



Land at the corner of The Green and  
Pipe Lane,  
Orton-on-the Hill, Leicestershire

## **Preliminary Ecological Appraisal & Biodiversity Feasibility Study**

Prepared by  
**Griffin Ecology Ltd.**

Instructed by  
**Framptons Town Planning**

On behalf of  
**Mr Richard Taylor**

**Project: GE0583**

**We assist our clients to deliver a measurable net gain in biodiversity.**

#### Quality Management

|               |                                                                                  |
|---------------|----------------------------------------------------------------------------------|
| Client        | Mr Richard Taylor                                                                |
| Project       | Land at the corner of The Green and Pipe Lane, Orton-on-the Hill, Leicestershire |
| Report Title  | Preliminary Ecological Appraisal & Biodiversity Feasibility Study                |
| Project No    | GE0583                                                                           |
| Status        | Final                                                                            |
| Date          | 2 <sup>nd</sup> March 2024                                                       |
| Author        | Casey-Ruth Griffin BSc (Hons) MCIEEM Principal Ecologist                         |
| Quality Check | Ian Griffin, Commercial Director                                                 |

#### Copyright

The copyright of this document remains with Griffin Ecology Limited. All rights reserved. The contents of this document therefore must not be copied or reproduced in whole or in part for any purpose without the written consent of Griffin Ecology Limited.

#### Confidentiality

This report may contain sensitive information relating to protected species. All records of Badger setts must remain confidential. Where this report is circulated publicly or uploaded to online planning portals, reference to Badger setts must be redacted and any maps pertaining to the locations of Badger setts removed from the document.

#### Legal Guidance

The information set out within this report in no way constitutes a legal opinion on the relevant legislation (refer to the relevant Appendix for the main provisions of the legislation). The opinion of a legal professional should be sought if further advice is required.

#### Liability

This report has been prepared for the exclusive use of the commissioning client and unless otherwise agreed in writing by Griffin Ecology Limited no other party may use, or rely on the contents of the report. No liability is accepted by Griffin Ecology Limited for any use of this report, other than for the purposes for which it was originally prepared and provided. No warranty, expressed or implied, is made as to the advice in this report. The content of this report is partly based on information provided by third parties; Griffin Ecology Limited accepts no liability for any reliance placed on such information. This report is subject to the restrictions and limitations referenced in Griffin Ecology Limited's standard Terms of Business.

#### Contact Details

##### **Griffin Ecology Ltd.**

Bloxham Mill Business Centre, Barford Road,  
Bloxham, Oxfordshire, OX15 4FF, United Kingdom  
Tel: 01295 982022

## Table of Contents

---

|       |                                                             |    |
|-------|-------------------------------------------------------------|----|
| 1.    | Introduction .....                                          | 4  |
| 1.1   | Background.....                                             | 4  |
| 1.2   | Site description .....                                      | 4  |
| 1.3   | Survey Purpose .....                                        | 5  |
| 1.4   | Proposed Plans.....                                         | 5  |
| 1.5   | Relevant Planning Policies.....                             | 5  |
| 2.    | Methodology.....                                            | 8  |
| 2.1   | Desk Study .....                                            | 8  |
| 2.2   | Site Visit .....                                            | 8  |
| 2.2.1 | Phase 1 Habitat Survey .....                                | 8  |
| 2.2.2 | Protected Species Survey.....                               | 8  |
| 2.3   | Survey limitation .....                                     | 10 |
| 3.    | Results .....                                               | 11 |
| 3.1   | Desk Study.....                                             | 11 |
| 3.2   | UK Habitats Survey .....                                    | 12 |
| 3.2.1 | Weather Conditions .....                                    | 12 |
| 3.2.2 | Habitats .....                                              | 12 |
| 3.2.3 | Species.....                                                | 14 |
| 4.    | Biodiversity Statement and Net Gain Feasibility Study ..... | 17 |
| 5.    | Assessment of Potential Ecological Impacts .....            | 18 |
| 5.    | References .....                                            | 21 |

## 1. Introduction

### 1.1 Background

Griffin Ecology Ltd. has been commissioned by the client to undertake a Preliminary Ecological Appraisal and Biodiversity Net Gain Feasibility Study. This document is provided in support of a planning application for the construction of a single residential dwelling on Land at the corner of The Green and Pipe Lane, Orton-on-the-Hill in Warwickshire.

Historical ecological surveys, undertaken by Ecolocation in 2011 & 2014, relating to an adjacent development (14/00515/OUT), have been considered within this report. This report seeks to build on historical information collected to date and provide greater context to baseline ecological conditions observed.

For the purposes of this report the “site” refers to the land within the red line boundary as illustrated by Figure 1.

### 1.2 Site description

The site (central grid reference: SK 30590 03775), is some 0.36ha in size and is situated Land at the corner of The Green and Pipe Lane, Orton-on-the Hill, Leicestershire. The site includes a parcel of vacant land accessed via an established driveway.

The site is centrally located within the rural settlement of Orton-on-the-Hill, with residential dwellings and managed gardens surrounding the site. Beyond this, the wider landscape offers a mosaic of grazed pasture and intensive arable cultivation interspersed by small pockets of woodland.



*Figure 1: Site location*

### 1.3 Survey Purpose

The purpose of this survey is to inform an understanding of habitats present at the site, and to further consider the potential for the presence of protected and notable species within these habitats. This information would then serve to provide a determination of the ecological constraints and opportunities as well as inform the need for any further ecological surveys, should they be required. The aim being to fully understand the potential ecological impacts which may result from the proposed development in line with legislation (as detailed in appendix 1 of this report).

### 1.4 Proposed Plans

The following plans have been provided by the client for consideration.

- Proposed Site Plan, Dwg. No. 1800-0307-01
- Site Elevations, Dwg. No. 1800-0306-01

It is understood that the application will include the construction of a single residential dwelling with associated infrastructure, access and car parking.

### 1.5 Relevant Planning Policies

The ODPM Circular 06/05 makes the presence of a protected species a material consideration within the planning process and therefore it is essential for the presence of protected species and the extent they may be affected by proposed development be established through appropriate surveys. These are required prior to the planning permission being granted. The ODPM Circular 06/05 also encourages the use of planning conditions to secure the long-term protection of such species.

The National Planning Policy Framework (NPPF) (updated in 2023) section 15 sets out applications to conserve and enhance the natural environment.

Paragraph 174 states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Paragraph 180 of the NPPF states:

*“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 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<sup>63</sup> 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.”*

#### **Local Policy:**

The Hinckley and Bosworth Borough Council Local Plan 2006 - 2026 sets out local policies of relevance to biodiversity as provided below.

#### *“Policy DM6 Enhancement of Biodiversity and Geological Interest*

*Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management.*

*Major developments in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.*

*Proposals where the primary objective is to conserve or enhance biodiversity or geological interest will be permitted where they comply with other relevant policies in the plan.*

*On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.*

*If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.*

*In addition to the above, where specific identified sites are to be affected the following will be taken into account:*

#### *Internationally and Nationally*

*Designated Sites International and Nationally Designated Sites will be safeguarded.*

*Development which is likely to have any adverse impact on the notified features of a nationally designated site will not normally be permitted.*

*In exceptional circumstances, a proposal may be found acceptable where it can be demonstrated that:*

- a) A suitable alternative site with a lesser impact than that is proposed not available; and*
- b) The on-site benefits of the proposal clearly outweigh the impacts on the notified features of the site and where applicable, the overall SSSI or habitat network; and*
- c) All appropriate mitigation measures have been addressed through the development management process; and*
- d) Development likely to result in a significant effect on internationally designated sites will be subject to assessment under the Habitats Regulations and will not be permitted unless adverse effects can be fully avoided, mitigated and/or compensated.*

#### *Irreplaceable Habitats*

*Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:*

- e) The need and benefits of the development in that location clearly outweigh the loss; and,*
- f) It has been adequately demonstrated that the irreplaceable habitat cannot be retained with the proposed scheme; and*
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.*

#### *Locally Important Sites*

*Development proposals affecting locally important sites should always seek to contribute to their favourable management in the long term.*

*Where a proposal is likely to result in harm to locally important sites (including habitats or species of principal importance for biodiversity), developers will be required to accord with the following sequential approach:*

- h) Firstly, seek an alternative site with a lesser impact than that proposed;*
- i) Secondly, and if the first is not possible, demonstrate mitigation measures can be taken on site;*
- j) Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible."*

## 2. Methodology

### 2.1 Desk Study

A biological record search has been undertaken by Leicestershire and Rutland Environmental Records Centre (LRERC). This data search sought to gain an understanding of the presence of priority habitats, Statutory and Non-statutory designations as well as historic records of protected species within a 2km radius of the site.

In addition, the Multi-Agency Geographic Information for the Countryside (MAGIC) website has been searched for information of notable habitats, statutory designated sites and historic EPSL granted within a 2km radius of the site.

### 2.2 Site Visit

The site has been visited by a suitably experienced and licensed surveyor, Casey Griffin (Principal Ecologist, MCIEEM) on 28<sup>th</sup> November 2023. Weather conditions at the time of survey have been recorded. An informing walkover survey has been undertaken to cover the extent of the site and the adjoining habitats, where accessible.

#### 2.2.1 Phase 1 Habitat Survey

Given the seasonal limitations, it was not deemed appropriate to undertake a UK Habs survey, as such the walkover survey of the site has been carried out in accordance with standard Phase 1 Habitat Survey methodology detailed within the JNCC Phase 1 Habitat Survey Handbook (JNC, 1993). The survey covered all accessible areas of the site and surrounding habitats. This survey sought to identify, describe and map habitats present within the site.

Any Habitats of Principal Importance, or habitats that may support rare or scarce plant communities and/or invertebrate assemblages, were recorded during this site visit. Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 has been used to identify habitats that are considered a national conservation priority. The value of these habitats is recognised in the National Planning Policy Framework (NPPF) (MHCLG, 2019).

The method for this assessment is based on the guidelines published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018). These guidelines provide a robust framework for ecological assessment.

#### 2.2.2 Protected Species Survey

The informing walkover survey has also sought to enable the surveying ecologist to search for any evidence of protected species activity or the potential for the site to support protected and/or notable species.

**Bats** – A ground based inspection of trees, by the surveying ecologist, sought to assess their suitability to support roosting bats. The wider site has been assessed for suitability to support foraging and commuting bats, in accordance with the BCT guidelines (BCT, 2016). The inspection was aided by a one million candlepower torch, binoculars, and a rigid endoscope where suitable for detailed inspections of accessible areas.

**Nesting birds** – the site has been searched for areas of habitat that could be used for constructing a nest or for foraging, as well as any evidence of current or historic nesting.

**Reptiles** – the site has been searched for areas that could be used for sheltering, hibernating, basking, foraging and breeding (Froglife, 1999).

**Amphibians** – A review of aerial imagery reveals four ponds within a 250m radius of the site. It is also possible that smaller ponds may exist locally and not be recorded on aerial imagery resources. These ponds were located on private

property and were not accessible at the time of survey. As such, an assessment of terrestrial habitat, for its suitability to support amphibians, has been undertaken.

**Badger (*Meles meles*)** – the site has been searched for areas that might be used for foraging and sett building. Incidental foraging signs, tree scratching, paths, dung pits, latrines and setts have been recorded if found (Harris *et al.*, 1989). The site itself and land immediately adjacent (30m radius where accessible) to the site and visible from the site boundaries have been included within the survey.

**Western European hedgehog (*Erinaceus europaeus*)** – the site has been searched for evidence of this species including droppings, foraging signs and footprints. The habitats on site have also been assessed for their suitability to support this species.

**Notable mammals** – the site has been searched for evidence and suitable habitat for BAP/Priority Species mammals (Cresswell *et al.*, 2012).

**Invertebrates** – the site has been searched for areas of habitat that may be used for shelter, basking and egg laying. An assessment of food plants present and species suitable for egg-laying has been undertaken.

**Invasive species** – the site has been searched for evidence of species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Other protected and notable species have been scoped out of this assessment due to an absence of records and lack of suitable habitat within the surrounding area.

The potential of the site to support protected or notable species has been assessed through field observations and desk study information. The likely presence of a species is ranked as follows:

**Negligible** – while presence cannot be absolutely discounted, the site supports very limited or poor-quality habitat for a species or species group.

**Low** – habitats within the site are of poor to moderate quality for a given species or species group, but presence cannot be discounted based on the national distribution, opportunities within the surrounding landscape and the results of the desk study.

**Moderate** – habitats within the site are of moderate quality and provide opportunities for a given species or species group. The desk study has returned historic records and suitability is identified within the surrounding landscape.

**High** – habitats within the site are of high quality for a given species or species group. The desk study returns historic records of local occurrence.

## 2.3 Survey limitation

Trees were only accessed from ground level and not subject to an aerial tree climbing inspection. As such, the assessment of their suitability for use by species such as bats and birds has been limited to what has been visible to the surveyor from ground level.

As is the nature of ecology surveys, this study serves to provide only a “snapshot” of the conditions prevailing at the time of survey.

Third party desk study data is not exhaustive, and an absence or a negative result of a species does not indicate the absence of protected species from the site/search area. This assessment is based on a review of available historical information, environmental records, site visits, consultations, relevant guidance information, and reports from third parties. All information received has been taken in good faith as being true and representative.

The walkover survey has been undertaken at a time of year when all botanical species (including invasive species such as Himalayan balsam) may not be evident, however species have been identified wherever possible. At this time of year it is difficult to accurately determine the presence of acidic or calcareous grassland indicator species. Historic survey information, reviewed during the desk study, provide an indication of long-term habitat condition and species composition.

Badger clans have territory ranges that vary in size dependent on the existing environmental factors such as availability of foraging and sett building habitat. Badger activity levels on site may therefore fluctuate, and all dimensions and distances provided are approximate.

It is important to note that the planning system is not approached on a mechanistic basis but instead involves expert opinion, provided by ourselves as independent Ecological Consultants.

### 3. Results

In this section the results of fieldwork and desk study are brought together. Interpretation of the results and an assessment of the potential impacts of the proposed development are included in Section 4.

#### 3.1 Desk Study

No statutory designated sites are present within a 2km radius of the site. The data search, undertaken by the LRERC does reveal a total of four non-statutory designation of conservation concern within the 1km search radius. These are listed within table 1, below:

**Table 1: Non-statutory designations within 1km search radius**

| Site                                    | Designating feature                                                                                                                                 | Distance in relation to the site                                      |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>90164 Murray's meadow</b>            | This potential Local Wildlife Site supports uncut and ungrazed species rich hay meadow, bordered by woodland and species poor hedgerows with trees. | Located some 574m to the north east of the site boundary.             |
| <b>90165 - Oak</b>                      | Veteran tree representing a candidate Local Wildlife Site                                                                                           | Located some 796m to the north east of the site boundary.             |
| <b>90253 – Parish boundary Oak</b>      | Mature oak standard located within a hedgerow – potential Local Wildlife Site                                                                       | Located some 821m to the south of the site.                           |
| <b>90961 – Pipe Lane Horse Chestnut</b> | A mature tree representing a candidate Local Wildlife Site                                                                                          | This tree is located some 50m to the south west of the site boundary. |

The data search returned a number of records for protected and notable species as detailed below and as further discussed within Section 3.2.3 of this report.

**Bats:** The data search and desk study identifies a total of four confirmed bat species within the 1km search radius. These include common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*) and indeterminate myotis (*Myotis mystacinus/brandtii*). Records of common pipistrelle, brown long-eared and soprano pipistrelle are associated with 4 Pipe Lane. When reviewing the previous ecological information submitted in support of the adjacent planning application (18/00680/FUL) it is evidenced that the adjacent property, 4 Pipe Lane, supports roosts of brown long-eared and common pipistrelle.

A search of the Magic Map resource reveals no historic EPS Licences issued relating to bats within a 2km radius of the site.

**Reptiles and amphibians** recorded within a 1km radius of the site include smooth newt (*Lissotriton vulgaris*), common toad (*Bufo bufo*), common frog (*Rana temporaria*) and grass snake (*Natrix helvetica*). A search of the MAGIC map resource, confirms no granted EPS licences relating to great crested newt the 2km search radius.

**Notable birds:** The data search reveals a good number of records for notable bird species locally. These include species listed as UK priority species within Section 41 of NERC, 2006. Species include mash harrier (*Circus aeruginosus*), yellowhammer (*Chroicocephalus ridibundus*), yellow wagtail (*Motacilla flava*), willow tit (*Poecile montanus*), skylark (*Alauda arvensis*), corn bunting (*Emberiza calandra*), spotted flycatcher (*Muscicapa striata*), hobby (*Falco subbuteo*), swallow (*Hirundo rustica*), reed bunting (*Emberiza schoeniclus*), tree sparrow (*Passer montanus*), house martin (*Delichon urbicum*), linnet (*Carduelis cannabina*), dunnoek (*Prunella modularis*), fieldfare (*Turdus pilaris*), curlew (*Numenius arquata*), cuckoo (*Cuculus canorus*) and brambling (*Fringilla montifringilla*).

**Notable mammals:** records locally including western European hedgehog (*Erinaceus europaeus*) and badger (*Meles meles*). None of these are associated with the site.

### 3.2 Phase 1 Habitat Survey

The site has been visited by suitably experienced surveyor Casey Griffin (Principal Ecologist, MCIEEM,) on 23<sup>rd</sup> November 2023.

An annotated phase 1 habitats map is provided in appendix 2 of this report. This illustrates the location of all habitat types recorded at the site together with target notes depicting features of ecological interest.

#### 3.2.1 Weather Conditions

The weather conditions recorded during the site visit are as follows:

**Table 2: Weather conditions at the time of the survey**

| Parameter                          | Recorded Figure |
|------------------------------------|-----------------|
| <b>Temperature</b>                 | 4°C             |
| <b>Cloud cover</b>                 | 60%             |
| <b>Precipitation</b>               | None            |
| <b>Wind speed (Beaufort scale)</b> | 2               |

#### 3.2.2 Habitats

##### Semi-improved grassland

The site is dominated by a single parcel of grassland. A historical ecological survey of the site and adjacent land (Ecolocation, 2011 & 2014) indicates that this site had previously existed as part of a larger paddock, suggesting its historic function as grazed pasture.

At the time of this survey, there has been no indication that this parcel of land had received any recent management with the sward length well established and tall ruderal encroachment evident. Although this survey has been undertaken during the sub-optimal survey period, it is clear that the sward is dominated typical rank grasses including perennial ryegrass (*Lolium perenne*), false oat grass (*Arrhenatherum elatius*), cocks foot grass (*Dactylis glomerata*) and *Agrostis* sp.. Broadleaved species are limited within the sward, as would be expected at this time of year. Broadleaved species include; occasional ribwort plantain (*Plantago lanceolata*), chickweed (*Stellaria media*), creeping buttercup (*Ranunculus repens*), cleavers (*Galium aparine*) and nipplewort (*Lapsana communis*). Tall ruderal encroachment to the fringes of this habitat creates a successional habitat between the boundary hedgerows and the grassland. Species provided within areas of tall ruderal include abundant broadleaved dock (*Rumex obtusifolius*), creeping thistle (*Cirsium arvense*) and common nettle (*Urtica dioica*).



*Grassland on site*



*Tall ruderal*

This habitat is limited in size and extent. The completion of recent development works has reduced the previous extent of this habitat and further isolating it within the immediate landscape. As such, this grassland is considered to offer ecological value limited to within a local context.

#### Scattered trees

A single mature common lime (*Tilia x europaea*) is present within the site. This tree has a girth of less than 3m and therefore is unlikely to meet the requirements for classification as veteran (Woodland Trust, 2024). An extensive amount of epicormic growth is present to the base of the main stem and at historical points of damage along its length. Furthermore, this tree appears to have received some form of management, potentially pollarding, historically. Some dead wood is recorded within the canopy and associated with historic scarring.



*Lime tree*

This tree is considered to offer ecological value within a local context.

### Hedgerows

The site is enclosed by hedgerows to the north eastern and south eastern boundaries. This hedgerow offers an average height in excess of 2m and average width of between 2m and 3m. However, the presence of an earth bank provides a more elevated position when viewed from the roadside.

Species include abundant hawthorn (*Crataegus monogyna*), frequent blackthorn (*Prunus spinosa*) and occasional field maple (*Acer campestre*), elm (*Ulmus sp.*), and ash (*Fraxinus excelsior*) with rarely occurring oak (*Quercus robur*) and apple (*Malus sylvestris*).

These features do offer connectivity across the site, yet offer little by way of connectivity through the wider landscape with the hedgerow terminating beyond the site to the north and west where residential properties are present. As such these features offer ecological value within a local context.

### 3.2.3 Species

#### Bats

The data search reveals a number of records for common and widespread bat species locally. Previous survey information, relating to 4 Pipe Lane, confirms roosts relating to low numbers of non-breeding individual of common pipistrelle and brown long-eared (Ecolocation, 2011).

The hedgerows to the north-eastern and south-eastern boundaries, are likely to represent dispersal and foraging opportunities for bats.

A ground based assessment of lime tree, on site, revealed no suitable potential bat roosting features, however, extensive epicormic growth did obscure the surveyors view from ground level and therefore, further opportunities are likely to be present within the canopy of this tree. This tree is afforded “low” suitability when assessed against Table 4.1 of the Bat Survey Guidelines (Collins, 2023). There is no indication that identified features will be lost or adversely impacted.



*Potential bat roosting features*

Nearby established roosts are likely to be heavily dependent on foraging opportunities within their Core Sustenance Zones (CSZs) (BCT; Core Sustenance Zones: Determining zone size; 2016).

The site is relatively small in size and subject to existing levels of artificial light spill from the neighbouring residential areas. However, the habitats on site do offer limited opportunities for foraging and dispersing bats. This value is very much limited by the size and extent of suitable habitats present. As such the site is afforded low value to foraging and dispersing bat with this value limited to within a local context.

#### Nesting birds

The data search reveals a number of records for notable bird species associated with the surrounding landscape.

The tree and hedgerows do offer a suitable canopy structure for bird nest construction and the site is likely to support a wide range of common and generalist bird species.

Additionally, the infrequently managed grassland may offer opportunities for ground nesting species such as skylark (*Alauda arvensis*) and yellowhammer (*Emberiza citrinella*) recorded locally. The site is located in close proximity to residential areas and therefore the success of ground nesting species is likely to be influenced by levels of disturbance by domestic pets such as cats.

Given the extent and composition of habitats on site it is concluded unlikely that the site will support anything more than common bird assemblages. As such the site is afforded low suitability.

#### Amphibians

The data search reveals a number of records for common frog, common toad and smooth newt within the search radius.

Previous ecology surveys (Ecolocation 2011 & 2014) identified a total of five ponds within the surrounding landscape and within a 250m radius of this site. However, an updated assessment has revealed one of these ponds to now be filled in. The location of ponds within a 250m radius of the site are illustrated on Figure 2, below:



Figure 2: Ponds

These ponds were not accessible at the time of survey. However, when interpreting the available information, it could be concluded that the environmental conditions, for great crested newt (GCN), had not improved in the intervening years between the information provided by Ecolocation, in support of the adjacent development, and the present. In fact, one of the ponds present in the established network had been lost. Conclusions drawn in the Ecolocation report provide for a “terrestrial search” prior to commencement of works on the adjacent development. With this development, of two residential units, now complete, and Natural England holding no historic granted EPS licences within a 2km radius of the site, it could be reasonably concluded that no GCN have been identified, within similar terrestrial habitat adjacent to the site.

The grassland and hedgerows on site do provide terrestrial opportunities for amphibians, including GCN. Species such as GCN are heavily dependent on a well-connected network of suitable waterbodies to successfully breed. A network of ponds is present locally. However, these ponds are physically separated from the site by roads and expanses of residential properties with associated hardstanding.

With access to the identified ponds restricted, presence of GCN locally could not be eliminated. However, the physical severance of vegetated connectivity between these ponds results in the site being afforded low suitability for GCN. It is possible that more common and widespread species such as common frog, smooth newt and common toad may be more easily able to disperse on to the site.

#### Reptiles

The data search includes records for grass snake some 300m to the north of site. The semi-improved grassland and hedgerows do provide good opportunities for shelter for commuting and foraging reptiles.

The grassland does provide limited opportunities for species such as slow worm who use the shallow litter layer to move around areas without exposing themselves to predators. Common lizards are typically found within structurally complex habitats. They are unlikely to occur within the grassland due to its structural homogeneity. Grass snake are specialist predators, focusing on amphibians and are known to commute over large distances and are reliant on habitats associated with watercourses or waterbodies for foraging.

Although the presence of reptiles at the site cannot be ruled out, the area of suitable habitat present is limited in size and extent and physically separated for any known populations by roads and established residential areas. Therefore, if common species (most likely grass snake / slow worm) are present, they would be expected in very low numbers with the site being unlikely to support a dependant population.

As such, the site is afforded low suitability for use by reptiles.

#### Badger

The data search returned a number of records for badger locally. The surrounding landscape does provide good opportunities for this species and their presence locally is considered to be likely.

Badger clans have territory ranges that vary in size dependent on existing environmental factors such as availability of forage and sett building habitat. Foraging habitat is present on site, however, opportunities for successful sett establishment on site are limited.

A search of the site and neighbouring habitats during the informing survey, did not identified the presence of badger activity. However, a mammal path was noted to cross between the site and the tree belts on the opposite side of The Green to the north east of site. A good number of deer tracks were observed within the mud along this mammal path.

Historical surveys of the wider land parcel (Ecolocation, 2011 & 2014) did identify evidence of badger foraging, scent marking and dispersal although the presence of a badger setts was ruled out in their report.

Badger activity levels on site may fluctuate and their presence locally is confirmed.

#### Invertebrates

The data search returned a single record of wall butterfly *Lasiommata megera* within the Orton on the Hill, dating back to 1999. This species is considered a priority species under the UK Post-2010 Biodiversity Framework.

*Agrostis* sp. grasses, present within the grassland on site, are a known larval foodplant for this species. This foodplant is likely to be abundant locally with the site unlikely form a key resource for any local population.

There is no indication that the habitat types on site might present opportunities for an important assemblage of invertebrates. The site is afforded low suitability for notable invertebrates.

#### Notable mammals

The habitats on site offer suitable sheltering and foraging opportunities for species such as hedgehog. These species are a Species of Principal Importance under the NERC Act 2006. The habitats present on site, given their size and extent, are unlikely to form a key resource for the local hedgehog population as they would be provided with greater foraging opportunities within the wider landscape. The site is therefore considered to offer low value to hedgehog.

#### Invasive Species

The informing walkover surveys of the site reveal no invasive species as listed under Schedule 9 of the Wildlife and Countryside Act 1981.

## 4. Biodiversity Statement and Net Gain Feasibility Study

#### *Biodiversity Statement:*

The Biodiversity Gain Requirements (Exemption) Regulations 2024 provide for temporary exemptions of “non-major” developments: Regulation 3 states that:

“3.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for small development where—

- (a) the application for planning permission for small development was made before 2nd April 2024; or
- (b) planning permission is granted for small development which has effect before 2nd April 2024.

(2) The biodiversity gain planning condition does not apply in relation to a section 73 planning permission where the original planning permission to which the section 73 planning permission relates was exempt by virtue of paragraph (1).”

A small development does not fall into the category of a major development, as defined in article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 when:

- residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknown, the site area is less than 0.5 hectares
- commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare
- development that is not the winning and working of minerals or the use of land for mineral-working deposits
- development that is not waste development The informing walkover surveys of the site reveal no invasive species as listed under Schedule 9 of the Wildlife and Countryside Act 1981.

In this instance, as the application will be made prior to 2<sup>nd</sup> April 2024 and the proposed development includes a single residential dwelling on a site totalling 0.36ha. In consideration of this it could be argued that this planning application would qualify for temporary exception under Regulation 3 of the Biodiversity Gain Requirements (Exception) Regulation 2024.

Furthermore, government guidance for considering LPAs, relating to the delivery of BNG states:

*“Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework. Other local biodiversity policies which require specific enhancements to support biodiversity would continue to apply to these applications where appropriate.*

*Paragraph: 020 Reference ID: 74-020-20240214” Gov.uk ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain))*

#### *Biodiversity Feasibility Study:*

It was not considered appropriate, given the time of year and habitats present on site to undertake a habitat condition assessment during the informing walkover survey.

Should the considering LPA deem it appropriate that this application be supported by the demonstration of a 10% BNG, then a UK Habs survey and condition assessment of the grassland should be undertaken during spring/summer.

## **5. Assessment of Potential Ecological Impacts**

### **Summary of the Proposed Development**

Planning permission is sought for the construction of a single residential dwelling utilising the existing private driveway. The following impact assessment is based on the Indicative Site Layout Dwg No. 1800-0307-01. These plans have been designed to ensure the retention of existing tree and boundary features which offer potential sheltering and dispersal opportunities for wildlife within a local context. The proposals will however, result in the loss of the extent of grassland on site with the impacts of this habitat loss considered significant at a local level.

It has not been considered appropriate to undertake a formal condition assessment and calculation of biodiversity impacts through the DEFRA Statutory BNG Metric as the proposed development qualifies for temporary exception from the delivery of a 10% BNG, under Regulation 3 of The Biodiversity Gain Requirements (Exemption) Regulations 2024, if submitted prior to 2<sup>nd</sup> April 2024.

A Construction Environmental Management Plan (CEMP) will be prepared to detail how the retained habitats within and surrounding the site will be protected during the construction phase in order to avoid unlawful acts in relation to wildlife legislation. The CEMP will include details of appropriate fencing to restrict access retained hedgerows and tree, information on any timing restrictions and measures to prevent damage to retained habitats. Typically the preparation of a CEMP will be a conditional requirement of the planning permission.

#### *Designations:*

The site has no statutory or non-statutory designations for nature conservation within its boundary nor adjacent to them. When considering the likely scale and extent of the proposed works, no such designations are expected to be adversely impacted either directly or indirectly.

### Habitats:

The full extent of grassland on site will be lost to enable the development, with the single residential plot provided with a significant area of vegetated garden. The loss of this grassland habitat will result in a minor adverse effect significant within a local scale.

### Protected species:

#### Badger

Badgers are capricious animals that move between setts in response to changes in environmental factors and the activity level of the identified sett may fluctuate during the year. Therefore it is important to regularly monitor badger activity on site, both prior to and during the construction phase, to ensure badgers are safeguarded as part of the proposed.

#### Roosting Bats

The proposed development will seek to retain and protect the tree afforded "low" potential as well as the established hedgerows. Should this not be the case and tree management does become necessary to enable development, the onsite tree should be subject to an aerial tree climbing inspection to further determine its suitability to support a bat roost. In accordance with the mitigation hierarchy, as described in Paragraph 175 of the National Planning Policy Framework and reiterated in British Standard 42020:2013 (Biodiversity), potential ecological impacts should be avoided in the first instance where possible, with mitigation or compensation applied when avoidance is not achievable. In this instance, the design has sought to retain and protect the established vegetated corridors and suitable trees.

The proposed development includes no additional external lighting, however, standard levels of security lighting will be required to ensure the safe operation of the facility. All external lighting will be kept at a minimum level for safety and security and the lux-level of lamps as low as possible. Light emitted will be in the warm-white spectrum with shielded covers directed downwards. Lenses will be made from glass rather than plastic as this minimises the amount of UV light emitted, reducing the attraction effect of the lights on insects. Furthermore, night works will be restricted wherever possible and any security lights will be sensitively designed to avoid illumination of the retained habitats or potential bat dispersal routes. Any security lighting will be agreed with the appointed ecologist prior to the commencement of activity on site.

#### Great crested newt

With access restricted to ponds within a 250m radius of the site, the presence of GCN, locally could not be ruled out. These ponds are however are physically separated from the site by roads and expanses of hardstanding associated with surrounding residential dwellings. No pond will be directly impacted by the proposed development. The proposals include the construction of a single residential dwelling with associated vegetated garden all of which falls within 100m of the nearest pond, although physically separated by a road. This risk can be understood in accordance with the Natural England Rapid risk assessment tool. The results of which are illustrated within Figure 3, below:

| 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) | 0.1 - 0.5 ha lost or damaged                                                                                                                        | 0.5                                |
| Land 100-250m from any breeding pond(s)  | No effect                                                                                                                                           | 0                                  |
| Land >250m from any breeding pond(s)     | No effect                                                                                                                                           | 0                                  |
| Individual great crested newts           | No effect                                                                                                                                           | 0                                  |
| Maximum:                                 |                                                                                                                                                     | 0.5                                |
| Rapid risk assessment result:            |                                                                                                                                                     | AMBER: OFFENCE LIKELY              |

Figure 3: Results of the NE Rapid Risk Assessment Tool

**"Amber: offence likely"** indicates that the development activities are of such a type, scale and location that an offence is likely. In this case, the best option is to redesign the development (location, layout, methods, duration or timing; see **Non-licensed avoidance measures tool**) so that the effects are minimised. You can do this and then re-run the risk assessment to test whether the result changes, or preferably run your own detailed site-specific assessment. Bear in mind that this generic risk assessment will over- or under-estimate some risks because it cannot take into account site-specific details, as mentioned in caveats above. In particular, the exact location of the development in relation to resting places, dispersal areas and barriers should be critically examined. Once you have amended the scheme you will need to decide if a licence is required; this should be done if on balance you believe an offence is reasonably likely.

In this instance, given the limited scale of development, it is considered reasonable that a precautionary working method statement, in respect of the residual impact to GCN, in the form of Reasonable Avoidance Measures (RAMs) should be compiled and form part of the CEMP.

#### Nesting birds

Construction and preparation activities on site have the potential to result in disturbance to nesting birds through increased movement, noise and construction traffic in proximity to the retained hedgerows and tree. Should these potentially disturbing activities be undertaken during the breeding season, this could potentially result in the damage or destruction of nesting sites. Any such damage or destruction of an active nest could have an adverse effect on populations of breeding birds, which would be significant at the Local level. It would also constitute an offence under the Wildlife and Countryside Act 1981 and so will be a legislative consideration during the operational phase of the proposed works.

Works should be scheduled to only occur outside of typical bird nesting season (March-August inclusive). If this is not possible, a check should be carried out by a suitably qualified ecologist no more than 24 hours in advance of clearance works. If an active birds' nest is found within the proposed clearance zone, suitable avoidance measures should be installed, such as creating a buffer zone with barrier tape around the nest to ensure that the nest is not damaged or destroyed by the works. The nest should then be monitored until all chicks have fledged and a suitably experienced ecologist confirms the nest is no longer active and fledglings are no longer dependent on the nest before works can proceed.

#### Hedgehog and Brown Hare

Hedgehog and Brown Hare are likely to be present within the wider landscape and as such, it is possible that these species may cross the site whilst naturally dispersing in search of forage or commuting. Should these species be using habitats on site, effects may include death / injury, habitat loss and fragmentation. It is considered unlikely that proposals will have any significant effect on the favourable conservation status of these species.

## 5. References

- Birds of Conservation Concern 3: The Population Status of Birds in the UK, Channel Islands and the Isle of Man (Various, 2009).
- CIEEM, 2018. Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester
- Circular 06/2005: Biodiversity and geological conservation: Statutory obligations and their impacts in the planning system
- Cresswell WJ, Birks J, Dean M, Pacheco M, Trehwella WJ, Wells D and Wray S (2012) UK BAP Mammals: Interim Guidelines for Survey Methodologies, Impact Assessment and Mitigation. The Mammal Society, Southampton.
- Harris S, Cresswell P and Jefferies D, 1989. Surveying Badgers. Mammal Society.
- Institute of Environmental Assessment, 1995. Guidelines for Baseline Ecological Assessment. London: E & FN Spon.
- Google Earth Pro.
- LRERC
- Ecolocation 2011 & 2014 - 4 Pipe Lane, Orton on the Hill, Atherstone CV9 3NF
- The Biodiversity Gain Requirements (Exemption) Regulations 2024
2023. Bat Surveys: Good Practice Guidelines. 4<sup>th</sup> edition. London: Bat Conservation Trust.
- JNCC, 2004. Bat Workers Manual. 3rd edition.
- National Planning and Policy Framework, 2023.
- The Conservation of Habitats and Species Regulations, 2012.
- Stace, C., 1997. New flora of the British Isles. Cambridge: Cambridge University Press.
- Southwood, T.R.E. (1961) The numbers of species of insect associated with various trees. J. Animal Ecology 30: 1-8

## Appendix 1 – Legislation

### Legislation & Planning Policies

A number of UK and European policies and legislation deal with the conservation of biodiversity.

#### Protected habitats & species

The Wildlife and Countryside Act 1981 (as amended by the Countryside Rights of Way Act 2000) Section 9 protects great crested newt and all UK species of bat and their resting places from disturbance, damage and destruction. The Conservation of Habitats and Species Regulations 2010 additionally lists great crested newt and all UK species of bat as European Protected Species, and additionally prohibits killing or injury of individuals, as well as protecting their resting places from disturbance and destruction.

Common reptiles (grass snake, adder, common lizard and slow worm) are listed under Schedule 5 of the Wildlife and Countryside Act (as amended) and are protected from killing and injury.

The Wildlife and Countryside Act 181 (as amended) provides protection to all species of wild bird and their nests. Under Section 1 it is an offence to intentionally or recklessly take, damage, destroy, or otherwise interfere with nests or eggs, or to obstruct or prevent any wild bird from using its nest.

Under the Protection of Badgers Act 1992 it is an offence to disturb, kill, injure or take a badger or to disturb, damage, obstruct access to, allow a dog to access or destroy a sett.

#### Priority habitats & species

The NERC Act 2006 places a duty on public authorities to conserve biodiversity. Additionally, this Act states that a list of priority species and actions must be drawn up and published, to contain species and habitats of principal importance for the purpose of conserving biodiversity. These lists of Priority Species and Priority Habitats, which encompass the previous UK Biodiversity Action Plan (BAP) habitats and species, are those identified as being the most threatened and requiring conservation action. Priority habitats and species were chosen based on international importance, rapid decline and high risk. The list contains over 1000 habitats and species in total.

#### Invasive species

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) contains introduced species which have been identified as having a severe economic and ecological impact through their introduction. It is an offence to release or allow to escape into the wild any species which is listed under Part I or Part II of Schedule 9, or any species which is not native.

## Appendix 2 – Phase 1 Habitat Map

