

**MIRA TECHNOLOGY PARK SOUTH SITE,
WATLING STREET, WARWICKSHIRE**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: ERI MTP Limited

Report No: RT-MME-154920-01 Rev B

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked and Approved by:
Final	29/10/2021	Hannah Lewis MCIEEM (Senior Ecological Consultant)	Tom Docker CEcol MCIEEM (Managing Director)
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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

In May 2021, ERI MTP Limited commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development South of Watling Street near Caldecote, Nuneaton. This assessment is required to inform an assessment of the potential ecological impacts of a planning application associated with the construction of commercial units and associated infrastructure.

The Preliminary Ecological Appraisal comprised a desk study and a Phase 1 habitat survey. The desk study determined the presence of designated nature conservation sites and records of protected and notable species. The Phase 1 habitat survey was carried out on 21st June 2021 by Hannah Lewis MCIEEM (Senior Ecological Consultant).

The desk study identified no statutory sites designated for bats within 10 km and one European Statutory Site, Ensor's Pool SAC and SSSI, within 5 km of the site. No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone. No impacts were considered likely on statutory nature conservation sites due to the distance and intervening habitat between the sites and the proposed development, the reasons for their designation and the nature of the proposed development.

The desk study exercise identified twenty non-statutory sites within 1 km of the proposed development. Direct and potential impacts were identified on one of these; Ashby Railway Line (Weddington Country Walk) LWS, situated adjacent to the proposal site. A pedestrian access path is proposed which will pass into this site and join the Weddington Country Walk. It is anticipated that the detailed design of this can avoid impacts on the nature conservation interest at the site. Protection measures will also be required to avoid accidental damage to habitats on the periphery of this site during construction. It should also be noted that the eastern site boundary, which connects to and shares characteristics with the LWS will also be retained and protected and semi-natural planting is proposed adjacent to the LWS and adjoining. This will provide a buffer between the site and the development and will effectively increase the size of this habitat unit. As such the development is likely to have a beneficial impact on this LWS overall.

In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and the North Warwickshire Core Strategy (2021) the development proposals should be designed (where feasible) to allow for the retention of existing notable habitats. The most ecologically important habitats identified on site comprise the watercourse, species rich hedgerows and ponds. It is anticipated that the watercourse and species rich hedgerows will be retained on site. The ponds will be lost. Planning policy also requires that developments should provide a measurable Biodiversity Net Gain.

Overall, on site there will be a significant reduction in the area of wildlife habitats with the loss of species-poor intact hedgerows, semi-improved grassland, ponds and arable habitats. Enhancement measures are proposed around the site periphery that will contribute to compensating for this habitat loss. A Biodiversity Unit Calculation will be necessary to determine whether the proposal can provide a Net Biodiversity Gain on site. Biodiversity Offsetting will be required where net gain cannot be achieved within the site boundary. Further assessment is required to determine the net change in biodiversity at the site.

Protected and notable fauna have been identified as likely to be present on site. This includes amphibians (including great crested newt), badgers, bats, breeding birds (including potential for barn owl) and reptiles. Surveys to more accurately determine impacts on these species have already been commissioned.

European hare have also been identified on site. This species will be displaced from the site with the loss of 69 ha of habitat. As the site is situated within a landscape dominated by arable habitat this habitat loss is not considered likely to be significant to the overall population levels, although it may reduce east-west habitat connectivity for this species south of the A5.

The following recommendations have been made;

- R1 Ashby Railway Line (Weddington Country Walk) LWS: Consultation and Protection:** Consultation should be undertaken with the local council ecologist regarding proposals in and adjacent to this site. The construction of a traffic-free path link onto the Weddington Country Walk must be undertaken in a manner that minimises risk to habitats in this site.
- R2 Habitat Retention and Protection:** The species-rich hedgerows and watercourse should be retained, as shown in current site layout plans, and all hedgerows and the watercourse will require protection measures during construction.
- R3 Biodiversity Net Gain Strategy:** A Biodiversity Net Gain Strategy is required to ensure the development meets current planning requirements. Biodiversity enhancement measures should be incorporated into the landscaping scheme to work towards delivering net gains for biodiversity. Where a net gain cannot be achieved on site the local authority will seek compensation and will consider the use of biodiversity offsetting as a means to prevent biodiversity loss.
- R4 Long-term Habitat Management Plan:** All retained and created habitats within the site that have contributed to the Biodiversity Net Gain status must be managed appropriately to ensure they attain the required conditions within the stated timeframes and are maintained at this level for a minimum of 30 years. As such, a Long-term Habitat Management Plan with appropriate habitat condition monitoring is recommended.
- R5 Species Surveys:** To ensure compliance with wildlife legislation and relevant planning policy additional surveys are required to assess the presence/absence of protected and notable species (these have been commissioned and will be reported separately).
- R6 Other Species Protection Measures:** To ensure other wildlife such as hare is protected from harm during construction, reasonable avoidance measures have been proposed.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In May 2021, ERI MTP Limited commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development south of Watling Street near Caldecote, Nuneaton. This assessment is required to inform a planning application associated with the construction of commercial units and associated infrastructure.

Middlemarch Environmental Ltd has previously carried out ecological surveys at a site north of Watling Street. These surveys include:

- Preliminary Ecological Appraisal (Report RT-MME-151432-01);
- Preliminary Bat Roost Assessment (Report RT-MME-154919-01); and,
- Great Crested Newt Survey (Report RT-MME-154919-03).

Bat, reptile and badger surveys are also being undertaken at the site north of Watling Street, the results of which will be detailed in Reports RT-MME-154919-02, RT-MME-154919-04 and RT-MME-154919-05 respectively.

To assess the existing ecological interest of the MIRA Technology Park South Site south of Watling Street, an ecological desk study was carried out and a walkover survey was undertaken on 21st June 2021. In addition to the Preliminary Ecological Appraisal, Middlemarch Environmental Ltd has been commissioned to undertake the following assessments:

- Great Crested Newt Habitat Suitability Index Assessment and eDNA Survey (Report RT-MME-154920-02 Rev B);
- Badger Survey (Report RT-MME-154920-03 Rev B);
- Bat Surveys (Report RT-MME-154920-04 Rev B);
- Bat Activity Surveys (Report RT-MME-154920-05 Rev B);
- Breeding Bird Survey (Report RT-MME-154920-06 Rev A); and,
- Reptile Survey (Report RT-MME-154920-07 Rev A).

1.2 SITE DESCRIPTION AND CONTEXT

The proposed development site is located to the south of Watling Street near Caldecote in Warwickshire. It is centred at National Grid Reference SP 358 951. The surrounding landscape is predominantly agricultural although the town of Nuneaton lies nearby to the south and the village of Caldecote is situated to the west. The northern boundary of the site is formed by Watling Street (the A5) and the south-western boundary by Weddington Lane (the A444). The south-eastern boundary abuts other fields, but a dismantled railway line, now the Weddington Way, is situated nearby, joining the proposed development site in the northeastern corner of the site.

The site is approximately 69 ha in size and dominated by arable fields. Field margins comprise hedgerows and a stream flows from north to south through the centre of the site. The Elms Farm is also situated within the site. This comprises a residential dwelling and a complex of barns and associated gardens. Two farm ponds are also present on site.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Masterplan Option 10 B / 21092 SGP XX 00 DR A 111010 Rev M	SGP Architects + Masterplanners

Table 1.1: Documentation Provided by Client

2. METHODOLOGY

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAG/C* website for statutory conservation sites;
- Warwickshire Biological Records Centre (in August 2020); and,
- Leicestershire and Rutland Environmental Record Centre (in October 2021).

The desk study included a search for:

- European statutory nature conservation sites in the UK (now referred to as the 'National Site Network') within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats);
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

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

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

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020) recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and

Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and 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.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;

- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY

North Warwickshire Local Plan 2021

The North Warwickshire Local Plan was adopted on Wednesday 29th September 2021. The Local Plan contains planning policies to guide the development and use of land, which affect the nature of places and how they function at a strategic level as well as providing detailed policies for individual sites and applications. It looks forward to 2033 and supercedes the previously adopted Core Strategy.

The policies relevant to ecology are listed below:

Policy LP16 Natural Environment

The Borough Council recognises the importance of the natural environment to the Borough's local character, identity and distinctiveness. The quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of development proposed. This policy seeks to minimise impacts on, and provide net gains for biodiversity, where possible, relative to the ecological significance of international, nationally and locally designated sites of importance for biodiversity.

Understanding the Natural Environment

All development applications that affect the natural environment will be required to provide sufficient information and an assessment of those proposals on the natural asset(s) including via Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, or successor legislation, where likely significant effects individually or in combination with other schemes cannot be ruled out.

Conserving the Natural Environment

Sites of Special Scientific Interest (SSSI's) will be subject to a high degree of protection, in view of their national importance. Development adversely affecting a SSSI will only be permitted where the benefits of the development at these sites clearly outweigh the likely impacts on the site and any broader impacts on the national network of SSSI's. Development that affects Sites of Regional and Local Importance for Nature Conservation will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network. Development that damages habitats and features of importance for nature conservation will only be permitted where there are no reasonable alternatives to the development taking place in that location. Where appropriate, developments will be required to help enhance these features and/or secure their beneficial management.

Planning permission will be refused if development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Given the natural heritage of the Borough, the Council expects such circumstances to be wholly exceptional and for there to be a suitable compensation strategy in place where any loss or deterioration would occur.

Developments should avoid significant harm to biodiversity by locating to an alternative site with less harmful impacts. If this is not possible adequately mitigate the impacts or, as a last resort compensate the loss. Where development takes place, it should help ensure there is a measurable net gain of biodiversity and geological interest. Warwickshire, Coventry and Solihull Biodiversity Impact Assessment calculator will be

used to assess the changes to biodiversity resulting from the development and Biodiversity Offsetting will be used where net gain cannot be achieved within the site boundary. Offsets will be sought towards enhancements of the wider ecological network in the Borough or sub-region in line with local, regional and national priorities for nature conservation

A minimum buffer zone of 15m will be required in line with Government Guidance for ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development and the sensitivity of the natural asset(s) that may be affected based on proportionate evidence. Where possible, a buffer zone should:

- contribute to wider ecological networks
- be part of the green infrastructure of the area

Encouragement will be given to the planting of street trees, wherever possible.

Policy LP17 Green Infrastructure

Development proposals must, where appropriate, demonstrate how they contribute to maintaining and enhancing a comprehensive and strategically planned Green Infrastructure network. With reference to the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy and Offsetting sub-regional Strategy for Green Infrastructure and the local green infrastructure resource development should:

- Identify, maintain and enhance existing Green Infrastructure assets where possible;
- In all cases should optimise opportunities to create links between existing Green Infrastructure within the district and to surrounding sub-regional networks;
- Help deliver new Green Infrastructure assets where specific need has been identified.

Where an existing asset is lost or adversely affected, and where mitigation or compensatory Green Infrastructure cannot be provided on site, contributions will be sought towards wider Green Infrastructure projects and improvements within the district or, where appropriate, in the subregion.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out on 6th August 2020 by Warwickshire Biological Records Centre and 11th October 2021 by Leicestershire and Rutland Environment Records Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
European Statutory Sites			
Ensor's Pool	SAC, SSSI	4.21 km south-west	The site comprises a marl pit measuring approximately 1 ha. The primary reason for the designation of this site is the historic presence of a very large population of white-clawed crayfish <i>Austropotomobius pallipes</i> . This waterbody is isolated from river systems and is a good example of a 'refuge' site in an important part of the species' former range.
Non-statutory Sites			
Ashby Railway Line (Weddington Country Walk)	LWS	Adjacent eastern site boundary	This site contains a variety of habitats including trees, scrub, and tall herb, but is considered important for the calcareous flora it supports. Species present include quaking grass <i>Briza media</i> , wild carrot <i>Daucus carota</i> , black knapweed <i>Centaurea nigra</i> , and perforate St. John's-wort <i>Hypericum perforatum</i> .
Rowden Lodge Track Hedgerow	pLWS	40 m north	The site contains a species-rich hedgerow with eight species measuring approximately 330 m in length.
Dismantled Railway Cutting	LWS (historic)	60 m north-east	The site contains a dismantled railway. No recent survey data is available thus it is unknown whether the site is still of value.
Caldecote Hall and Gorse	Ecosite	100 m south-west	This site is on the BTO schedule of sites of importance to birds. It comprises parkland with mature trees and wet meadow associated with the River Anker. Lesser spotted woodpecker <i>Dendrocops minor</i> , spotted flycatcher <i>Muscicapa striata</i> , and tawny owl <i>Strix aluco</i> have bred on site and barn owl <i>Tyto alba</i> may also be present. Great crested newt <i>Triturus cristatus</i> have also been recorded on site.
Wood Lane Hedge 1	pLWS	100 m north-east	The site contains a species-rich hedgerow with trees measuring approximately 200 m in length.
Wood Lane Hedge 2	pLWS	160 m north-east	The site contains a species-rich hedgerow measuring approximately 160 m in length.
Hungry Hill Arable Pond	cLWS	210 m north-east	The site comprises an area of standing water with pondweed <i>Potamogeton</i> sp. Great crested newts have also been recorded.
River Anker	pLWS	390 m south-west	The site comprises an important wildlife corridor surrounded by semi-improved grasslands, woodland plantation, and arable fields. Marginal vegetation includes white dead-nettle <i>Lamium album</i> and cleavers <i>Galium aparine</i> . The site supports good populations of water vole <i>Arvicola amphibious</i> and otter <i>Lutra lutra</i> and includes an area of particular importance to birds.
Lindley House/Bath House Spinney Woodlands and Lake	LWS (historic)	460 m north-east	The site contains houses, woodlands, and a lake. No recent survey data is available thus it is unknown whether the site is still of value.
Lindley Park Horse Chestnut 1	cLWS	480 m north	The site comprises a mature horse chestnut tree approximately 4 m tall.
Witherley Pond	LWS (historic)	510 m north-west	The site contains a pond. No recent survey data is available thus it is unknown whether the site is still of value.

Table 4.1: Summary of Nature Conservation Sites (cont)

Site Name	Designation	Proximity to Survey Area	Description
Hedgerow Oak, A444	cLWS	550 m north-west	The site comprises a mature oak standard tree within a hedgerow. The girth measures over 4 m and bracket fungi, dead wood, loose bark, and ivy are also present.
Lodge Farm Hedgerows and Trees	cLWS	580 m north-west	The site contains a hedgerow and ditch with mature oak trees. Species present in the hedgerow include field maple <i>Acer campestre</i> , dog-rose <i>Rosa canina</i> , and ash <i>Fraxinus excelsior</i> .
Lindley Park Horse Chestnut 2	cLWS	620 m north-east	The site comprises a mature horse chestnut tree approximately 4.5 m tall.
MIRA Boundary Hedgerow 2	pLWS	690 m north-east	The site contains a species-rich hedgerow with ten species measuring approximately 540 m in length.
Woodland near Caldecote	Ecosite	780 m south-west	The site comprises deciduous oak <i>Quercus</i> sp., beech <i>Fagus sylvatica</i> , and sycamore <i>Acer pseudoplatanus</i> woodland adjacent to the River Anker with some damp areas containing alder <i>Alnus glutinosa</i> .
Weddington Valley Meadows	Ecosite, part LWS	900 m south-east	The southern half of this site is designated as a LWS and is predominantly semi-improved neutral grassland managed for hay. Tall herb and woodland areas are also present.
Oxbow Lakes, Weddington Fields, River Anker	Ecosite	920 m south-west	The site contains a series of roughly grazed fields with infilled oxbow lakes. Habitats also include an area converted to arable, hedgerow, and a ditch. A range of butterfly species have been noted on site.
Lindley House Ash	pLWS	980 m north-west	The site comprises a mature ash tree measuring over 3 m tall.
Ancient Woodland			
Unnamed Woodland	ASNW	1.29 km south-west	No information provided.
Key: SAC: Special Area of Conservation SSSI: Site of Special Scientific Interest LWS: Local Wildlife Site pLWS: Potential/proposed Local Wildlife Site cLWS: Candidate Local Wildlife Site Ecosite: Nature Conservation Site Ungraded ASNW: Ancient Semi-Natural Woodland			

Table 4.1 (cont'd): Summary of Nature Conservation Sites

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone. Due to the number of SSSI sites in proximity to the survey area, it is unclear which SSSI the risk zone relates to. Boon's Quarry (SSSI) is the closest SSSI to the survey area, located 2.40 km south-west.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 summarises records of Species of Principal Importance and species with statutory protection relevant to development. The following text also highlights other notable species recorded within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area*	Species of Principal Importance?	Legislation / Conservation Status
Mammals - bats					
Noctule <i>Nyctalus noctula</i>	8	2017	390 m south-west	✓	ECH 4, WCA 5, WCA 6, LBAP ¹ , LBAP ²
Common pipistrelle <i>Pipistrellus pipistrellus</i>	14	2017	390 m south-west	-	ECH 4, WCA 5, WCA 6, LBAP ²
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	4	2017	390 m south-west	✓	ECH 4, WCA 5, WCA 6, LBAP ¹ , LBAP ²
Brown long-eared bat <i>Plecotus auritus</i>	5	2017	390 m south-west	✓	ECH 4, WCA 5, WCA 6, LBAP ¹ , LBAP ²
Unidentified bat <i>Chiroptera</i> sp.	3	2013	440 m south	#	ECH 2 # ECH 4, WCA 5, WCA 6, LBAP ²

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (cont)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area*	Species of Principal Importance?	Legislation / Conservation Status
Daubenton's bat <i>Myotis daubentonii</i>	1	2013	440 m south	-	ECH 4, WCA 5, WCA 6, LBAP ²
Unidentified myotis <i>Myotis</i> sp.	3	2017	440 m south	-	ECH 2 #, ECH 4, WCA 5, WCA 6, LBAP ²
Leisler's bat <i>Nyctalus leisleri</i>	1	2017	820 m north-east	-	ECH 4, WCA 5, WCA 6 LBAP ²
Mammals - other					
Brown hare <i>Lepus europeaus</i>	1	2019	Potentially within a 1 km radius*	✓	-
Badger <i>Meles meles</i>	5	2014	†	-	WCA 6, PBA
Reptiles					
Grass snake <i>Natrix helvetica</i>	1	2016	200 m north-east	✓	WCA 5 S9(1), WCA 5 S9(5)
Amphibians					
Smooth newt <i>Lissotriton vulgaris</i>	13	2020	10 m north-east	-	WCA 5 S9(5)
Great crested newt <i>Triturus cristatus</i>	30	2020	50 m east	✓	ECH 2, ECH 4, WCA 5, LBAP ¹
Common toad <i>Bufo bufo</i>	5	2020	50 m east	✓	WCA 5 S9(5)
Common frog <i>Rana temporaria</i>	2	2020	200 m north-east	-	WCA 5 S9(5)
Birds					
Redwing <i>Turdus iliacus</i>	3	2010	70 m west	-	WCA1i
Fieldfare <i>Turdus pilaris</i>	4	2010	70 m west	-	WCA1i
Key: # : Dependent on species. † : Badger records are confidential and therefore proximity is not provided within the report. * : Grid reference provided was four figures only. ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. PBA: Protection of Badgers Act 1992. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England. Local: Warwickshire Local Biodiversity Action Plan (LBAP ¹); Leicestershire and Rutland Local Biodiversity Action Plan (LBAP ²). Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).					

Table 4.2 (cont'd): Summary of Protected/Notable Species Records Within 1 km of Survey Area

Birds

In addition to the species listed in Table 4.2, the desk study provided records of nine species listed as Species of Principal Importance within a 1 km radius of the survey area including starling *Sturnus vulgaris*, song thrush *Turdus philomelos*, and house sparrow *Passer domesticus*. Additionally, the desk study also provided records of two species listed as priority species on the Leicestershire and Rutland Local

Biodiversity Action Plan comprising swift *Apus apus* and swallow *Hirundo rustica*, and a further five species listed on the RSPB Amber List of species of conservation concern comprising mallard *Anas platyrhynchos*, swift *Apus apus*, stock dove *Columba oenas*, kestrel *Falco tinnunculus*, and willow warbler *Phylloscopus trochilus*.

Invertebrates

The desk study also provided records of several invertebrate species listed as Species of Principal Importance within a 1 km radius of the survey area. This comprised nineteen species of moth including powdered quaker *Orthosia gracilis* and small phoenix *Ecliptopera silaceata*, and three species of butterfly comprising small heath *Coenonympha pamphilus*, wall *Lasiommata megera*, and white letter hairstreak *Satyrus w-album*.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Giant hogweed <i>Heracleum mantegazzianum</i>	1	2019	Potentially within a 1 km radius*	WCA 9
Rhododendron <i>Rhododendron ponticum</i>	1	2017	Potentially within a 1 km radius**	WCA 9
Key: *: Grid reference provided was four figures only. **: Grid reference provided was two figures only. WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C154920-01-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 21st June 2021 by Hannah Lewis MCIEEM (Senior Ecological Consultant). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	14
Cloud (%)	100
Wind (Beaufort)	3
Precipitation	None

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

Any single visit to a site will miss a proportion of the species present due to time of day, time of year or as animal species are mobile. As the survey is intended to identify broad habitat types only the time of year is not considered to be a constraint to this survey. An assessment is undertaken as part of this report to assess the likelihood of notable species being present based on site conditions. Further surveys to determine the presence or likely absence of such species are recommended where necessary.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Arable;
- Buildings and hardstanding;
- Defunct Hedgerow (Native species-rich);
- Ephemeral/short/perennial vegetation;
- Hedgerow with trees (Native species-poor);
- Hedgerow with trees (Native species-rich);
- Intact hedgerow (Native species-rich);
- Intact hedgerow (Species poor);
- Other habitats: Gardens;
- Running water;
- Scattered scrub;
- Scattered trees;
- Semi-improved grassland; and;
- Standing water.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Arable

Arable fields were the predominant habitat type on site, making up the majority of the 68.3 Ha site. The site was subdivided into five fields ranging between 7.4 Ha in size and 30.6 Ha. These were vegetated with broad beans and flax. The field boundaries comprised hedgerows and a stream. The field margins adjacent to these boundaries were mostly very narrow (between 1 m and 2 m in width) although were up to 5 m in some locations adjacent to the stream. These field margins were dominated by tall grasses such as false-oat grass *Arrhenatherum elatius* or tall ruderal species such as nettle *Urtica dioica* and cow parsley *Anthriscus sylvestris*. Other species that were frequently present included dock species *Rumex* sp., hogweed *Heracleum sphondylium* and creeping thistle *Cirsium arvense*. The field edges also supported a range of arable weeds such as groundsel *Senecio vulgaris*, field speedwell *Veronica persica*, scarlet pimpernel *Anagallis arvensis* and field bindweed *Convolvulus arvensis*.

Buildings and hardstanding

A building complex was present at The Elms Farm, located within the largest arable field at SP 3628 9486. This included an occupied residential building and a series of connected agricultural buildings that were no longer in use, including a former pigsty and stables. These were predominantly brick-built with slate tile roofs. The disused buildings were noted to have holes in the roofs where tiles had slipped. A tarmac driveway, approximately 600 m long, ran southeast from the buildings to the field boundary and then southwest to the Weddington Road.

Defunct hedgerow (Native species-rich)

The south-eastern boundary of the site was a wide field boundary, with a woodland type structure. Large mature pedunculate oak *Quercus robur* and ash *Fraxinus excelsior* trees were present within the boundary. Mature common hawthorn *Crataegus monogyna* and blackthorn *Prunus spinosa* shrubs were present along the field edge, likely remnants of a former hedgerow but no longer stock-proof. Other woody species present in this hedgerow were bramble *Rubus fruticosus* agg., hazel *Corylus avellana*, elder *Sambucus nigra*, rose *Rosa* sp. and field maple *Acer campestre*. A single specimen of Midland hawthorn *Crataegus laevigata* was also noted in this hedgerow. The hedgerow was approximately 3 m in height and currently unmanaged, although there was evidence of historic laying. The ground flora included sections dominated by ivy *Hedera helix*, tall ruderal species and woodland ground flora species such as red campion *Silene dioica*, herb-Bennet *Geum urbanum* and, in one location quaking grass *Briza media* and bluebell *Hyacinthoides non-scripta*.

Ephemeral/short perennial vegetation

An area measuring approximately 80 m² was in the southern corner of the site was un-sown. This was dominated by bare ground with arable weed species present such as orach *Atriplex* sp., mayweed *Matricaria recutita*, docks *Rumex* sp, and grasses. The field margins were also bare with arable weed species such as groundsel, field speedwell, scarlet pimpernel and field bindweed.

Ephemeral and short perennial species were also growing in the centre of the access road to The Elms Farm including pineapple weed *Matricaria discoidea*, greater plantain *Plantago major*, black medic *Medicago lupulina* and creeping cinquefoil *Potentilla reptans*.

Hedgerow with trees (Native species-poor)

A section of hedgerow on the western site boundary by Caldecote Village included two standard trees. These were semi-mature sycamore and ash that were approximately 12 m in height. The hedgerow was otherwise managed to 2 m in height but gappy and dominated by elm and ash.

Part of the species poor hedgerow along the Wedding Road included standard trees. The standard trees were located towards the eastern end of the site at approximately SP 3578 9470. Species included semi-mature elm and ash. The hedgerow was otherwise trimmed to approximately 2 m in height and dominated by hawthorn. Elder and elm were also recorded in this hedgerow.

Hedgerow with trees (Native species-rich)

280 m of hedgerow associated with the watercourse was a managed hedgerow with trees. A range of woody species were present including blackthorn, guelder rose *Viburnum opulus*, common hawthorn, hazel, elm *Ulmus* sp., elder *Sambucus nigra*, field maple, rose *Rosa* sp., ash *Fraxinus excelsior*. The basal flora adjacent to the arable field was typical for the site including false oat-grass and tall ruderal species. The field margin on the eastern side of the hedgerow, associated with the stream was wider (up to 5 m at its widest point) and more varied, although still dominated by grasses and tall ruderal species. The standard trees included specimens of a variety of ages and most notably included a large mature oak at the southern end of the hedgerow and two mature ash.

Intact hedgerow (Native species rich)

The hedgerow associated with the stream included a species rich section approximately 150 m in length, shown on drawing C154920-01-01. This hedgerow contained seven woody species in total; field maple, elder, common hawthorn, pedunculate oak, wild privet *Ligustrum vulgare*, rose and blackthorn. Bramble *Rubus fruticosus* agg. was also present. The ground flora associated with this hedgerow on the field edge was typical of elsewhere on site being 2 m wide and dominated by false oat-grass. The vegetation associated with the stream side was slightly more varied (as discussed below) but still dominated by grasses and tall ruderal species.

Intact hedgerow (Species-poor)

The majority of field boundaries on site comprised intact, managed, hedgerows. These were typically 2 m-2.5 m in height with some gaps present. These were predominantly well established although sections of the hedgerow adjacent to the A5 had been more recently planted. The hedgerows across the site were dominated by either common hawthorn or blackthorn with frequent bramble. A wide range of other woody species were also present; rose, elder, privet, dogwood *Cornus sanguinea*, sycamore *Acer pseudoplatanus*, elm, wych elm *Ulmus glabra*, ash, guelder rose, field maple, horse chestnut *Aesculus hippocastanum*. The climber white bryony *Bryonia alba* was present occasionally within the hedgerow. The basal flora for these hedgerows was species poor and dominated by false oat-grass *Arrhenatherum elatius*, cow parsley *Anthriscus sylvestris* and nettle *Urtica dioica*. Despite the wide range of species recorded across the site, none of these hedgerows were considered likely to meet the criteria for species-rich hedgerows as they were unlikely to contain more than five species in any 30 m section and the associated basal flora was not considered species-rich.

Other species-poor hedgerows were also present within the site as garden boundaries. These were short, single species hedgerows of ornamental such as copper beech *Fagus sylvatica*, laurel *Prunus laurocerasus*, hornbeam *Carpinus betulus* and conifer.

Other habitats: Gardens

Managed gardens were present to the southeast of the building complex at The Elms Farm. This included a small wildflower meadow, kitchen garden and a small paddock dominated by perennial rye grass *Lolium perenne*.

Running water

A stream ran through the centre of the site. This was small in size, the water was mostly less than 1 m wide and less than 30 cm deep. It was mostly shaded and overgrown with terrestrial vegetation included grasses, tall ruderal species and more occasionally sparse bramble. A greater variety of species was present along the banks of the stream than in the field margins including species such as meadow sweet *Filipendula ulmaria*, red campion *Silene dioica* and greater willowherb *Epilobium hirsutum*. Towards the north of the site, beside a vehicle crossing, a more open section was present (less than 5 m either side of the crossing). Fools water cress *Helosciadium nodiflorum* was present in this section of the stream. The stream was also associated with a field boundary hedgerow. This included species poor and species rich sections and an area of trees.

Scattered scrub

Native trees and shrubs have been planted within the semi-improved grass verge adjacent to the A5. Tree species included field maple, rowan *Sorbus aucuparia*, cherry *Prunus avium* and oak. Shrubs included gorse *Ulex europaeus*, hazel, guelder rose and hawthorn. Bramble was also present in this habitat. These trees and shrubs were young and generally under 2 m in height.

Scattered trees

A mature pedunculate oak is located on the western site boundary by Caldecote village. Mature trees are also present outside the site boundary, in the adjacent road verge, in this location and along part of Weddington Lane, towards the eastern end of the proposed development site (Target Note 4). These include lime *Tilia europaea* and sycamore.

Semi-improved grassland

An area of semi-improved grassland was present immediately adjacent to The Elms Farm. This has a high proportion of ruderal species including curled dock *Rumex crispus*, spear thistle *Cirsium vulgare*, prickly lettuce *Lactuca serriola*, greater willow-herb *Epilobium hirsutum* and ragwort *Senecio jacobaea*. A variety of common grass species were also present but a limited range of other forbs including white clover *Trifolium repens*, dandelion *Taraxacum officinale* agg. and cut leaved cranesbill *Geranium dissectum*.

This habitat was also present just outside the site boundary along the verge of the A5, Watling Street, which forms the northern site boundary for the easternmost 700 m of the site. This was typically 15 m wide but varied in width between 10 m and 20 m in some locations. Approximately 1 m of this habitat was present within the site as field edge margin. Young trees and scrub had been planted into this habitat but was predominantly under 2 m in height. Grass species in this habitat were typical of unmanaged grasslands (false oat grass, cock's-foot *Dactylus glomerata*) but also included a range of other grass species. The sward was moderately forb rich. Forb species included occasional tall ruderal species, a range of clovers and

vetches such as common vetch *Vicia sativa*, smooth and hairy tare *Vicia tetrasperma* and *V. hirsuta* and hop trefoil *Trifolium campestre*. Other species included ox-eye daisy *Leucanthemum vulgare*, creeping cinquefoil *Potentilla reptans* and goat's-beard *Tragopogon pratensis*.

Standing water

Two ponds were present on site. These were located within the largest arable field at National Grid Reference SP 3630 9512 and SP 3623 9501. These were both situated in a hollow in the landscape and surrounded by trees and scrub. The northernmost of these appeared likely to dry out on a regular basis. It was filled with brash and woody debris with no aquatic or marginal vegetation. It was shaded by willow *Salix* sp. and hawthorn trees. The southernmost appeared more permanent. Although also surrounded by scrub it was larger with more open areas that supported emergent species including reedmace *Typha latifolia* and bittersweet *Solanum dulcamara*.

A pond was also noted just outside the site boundary at SP 3623 9473 (at Target Note 3). This was situated in a hollow in the landscape and was approximately 4 m by 10 m. it had steep sides vegetated with tall ruderal species and was covered with duckweed *Lemna* sp. at the time of the survey.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

Twenty-four bird species were recorded during the site visit including skylark *Alauda arvensis*, reed bunting *Emberiza schoeniclus*, song thrush *Turdus philomelos*, yellowhammer *Emberiza citrinella*, dunnoek *Prunella modularis*, linnet *Linaria cannabina* and starling *Sturnus vulgaris*

Mammals

A hare *Lepus europeaus* was recorded on site during the survey. A hole was also noted in a bank under a mature tree at SP 356 952 that had a size and shape consistent with those made by fox *Vulpes vulpes*. A dead grey squirrel *Sciurus carolinensis* and common shrew *Sorex araneus* were also recorded at the site.

5.5 INVASIVE PLANT SPECIES S

No non-native plant species were recorded during the walkover survey.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

The proposal is for the construction of seven commercial units with associated access and parking. The entrance to the site from the A5 will utilise the existing site entrance on the roundabout to the existing Horiba MIRA site to the north. The exit onto the Weddington Lane will require the creation of a new site entrance and junction. The stream that runs centrally through the site will be retained in situ. A new crossing will be created over this to allow vehicular access to the western half of the site. Two internal hedgerows will be lost, but the external site boundary features will be preserved intact except the new entrance proposed onto Weddington Lane. Pedestrian and cycle access is proposed onto the site via the Weddington Walk on the disused railway line at the northeast corner of the site. A band of soft landscaping with planting and pools is proposed along this pedestrian walkway, around the eastern, western and southern boundaries of the site, and along the west of the stream. Whilst some of these pools are proposed for site drainage, it is understood that some are proposed for ornamental and wildlife purposes. No construction work is currently proposed on the westernmost field included in the survey area for this study.

6.2 NATURE CONSERVATION SITES

The site is not located within 10 km of a statutory site designated for bats. The desk study exercise identified one European statutory sites within 5 km of the survey area this was Ensor's Pool SAC and SSSI located 4.21 km south-west of the site. No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone. Due to the number of SSSI sites in proximity to the survey area, it is unclear which SSSI the risk zone relates to. Boon's Quarry (SSSI) is the closest SSSI to the survey area, located 2.40 km south-west. The desk study exercise identified twenty non-statutory sites within 1 km. The significance of these sites to the proposed development is discussed below.

Statutory Sites

No impacts are anticipated from the proposal on the identified SAC: Ensors Pool. This is due to the distance to this site, lack of habitat connectivity and the apparent loss of white clawed crayfish at the pool, which were the reason for its designation.

The site is within the SSSI air pollution impact risk zone for Ensors Pool and other SSSI. Whilst the exact nature of the units is unconfirmed, it is anticipated that these will not be manufacturing or agricultural units that might create air pollution issues for these sites.

Non-Statutory Sites

Ashby Railway Line (Weddington Country Walk) is situated adjacent to part of the eastern site boundary. A pedestrian access path is proposed which will pass into this site and join the Weddington Country Walk. It is anticipated that the detailed design of this can avoid impacts on mature trees and the overall nature conservation interest at the site. There is a risk of accidental damage to trees along the edge of the site from construction activities, but these impacts can be readily avoided. Recommendations have been provided to minimise impacts on this site. It should also be noted that the eastern site boundary, which connects to and shares characteristics with the LWS will also be retained and protected and semi-natural planting is proposed adjacent to the LWS and adjoining. This will provide a buffer between the site and the development and will effectively increase the size of this habitat unit. As such the development is likely to have a beneficial impact on this LWS.

No impacts are anticipated on other non-statutory designated nature conservation sites. This is due to a combination of their distances from the site, the habitats for which they are designated and the levels of connectivity with the site. Some of these sites include reference to notable amphibian and bird species. These are mobile species that will use the wider landscape. An assessment of impacts on populations of notable fauna are provided in Section 6.4.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic

importance of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to individual habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

All habitats

In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and the North Warwickshire Core Strategy (2021) should ensure there is a measurable net gain of biodiversity interest. Overall, on site there will be a significant reduction in the area of wildlife habitats on site. Enhancement measures are proposed around the site periphery that will contribute to compensating for this habitat loss. A Biodiversity Unit Calculation will be necessary to determine whether the proposal can provide a Net Biodiversity Gain on site. Biodiversity Offsetting will be required where net gain cannot be achieved within the site boundary. Further assessment is required to determine the net change in biodiversity at the site.

Arable

Arable land is species poor, highly modified, has a low species and structural diversity and is generally considered to be of low ecological importance. Whilst arable field margins are a Warwickshire BAP habitat, the majority of margins on site (excluding a wider verge by the watercourse) were very narrow and were not noted to support notable arable weed species. These verges were important at a site level due to the limited availability of other semi-natural habitat and the network of field boundaries they contributed to. Arable is main habitat type to be lost in this proposal. The loss of this habitat is not considered significant, however, as the main habitat that will be replacing it will be buildings and hard standing this will result in a loss of biodiversity on site.

Buildings and hardstanding

The farm buildings and associated infrastructure are considered to have low ecological importance from a habitat perspective (although may support protected species – see Section 6.4 for details). These will be lost as part of the development.

Defunct Hedgerow (Native species-rich)

This hedgerow was a wide, well established field boundary with large mature trees and ground flora species typically associated with woodland. This habitat may support a high diversity of species and due to its maturity cannot be readily replaced. It is a Habitat of Principal Importance, Warwickshire BAP habitat and would be classed as an important hedgerow. It is a historic parish boundary feature and is of at least local importance. This boundary feature will be retained through the development. A pedestrian access path is proposed which will pass through this boundary feature. It is anticipated that this can be designed to minimise the impact on the feature as a whole. Protection measures should be put in place to prevent accidental damage during construction activities on site.

Ephemeral/short/perennial vegetation

This was a small but diverse habitat that has potential to support a variety of invertebrates. No notable arable weed species were noted in this habitat. It was very small in extent and would readily be replaced. As such it is not considered to have ecological importance for this proposal. This habitat will be lost as the arable land will be replaced by managed habitats.

Hedgerow with trees (Native species-poor)

These hedgerows with trees were species poor and intensely managed with few standard trees present. Although these are species-poor, they are a Warwickshire BAP habitat and constitute a valuable wildlife resource in a predominantly agricultural landscape and provide important wildlife habitats and dispersal corridors. The hedgerow by Caldecote village will be retained with no work proposed in the adjacent field. 200 m of the hedgerow along Weddington Lane will be removed to create the site entrance as a new junction is proposed in this location. This does not include the section of the hedgerow that has standard trees. This hedgerow is considered unlikely to be important hedgerows under the 'Hedgerow Regulations 1997' due to the dominance of single species making it unlikely they would support four or more woody species in the 30 m sample sections. Its removal is a material consideration as it could reduce wildlife habitats and connectivity in the landscape.

Hedgerow with trees (Native species-rich)

This established hedgerow with trees is associated with the watercourse and is very species rich. It is a Habitat of Principal Importance, Warwickshire BAP habitat and likely to classify as an important hedgerow. This hedgerow is considered to have local importance due to its diversity and location on the stream. Current site plans show this hedgerow to be retained within the proposed development. Protection measures should be put in place to prevent accidental damage during construction activities on site.

Intact hedgerow (Native species-rich)

This diverse hedgerow is associated with the watercourse. It is a Habitat of Principal Importance, Warwickshire BAP habitat and may classify as an important hedgerow. This hedgerow is considered to have local importance due to its diversity and location on the stream. Current site plans show this hedgerow to be retained within the proposed development. Protection measures should be put in place to prevent accidental damage during construction activities on site.

Intact hedgerow (Species poor)

Other hedgerows within the site were species poor and intensely managed. Although species-poor, they are a Warwickshire BAP habitat and constitute a valuable wildlife resource in a predominantly agricultural landscape and provide important wildlife habitats and dispersal corridors. Current plans show the loss of two internal species-poor hedgerows. These two hedgerows were considered unlikely to be important hedgerows under the 'Hedgerow Regulations 1997' due to the dominance of single species within them making it unlikely they would support four or more woody species in the 30 m sample sections. Their removal is a material consideration as it could reduce wildlife habitats and connectivity in the landscape.

Other habitats: Gardens

These are highly modified, readily recreated and are not considered to be an important habitat within the site.

Running water

Watercourses are Habitats of Principal Importance and Warwickshire BAP habitat which provide important wildlife habitats and increase habitat connectivity across landscapes. As this ditch is very overgrown and does not extend northwards, it is considered important at just a local level. Current site plans show this watercourse to be retained within the proposed development. A new crossing of this watercourse is proposed. Protection measures should be put in place to prevent accidental damage or pollution during construction activities on site.

Scattered scrub

The scattered scrub provided increased habitat heterogeneity in the A5 road verge, but appeared recently planted and would be readily recreated. This road verge is to be retained.

Scattered trees

The scattered trees, including those located outside the site in the adjacent road verge, include semi-mature and mature specimens that would not be readily replaced and provide an important resource for wildlife. Those on the western edge of the site by the village of Caldecote are located at least 100 m from any proposed work and impacts are considered unlikely. Along the Wedding Road, the majority of trees situated in the road verge will be retained. Three are considered likely to require removal at the proposed entrance point to the proposed development. These are young and semi-mature planted specimens and have a lower ecological significance and can more readily be replaced. This is not considered to be a significant impact of the proposal. It is anticipated that other trees within the road verge can be protected from accidental damage during construction.

Semi-improved grassland

Two areas of semi-improved grassland were recorded. The A5 road verge was diverse and flower rich. This habitat will be retained through development. The grassland at The Elms Farm had a high proportion of ruderal species and a low diversity. This habitat was considered important at a site level as semi-natural habitat at the site was limited and this provided a foraging resource for wildlife. This will be lost through the development, although new areas of soft landscaping are proposed.

Standing water

Ponds are an ecologically important feature in the landscape as they significantly increase the biodiversity it can support. These ponds are a Habitat of Principal Importance, Warwickshire BAP habitat and form part of a local network of ponds known to support great crested newt. As such these ponds are considered to be

important at least at a local level, although the condition of the northernmost pond was poor. These ponds are to be lost as part of the proposed development. Whilst new ponds are proposed, the majority are for drainage purposes and may have poor long-term water quality.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
All habitats	-	-	The area of potential wildlife habitats will be reduced on the site.
Defunct Hedgerow (Native species-rich);	✓	✓	Potential for accidental damage during construction.
Hedgerow with trees (Native species-poor)	✓	✓	Removal of 200 m section that does not contain trees.
Hedgerow with trees (Native species-rich)	✓	✓	Potential for accidental damage during construction.
Intact hedgerow (Native species-rich)	✓	✓	Potential for accidental damage during construction.
Intact hedgerow (Species poor)	-	✓	Removal of two internal hedgerows and a section of boundary hedgerow.
Running water	✓	✓	Potential for accidental damage during construction.
Semi-improved grassland	-	✓	Loss of one area of this habitat
Standing water	✓	✓	Loss of two ponds.

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Amphibians

Great crested newt records are present in the landscape. Ponds are present on site that could support this species. These ponds and core terrestrial habitat around them will be lost and construction risks killing and injuring individuals. Post development there may be an increased mortality risk to amphibians from road crossings if inappropriate kerbs and gulley pots are included in the road design). As such a great crested newt survey has been undertaken in 2021. Although subject to a lesser degree of protection, toad and other amphibians could breed in this pond and be similarly impacts by the proposals. The habitat creation on site, however, is anticipated to create a pond with potentially increased suitability for breeding amphibians and will create soft landscaping that has a greater suitability for foraging amphibians than the existing arable.

Birds

Birds recorded at the site included species of high conservation concern such as skylark, song thrush, yellowhammer, linnet and starling and species of moderate conservation concern such as dunnock and reed bunting. These species were likely to be breeding on site. Two hedgerows, nesting habitat for species such as yellowhammer, will be removed and the arable fields will be lost reducing habitat for nesting skylark. A breeding bird survey has therefore been undertaken in 2021. Large holes were also noted providing access into the buildings at The Elms Farm that might enable barn owl *Tyto alba* to nest here. Whilst the habitat on site had low foraging value to this species, suitable foraging habitats might be situated elsewhere and Caldecote Hall and Gorse, an Ecosite situated 100 m south-west was noted to support this species. A check for this species has therefore been undertaken at Elms Farm in 2021.

Invertebrates

The majority of habitats on site are poor quality habitats for invertebrates with the exception of the mosaic of semi-improved grassland and scattered scrub along the A5 road verge. This habitat will be retained and new habitats are proposed that might provide good quality invertebrate habitats if appropriately designed and managed.

Of the notable species identified in the desk study, it should be noted that small quantities of elm *Ulmus* sp., the larval food plant for white-letter hairstreak were identified on site. The majority of the hedgerow on site will be retained.

Mammals

The site is considered suitable habitat for badger to build setts and therefore a badger survey will be required.

The Elms Farm and trees within and surrounding the site were noted to have features that could be used by roosting bats. As trees and all the buildings at The Elms Farm are to be removed, a bat survey has been undertaken in 2021.

The site designation for the River Anker stated that good populations of otter and water vole are present on that watercourse. A watercourse flows through the development site. The open channel does not extend north beyond the site but flows south under the Weddington Road and online mapping suggests it joins the River Anker 800 m further downstream via a lake. The stream within the site is very small and overgrown and considered unlikely to be used by water vole. It is also considered unlikely to be used by otter for building holts or foraging, and does not provide habitat connectivity through the landscape for this species. This watercourse will be retained and impacts on these species are considered unlikely.

It is considered unlikely that dormouse would be present at this site. Although sections of species rich hedgerow were present on site the quantity of suitable habitat in the landscape was limited and this species is very rare in Warwickshire.

A brown hare was recorded on site during the survey. This is a Species of Principal Importance. The majority of the arable land, which is the principal habitat of this species, will be lost through this development. As this is a specialist of open spaces, this species cannot be accommodated on site post development. Hares present on the site will therefore be displaced and there will be a loss of 69 Ha of hare habitat in the long-term at the site. The field at the west of the site, on which no work is currently planned, is also included in this figure as it will become isolated from other arable habitat by the A5 and woodland habitat. This site is situated within a landscape dominated by arable habitat but the A5 is likely to be a partial barrier to hare movements. The proposal is therefore not considered likely to impact habitat connectivity in a north-south direction but may reduce east-west habitat connectivity for this species, narrowing the corridor of open habitats between Nuneaton and the A5.

Plant species

No detailed botanical assessment has been undertaken at the site. The eastern site boundary was noted to contain quaking grass and bluebell in one location. This is indicative of a well established basal flora and the quaking grass is a calcareous species of interest that is noted in the designation of the adjacent Ashby Railway Line (Weddington Country Walk). This site boundary will be retained through the development and a buffer of semi-natural habitats created along it which may enable populations of species such as quaking grass to expand.

Reptiles

A grass snake record was identified by the desk study. Suitable habitats are present on site for reptiles and will be lost as part of the proposal, particularly the grassland and bund by The Elms Farm. Suitable terrestrial habitat will be lost and construction risks killing and injuring individuals. Post development there may be an increased mortality risk to reptiles from road crossings if inappropriate kerbs and gulley pots are included in the road design). As such a reptile survey has been undertaken in 2021 to inform impacts on reptiles. The habitat creation on site, however, is anticipated to create habitats with a greater suitability for foraging amphibians that the existing arable and increase habitat connectivity across the site.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Amphibians including great crested newts	Species dependent	Loss of potential breeding habitat, disturbance to core foraging habitat and risk of killing/injury during construction and from increased mortality on roads. Potential improvements to breeding and foraging habitats from soft landscaping.
Breeding birds including barn owl	Species dependent	Loss of breeding and foraging habitat and risk of disturbance to nesting birds.
Bats	Species dependent	Loss of roosting opportunities, risk of damage/disturbance to roosts and killing/injury to bats during construction. Impacts on bat activity through lighting and habitat loss.
Brown hare	Yes	Loss of 69 Ha suitable habitat. Risk of killing and injury during construction. Reduce east-west habitat connectivity in the landscape
Badger	No	Potential loss/disturbance to setts if present. Potential loss of foraging habitat.
Reptiles	Yes	Loss of potential habitat and risk of killing/injury during construction and from increased mortality on roads. Potential improvements foraging habitats from soft landscaping.

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

No invasive non-native species were recorded on site during the surveys.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

The following recommendation is made regarding nature conservation sites:

R1 Ashby Railway Line (Weddington Country Walk) LWS: Consultation and Protection:

Consultation should be undertaken with the local council ecologist regarding proposals in and adjacent to this site. The construction of a traffic-free path link onto the Weddington Country Walk must be undertaken in a manner that minimises risk to habitats in this site. Measures include:

- Identifying a suitable location for the link that minimises risk to important vegetation;
- Utilising no-dig construction methods near important trees;
- Protecting the tree line adjacent to site in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations".
- Creating a buffer habitat of semi-natural habitats along the LWS and connecting hedgerow.

It is recommended that these measures, along with other protection measures recommended below are encapsulated in a Construction Ecological Management Plan.

7.2 HABITATS

In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and the North Warwickshire Core Strategy (2021) the development proposals should be designed (where feasible) to allow for the retention of existing notable habitats. The watercourse, species rich hedgerows and ponds are the most important features on site. Where this is not possible mitigation, compensation and enhancements are required to provide a Biodiversity Net Gain.

The following recommendations are therefore made regarding the habitats present on site:

R2 Habitat Retention and Protection: The species-rich hedgerows and watercourse should be retained, as shown in current site layout plans, and all hedgerows and the watercourse will require protection measures during construction. Protection measures comprise:

- Trees/Hedgerows: Any trees/hedgerows on or overhanging the site, which are retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- Watercourses/Waterbodies: Environment Agency Pollution Prevention Guidelines should be adhered to throughout the works. Although formerly withdrawn in December 2015, the guidelines provide a framework for the design of working practices to avoid pollution and siltation. PPG5 (Environment Agency et al, 2007), relating to works and maintenance in or near water, is considered to be of relevance to the proposed project.

- R3 Biodiversity Net Gain Strategy:** A Biodiversity Net Gain Strategy is required to ensure the development meets current planning requirements. Biodiversity enhancement measures should be incorporated into the landscaping scheme to work towards delivering net gains for biodiversity. Where a net gain cannot be achieved on site the local authority will seek compensation and will consider the use of biodiversity offsetting as a means to prevent biodiversity loss. Suitable on-site enhancements include;
- The creation of high quality wildlife ponds;
 - Creating wide margins of semi-natural habitats along retained boundary features – in particular the species rich hedgerows and watercourse but also along the Weddington Lane to maintain east-west habitat connectivity for wildlife. These margins should ideally comprise a mixture of species rich grassland, native scrub and ponds.
- R4 Long-term Habitat Management Plan:** All retained and created habitats within the site that have contributed to the Biodiversity Net Gain status must be managed appropriately to ensure they attain the required conditions within the stated timeframes and are maintained at this level for a minimum of 30 years. As such, a Long-term Habitat Management Plan with appropriate habitat condition monitoring is recommended.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and the North Warwickshire Core Strategy (2021) the following recommendations are made:

- R5 Species Surveys:** To ensure compliance with wildlife legislation and relevant planning policy the following surveys are required:
- Great crested newt;
 - Badger;
 - Bat Activity;
 - Bat roost assessments of trees and buildings;
 - Breeding birds (including barn owl); and,
 - Reptiles.

These surveys have all been commissioned and undertaken in 2021.

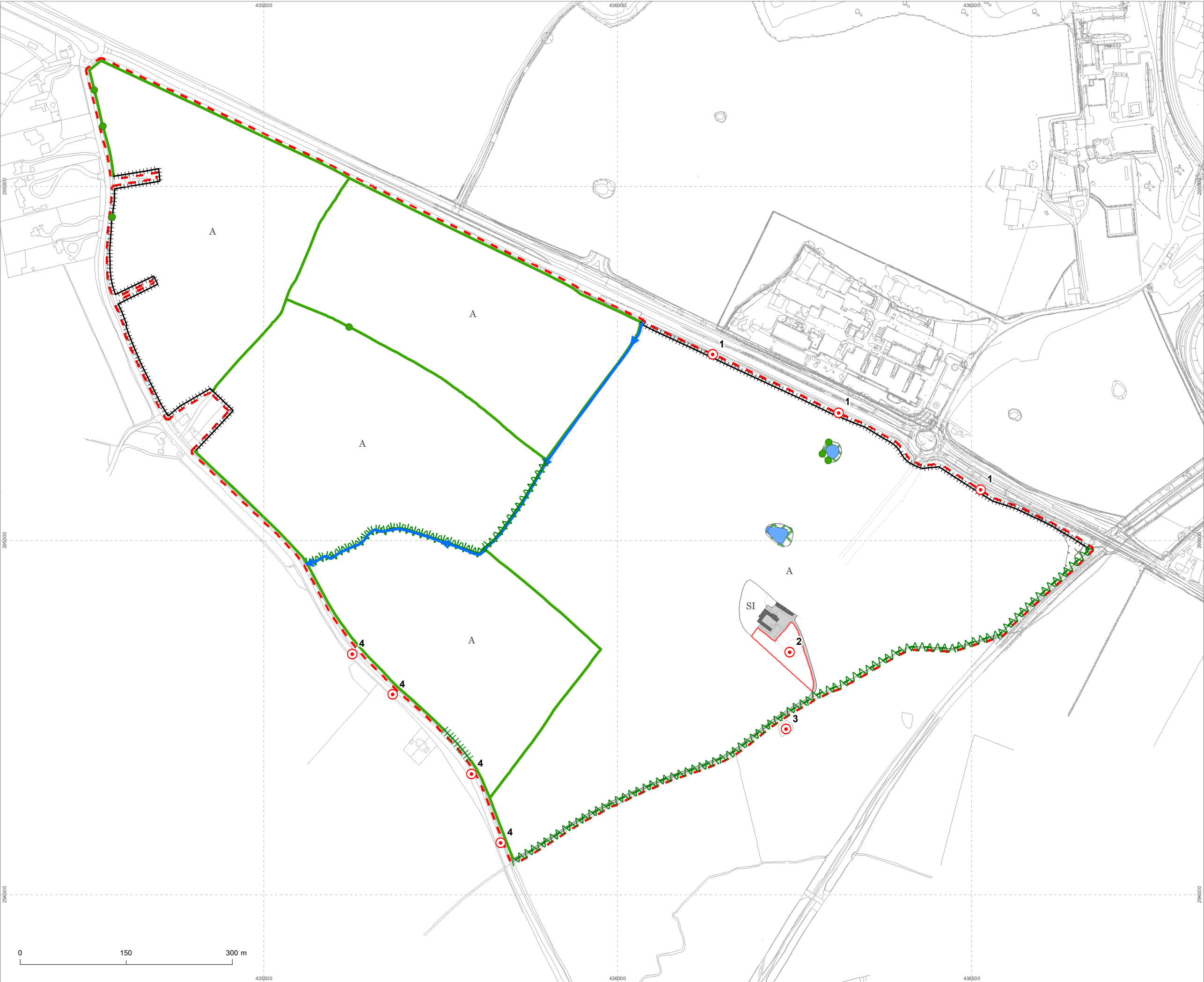
- R6 Other Species Protection Measures:** To ensure other wildlife are protected during construction, the following reasonable avoidance measures are proposed;
- Bird nesting habitats should be cleared outside the peak bird breeding season (this usually extends March to September inclusive but is weather dependent);
 - Site clearance should occur directionally from the A5 southward so that species such as hare and fox can escape from site without being driven onto the A5;
 - Any excavations within the development should be either covered, or ramps provided over night to allow suitable egress for otters or other mammals and ensure that they do not get trapped. Any open pipework with an outside diameter of greater than 150 mm must be sealed at the end of each work day to prevent animals entering/becoming trapped.

7.4 INVASIVE PLANT SPECIES

No recommendations are made regarding invasive plant species as none were identified on site during surveys.

8. DRAWINGS

Drawing C154920-01-01 – Phase 1 Habitat Map



C154920-01-01

Legend

Site boundary

Scattered tree

Fence

Running water

Species-poor intact hedgerow

Species-poor hedgerow with trees

Species-rich defunct hedgerow

Species-rich hedgerow with trees

Species-rich intact hedgerow

A

Arable

Building

X

Ephemeral / short perennial vegetation

Hardstanding

Other Habitat

SI

Poor semi-improved grassland

Dense scrub

Standing water

Target notes

1. Poor semi-improved grassland with scattered scrub along A5 verge

2. Other habitat: gardens and small pasture

3. Pond immediately outside boundary

4. Sections of road verge immediately outside the site that include scattered trees

Project

MIRA SMS, Watling Street, Warwickshire

Drawing

Phase 1 Habitat Map

Client

ERI MTP Limited

Drawing Number

C154920-01-01

Revision

00

Scale @ A3

1:5,000

Date

July 2021

Approved By

HL

Drawn By

JR

MIDDLEMARCH ENVIRONMENTAL

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E:admin@middlemarch-environmental.com

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TARGET NOTES

Target Note	Description
1	Area of semi-improved grassland located immediately outside the site boundary along the verge of the A5, Watling Street. This was typically 15 m wide but varied in width between 10 m and 20 m in some locations. Young trees and scrub had been planted into this habitat but was predominantly under 2 m in height. Grass species in this habitat were typical of unmanaged grasslands (false oat grass and cock's-foot) but also included a range of other grass species. The sward was moderately forb rich. Forb species included occasional tall ruderal species, a range of clovers and vetches such as common vetch, smooth and hairy tare and hop trefoil. Other species included ox-eye daisy, creeping cinquefoil and goat's-beard.
2	An area associated with The Elms Farm including a small orchard, managed garden habitats, chicken run and a small pasture.
3	Pond situated immediately adjacent to the site boundary.
4	Sections of road verge immediately outside the proposed development site that include scattered trees.

9. PHOTOGRAPHS



Plate 9.1: Typical view across site



Plate 9.2: The Elms Farm



Plate 9.3: Northernmost Pond



Plate 9.4: Southern Pond



Plate 9.5: Eastern Field Boundary



Plate 9.6: A5 Road Verge

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

Site Check Report

Report generated on Mon Oct 11 2021

Centroid Grid Ref: SP35969511

The following features have been found in your search area:

UK Statutory Site Search

Ancient Woodland (England)

Wood Name

Theme Name: Ancient & Semi-Natural Woodland

Theme ID: 1410834

Area (Ha): 1.419018

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

SSSI Impact Risk Zone

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

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

All Planning Applications

Infrastructure: Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution: Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t).

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Composting

Discharges

Water Supply

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

All Planning Applications

Infrastructure: Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

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

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Composting

Discharges

Water Supply

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Rural Non Residential

Residential

Rural Residential

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

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Composting

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

Water Supply

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

All Planning Applications

Infrastructure: Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution: Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t).

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Composting

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

Water Supply

GUIDANCE - How to use the Impact Risk Zones: [/Metadata_for_magic/SSSI IRZ User Guidance MAGIC.pdf](#)

European Statutory Site Search

Special Areas of Conservation (England)

Name: ENSOR'S POOL

Reference: UK0012646

Hectares: 3.72

Hyperlink: <http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0012646>

Ramsar Sites (England)

No Features found

Proposed Ramsar Sites (England)

No Features found

Possible Special Areas of Conservation (England)

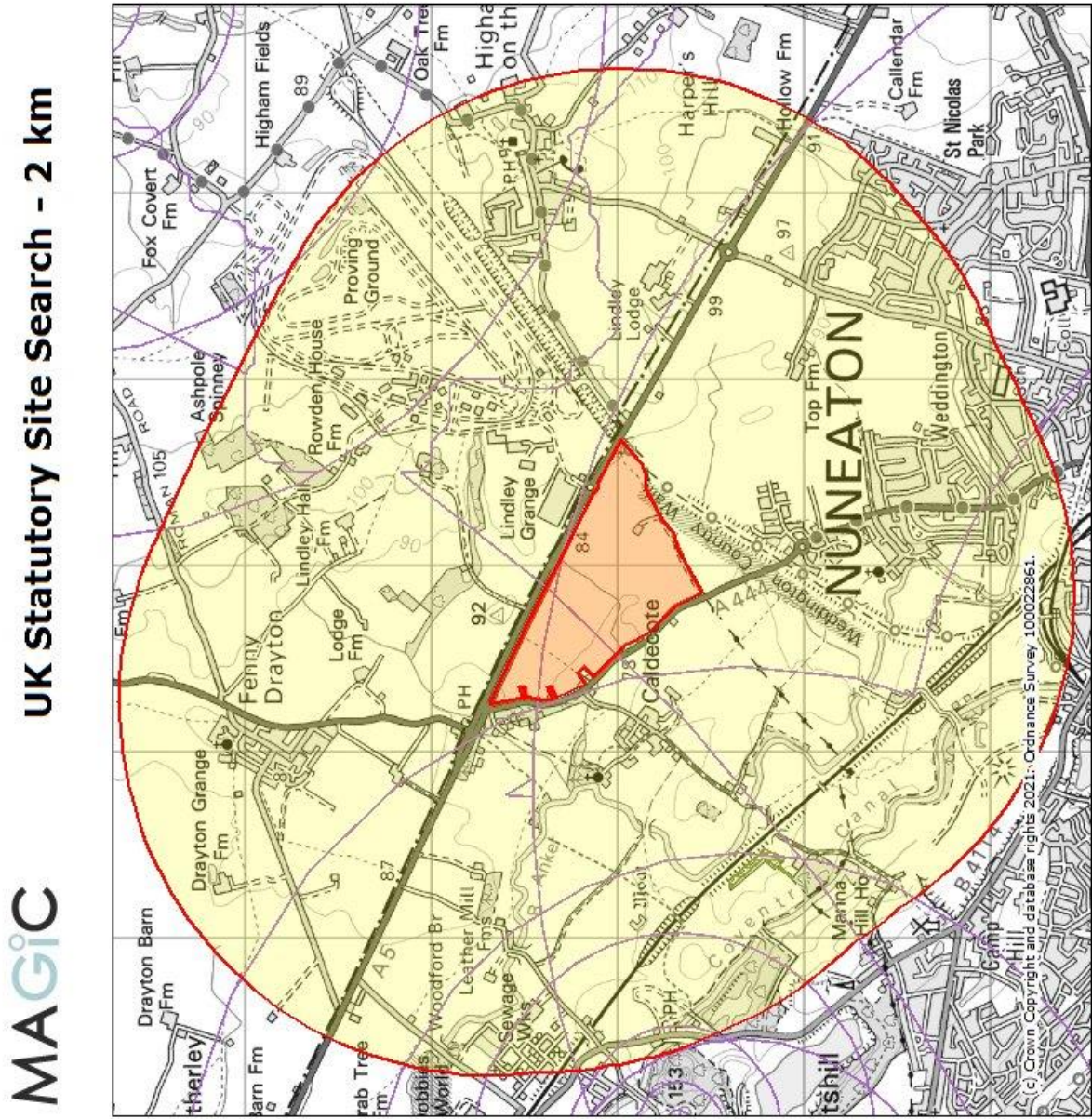
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Special Protection Areas (England)

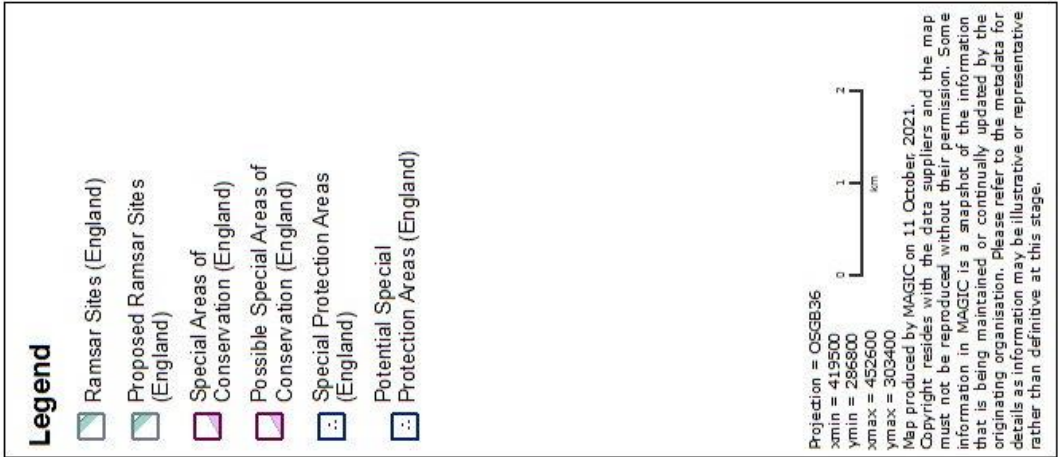
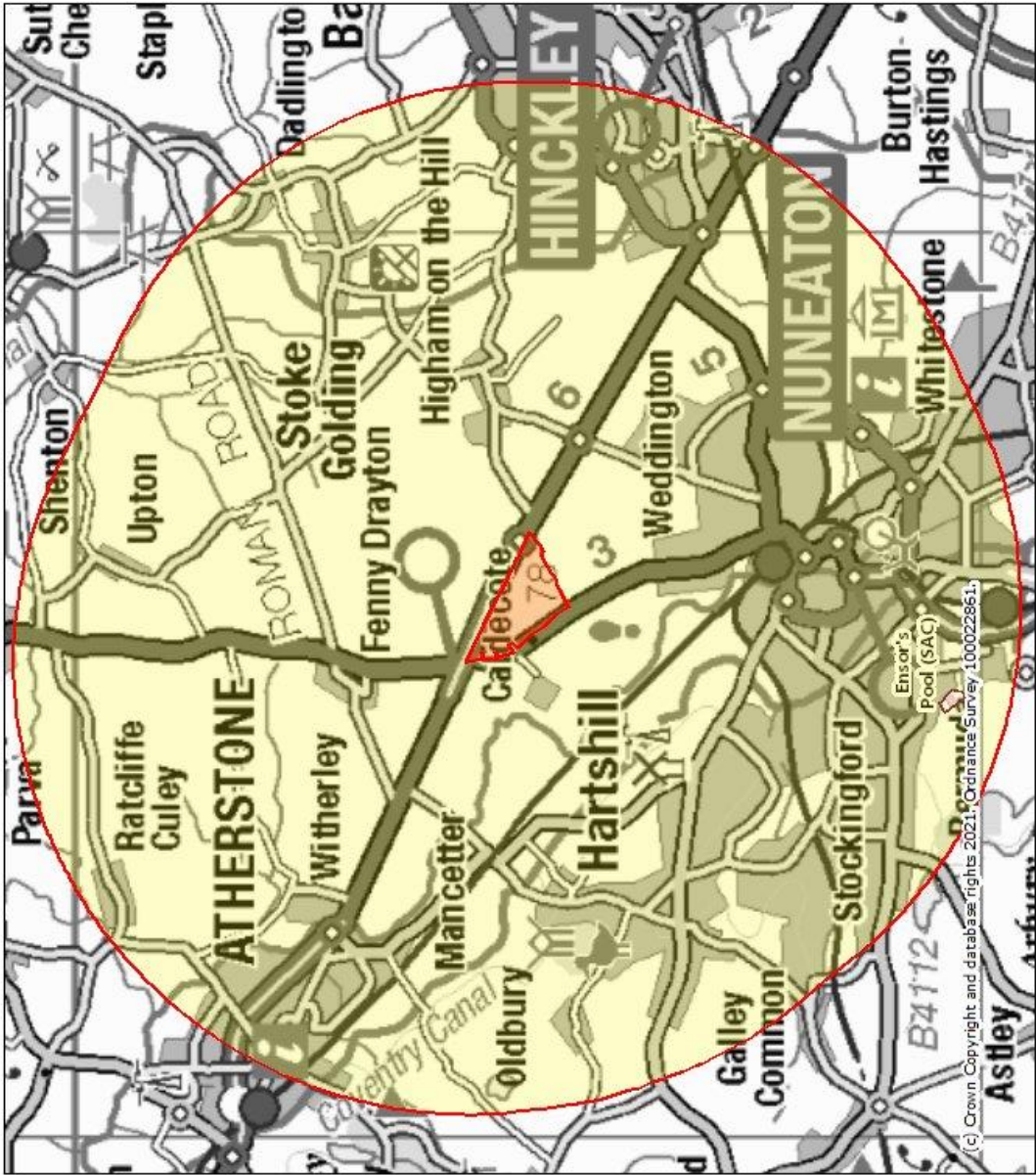
No Features found

Potential Special Protection Areas (England)

No Features found



MAGiC European Statutory Site Search - 5 km



APPENDIX 2

Overview of Relevant Species Specific Legislation

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

Great Crested Newts

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

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

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

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

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

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

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

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

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

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

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

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as: '*Any structure or place that displays signs indicating current use by a badger*'. 'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett.

Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Bats

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

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

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

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

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

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

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

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

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

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

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

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;

- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection; however these two species are not known to occur within Warwickshire. Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CROW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.