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NORMANDY WAY, HINCKLEY (7341)

PHASES 3&7 DISCHARGE OF CONDITIONS 14, 19 and 20 (15/00118/OUT)

INTRODUCTION

1. Ecology Solutions originally updated the Construction Mitigation Strategy (CMS) to support the approved outline planning permission for Hinckley West (hereafter referred to as the 'site'). The original CMS was completed by RSK in February 2015, along with an Ecological Appraisal (June 2014), which was supported by a range of habitat and protected species surveys since 2014. The initial consent for the development was granted in May 2018 (15/00188/OUT).
2. Ecology Solutions submitted an updated Construction Mitigation Strategy (CMS) in May 2017 for the proposed development. The CMS has since been accepted by the council and this report references and updates those previously agreed mitigation measures. Since 2017, Ecology Solutions has completed a number of updated surveys, as detailed below.
3. Conditions 14, 19 and 20 of the outline planning consent (15/00188/OUT) relate to ecology. Ecology Solutions subsequently produced a document to discharge conditions 14, 19 and 20 for Phases 1 and 2 in July 2020.
4. This document seeks to provide the required information to facilitate the discharge of conditions 14, 19 and 20 for Phases 3 and 7 (see Appendix 1 for phase locations).

WATER VOLE MITIGATION STRATEGY

Condition 14

"No development shall commence on site until a Water Vole Mitigation Strategy, based on the principles outlined on the Water Vole Habitat Strategy Plan Dwg No DE155_006, has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include a phased programme of mitigation works relative to the build programme of the development. The development shall be carried out in accordance with the approved scheme."

5. The proposed development is split into 8 phases (see Appendix 1). Phases 1 and 2 have been granted full planning permission (18/00563/REM) and are

under construction. The features included in the Water Vole Habitat Strategy, which include the large attenuation area / ecological area in the south of the wider site, is under construction as part of Phases 1 and 2. The ecological area includes native scrub, native woodland planting, wetland meadows and wildflower meadows. The ecological area also includes the protected Water Vole corridor which retains the existing stream and ensures it is buffered from the proposed development and associated recreational activity. As a whole, this area will create new opportunities for Water Voles and a range of wildlife. In addition, the attenuation feature and wildflower grassland created within Phase 7 within close proximity to the stream will offer further opportunities for Water Vole post-development.

6. Further detail of the supporting surveys and proposals is set out below.

Survey Methodology

7. Ecology Solutions undertook specific surveys for Water Vole in the site in May 2017, September 2019, March 2020 and May 2020. Prior surveys were conducted by RSK in 2014.
8. The survey work carried out involved careful searching along the banks of suitable water habitat within the site, using the standard methodology as advocated within The Water Vole Mitigation Handbook (2016¹) and recommended by Natural England. Access was possible to both sides of the bank and a thorough search was possible to complete.
9. The basis of the surveys undertaken was to determine the presence / absence, and where necessary distribution and abundance, of Water Voles within the watercourses within the site through the detection of signs such as burrows, feeding stations, latrines, faeces, lawns, footprints, and potentially from sightings of the animals themselves.
10. The surveys also allowed an assessment of the suitability of the existing habitats present to support Water Voles, to be undertaken.

Survey Results

11. In 2014 RSK recorded evidence of Water Vole in the form of feeding remains and latrines in eight distinct locations along the southern section of the stream within the site. It is understood that subsequent surveys by RSK did not identify any evidence of Water Vole, but no detail of these surveys is available. Updated surveys undertaken by Ecology Solutions between 2017 and 2020 have subsequently not found any evidence of Water Vole within the site. Nonetheless, the applicant still proposes to provide the habitat enhancements for this species which may allow future site colonisation.

Mitigation and Enhancement

12. **Legislation.** The Water Vole received limited legal protection in April 1998 through its inclusion in Schedule 5 of the Wildlife & Countryside Act 1981 (as

¹ Dean, M., Strachan, R., Gow, D. and Andrews, R (2016). *The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance Series)*. Eds Fiona Mathews and Paul Chanin. The Mammal Society, London.

amended) for some offences. This protection was extended on the 6th April 2008, so the Water Vole is now fully protected under Section 9.

13. Legal protection makes it an offence to:
 - Intentionally kill, injure or take (capture) a Water Vole;
 - Possess or control a live or dead Water Vole, or any part of a Water Vole;
 - Intentionally or recklessly damage, destroy or obstruct access to any structure or place which Water Voles use for shelter or protection or disturb Water Voles while they are using such a place; and
 - Sell, offer for sale or advertise for live or dead Water Voles.
14. The law only applies to wild animals, so the possession of captive-bred Voles is not an offence.
15. Licences are available from Natural England to allow activities that would otherwise be offences for:
 - Scientific or educational purposes;
 - The purpose of ringing or marking;
 - Conserving wild animals or introducing them to particular areas;
 - Preserving public health or public safety;
 - Preventing the spread of disease; and
 - Preventing serious damage to any form of property or to fisheries.
16. There is no provision under the Wildlife & Countryside Act 1981 for licensing what would otherwise be offences for the purpose of development, maintenance or land management. Such activities must be covered by the defence in the Act that permits otherwise illegal actions if they are the incidental result of a lawful operation and could not reasonably be avoided (s.10(3)(c)).
17. If the development or maintenance work proposed would impact upon Water Voles and the impacts cannot reasonably be avoided (i.e. as far as is reasonable, appropriate action has been taken to safeguard the animals and the places they use for shelter and protection), then the developer will need to rely on the incidental result defence having made a judgement as to whether his actions are covered by that provision. Ultimately only a court can decide what is reasonable and to what extent adverse impacts might have been reasonably avoided in any set of circumstances.
18. Given the lack of any current evidence of Water Vole it is not necessary to conduct the measures below under licence unless any further evidence of this species is identified. Nonetheless, the principles of the original strategy will be carried out to ensure any risks are minimised.

Protective Measures

19. Protective fencing has been installed and will be maintained around the stream during construction (see Plan ECO1 and Appendix 2). The fencing will ensure the stream is not impacted by any construction activity thus removing the risk of impacting Water Voles, if present. Fencing will remain in place until construction activity has been completed within close vicinity to the stream. A small section of the stream will not have fencing adjacent, although it will be

protected by the fencing that surrounds the ecology area, which will ensure it is protected during construction.

20. The stream will be retained and buffered from the proposed development with native scrub and tree planting. Bridges for roads will be constructed over parts of the stream.
21. Where impacts to the stream are required in any given phase, the stream will be checked in advance by a suitably qualified ecologist for the presence of Water Voles. If any burrows are discovered or works are deemed to potential impact Water Voles, all works within a 20m buffer area will cease until a Natural England licence is obtained. Works that may require a licence include the stream crossings and other works within 6m of the stream or any resting place used by a Water Vole. Should no evidence of Water Voles be recorded, a precautionary watching brief will still be undertaken.
22. During the watching brief, the banks of the stream will be strimmed by hand down to ground level and will be checked by a suitably qualified ecologist for the presence of any Water Vole burrows. Should any burrows be recorded during these works, a licence from Natural England may be required before works can commence.

Protected Water Vole Corridor

23. As detailed on the Water Vole Habitat Strategy Plan (DE155_006 – see Appendix 3) the existing stream will be protected as a Water Vole corridor with a minimum 6m wide buffer and will include additional native scrub planting and wildflower meadow grassland. The southeastern boundary of Phase 7 forms part of this corridor and is to be sown with wildflower grassland and will be managed specifically for Water Voles (see Appendix 4 for detailed planting).
24. The Water Vole corridor will be enhanced through the removal of scrub to encourage foodplant and marginal vegetation.
25. Future cutting of bank-side vegetation as part of the ongoing management shall only be undertaken when necessary to prevent corridor silting-up, or where scrub removal is required. Where practicable, occasional stands of scrub will be retained to provide the Water Voles with cover from predators and as a winter food resource.
26. The vegetation along the stream will be subject to sensitive management with limited cutting only being undertaken in the early spring (15th February to 31st March) and with only one side of the stream banks being cut every year with due regard to any other protected species considerations. Cutting shall not be lower than 15cm in height. Metal blade trimmers shall be used, rather than heavy machinery. Scrub shall be managed to retain discrete blocks which do not overshadow the water's surface.
27. If de-weeding of the corridor is necessary following enhancement works, it shall be carried out on an 'as required' basis in early to mid-March (at a time when Water Vole populations are naturally low). Weed clearance will be undertaken with a long reach digger and will only involve the clearance of in-channel vegetation leaving the banks un-impacted. Works will be carried out in an

upstream direction from one bank only in any one rotation. This process will allow dislodged plant matter to root on newly exposed banks.

28. Where management is required, contractors will walk the entire length of the ditches to check for, mark and subsequently avoid any significant concentrations of Water Vole burrows. Advice will be sought from a suitably qualified ecologist as appropriate, and a Natural England licence may be required if Water Vole presence is identified.
29. Bank-side vegetation will be left to grow naturally at all other times, to provide cover and a food source for Water Vole.
30. The creation of an attenuation feature within the east of Phase 7, as well as extensive additional planting and the creation of permanent ponds within the ecological areas in the wider site will provide additional enhanced opportunities for Water Vole and will encourage Water Voles to recolonise the site.
31. The areas of wildflower meadow adjacent to the existing stream and created wetland / pond areas will be cut once a year with only 50% of the area being cut to provide maintain suitable habitat for Water Voles all year round.
32. The ecological area in the wider site will include unplanted wet channels and existing scrub will be removed from the stream to encourage food plants. As part of the attenuation features the southern banks will be steeper to provide suitable borrowing opportunities and stock fencing will be installed around the perimeter of the attenuation features to discourage access by the public and dogs.
33. Any vegetation management required within the ecological area will be carried out sensitively and by hand, with due regard had to the presence of Water Vole along the banks. The vegetation along the ponds will be subject to sensitive management with limited cutting only being undertaken in the early spring (15th February to 31st March) and with only one side of the stream banks being cut every year with due regard to any other protected species considerations. Cutting shall not be lower than 15cm in height. Metal blade trimmers shall be used, rather than heavy machinery. Scrub shall be managed to retain discrete blocks which do not overshadow the water's surface.

UPDATED SURVEYS

Condition 19

"No development shall commence, in any phase, unless and until a schedule of re-surveys and/or re-assessment of ecological plans and assessment for that phase is submitted to and agree in writing"

Condition 20

"No development shall commence, in any phase, unless and until such time as the re-survey and/or re-assessment of ecological plans and assessment as identified in condition 19 are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved survey/assessments and any identified mitigation measures."

Habitat Survey Methodology

34. Updated habitat surveys were carried out in September 2019, between March 2020 and June 2020 and in February 2022 in order to determine if any habitats within site had materially changed since the previous surveys.

Faunal Survey Methodology

35. Obvious faunal activity, such as birds or mammals observed visually or by call during the course of the surveys, was recorded. Specific attention was paid to any potential use of the site by protected species, species of principal importance (priority species), or other notable species.
36. In addition to general observations of faunal activity, specific surveys were undertaken for Badgers and bats and Water Voles (latter as already detailed above).
37. Experienced ecologists undertook the faunal surveys with regard to established best practice and guidance issued by Natural England. Details of the methodologies employed are given below.
38. **Badgers.** Specific surveys were undertaken within the site, to search for evidence of Badgers in August 2019, between March 2020 and June 2020 and in February 2022. Such surveys comprise two main elements. The first of these is a thorough search for evidence of Badger setts. If any setts are encountered each sett entrance is noted and plotted even if the entrance appeared disused. The following information is recorded:
- (i) The number and location of any well used or very active entrances; these are clear from any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.
 - (ii) The number and location of any inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance.
 - (iii) The number of any disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be and the remains of the spoil heap.
39. Secondly, Badger activity such as well-worn paths and run-throughs, snagged hair, footprints, latrines and foraging signs are recorded so as to build up a picture of the use of the site, if any, by Badgers.

40. **Bats.** Field surveys were undertaken with regard to best practice guidelines issued by Natural England², the Joint Nature Conservation Committee³ and the Bat Conservation Trust⁴.

Tree Assessment

41. All trees within and immediately adjacent to the site were subject to an updated assessment for their potential use by bats in August 2019, March 2020 and February 2022. Ladders, binoculars and an endoscope were used where necessary. For a tree to be classified as having some potential for roosting bats it must usually have one or more of the following characteristics:

- Obvious holes, e.g. rot holes and old woodpecker holes;
- Dark staining on the tree below a hole;
- Tiny scratch marks around a hole from bats' claws;
- Cavities, splits and / or loose bark from broken or fallen branches, lightning strikes etc; and / or
- Very dense covering of mature Ivy *Hedera helix* over the trunk.

Habitat Overview

42. The arable habitats have become disused and have recolonised with ruderal species, however the habitat is subject to management through cutting. No other material changes to habitats were recorded during the February 2022 survey (see Plan ECO4).

Habitat Mitigation and Enhancements

43. As an enhancement, areas of wildflower meadow will be created along the northeastern and northwestern boundaries of Phase 3 (see Appendix 5), as well as the northwestern and southeastern boundaries of Phase 7 and surrounding the attenuation feature (see Appendix 4). Areas of wildflower grassland are also provided throughout the wider site. This habitat will provide value and opportunities for a range of wildlife and represent an enhancement over the existing situation.
44. Extensive areas of new tree planting, including fruit-bearing species is proposed within Phases 3 and 7, as well as the wider site, which will more than compensate for minor losses to trees that occur. This new planting will increase opportunities for biodiversity across the site and improve connectivity to the wider area.
45. Losses to small areas of the hedgerow is proposed within Phase 7. Extensive new native hedgerow planting is to take place site-wide, including within Phase 3, which will more than offset proposed losses. In addition, retained hedgerows will be subject to bolster planting where necessary in order to improve their structure and provide an enhancement over the existing situation.

² Mitchell-Jones, A. J. (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough.

³ Mitchell-Jones, A.J. & McLeish, A.P. (2004). *Bat Workers' Manual*. 3rd edition. Joint Nature Conservation Committee, Peterborough.

⁴ Bat Conservation Trust (2016). *Bat Surveys for Professional Ecologist – Good Practice Guidelines*. 3rd Edition. Bat Conservation Trust, London.

46. New wetland planting within the east of Phase 7 is based around a planting mix incorporating native species of local provenance. The attenuation pond will be managed to increase biodiversity, where appropriate, which will represent a biodiversity enhancement over the current situation.

Faunal Species Overview

Bats

47. **Legislation.** All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"). These include provisions making it an offence to:

- Deliberately kill, injure or take (capture) bats;
- Deliberately disturb bats in such a way as to be likely to significantly affect:-
 - (i) the ability of any significant group of bats to survive, breed or rear or nurture their young; or to hibernate; or
 - (ii) to affect significantly the local distribution or abundance of the species concerned;
- Damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

48. Licences can be granted for development purposes by an 'appropriate authority' under Regulation 55 (e) of the Habitats Regulations. In England, the 'appropriate authority' is Natural England (the government's statutory advisors on nature conservation). European Protected Species licences permit activities that would otherwise be considered an offence.

In accordance with the Habitats Regulations the licensing authority (Natural England) must apply the three derogation tests as part of the process of considering a licence application. These tests are that:

1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. There must be no satisfactory alternative; and
3. The favourable conservation status of the species concerned must be maintained.

49. Licences can usually only be granted if the development is in receipt of full planning permission (and relevant conditions, if any, discharged).
50. **Site Assessment.** A total of 18 trees within the site were recorded to have low potential to support roosting bats by Ecology Solutions. Two of these trees lie along the northwestern boundary of Phase 7, while one bat potential tree lies along the northwestern boundary of Phase 3 (see plan ECO4 attached).
51. **Mitigation and Enhancements.** The habitats are generally of low suitability for bats and the majority of suitable bat habitat will be retained as part of the proposed development.

52. The bat potential trees within phases 3 & 7 will be retained as part of the proposed development. Each tree will be subject to root protection fencing, which will protect the trees during construction.
53. The majority of the hedgerows are being retained site-wide as part of the proposals, although some losses will occur within Phase 7. As highlighted above, compensatory planting will take place to replace any losses that occur and will utilise native species, which will help to maintain opportunities for bats post-development.
54. A sympathetic lighting regime associated with the new proposals will minimise light spillage into key areas, such as the retained trees and hedgerows within the site, and suitable adjacent habitat, which would maintain foraging and navigational opportunities in these areas in the form of 'dark corridors'. It is recommended that the use of warm-white LED lights, which produce less light spillage than other types of lighting and have low / no UV content, or UV-filtered lights should be considered to reduce the light spillage on existing bat flight lines. In addition, the spillage of the light can be reduced further through use of low-level lights and the employment of lighting 'hoods' which will direct light below the horizontal plane, preferably at an angle less than 70 degrees.
55. The creation of new habitats of greater value to bats, e.g. wildflower meadow, attenuation features and the extensive areas of new landscape and woodland planting within the wider site will more than offset the minor losses of foraging habitat of low importance, will enhance the foraging opportunities available to bats and will also improve connectivity within the site and to the wider area.
56. A total of 7 Schwegler bat boxes are to be provided as part of each phase. The proposed locations of these bat boxes for Phases 3 and 7 are shown on Plan ECO2 and Plan ECO3 respectively.

Badgers

57. **Legislation.** The Protection of Badgers Act 1992 consolidates the previous Badgers Acts of 1973 and 1991. 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, with particularly high populations in the southwest.
58. As well as protecting the animal itself, the 1992 Act also makes the intentional or reckless destruction, damage or obstruction of a Badger sett an offence. A sett is defined as "any structure or place which displays signs indicating current use by a Badger"⁵. "Current use" of a Badger sett is defined by Natural England as "how long it takes the signs to disappear", or more precisely, to appear so old as to not indicate "current use".
59. In addition, the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.
60. **Site Assessment.** An annexe Badger sett was identified within the hedgerow located along the west of Phase 3 in 2020 and was subsequently subject to a

⁵ Protection of Badgers Act 1992 (as amended). Guidance on 'Current Use' in the definition of a Badger Sett <http://www.naturalengland.org.uk/ourwork/regulation/wildlife>

closure exercise as part of a Natural England licence. As part of the licence, the sett was closed by hand and mechanical means in November 2020.

61. During the February 2022 survey, two new mammal entrances had been excavated within the vicinity of the former annexe sett (see Plan ECO4).
62. **Mitigation and Enhancements.** Trail cameras have been deployed and the entrances will be monitored for potential use by Badgers. In the event that Badgers are recorded utilising these mammal entrances, prior to construction, a 30m buffer with Heras fencing will be installed around the Badger sett to protect the sett from construction activity.
63. If recorded as an active sett, a licence will be obtained from Natural England to close the sett in order to facilitate the proposed construction works within 30m of the Badger sett. The earliest this closure exercise could be undertaken would now be July 2022. If any construction works are within 30m of the sett prior to its closure, these will first be discussed with an ecologist to determine if a licence is required for the works.
64. Prior to any construction works within a new phase of development, if more than 6 months elapses from the time of the most recent Badger surveys, then an updated check for any evidence of Badgers will be conducted within the site. Should any new setts be discovered within the site that would be impacted by the development, then an appropriate strategy for mitigation will be devised and a licence secured from Natural England if necessary.
65. To ensure that no impacts occur to Badgers during any construction activities all contractors working on the site should be briefed regarding the potential presence of Badgers.
66. Any trenches or deep pits within the site that are to be left open overnight should be covered or provided with a means of escape should a Badger enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface.
67. Any trenches or pits should be inspected each morning to ensure no Badgers have become trapped overnight. Should a Badger 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 Ecology Solutions or another suitably qualified ecologist should be contacted immediately for further advice.
68. The storage of topsoil or other 'soft' building materials on site should be given careful consideration. Badgers could adopt such mounds as setts, which would then be afforded the same protection as established setts. Such mounds should be regularly inspected to check for use by Badgers.
69. The proposed development maintains commuting opportunities by retaining the majority of the hedgerows and the creation of open space will continue to provide foraging opportunities for this species. It is recommended that berry producing species are utilised to enhance seasonal foraging for Badgers and other wildlife.

70. The landscape proposals, which include significant areas of new planting, will enhance opportunities for Badgers and will include species that could be utilised as a food source by Badgers, such as fruit-bearing tree species.

Birds

71. **Legislation.** Section 1 of the Wildlife and Countryside Act 1981 (as amended) is concerned with the protection of wild birds, whilst Schedule 1 lists species that are protected by special penalties. All species of birds receive general protection whilst nesting.
72. **Site Usage.** The majority of species recorded within the site during surveys undertaken were common and widespread. It is considered that the hedgerow, and trees within the site offer suitable nesting and foraging opportunities for birds, while the grassland field margins also offers some suitable foraging opportunities. Given the cutting regime of the disused arable fields, this habitat is not considered to offer opportunities for ground-nesting birds.
73. **Mitigation and Enhancements.** It is recommended that clearance of any suitable nesting vegetation be undertaken outside the bird nesting season (March to August inclusive) to avoid any potential offence. Should the above timing constraints conflict with any timetabled works, it is recommended that works commence only after a suitably qualified ecologist has undertaken checks to ensure no nesting birds are present. If nesting birds are found to be present during checks then clearance would need to be delayed until young have fledged.
74. In addition to the 20 bird boxes already proposed onsite, a further 7 bird boxes, of a variety of designs, are proposed within each phase (see Plans ECO3 and ECO4). The boxes would be erected high up so as to avoid potential vandalism and sited to ensure compliance with any health and safety requirements.

Great Crested Newts

75. **Legislation.** The legislative and licensing provisions outlined above with regard to bats also applies to Great Crested Newts.
76. **Site Assessment.** Great Crested Newts have been recorded within ponds within 250m of site (located approximately 160m and 220m northwest). However, the majority of the site comprises arable fields and is therefore not considered to represent suitable habitat for Great Crested Newts. For the reasons previously detailed within the approved updated CMS (May 2017), it is considered highly unlikely that Great Crested Newts would be present within the development site.
77. **Mitigation and Enhancements.** A precautionary approach to site clearance will be undertaken on a phase by phase basis. As part of the approach, newt exclusion fencing has been installed along the boundary (see Plan ECO1) of the site to prevent Great Crested Newts from entering the development site during construction. This fencing also surrounds the attenuation area to the south of the development site, which, once constructed, will provide suitable terrestrial and aquatic habitat and may potentially attract newts in closer proximity to the development site in the future. Great Crested Newts are not likely to enter the site at present given features such as rubble mounds and

ponds are not present. Indeed, it was agreed with the county ecologist that such fencing could be erected without a need for a licence and a capture and translocation exercise would not be merited. The location of the fencing is such that new aquatic and terrestrial habitat for Great Crested Newts will be constructed during the first phases of the development, but the fencing will remain in situ until the development is complete. The fencing will be checked once weekly for any damaged and need for repair, to ensure Great Crested Newts are not able to enter the site.

78. Suitable habitat to be lost for the development within 250m of the offsite Great Crested Newt pond (including field margins and hedgerows) will be removed under a RAMs method statement to ensure Great Crested Newts are not impacted by the construction works (see Plan ECO1), albeit this is not relevant to Phases 3 or 7. As part of this method statement, the habitat to be cleared will be subject to a thorough fingertip search by a suitably qualified ecologist prior to removal, to ensure Great Crested Newts are not present. If a Great Crested Newt is recorded during the search, all works will stop within suitable habitat and a licence will be obtained from Natural England, before works can continue. Once the search is complete and if no Great Crested Newts are recorded the remaining vegetation, surface rubble and brash will be removed by hand, before excavators (under close ecological supervision) slowly strip the topsoil and any root systems. All spoil arising will be hand searched by an ecologist for any remaining animals.
79. The creation of wildflower grassland and attenuation feature within Phase 7, as well as the creation of the ecological area within the wider site as part of the proposed development which includes a range of suitable habitat and aquatic features and ponds, will provide new aquatic opportunities for a range of amphibians and represent an enhancement for this faunal group post-development. Such features include native aquatic species to encourage amphibians and provide additional foraging for a range of species. The wildflower meadow grassland within the ecological areas and throughout the site will provide suitable terrestrial opportunities for Great Crested Newts and all amphibians.

SUMMARY / CONCLUSION

80. Updated habitat surveys were carried out in February 2022 in order to check if the habitat within site was subject to any material changes, since the previous surveys. In addition, specific surveys for bats and Badgers were undertaken.
81. Overall, it is considered that the site remains of low ecological value. The areas of relatively greater ecological value in the context of the site are the hedgerows/trees and the majority of these will be retained as part of the development proposals.
82. A total of 18 trees within the site were recorded to have low potential to support roosting bats. Two of these trees lie along the boundary of Phase 7, while one tree lies along the boundary of Phase 3. The bat potential trees within phases 3 & 7 will be retained and safeguarded as part of the proposed development. The majority of the hedgerows will be retained, with small losses to facilitate access roads, which will continue to provide suitable foraging and navigational opportunities for bats.

83. An annexe Badger sett was identified within the hedgerow located along the west of Phase 3 in 2020 and was subsequently subject to a closure exercise as part of a Natural England licence. As part of the licence, the sett was closed by hand and mechanical means in November 2020. During the February 2022 survey, two new mammal entrances had been excavated within the vicinity of the former annexe sett.
84. Trail cameras have been deployed and the entrances will be monitored for potential use by Badgers. In the event that Badgers are recorded utilising these mammal entrances, prior to construction, a 30m buffer with Heras fencing will be installed around the Badger sett to protect the sett from construction activity.
85. If recorded as an active sett, a licence will be obtained from Natural England to close the sett in order to facilitate the proposed construction works within 30m of the Badger sett. The earliest this closure exercise could be undertaken would now be July 2022. If any construction works are within 30m of the sett prior to its closure, these will first be discussed with an ecologist to determine if a licence is required for the works.
86. The establishment of wildflower meadows, new wetland meadows and extensive areas of new tree and woodland planting throughout the site will represent an enhancement for a range of faunal groups and may attract a number of species to the site which are not currently present, helping further increase biodiversity post development.
87. As an enhancement, 7 Schwegler bat boxes and 7 Schwegler bird boxes are proposed for each Phase (3 and 7).
88. This report has been submitted pursuant to conditions 14, 19 and 20 and it is considered the updated surveys conducted and proposed mitigation and enhancements set out above are sufficient to discharge these conditions in full for Phases 3 and 7 of the proposed development.
89. A detailed schedule of works is included below to summarise the required mitigation during construction.

SCHEDULE OF WORKS

Objective	Receptor	Management Prescription	Timing of Works	Responsible Person / Organisation
CONSTRUCTION MEASURES				
PROTECTION OF HABITATS DURING CONSTRUCTION	Habitats within the site	Standard engineering practice in respect of pollution control will be set into place to prevent any dust contamination on the surrounding areas. Timing of construction activities will take into account wind directions and any loose materials will be stored appropriately to prevent dust being carried to surrounding areas.	During construction.	Bloor Homes
		Works will be carried out in accordance with BS5837:2012 with regard to retained trees. Root protection zones will be identified with the implementation of fencing and signage around these zones.	Prior to construction.	Bloor Homes
		Any arboricultural works will be undertaken by a suitably qualified tree surgeon and carried out with regard to nesting birds and roosting bats.	During construction (outside March – August inclusive unless checks are undertaken to ensure no nesting birds present).	Bloor Homes
PROTECTION OF SPECIES DURING CONSTRUCTION	Water Vole	Protective fencing will be maintained around the stream prior to any works commencing within the site. The fencing will ensure the stream is not impacted by any construction activity thus removing the risk of impacting Water Voles, if present. Fencing will remain in place until construction activity has been completed within close vicinity to the stream. Where impacts to the stream are required in any given phase, the stream will be checked in advance by a suitably qualified ecologist for the presence of Water Voles. If any burrows are discovered or works are deemed to potential impact Water Voles, all works within a 20m buffer area will cease until a Natural England licence is obtained. Works that may	Prior to construction within the vicinity of the stream.	Bloor Homes and Ecology Solutions / other professional ecologist

		require a licence include the stream crossings and other works within 6m of the stream or any resting place used by a Water Vole. Should no evidence of Water Voles be recorded, a precautionary watching brief will still be undertaken. During the watching brief, the banks of the stream will be trimmed by hand down to ground level and will be checked by a suitably qualified ecologist for the presence of any Water Vole burrows. Should any burrows be recorded during these works, a licence from Natural England may be required before works can commence.		
	Bats	Normal construction activities to be limited to daytime hours to reduce light pollution on habitats used by bats.	During construction.	Bloor Homes
		Appropriate safety and security lighting employed during construction will minimise light spill onto the trees and hedgerows within the site and into adjacent off-site habitats. Lighting will be angled away from such features, which are suitable foraging habitats for bats.	During construction.	Bloor Homes
		The bat potential trees within phases 3 & 7 will be retained as part of the proposed development. Each tree will be subject to root protection fencing, which will protect the trees during construction.	Prior to construction.	Ecology Solutions / other professional ecologist
	Badgers	Trail cameras have been deployed and the mammal entrances along the western boundary of Phase 3 will be monitored for potential use by Badgers.	Prior to construction.	Ecology Solutions / other professional ecologist
		If Badgers are recorded utilising the mammal entrances, prior to construction a 30m buffer with Heras fencing will be installed around the sett to protect the sett from construction activity. If recorded as active, the sett will be subject to a closure exercise under a Natural England licence. If any construction works are within 30m of the sett prior to its closure, these will first be discussed with an ecologist to determine if a licence is required for the works.	Prior to construction within the vicinity of the sett.	Bloor Homes and Ecology Solutions / other professional ecologist

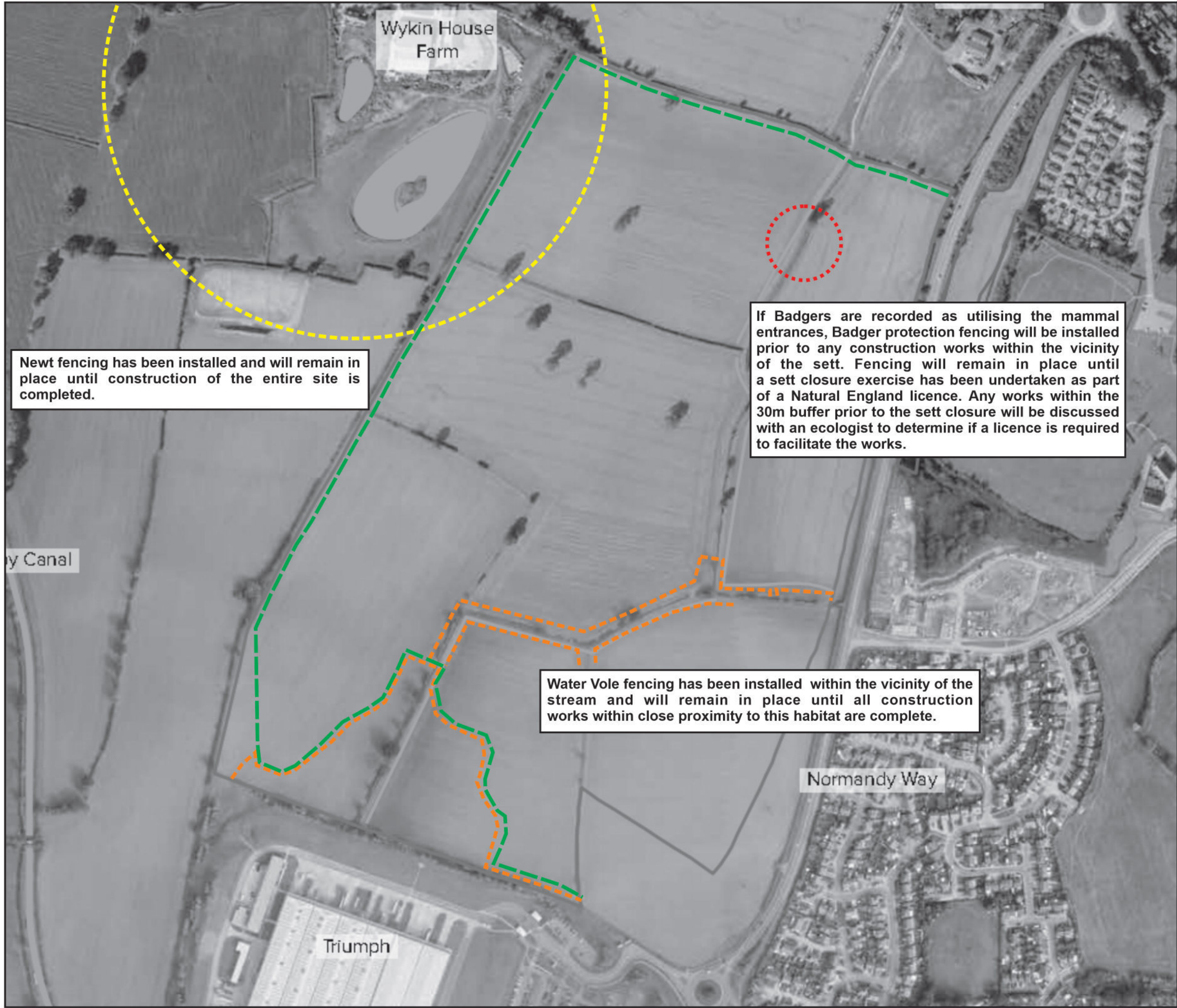
		All contractors working on the site will be briefed regarding the potential presence of Badgers.	Prior to construction.	Ecology Solutions / other professional ecologist
		Any trenches or deep pits within the site that are to be left open overnight will be covered or provided with a means of escape should a Badger enter. Any trenches or pits will be inspected each morning to ensure no Badgers have become trapped overnight. Should a trapped Badger be encountered Ecology Solutions or another suitability qualified ecologist will be contacted immediately for further advice. The storage of topsoil or other 'soft' building materials on site should be given careful consideration and should be regularly inspected to check for use by Badgers.	During construction.	Bloor Homes
	Birds	Any vegetation clearance will be carried outside the breeding bird season (March – August inclusive) or checks will be undertaken by a suitably qualified ecologist to ensure there are no nesting birds present.	During construction (outside March – August inclusive unless checks are undertaken to ensure no nesting birds present).	Bloor Homes and Ecology Solutions / other professional ecologist

	Great Crested Newts	Newt exclusion fencing will be maintained along the boundary of the site to prevent Great Crested Newts from entering the development site during construction. The fencing will remain in situ until the development is complete. The fencing will be checked once weekly for any damaged and need for repair. Suitable habitat within 250m of the offsite ponds, to be lost for the development will be removed under a RAMs method statement. The habitat will be subject to a thorough fingertip search by a suitably qualified ecologist prior to removal. If a Great Crested Newt is recorded during the search, all works will stop within suitable habitat and a licence will be obtained from Natural England, before works can continue. Once the search is complete and if no Great Crested Newts are recorded the remaining vegetation, surface rubble and brash will be removed by hand, before excavators (under close ecological supervision) slowly strip the topsoil and any root systems. All spoil arising will be hand searched by an ecologist for any remaining animals.	Prior to construction within the vicinity of the offsite pond.	Bloor Homes and Ecology Solutions / other professional ecologist
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PLANS

PLAN ECO1

Mitigation Measures



KEY:

- NEWT EXCLUSION FENCING
- 250M BUFFER FROM SMALL GREAT CRESTED NEWT POPULATION
- WATER VOLE FENCING
- BADGER PROTECTION FENCING

See Appendix 2 - Drawing No. MI100-SL-007.1B for detailed fencing drawing.



 ECOLOGY SOLUTIONS Part of the ES Group	Farncombe House Farncombe Estate Broadway Worcestershire WR12 7LJ +44(0)1451 870767 info@ecologysolutions.co.uk ecologysolutions.co.uk
	7341: NORMANDY WAY, HINCKLEY
PLAN ECO1: MITIGATION MEASURES	Rev: A Mar 2022

PLAN ECO2

Bat and Bird Box Location Plan – Phase 3



For entrance & site
wide landscaping please
refer to FPCR landscaping
details.

KEY:



SCHWEGLER BAT BOX



SCHWEGLER BIRD BOX



Farncombe House
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ecologysolutions.co.uk

7341: NORMANDY WAY,
HINCKLEY

PLAN ECO2: PHASE 3 BAT
AND BIRD BOX LOCATION PLAN

Rev: A
Mar 2022

PLAN ECO3

Bat and Bird Box Location Plan – Phase 7



KEY:



SCHWEGLER BAT BOX



SCHWEGLER BIRD BOX



Farncombe House
Farncombe Estate | Broadway
Worcestershire | WR12 7LJ

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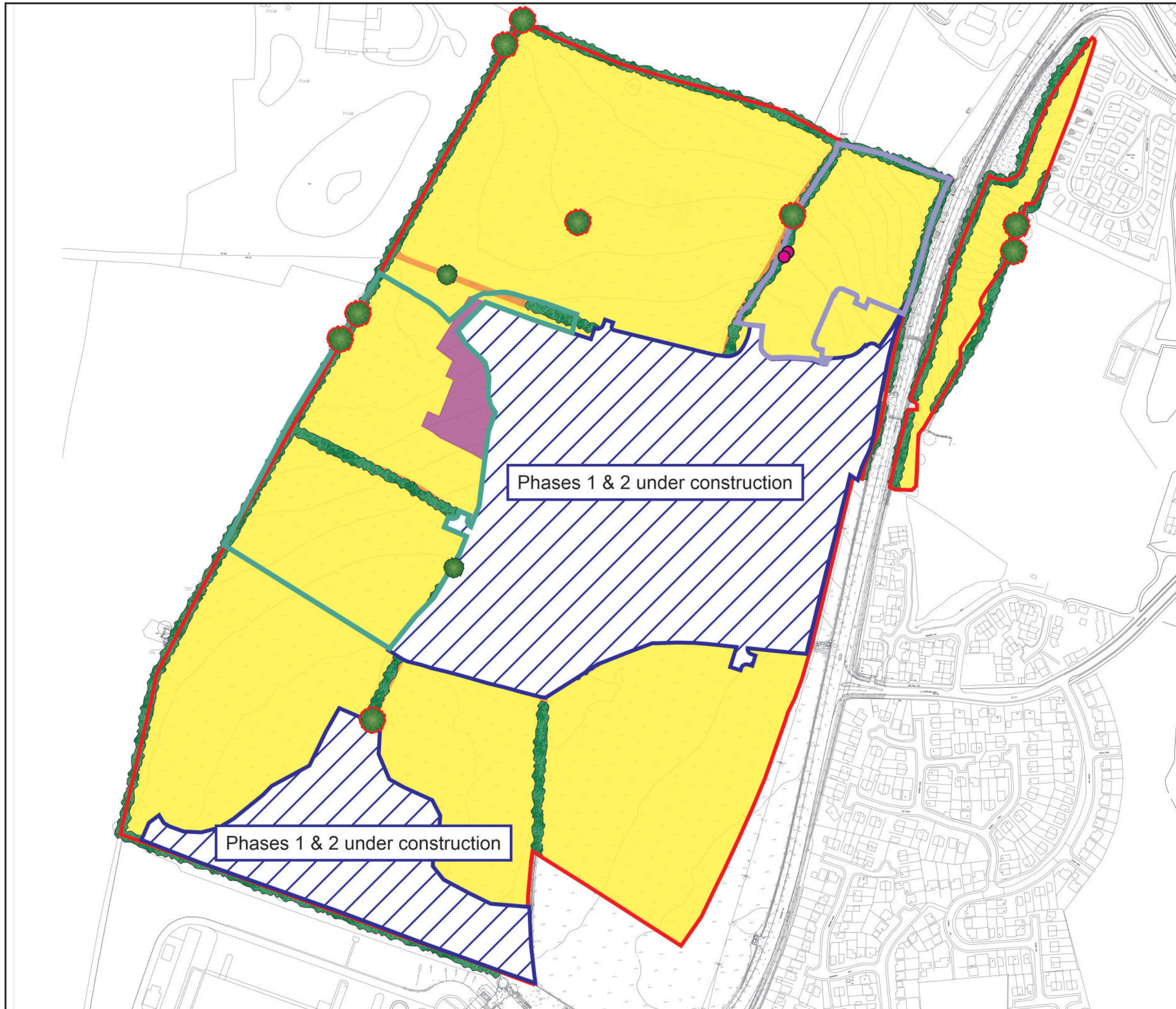
7341: NORMANDY WAY,
HINCKLEY

PLAN ECO3: PHASE 7 BAT AND
BIRD BOX LOCATION PLAN

Rev: A
Mar 2022

PLAN ECO4

Updated Survey Results



KEY:

- SITE BOUNDARY
- PHASES 1 AND 2 BOUNDARY
- PHASE 3 BOUNDARY
- PHASE 7 BOUNDARY
- DISUSED ARABLE
- GRASSLAND MARGIN
- RUDERAL VEGETATION
- HEDGEROW
- TREE
- BAT POTENTIAL TREE
- MAMMAL ENTRANCE



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7341: NORMANDY WAY,
HINCKLEY

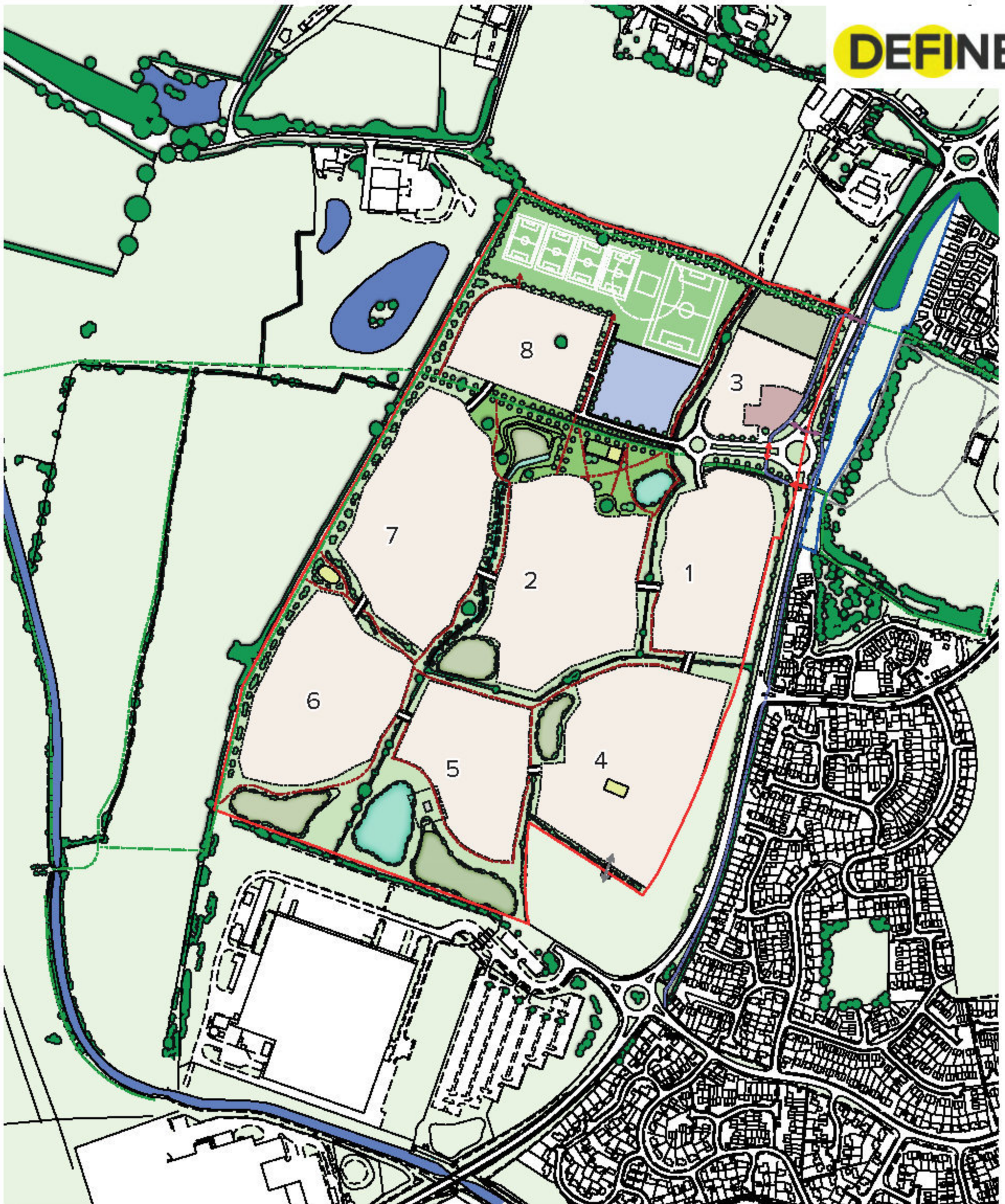
PLAN ECO4:
UPDATED SURVEY RESULTS

Rev: A
Mar 2022

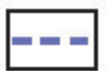
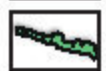
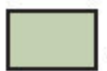
APPENDICES

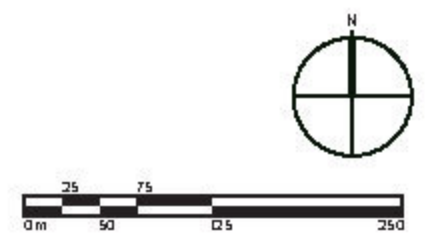
APPENDIX 1

Phase Plan



Legend

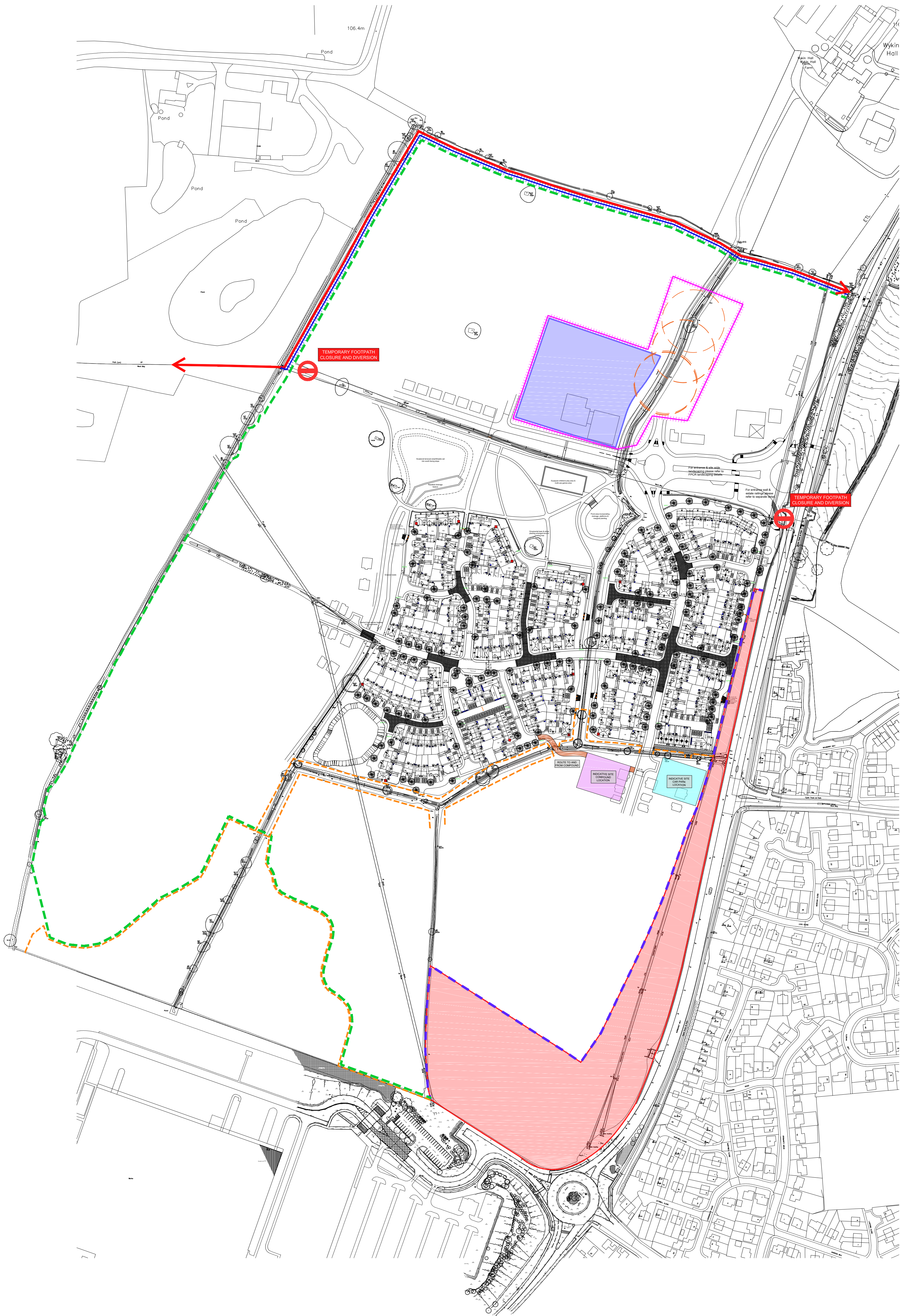
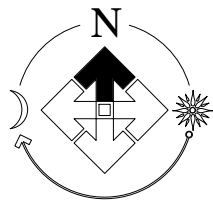
	Approximate Site Boundary		SUDS / Ecology (predominantly wet or dry areas)		Play Areas
	Other Land in Control of Applicant		Residential Development (24.75ha)		Existing PROW
	Existing Trees and Hedgerows		School Site (1.0ha)		Pedestrian / Cycle Routes (Normandy Way)
	Proposed Planting		Commercial (0.3ha)		Potential Pedestrian / Cycle Routes (within development)
	'Parkland' (2.1ha) (incorporating Informal / Equipped Play)		Allotments (0.5ha)		Formal Pedestrian / Cycle Crossing
	Natural and Semi Natural Open Space / Amenity Green Space		Outdoor Sports Facilities (3.28ha)		Informal Pedestrian / Cycle Crossing
					Potential Future Vehicular Access by others



C	Rev
DE155_002	Drng No
Bloor Homes	Client
Normandy Fields	Project
Development Framework	Title
1:5,000 @ A3	Scale

APPENDIX 2

Site Specific Constraints Plan (MI100-SL-007.1B)



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DERBYSHIRE DE12 7JP
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DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY. IF IN DOUBT ASK.
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP / SITE SPECIFIC
CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

- Notes.
- APPROX. LOCATION OF SCHOOL SITE
 - JELSONS LAND
 - PERMANENT 4MM HDPE AMPHIBIAN FENCING (NEWT EXCLUSION ZONE)
 - WATER VOLE / STOCK PROOF FENCING APPROX. 1.2M HIGH CONSISTING OF TWO TOP LINE WIRES, TIMBER POSTS AND STAKES WITH GALVANISED PIG MESH NETTING (800MM)
 - 1.2M HIGH POST & 3 RAIL FENCING
 - HERAS FENCING INSTALLED WITH RUBBER FENCING BLOCKS ENCLOSING SCHOOL SITE AND 30M OFFSETS TO BADGER SETTS.
 - HERAS FENCING INSTALLED ON TIMBER POSTS ENCLOSING TEMPORARY FOOTPATH DIVERSION.
 - DENOTES 30M OFFSETS TO BADGER SETTS.
 - DENOTES LINE OF TEMPORARY FOOTPATH DIVERSION.
 - CAR PARK
 - SITE COMPOUND

Revision.			
A	Fencing specifications added to site specific constraints plan.	03.07.20	JRM
B	Fencing amended to accord with FPCR landscape proposals.	07.07.20	JRM

HINCKLEY
WYKIN HALL ROAD

SITE SPECIFIC
CONSTRAINTS PLAN

DATE: 24.06.20
SCALE: 1:2000 @ A1
DRAWN: JM
CHECKED: -

BLOOR HOMES

HINCKLEY

Drawing No. MI100-SL-007.1B

APPENDIX 3

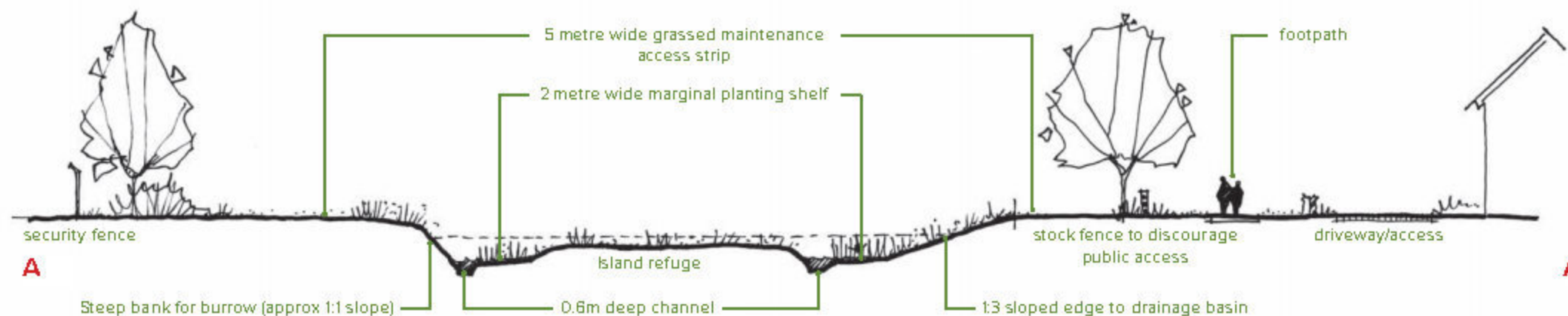
Water Vole Habitat Strategy Plan (DE155_006)

Protected Water Vole Corridor (1:5,000)

Section for which minimum 6.0m width protection zone from edge of watercourse to be provided for water voles



Indicative Cross Section A-A' 1:250 @ A3



Ecological Area (1:1,500)

- 1 Unplanted wet channel (approximately 600mm deep) linking existing watercourse to drainage basins
- 2 Some scrub to be removed from existing watercourse to encourage food plants/marginal vegetation
- 3 Marginal vegetation margins within base of drainage feature. Species to include a mix of graminoids and herbs. Graminoids to include *Phalaris arundinacea* (Reed Canary-grass), *Sparganium erectum* (Branched Bur-reed) and *Carex acutiformis* (Lesser Pond-sedge). Flowering herb species such as *Alisma plantago-aquatica* (Water-plantain), *Butomus umbellatus* (Flowering-rush), *Caltha palustris* (Marsh-marigold), *Filipendula ulmaria* (Meadowsweet), *Iris pseudacorus* (Yellow Iris), *Mentha aquatica* (Water Mint) and *Veronica beccabunga* (Brooklime). Plug planted in groups.
- 4 Island refuge with grassland species mix for wetlands (such as Emosgate EM8) that is tolerant of occasional flooding and requires little management.
- 5 Central pond area lies within the floodplain and will be excavated to form channels and pools. There will be no direct inflow from the watercourse or on site drainage system. Water levels will fluctuate according to ground water levels, weather conditions and flood events. Area to be planted with *Phragmites australis* (Common Reed) and *Schoenoplectus lacustris* (Common Club-rush) which can tolerate fluctuating water levels.
- 6 Steeper (1:1) banks for burrows on south edges of drainage basins (as opposed to general 1:3 slopes elsewhere) sown with grassland species mix for wetlands (such as EM8).



- 7 Stock fence around perimeter provides secure edge to discourage public access and dog walking.
- 8 5 metre amenity grassed access strip around perimeter of drainage features (with gated access).
- 9 Outfall control manhole controls flow between existing watercourse and drainage basins

DEFINE

- Amenity Grass
- Wet grassland edges
- Rough grassland margin
- Scrub/nettles
- Marginal planting
- Permanent water

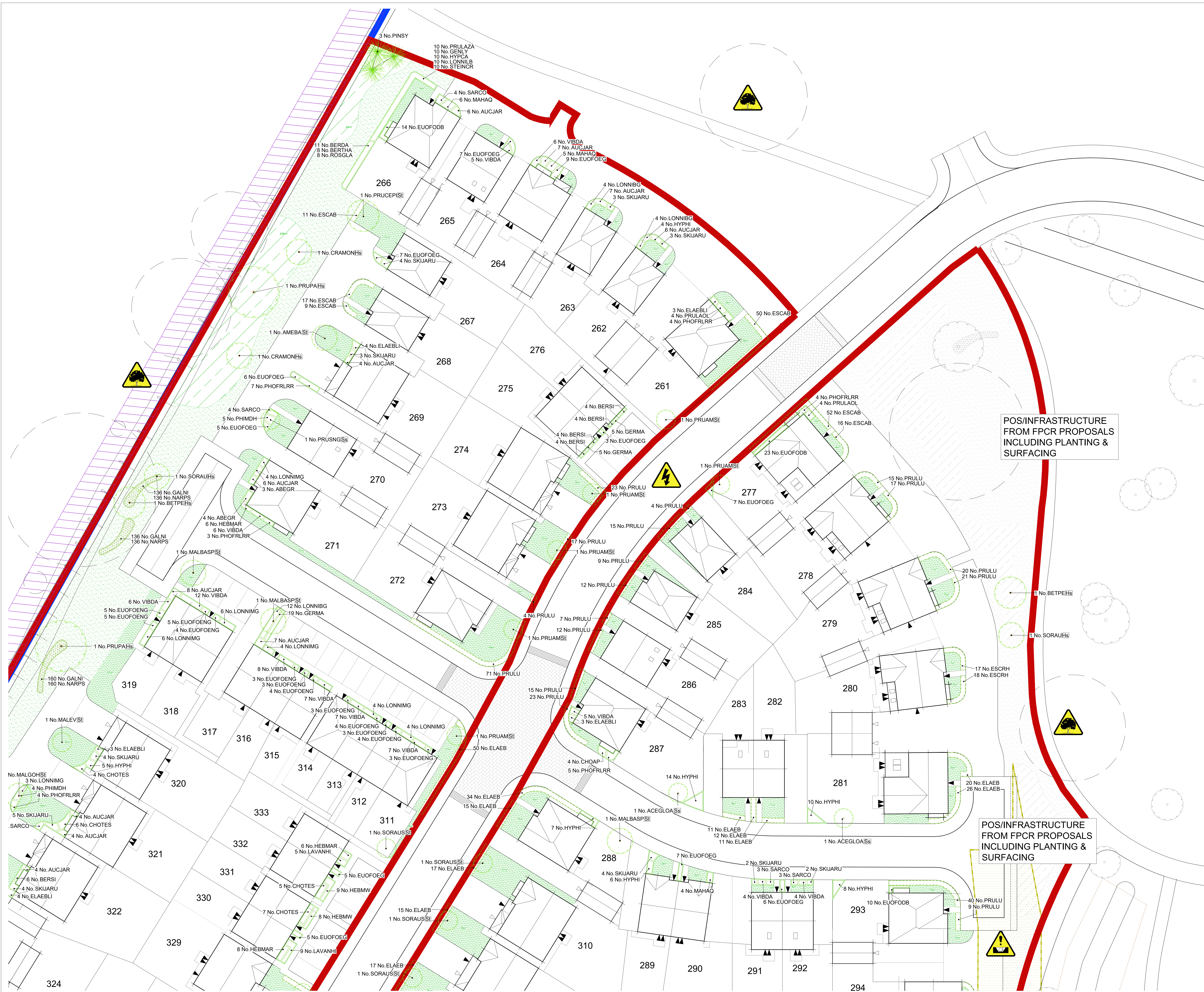


	Rev
DE155_006	Drg No
Bloor Homes	Client
Normandy Fields	Project
Water Vole Habitat Strategy Plan	Title
As Indicated	Scale

Note: These drawings are to illustrate the design principles only and are subject to the findings of further detailed site investigation works as part of the detailed design process

APPENDIX 4

Phase 7 Landscape Proposals



LEGEND

EXISTING TREES
To be retained

PROPOSED TREES
Heavy/Selected/Standard
See Schedule

PROPOSED TREES
Conifers
See Schedule

PROPOSED TREES
Heritage Apple Trees
See Schedule

ORNAMENTAL HEDGE
See Schedule

PROPOSED PLANTING
Shrubs/Herbaceous/Grasses
See Schedule

TURF
with area (m²)

AMENITY GRASS AREAS
Wear Tolerant Turfgrass Mixture
Emorsgate EG22 sown at 25g/m²
Kept mown short to 40mm

WILDFLOWER MEADOW
Special General Purpose Meadow Mixture
Emorsgate EMS sown at 4 g/m²
(Planting grasses to be retained and managed. Where
remediation is required see as above)

SEASONAL WETLANDS
Meadow Mixture for Seasonally Wet soils
Emorsgate EMS sown at 4 g/m²

SENSORY MIX
See Schedule

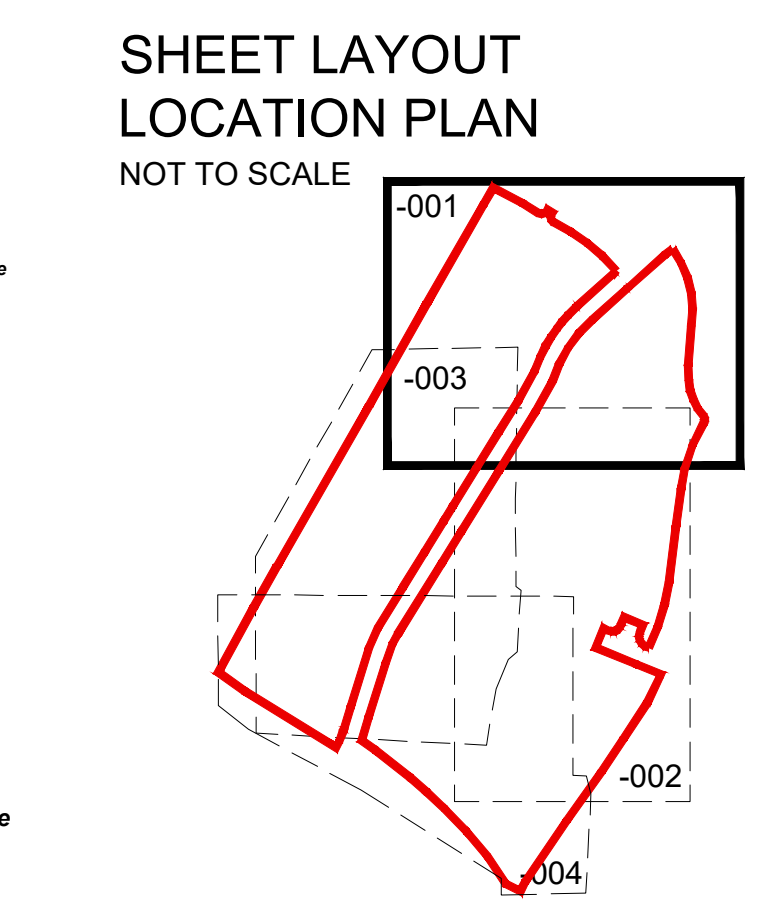
BULB PLANTING
See Schedule
Bulbs scattered by hand and planted where
they fail to create a natural look.

EASEMENTS

DRAWING NOTES

All tree and shrub locations and species must be taken into consideration by the project Structural Engineer to ensure that foundation design accords with the specifications set out in Chapter 4 of the NHBC Standards.

The landscape Contractor must ensure that plant material is planted in the locations shown and with NO SUBSTITUTIONS made without consulting the Group Landscape Design Department. It is the Landscape Contractor's responsibility to ensure that all underground services have been located and identified in advance of tree pit excavation so that no services are damaged or compromised by tree planting. Any changes to tree positions, species or specifications must be approved by the Group Landscape Design Department. Underground service strips are to be kept free of all plant material. Contractors must comply with all Health and Safety regulations and be aware of project/site specific information including referring to the information set out in the CDM drawings.



CDM LEGEND

Symbol	Brief description of risk.
	Caution overhead / underground services.
	Sewer assessment.
	Trees have protection order in place, guarding required.

NOTES:
Principal contractor to ensure all health and safety procedures are being correctly followed in relation to all temporary works.

PLOT NUMBER
SHEET REF.

SHEET 001 (261-287, 311-319)
SHEET 002 (288-310, 379-399)
SHEET 003 (320-339, 348-369, 375-378)
SHEET 004 (340-348, 370-374)

FOR SPECIFICATION,
PLANTING DETAILS &
SCHEDULE SEE DRAWING
EMxxx-LS-005

Revision	Date
1	17/09/21
2	28/09/21

Job: Normandy Fields, Hinckley Ph 7

Title: Site Landscaping

Scale: 1:200 @A0	Drawn: JMS
Date: Sept 2021	Checked: FmJ

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Drawing No:
EMxxx-LS-001b

NORMANDY FIELDS, HINCKLEY PH 7