within suitable south-facing walls (where architectural design allows), located at least 1m off the ground. The bricks should be unobstructed by vegetation, though within close vicinity of nectar and pollen sources.

7 Conclusions

- 7.1 Aspect Ecology has carried out an initial Ecological Appraisal of the proposed development, based on the results of a desktop study and Phase 1 habitat survey.
- 7.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 7.3 The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of significant ecological importance, whilst the proposals have sought to retain those features identified to be of greatest value. Where it has not been practicable to avoid loss of habitats, new habitat creation is proposed to offset losses, in conjunction with the landscape proposals. Measures are also proposed in order to safeguard offsite habitats where appropriate.
- 7.4 The habitats within the site provide potential to support a number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.
- 7.5 In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity net gains as part of the proposals.

Plan 6771/ECO1:

Site Location



Key:



Site Location

aspect ecology
APEM Group

Aspect Ecology Limited · West Court · Hardwick Business Park
Noral Way · Banbury · Oxfordshire · OX16 2AF
01295 279721 · info@aspect.ecology.com · www.aspect.ecology.com

Land off Leicester Road,
Earl Shilton
Site Location

6771/ECO1

A/JP

March 2024

CL/JP

PROJECT

TITLE

DRAWING NO.

REV

DATE

QC



Plan 6771/ECO2:

Ecological Designations



Key:

- Site Location
- Site of Special Scientific Interest (SSSI)
- Local Nature Reserve (LNR)
- Local Wildlife Site (LWS)
- Ancient Semi Natural Woodland (ASNW)
- 2km Site Buffer

Non-statutory data provided by Leicestershire & Rutland Environmental Records Centre

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Land off Leicester Road,
Earl Shilton
Ecological Designations

6771/ECO2

A/JP

March 2024

CL/JP

PROJECT

TITLE

DRAWING NO.

REV

DATE

QC



Plan 6771/ECO3:

Habitats and Ecological Features

P:\Project\Aspect Ecology Projects\ECO 6750\1006771\Graphics\GIS\6771 ECO 1 3.qgz



Key:

- Site Boundary
- Improved Grassland
- Semi-improved Grassland
- Amenity Grassland
- Amenity Planting
- Waterbody
- Woodland
- Bare Ground
- Hardstanding
- Building/Structure
- Hedgerow
- Conifer Line
- Tree
- Scattered Scrub

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Land off Leicester Road, Earl Shilton	PROJECT
Habitats and Ecological Features	TITLE
6771/ECO3	DRAWING NO.
B/JP	REV
April 2024	DATE
CL/JP	QC

Photographs

Photograph 1: Semi-improved Grassland



Photograph 2: Improved grassland



Photograph 3: *Improved Grassland and conifer line*



Photograph 4: *Watering Feature*



Photograph 5: *Chicken coup (B1)*



Photograph 6: *Building B2*



Photograph 7: Building B3



Photograph 8: Building B3a



Appendix 6771/1:

Proposed Site Plan

Indicative Ornamental Hedge

Planting
Carpinus betulus (Hornbeam)
Ligustrum ovalifolium (Privet)
Osmanthus x burkwoodii
Skimmia spp
Prunus spp
Escallonia spp
Mixed native species hedges to site boundaries



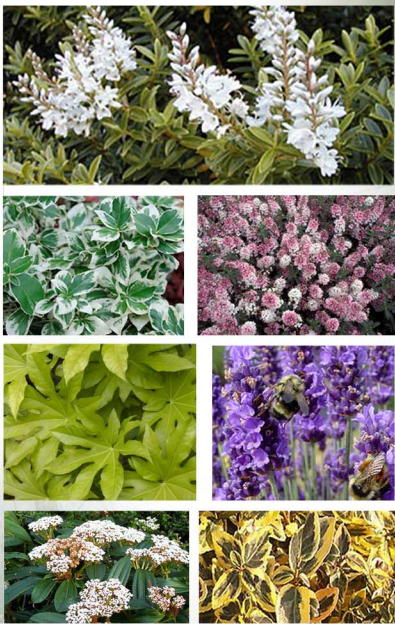
Indicative Grass Seed Mixes

Wildflower:
Emorsgate - EH1
Hedgerow Mix or similar by hedgerows & in shaded areas
Emorsgate - EM2
Standard general purpose meadow mix or similar for central areas
Emorsgate - EM8 Meadow
Mix for wetlands or similar for SUDS

Amenity Grass:
Hurrells P8 Flowering
Lawn Wildflower & Grass seed mixture or similar

Mown Grass Paths:
Hurrells HM3 Hard wearing lawn grass seed mix or similar

Indicative Ornamental Shrubs
Cistus corbariensis, Cornus sanguinea, Euonymus fortunei 'Silver Queen', Fatsia japonica, Hebe 'Nicola's Blush', Hebe rakaiensis, Viburnum davidii



Indicative Native Shrub

& Hedge Planting
Acer campestre
Cornus sanguinea
Corylus avellana
Crataegus monogyna
Ilex aquifolium
Ligustrum vulgare
Prunus spinosa
Rhamnus cathartica
Rosa canina
Sambucus nigra
Viburnum lantana
Viburnum opulus



Mixed Native Hedgerows
10% Cornus sanguinea
10% Corylus avellana
40% Crataegus monogyna
5% Ligustrum vulgare
25% Prunus spinosa
5% Rosa canina
5% Viburnum lantana

Attenuation Basin Planting & Wetland Meadow

Dogwood (Cornus sanguinea), Coppiced Willow (Salix spp), Alder (Alnus glutinosa), Downy Birch (Betula pubescens).



Indicative Open Space & Native Boundary Trees

Acer campestre
Betula pendula
Carpinus betulus
Corylus avellana
Crataegus monogyna
Malus sylvestris
Prunus avium



1. Existing boundary vegetation mostly retained and reinforced to provide a further degree of containment to the built form.

2. Minimum 5-metre landscape buffer incorporated along the western site boundary with boundary enhancements and acoustic fencing to soften noise levels from Leicester Road.

3. New mixed native hedgerow to provide a continuous boundary treatment along the southern Site boundary, with a maintenance strip of a minimum 3 metres provided.

4. Native shrub and native tree planting to integrate the built form and protect and enhance existing residential amenity from adjacent properties.

5. Street tree planting to provide vertical interest and break up the massing of the built form.

6. Ornamental shrub planting and clipped, low-growing hedgerow to provide a high-quality landscape setting within the development, offering year-round interest.

7. Public open space to mainly comprise species-rich wildflower grassland to enhance biodiversity levels and retain a degree of openness on-site.

8. Housing to front onto the proposed areas of open space to establish a positive development edge and provide natural surveillance.

9. Mown grass paths to provide connectivity through the open space and link onto the adjacent bridleway (PRoW U25).

10. New pedestrian and cycle link between the Site and Leicester Road.

11. LAP play space to provide play space opportunities on-site.

12. Integrated SuDS feature to enhance on-site biodiversity levels and form a focal point within the open space.

13. Seating opportunities to enhance views of the countryside to the north as well as views of the grade II* listed Church of St Simon and St Jude to the south-east.

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Key:

- Application Site Boundary
- Existing / Retained Vegetation
- Public Rights of Way
- Proposed Open Space Tree Planting
- Proposed Street Tree Planting
- Proposed Rear Garden Tree Planting
- Proposed Native Hedgerow Planting
- Proposed Ornamental Hedgerow Planting
- Proposed Native Shrub Planting
- Proposed Ornamental Shrub Planting
- Proposed Attenuation Basin
- Proposed Wet Meadow Planting
- Proposed Marginal Planting
- Proposed Species Rich Wildflower Mix
- Proposed Mown Grass Footpaths
- Proposed Wildflower Hedgerow Mix
- Proposed Seating
- Proposed LAP Play Space (minimum 126m2)
- Proposed Acoustic Fencing

REV	DATE	NOTE	DRAWN	CHK'D

aspect landscape planning

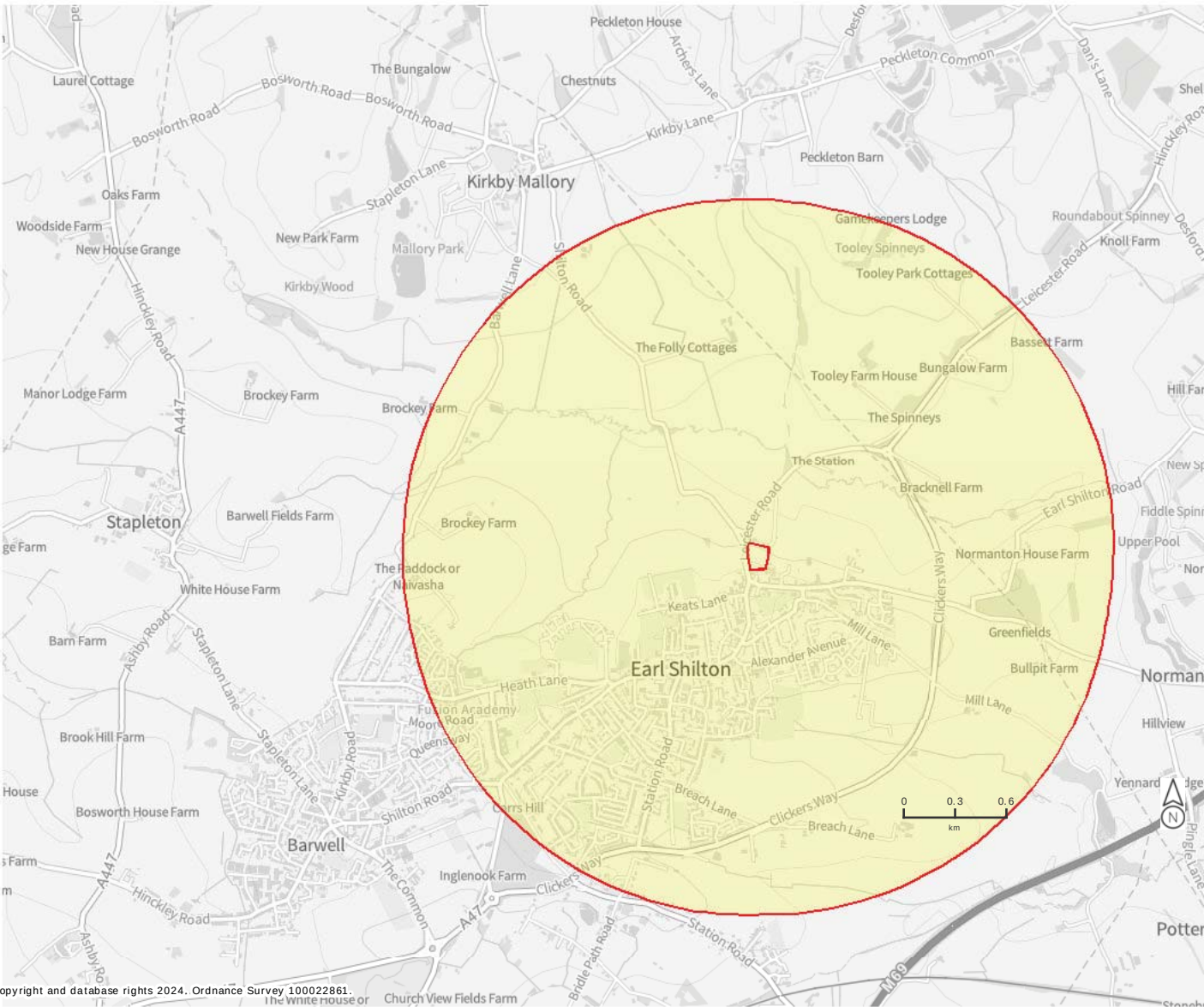
TITLE
Earl Shilton, Leicestershire
Landscape Strategy Plan

CLIENT
Manor Oak Homes **DRAFT**

SCALE 1:750 @ A3	DATE APR 2024	DRAWN EL	CHK'D IC
DRAWING NUMBER 8196 / ASP4 / LSP	REVISION		

Appendix 6771/2:

Desktop Study Data



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Sites of Special Scientific Interest (England)

Site Check Report generated on Mon Apr 22 2024
You selected the location: Centroid Grid Ref: SP46909842
 The following features have been found in your search area:

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW? **2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:**

All Planning Applications

Infrastructure

Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution

Livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 750m², manure stores > 3500t.

Combustion

Waste

Composting

Discharges

Any discharge of water or liquid waste of more than 20m³/day to ground (ie to seep away) or to surface water, such as a beck or stream.

Water Supply

Notes 1

Notes 2

GUIDANCE - How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

Site Check Report Report generated on Mon Apr 22 2024
You selected the location: Centroid Grid Ref: SP46909842
The following features have been found in your search area:

Local Nature Reserves (England) - points
No Features found

Local Nature Reserves (England)
No Features found

National Nature Reserves (England) - points
No Features found

National Nature Reserves (England)
No Features found

Sites of Special Scientific Interest (England) - points
No Features found

Sites of Special Scientific Interest (England)
No Features found

Site Check Report Report generated on Mon Apr 22 2024
You selected the location: Centroid Grid Ref: SP46889843
The following features have been found in your search area:

Special Areas of Conservation (England) - points

Name	RIVER MEASE
Reference	UK0030258
Hectares	23.03
Hyperlink	https://sac.jncc.gov.uk/site/UK0030258

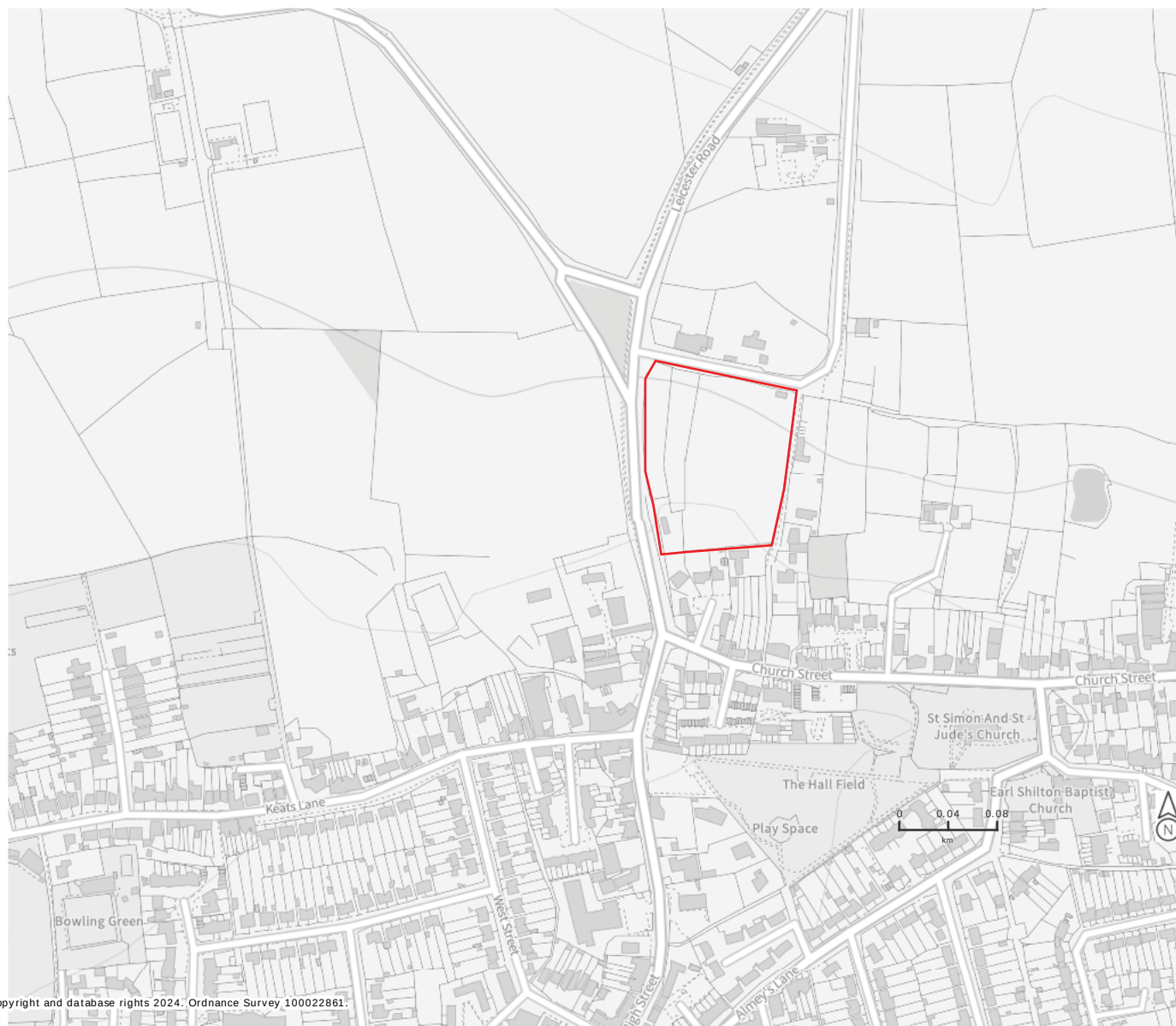
Name	ENSOR'S POOL
Reference	UK0012646
Hectares	3.72
Hyperlink	https://sac.jncc.gov.uk/site/UK0012646

Special Areas of Conservation (England)

Name	RIVER MEASE
Reference	UK0030258
Hectares	23.03
Hyperlink	https://sac.jncc.gov.uk/site/UK0030258

Name	ENSOR'S POOL
Reference	UK0012646
Hectares	3.72
Hyperlink	https://sac.jncc.gov.uk/site/UK0012646

Ramsar Sites (England) - points
No Features found**Ramsar Sites (England)**
No Features found**Proposed Ramsar Sites (England) - points**
No Features found**Proposed Ramsar Sites (England)**
No Features found**Possible Special Areas of Conservation (England) - points**
No Features found**Possible Special Areas of Conservation (England)**
No Features found**Special Protection Areas (England) - points**
No Features found**Special Protection Areas (England)**
No Features found**Potential Special Protection Areas (England) - points**
No Features found**Potential Special Protection Areas (England)**
No Features found



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Legend

- Priority Habitat Inventory - Coastal Saltmarsh (England)
- Priority Habitat Inventory - Coastal Sand Dunes (England)
- Priority Habitat Inventory - Coastal Vegetated Shingle (England)
- Priority Habitat Inventory - Maritime Cliffs and Slopes (England)
- Priority Habitat Inventory - Mudflats (England)
- Saline Lagoons (Wales)
- Saltmarsh (Wales)
- Sand Dunes (Wales)
- Priority Habitat Inventory - Calaminarian Grassland (England)
- Priority Habitat Inventory - Coastal and Floodplain Grazing Marsh (England)
- Priority Habitat Inventory - Good quality semi-improved grassland (Non Priority) (England)
- Priority Habitat Inventory - Lowland Calcareous Grassland (England)
- Priority Habitat Inventory - Lowland Dry Acid Grassland (England)
- Priority Habitat Inventory - Lowland Meadows (England)
- Priority Habitat Inventory - Purple Moor Grass and Rush Pasture (England)
- Priority Habitat Inventory - Upland Calcareous Grassland (England)
- Priority Habitat Inventory - Upland Hay Meadows (England)
- Priority Habitat Inventory - Blanket Bog (England)
- Priority Habitat Inventory - Lowland Fens (England)
- Priority Habitat Inventory - Lowland Raised Bog (England)
- Priority Habitat Inventory - Reedbeds (England)
- Priority Habitat Inventory - Upland Flushes, Fens and Swamps (England)
- Priority Habitat Inventory - Ponds and Lakes (England)

Projection = OSGB36

xmin = 446300

ymin = 298000

xmax = 447300

ymax = 298800

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Appendix 6771/3:

Evaluation Methodology

Evaluation Methodology

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (2018)¹.

Importance of Ecological Features

2. Ecological features within the site/study area have been evaluated in terms of whether they qualify as 'important ecological features'. In this regard, CIEEM guidance states that *"it is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable"*.
3. Various characteristics contribute to the importance of ecological features, including:
 - Naturalness;
 - Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
 - Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
 - Endemic species or locally distinct sub-populations of a species;
 - Habitat diversity;
 - Habitat connectivity and/or synergistic associations;
 - Habitats and species in decline;
 - Rich assemblages of plants and animals;
 - Large populations of species or concentrations of species considered uncommon or threatened in a wider context;
 - Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and
 - Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.
4. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

Designated Sites

- Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);

¹ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Chartered Institute of Ecology and Environmental Management, Winchester

- Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);
- Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

Biodiversity Lists

- Habitats and species of principal importance for the conservation of biodiversity in England and Wales (largely drawn from UK BAP priority habitats and priority species), often referred to simply as Priority Habitats / Species;
- Local BAP priority species and habitats.

Red Listed, Rare, Legally Protected Species

- Species of conservation concern, Red Data Book (RDB) species;
- Birds of Conservation Concern;
- Nationally rare and nationally scarce species;
- Legally protected species.

5. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

Assigning Level of Importance

6. The importance of an ecological feature should then be considered within a defined geographical context. Based on CIEEM guidance, the following frame of reference is used:
 - International (European);
 - National;
 - Regional;
 - County;
 - District;
 - Local (e.g. Parish or Neighbourhood);
 - Site (not of importance beyond the immediate context of the site).
7. Features of 'local' importance are those considered to be below a district level of importance, but are considered to appreciably enrich the nature conservation resource or are of elevated importance beyond the context of the site.
8. Where features are identified as 'important' based on the list of key sites, habitats and species set out above, but are very limited in extent or quality (in terms of habitat resource or species population) and do not appreciably contribute to the biodiversity interest beyond the context of the site, they are considered to be of 'site' importance.
9. In terms of assigning the level of importance, the following considerations are relevant:

Designated Sites

10. For designated sites, importance should reflect the geographical context of the designation (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

Habitats

11. In certain cases, the value of a habitat can be measured against known selection criteria, e.g. SAC selection criteria, 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997. However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as antiquity, size, species-diversity, potential, naturalness, rarity, fragility and typicalness (Ratcliffe, 1977). The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.
12. Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Habitats of Principal Importance' or 'Priority Habitats', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular habitat under a BAP does not in itself imply any specific level of importance.
13. Habitat inventories (such as habitat mapping on the MAGIC database) or information relating to the status of particular habitats within a district, county or region can also assist in determining the appropriate scale at which a habitat is of importance.

Species

14. Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.
15. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
16. Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Species of Principal Importance' or 'Priority Species', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular species under a BAP does not in itself imply any specific level of importance.
17. Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).

Appendix 6771/4:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett[#] (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CROW) Act for England and Wales 2000.** The CROW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

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