

BIODIVERSITY MANAGEMENT PLAN

LAND AT WYKIN LANE, STOKE GOLDING,
NUNEATON, CV13 6JG

for

DAVIDSONS HOMES

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CONTROL SHEET

Davidsons Homes Land at Wykin Lane, Stoke Golding, Nuneaton, CV13 6JG Biodiversity Management Plan

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1. INTRODUCTION

COPIES OF THIS DOCUMENT AND ALL ASSOCIATED ECOLOGICAL REPORTS RELEVANT TO SITE WORKS AND RELEVANT PLANNING CONDITIONS AND ASSOCIATED PROTECTED SPECIES LICENSES WILL BE KEPT IN THE SITE OFFICE, PRINTED, BOUND AND PLACED IN A CLEARLY LABELLED FOLDER, SO THEY ARE AVAILABLE TO REFER TO AT ANY TIME.

1.1 Scheme Background

The site known as 'Land at Wykin Lane' was granted outline planning permission at appeal on 21 May 2021 for 'the construction of up to 55 dwellings, all matters reserved, except for access' (ref: APP/K2420/W/20/3262295) in accordance with application Ref 19/01324/OUT, dated 15 November 2019. An application for variation of Condition 14 of the above consent was granted on 4 November 2022 (ref: 22/00595/CONDIT). Reserved Matters were approved on 4 April 2023 (ref: 22/01080/REM). Focus Environmental Consultants have been commissioned by the client, Davidsons Homes, to produce a Biodiversity Management Plan to protect and enhance the sites biodiversity and satisfy Condition 14 pursuant to application ref: 22/00595/CONDIT.

Condition 14:

'No development shall commence until a Biodiversity Management Plan for the site that sets out the site-wide strategy for protecting and enhancing biodiversity and that includes the detailed design of proposed biodiversity enhancements and their subsequent management and maintenance, has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include areas of open space, buffer zones and created habitats including any SUDs. All soft landscaping to informal play space and natural open space should comprise native species wildflower grassland unless otherwise agreed in writing by the Local Planning Authority. Development shall be implemented, managed, and maintained thereafter in accordance with the approved Management Plan'.

1.2 Objectives

The objectives of this Biodiversity Management Plan are:

- To provide an evaluation of ecological site features and to detail their protection.
- To identify ecological enhancements.
- To identify management and maintenance details appropriate for the long-term conservation management of retained and enhanced habitats;
- To provide for the regular monitoring of the site's ecological assets in appropriate seasons;
- To provide for regular review of the overall aims and prescriptions of the Biodiversity Management Plan (BMP) and allow for remedial works and new projects to be implemented as required.

1.3 Site Description & Location

The site is located off Wykin Lane, Stoke Golding in Nuneaton. The site is approximately 2.12ha in size and is centred on Ordnance Survey grid reference SP 401 967. The site comprises species-poor, sheep-grazed, tussocky grassland. Unmanaged hedgerows / tree-lines bound the site to the south-west and north-east. There is also a managed hedgerow along the southern boundary. A wet ditch is present along the north-eastern boundary, and there is a dry ditch towards the eastern boundary of the site.

Please refer to the Preliminary Ecological Appraisal (Focus Environmental Consultants, 2020) for a full description of the habitats on site and within the wider survey area.

1.4 Ecological Survey Work

The site was the subject of several ecological surveys in 2019 by Focus Environmental Consultants, including specialist surveys for bats, badgers and great crested newts. The bat transect survey identified activity levels were highest along the western boundary along Wykin Lane. Lower levels of activity were recorded at the south of the site. Common pipistrelle bats contributed the greatest proportion of activity at the site during the surveys (Focus Environmental Consultants, 2019b). No active badger setts were identified within the survey boundaries during the walkover survey. The eDNA

survey identified the presence of great crested newts within 5m of the site. (see Focus Environmental Consultants, 2019b, 2019c, 2019d).

Great crested newt mitigation requirements are being addressed offsite, in full, through a formal District Level Licensing (DLL) application facilitated by Natural England. The DLL removes the need to provide on-site mitigation for great crested newts. Davidsons Developments are in receipt of a countersigned 'Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate', which is the final step in the process before applying for the District Level Licence (DLL) for the site.

1.5 Contact Information

1.5.1 Ecological Clerk of Works

Company: Focus Environmental Consultants

Telephone No.: 01905 780700

Address: Unit 2, Ball Mill Top Business Park, Worcester, WR2 6PD

1.5.2 Natural England

In the event that any legally protected species are identified during the works, works must pause until consultation has been held with the Ecological Clerk of Works. Where necessary, the Ecological Clerk of Works will liaise with Natural England to agree and implement any additional licencing requirements before proceeding.

Contact No: 0300 060 3900

1.6 Organisation Responsible for Implementation of the BMP

It is the responsibility of Davidsons Homes and in due course the appointed Management Company to ensure that the Biodiversity Management Plan is implemented as prescribed. It is acknowledged that the above plan will require input from several specialist individuals and contractors to ensure that all legal responsibility towards protected species and retained / created habitats are met.

2. CONSTRUCTION METHOD STATEMENT

The following prescriptions will be undertaken during the construction phase to ensure best practice is carried out during the development to reduce impacts on resident wildlife and retained habitats.

2.1 Site Personnel

Formal instruction and training (a 'tool-box talk') of site-based personnel will be undertaken prior to commencement of the construction works to inform on agreed policies, recommendations and requirements to maintain environmental quality and minimise impacts during construction, generally avoiding unnecessary disturbance and pollution.

Focus Environmental Consultants has been appointed as the Ecological Clerk of Works to oversee and monitor the ecological aspects of the development during all construction phases. Contact information is provided in Section 1.5.

2.2 Pre-clearance Site Checks

A pre-site clearance check by the Ecological Clerk of Works will be undertaken before any ground clearance works or removal of vegetation. This recommendation is made to ensure that due attention is paid to the possible presence of protected and notable species including nesting birds, badgers, and amphibians, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

2.3 Site Clearance Procedure

The following method statement will be followed to avoid the incidental killing or injuring of amphibians, reptiles or other vulnerable fauna and ensure compliance with wildlife legislation (e.g. Wildlife and Countryside Act 1981, etc.):

- At least one week prior to any vegetation stripping / ground clearance, tall vegetation (e.g. tussocky grassland) to be removed could be cut in phases to progressively reduce the height and encourage resident wildlife to disperse away from the construction zone.
 - Day 1: vegetation cut to a height of 150-200mm (if required).

- Day 2: vegetation cut to a height of 50-100mm.
- Following the completion of the phased vegetation removal, the future development footprint will be made inhospitable for wildlife such as reptiles, amphibians, and small mammals through stripping the site to bare ground, and / or maintaining the vegetation at a sward height of no more than 50mm until construction is complete.
- To avoid the risk of encountering hibernating reptiles, ground-clearance works will be restricted to times of the year when reptiles are fully active (April – September, inclusive). This period will be extended if suitable weather conditions and daytime temperatures (minimum of 9°C) are present.
- Any reptiles, amphibians, or small mammals encountered during the works will be carefully transferred by hand from the work area to a safe location in similar habitat within the immediate vicinity.
- When not directly supervising activities, the Ecological Clerk of Works will be 'on-call' to provide advice and / or liaise with statutory authorities (Natural England) if required.

2.4 Tree / Hedgerow Protection & Arboricultural Works

BS 5837: 2012 '*Trees in relation to design, demolition and construction*' will be implemented on site to ensure that retained trees and hedgerows are protected adequately from construction-related damage. Tree protective fencing (e.g. Heras fence) with the appropriate notices / signs will be positioned around retained trees and hedgerows within the development footprint and surrounding vicinity that are considered vulnerable to damage during works. The protection fencing will only be dismantled and removed following the completion of all works and the removal of machinery and vehicles from site.

Tree felling and other arboriculture works (e.g. removal of limbs, crown reduction) must be done outside of the bird nesting season (March – August, inclusive) or otherwise

only after being checked for nesting birds by the Ecological Clerk of Works. The Ecological Clerk of Works will be able to identify any nesting birds and advise of appropriate safe working distances to ensure compliance with wildlife legislation.

2.5 Site Materials & Working Hours

To avoid any unnecessary disturbances to nocturnal wildlife (e.g. night-lighting, loud noises or vibrations from the use of heavy machinery), construction activities will be restricted to the normal working day (i.e. 7:30am – 6pm). Working outside this time frame should only occur in exceptional circumstances and when no other option is available.

If required, any artificial lighting of the site at night will be minimal and low-level to minimise light spillage on habitats. Lighting will specifically be directed away from the retained and newly planted hedgerows, as recommended by the Bat Conservation Trust & Institute of Lighting Professionals (2018).

Contractors using tall and / or wide loads during site operations should be extra vigilant to prevent coming into contact with trees within / adjacent to / over-hanging the site.

Unnecessary soil disruption will be minimised, and soil erosion measures will be implemented during site excavation works to prevent unwanted run-off of sediment and nutrients into the ditches along the north-eastern and south-eastern site boundaries.

2.6 Monitoring

Annual monitoring checks will be undertaken by the Ecological Clerk of Works during the initial five-year period. These checks will include inspections of retained and newly created habitats, and compensation and enhancement features (e.g. bat / bird boxes, etc.). Checks will be undertaken in summer to monitor the condition and management of the grassland and other habitats present. Following each inspection, a report with recommendations for any remedial works, as required, will be submitted to the client / management company.

A timetable for works and subsequent monitoring is provided in Section 8.

2.7 Record Keeping

Details of all work completed under this Biodiversity Management Plan, together with relevant maps and photographs to be retained and appended to this document.

3. HEDGEROWS

3.1 Management Objectives

- To manage retained hedgerows for increased wildlife value and longevity.
- To allow hedgerows to form a healthy, dense, continuous linear feature.
- To improve habitat connectivity across the site via the planting of new hedgerows.

3.2 Hedgerow Planting

New species-rich hedgerow (approximately 80m) will be planted along the south-eastern boundary of the site. Hedgerows are valuable ecological features, and are listed as a '*habitat of principal importance*' under S.41 of the NERC Act 2006. Once established, the hedgerow will provide feeding and nesting habitats and dispersal routes for a range of fauna, including bats, birds, amphibians, reptiles, and mammals. A species-rich hedgerow is defined as one that supports at least five native, woody species (DEFRA, 2007). As such, the new native hedgerow planting will include six native species.

Ornamental hedgerows will also be planted in areas of more formal open space (*i.e.* bordering LEAP and NEAPs). Where appropriately planted (see below), ornamental hedgerows can provide dense nesting opportunities for birds.

Please refer to the 'Detailed Landscaping Proposals' (drawing no. GL1952 01 C) produced by Golby & Luck Ltd for details on hedgerow species composition agreed for native and ornamental hedgerow planting at the site.

Hedgerow planting should follow guidance provided by Natural England (2008):

- Where feasible, all new hedgerow planting will take place over the winter period (October – March) in appropriate conditions (*e.g.* when the soil is not water-logged, frosted or immediately after a prolonged period of drought).
- Hedgerows will follow a double staggered planting schedule, with approximately 400mm between each row and 4 – 6 plants per metre.

- Where possible, whips of between 450 - 600mm will be used (any specimens to be grown as trees will be 1 - 1.5m tall).
- Newly planted specimens will be protected from animal damage by the use of rabbit-proof fencing, netting or individual tree guards.
- Specimens that fail in the first five years will be replaced to prevent gaps forming.
- Weeds will be controlled to prevent competition with the hedgerow plants. Weed control will be undertaken via mulch (applied immediately after planting) or cutting/pulling. The use of herbicides is not recommended.

3.3 Hedgerow Maintenance

Any hedgerow cutting / trimming or necessary pruning should be done outside of the bird nesting season (March – August inclusive) wherever feasible. If avoiding the bird nesting season is not possible, vegetation will be carefully checked by the Ecological Clerk of Works prior to removal. The Ecological Clerk of Works will be able to identify any nesting birds and advise of appropriate safe working distances (e.g. 5m buffer) to ensure compliance with wildlife legislation. Active nests will be left undisturbed until young have fledged, as advised by the Ecological Clerk of Works. Care must also be taken to avoid harm to any hibernating fauna at the base of hedgerows (e.g. hedgehogs, herpetofauna).

3.3.1 Maintenance of Native Hedgerows

Native hedgerows will be managed to ensure an attractive, functional barrier as well as providing habitat for a range of wildlife. The wildlife value of a hedgerow is directly affected by its structure and the timing of its management. Responsible management will result in an abundance of insects, provide rich habitat for birds, bats and small mammals, and supply some species with a food source throughout the year. The main objective for management is to maintain a varied age and size of hedgerow in order to support a variety of wildlife.

Once established, native hedgerows will be maintained at a height of no less than 1.8m to provide adequate screening from the built footprint, green corridors, and thick nesting and foraging cover for wildlife. There may be exceptions to this where

hedgerows restrict visibility splays. The basic principles for appropriate hedge trimming are as following (Natural England, 2008; RSPB, 2008):

- All cutting regimes will be carried out on a three-year rotation (or less frequently if possible). It is important that not all hedgerows will be cut at any one time (e.g. only 10% to 30% will be cut in any one year). This ensures that thick nesting cover is available annual for birds and other wildlife, and also to boost the berry crop that often develops on second year growth. If possible, flails will not be used to manage the hedgerows.
- Cutting later in the winter (e.g. January / February) is advised as it allows the berry crop to be used by over-wintering birds, which is a vital part of their diet when food is scarce.
- Weeds will be controlled to prevent competition with the hedgerow plants. Weed control will be undertaken via cutting/pulling or mulching. Herbicides will not be used.
- Specimens that fail will be replaced to prevent gaps forming and to ensure a corridor is maintained to encourage dispersal of wildlife around the site. Replacement specimens will be planted up with appropriate native species.
- Hedgerow bases will be managed as tussocky grassland.

4. TREES

4.1 Management Objectives

- To manage retained trees for increased wildlife value and longevity.
- To allow trees to develop into mature and healthy specimens.
- To ensure safety of trees and avoid conflict with structures, vehicular sightlines, and other services.
- To improve habitat connectivity across the site via the planting of new trees.

4.2 Tree Planting

4.2.1 Tree Planting

A variety of individual trees will be planted across areas of open space. The trees will include a variety of species, including flowering and fruit-bearing species, which will provide opportunities for a range of wildlife including birds, mammals, and invertebrates. Please refer to the 'Detailed Landscaping Proposals' (drawing no. GL1952 01 C) for information on the tree species to be planted at the site.

- Planting will be carried out in autumn / winter (between November and March) whilst the trees are dormant. Trees will not be planted whilst the ground is frozen or during periods of waterlogging.
- All trees will be secured with stakes and ties and protected from animal damage by the use of rabbit-proof fencing, netting or individual tree guards.
- Regular maintenance checks will be undertaken during the growing season to ensure successful establishment.
- Any plants that die in the first five years will be replaced in the next planting season with specimens of a similar size and species.
- Weed control will be undertaken via mulch (applied immediately after planting), mulch-mats or removed by cutting / pulling. The use of herbicides is not recommended.

4.3 Tree Maintenance

Arboriculture works, such as pruning, should be done outside of the bird nesting season (March – August inclusive) wherever feasible. If avoiding the bird nesting

season is not possible, vegetation will be carefully checked by the Ecological Clerk of Works prior to removal. The Ecological Clerk of Works will be able to identify any nesting birds and advise of appropriate safe working distances (e.g. 5m buffer) to ensure compliance with wildlife legislation. Active nests will be left undisturbed until young have fledged, as advised by the Ecological Clerk of Works.

Due to the pressures of the development and the change of land use, which will increase the site usage and consequently increase the risk of failure of trees, it is advised that yearly checks are undertaken by a suitably qualified arboriculturalist for the first five years following the initial twelve months after the trees have been planted. The frequency of these checks (e.g. annual, bi-annual *etc.*) will be reassessed following these five years. Inspections will ensure trees are in good health and do not pose any safety risk to people, structures, vehicular sight-lines or other services. Remedial action will be taken as required (e.g. replacement of dead / diseased specimens).

5. GRASSLAND

5.1 Management Objectives

- To establish and maintain a floristically-rich, healthy sward across grassed areas.
- To establish a variety of sward types across the site to provide improved structural heterogeneity, providing nesting and foraging opportunities for a range of wildlife, such as herpetofauna, hedgehogs, and birds.
- To encouraging native flowering wild plants, which provide a rich nectar source attracting various butterfly, bee, and moth species, in turn providing an invertebrate food source for bats, increasing the overall biodiversity of the site.
- To implement an appropriate management regime to allow wildflowers to increase in coverage and reduce the dominance of grasses and weeds.
- To create aesthetically pleasing habitats for residents.
- To provide a source of food for seed-eating birds that may be present within the local area (e.g. blue tit, great tit, robin, house sparrow).

5.2 Planting

Wildflower grassland will be created in open space at the east of the site, and tussocky grassland will be created at the bases of existing hedgerows. Amenity grassland will be created in areas of communal open space.

Preparation & Seeding (Year 0)

The proposed areas of grassland will be sown with an appropriate seed mix in line with the 'Detailed Landscape Proposals' (drawing no. GL1952 01 C), with seed to be sown in autumn (September – November) or spring (March – May). In preparation, existing ground will be weeded, and any unwanted plants removed. At least 50% bare soil should be achieved to allow the seeds good contact with the soil. The seed mixture will then be sown as per the manufacturer's prescribed sowing rate.

Seeded areas will be fully watered to allow healthy establishment of the sward. No fertiliser will be used within the grassland at any point during the preparation, seeding,

establishment or maintenance. During the first growing season, weed growth will be controlled by hand-pulling.

5.2.1 Wildflower Grassland

Wildflower grassland will increase the floristic diversity of the site post-development and attract a variety of wildlife, such as invertebrates. In line with the 'Detailed Landscaping Proposals' plan, areas to be created as wildflower grassland will be sown with Emorsgate Seeds EM1 '*Basic General-Purpose Meadow Mixture*', which is suitable for a variety of soil types. This mix contains a number of wildflower species (including oxeye daisy and common knapweed) that make up 10% of the seed mixture composition, and grass species (including crested dog's-tail) that make up 90% of the composition.

5.2.2 Woodland Grassland

In line with the 'Detailed Landscaping Proposals' plan, a native woodland grass seed mixture (Emorsgate Seeds' EW1 Woodland Mixture) will be sown into open space along the south-western site boundary, adjacent to the retained hedgerow and mature trees as a shade tolerant, structurally heterogeneous flowering sward. This mix contains a number of tussock-forming grasses (such as tufted hair-grass) that make up 80% of the composition, and a variety of wildflower species (e.g. hedge bedstraw, foxglove) that make up 20% of the composition.

5.2.3 Amenity Grassland

In line with the 'Detailed Landscaping Proposals' plan, areas to be maintained as amenity grassland will be seeded with a hard-wearing and low maintenance general purpose mix (Germinal A22 mixture). Seed is best sown in the autumn or spring when weather conditions are suitable (*i.e.* when the ground is frost-free and not waterlogged or following periods of prolonged drought), but can be sown at other times of the year if there is sufficient warmth and moisture. Specific guidance from the manufacturer should be followed for ground preparation, sowing and initial management prescriptions to establish a healthy sward.

5.3 Maintenance

5.3.1 Wildflower Grassland

Once established, a rotational cutting regime will be implemented that creates a varied sward height across the wildflower grassland. This management will provide habitat for reptiles and amphibians and maintain habitat and a food source for hedgehogs and other wildlife. The wildflower grassland will be subject to a single summer 'hay cut' (not before August to allow species to flower), where each year approximately 70-80% of the grassland within each parcel is cut to a height of no less than 50mm. Arisings will be left to dry in place and shed seed for 1-7 days before being removed from site. However, a proportion of the arisings may be retained and used to create compost piles within suitable undisturbed areas of the grassland (e.g. along hedgerows) to created additional habitat for reptiles and amphibians. The re-growth will be cut in spring (March / April). Minimal public access (e.g. via single/ circular narrow mown pathway) should be permitted into the sward so to provide maximum biodiversity value.

5.3.2 Woodland Grassland

Once established, a cutting regime will be implemented that creates a varied sward height and structure (e.g. tussock stands) across the grassed areas, thus providing terrestrial habitat for amphibians, reptiles and other wildlife.

- The grassland will be subject to an annual cut between late autumn and winter (i.e. late October – February) when activities are least likely to cause disruption to wildlife (e.g. nesting birds, hedgehogs etc.).
- The annual cut will not be undertaken in the early spring (i.e. March / early April) as this is when woodland flora begins to flower.
- Each year no more than half of the grassland will be cut to a height of no less than 150mm to ensure continued provision of undisturbed refugia for wildlife.
- Arisings will be removed from the site. However, a proportion will be retained and generally used to create compost piles within suitable undisturbed areas of open space to add additional habitat for wildlife (e.g. amphibians and reptiles).
- Any scrub/woody saplings and weeds (e.g. nettles) invading the sward will be removed by hand-pulling, as required.

5.3.3 Amenity Grassland

Once established, the grassland will be subject to regular mowing / strimming during the growing seasons (e.g. March – October) to maintain a short, formal sward.

6. ATTENUATION FEATURES

6.1 Management Objectives

- To encourage colonisation of aquatic features by a variety of invertebrates, amphibians, and other fauna, increasing the overall biodiversity of the site.
- To implement an appropriate management regime to ensure aquatic features maintain their functionality and allow associated fauna and flora to thrive.
- To create aesthetically pleasing habitat for residents.

6.2 Creation of Attenuation Features

6.2.1 Creation of Attenuation Features

An attenuation feature (*i.e.* a SUDs pond) will be created towards the east of the site. The creation of this feature will increase habitat diversity across the site through the provision of aquatic opportunities for a range of invertebrates, amphibians, and other fauna, as well as providing foraging opportunities for bats.

The design of the attenuation feature will encompass the following principles:

- The banks of the attenuation feature will be gently sloped to promote colonisation by a variety of plants, invertebrates, and amphibians. This will also allow fauna, such as hedgehogs, to easily enter and exit from this feature. Where steep sides are present, ramps created out of logs (200mm width, angled <30°) will be installed.
- The attenuation feature will have a series of shelves with a range of depths, including shallow areas which are particularly favourable for dragonflies.
- The use of an artificial pond liner will be avoided if possible, with preference for puddling with clay or use of a bentonite clay liner. Please see Langton *et al.* (2001); English Nature (2001); Baker *et al.* (2011) for further details.
- Encourage diversity of marginal plants, rather than single species strands.
- Allow native plants to colonise.
- Avoid planting any non-native flora and particularly invasive species such as New Zealand pigmyweed (*Crassula helmsii*), curly pondweed (*Lagarosiphon major*), and parrot's feather (*Myriophyllum aquaticum*).

- Fish will not be introduced into the attenuation feature to prevent predation of amphibian eggs and allow amphibian populations to colonise and thrive.

6.2.2 Planting of Wet-tolerant Grassland

Disturbed ground surrounding the attenuation feature will be sown with Emorsgate Seeds EG8 'Meadow Grass Mixture for Wet Soils' (or similar), in line with the 'Detailed Landscaping Proposals' plan produced for the site. This grassland seed mix is suitable for aquatic and damp conditions. The proposed areas of wet-tolerant grassland will be sown with the above seed mix in autumn (September – November) or spring (March – May). In preparation, the existing ground will be weeded, and any unwanted plants removed. At least 50% bare soil should be achieved to allow the seeds good contact with the soil. The seed mixture will then be sown as per the manufacturer's prescribed sowing rates.

Seeded areas will be fully watered to allow healthy establishment of the sward. No fertiliser will be used within the grassland at any point during the preparation, seeding, establishment or maintenance.

6.3 Management of Attenuation Feature

6.3.1 Maintenance of Attenuation Feature

The attenuation feature will be monitored annually by the Habitat Contractor and / or Ecological Clerk of Works who will monitor the condition of the feature and identify and implement any required remedial works (e.g. clearance, de-silting, removal of invasive species etc.).

General management of the attenuation feature will be carried out through the following prescriptions:

- Where areas are permanently wet, vegetation cover will be kept to a maximum of 60% with distinct open areas. If the growth starts to exceed this, it can be controlled by hand in late summer / early autumn. Marginal and emergent plants will be removed by their roots to prevent vigorous regrowth. Excessive removal of submerged vegetation is not recommended as this can result in the water becoming dominated by algae or duckweed.

- Areas where vegetation control is implemented should be rotated on successive visits to prevent consolidation of sediment around plant roots.
- If excessive overhanging vegetation (above 60% of the pool's perimeter) develops around the attenuation feature, this should also be cut back. Shading of the feature is to be restricted on the southerly sides.
- If the attenuation feature becomes clogged with leaf litter, a precautionary approach to the removal of the leaf litter will be undertaken to avoid harm to vulnerable fauna. This will involve leaving the removed debris on the side of the banks overnight to allow any wildlife to escape back into the water or other habitats. Clearance works should be undertaken in late summer / early autumn. Deadwood should be retained to provide habitat for wildlife.
- Removal of vegetation is not to be undertaken where invasive species (e.g. Himalayan balsam) are present. If invasive species are observed immediately prior or during the works, works must cease, and the relevant guidance sought from the Environment Agency (see Environment Agency (2010) for further details).
- The attenuation feature will need to be kept free of fish to allow amphibian populations to thrive. Annual checks will be made to inspect for any fish. If any fish are present, an eradication programme may need to be implemented.

6.3.2 Maintenance of Wet-tolerant Grassland

Once established, a cutting regime will be implemented that creates a varied sward height and structure (e.g. tussock stands) across the grassed areas. This will provide suitable terrestrial habitat for amphibians, reptiles, and other wildlife. The following cutting regime will be carried out on a rotational 2–3-year cycle which will provide fauna with continued habitat (e.g. cover and shelter) during the winter.

- The grassed areas will be subject to an annual cut between late summer and early autumn (*i.e.* September – November) when activities are least likely to cause disruption to wildlife (*e.g.* amphibians, nesting birds, hedgehogs *etc.*).
- Each year approximately 70-80% of the grassland will be cut to a height of no less than 100mm to ensure continued provision of undisturbed refugia for wildlife.
- Short sections (wedges) of the marginal wildflower vegetation surrounding the attenuation feature will be removed on the rotation to create open areas along the edges. Dense stands of single species, such as yellow flag iris, may require thinning.
- Arisings will be removed from site. However, a proportion will be retained and generally used to create compost piles within suitable undisturbed areas of the open space to add additional habitat for wildlife.
- Any scrub/woody saplings and weeds invading the sward will be removed by hand-pulling, as required.

7. ECOLOGICAL ENHANCEMENTS

7.1 Management Objectives

- To retain and enhance existing ecological features on site for wildlife.
- To provide new nesting / roosting opportunities for birds and bats.
- To maintain and improve connectivity across the post-developed site for wildlife.

7.2 Landscape Planting

New landscape planting (as detailed within the sections above) will include a variety of native and / or wildlife friendly species including scented, flowering, fruiting, and berry-bearing species which, through appropriate management, will appeal to a range of wildlife including invertebrates, birds, bats, amphibians, and small mammals. Once established, hedgerows and tussocky grassland will provide shelter for fauna and enhance connectivity across the site.

7.3 Enhancements for Birds

The following bird boxes will be installed on / integrated within new buildings across the post-developed site to provide new nesting opportunities for a variety of bird species. Please note, bird box locations are subject to change upon agreement with the Ecological Clerk of Works.

- 2 x integrated swift bricks (e.g. Manthorpe Integrated Swift Brick). These are not only utilised by swifts, but also a range of other bird species (including red-listed species, e.g. house sparrows).
- 2 x double house martin nest cups (e.g. Schwegler 9A House Martin eaves nest – double) to provide nesting opportunities for the red-listed house martin.
- 2 x sparrow terraces (such as the 1SP Schwegler Sparrow Terrace, Vivara Pro WoodStone House Sparrow Nest Box or Eco Sparrow Tower) to provide nesting opportunities for house sparrows.

- 2 x traditional bird boxes with a 32mm entrance hole (e.g. Woodstone Seville Nest Box) to provide nesting opportunities for tits and sparrows.

Boxes will be positioned in sheltered locations, preferably on elevations facing between north and east. Swift boxes, house martin nest cups, and sparrow terraces must be sited under the eaves of buildings at approximately 5m above ground level, out of the reach from predators (e.g. domestic cats). Boxes should not be installed above windows or doors to avoid any conflict over possible deposition of bird droppings. Boxes will be in position prior to the first use of the developed site.

7.4 Enhancements for Bats

The following roost features will be installed on / integrated within new buildings across the post-developed site.

- 8 x bat boxes, e.g. Habibat Bat Box, Beaumaris Woodstone Bat Box, and Build-in WoodStone Bat Box.

Boxes will be placed a minimum of 4m above ground-level to ensure they are out of the reach of potential predators (e.g. domestic cats) and not placed directly above windows / doors, preferably south / south-west facing. Boxes will be placed in areas where lighting will not disturb or discourage bats from roosting and with a clear flight path to suitable foraging habitat. Please note, bat box locations are subject to change upon agreement with the Ecological Clerk of Works.

7.5 Habitat Piles

A minimum of two habitat piles will be established within rough grassland at the east of the site. These will comprise buried piles of stones and logs beneath a soil mound, with gaps left to enable newts to access frost-free underground spaces for hibernation. Permanent rough grass and/or scrub cover will be allowed to develop over these features to provide additional insulation and cover for newts.

At least two horizontal log / brash piles will be constructed within safe, secure areas of open space. Log piles will vary in size from 0.5m to 3m in height. Large logs will be

used to prevent removal at a later stage. Log and brash piles will be constructed from suitable trunk / limb sections removed as part of the clearance works, and will be located in safe, secure locations as agreed with the Ecological Clerk of Works. Compost piles will also be created using grass cuttings from habitat management activities. These features will provide foraging, sheltering and hibernation habitat for reptiles, amphibians, and hedgehogs, as well as saproxylic invertebrates. Habitats surrounding the habitat piles will be left uncut to provide additional protection and new material will be added, as required.

7.6 Enhancements for Hedgehogs

In addition to habitat piles the following compensation and enhancement measures will be incorporated into the post-development site to provide continued and enhanced opportunities for hedgehogs.

- Gaps of 130mm x 130mm (maximum of two gaps per garden) will be created in any fence-lines bordering established hedgerows that are incorporated into the development proposals, including access between properties. This will ensure small mammal species, such as the hedgehog, will be able to maintain an obstacle free 'highway' for continued and uninterrupted foraging. 'Hedgehog highway' signs¹ will be affixed to gaps within the fencing to ensure that these gaps are kept open by the future residents.

¹ Available from the British Hedgehog Preservation Society at <https://shop.britishhedgehogs.org.uk/product/hedgehog-highway-sign/>

8. TIMETABLE OF WORKS & MONITORING

PRESCRIPTION		SEASON / TIME	FREQUENCY	ACTION BY	YEAR					
					0	1	2	3	4	5
LANDSCAPE & ECOLOGICAL MANAGEMENT PLAN (LEMP)										
<i>Native Hedgerows</i>										
	New hedgerow planting within areas of open space will comprise native woody species. Specimens will be planted in triple staggered rows 300mm apart and at 500m centres in each row. Newly planted specimens will be staked and tied and protected from animal damage by the use of rabbit-proof fencing, netting or individual tree guards.	Autumn / winter (November - March)	n/a	Habitat Contractor / Arboriculturalist	●					
	Cutting regimes to be carried out on a three year rotation (or less frequently if possible). Cut to a height of no less than 1.8m. Not all hedgerows will be cut at any one time (e.g. only 10% - 30% will be cut in any one year). When cut, tops of hedgerows will be rounded or 'A' shaped. If possible, flails will not be used to manage these hedgerows.	January / February (outside of the nesting bird season, March - August inclusive)	Annually	Habitat Contractor / Arboriculturalist		●	●	●	●	●
	Replace any failed specimens.	Autumn / winter (November - March)	Annually, as required	Habitat Contractor / Arboriculturalist	●	●	●	●	●	●
	Control of weeds via cutting / pulling or mulching. Do not use herbicides.	Mid-late spring / autumn	Annually, as required	Habitat Contractor / Arboriculturalist	●	●	●	●	●	●
<i>Ornamental Hedgerows</i>										

	Ornamental hedgrow planting will take place in areas of more formal open space (i.e. bordering LEAP and NEAPs). Newly planted specimens will be planted in double staggered rows 300mm apart and at 500mm centres in each row. Newly planted specimens will be staked and tied and protected from animal damage by the use of rabbit-proof fencing, netting or individual tree guards.	Autumn / winter (November - March)	n/a	Habitat Contractor Arboriculturalist	•					
	Annual / bi-annual cut to maintain at a height of 1m, with the exception of <i>Prunus cisterna</i> hedgerows which are to be maintained at a height of 0.6m. Long / leggy shoots to be pruned back to the main line of the hedgerow to maintain form. If possible, flails will not be used to manage these hedgerows.	September - February (to avoid the nesting bird season, March - August inclusive)	Annually / bi-annually	Habitat Contractor / Arboriculturalist		•	•	•	•	•
	Replace any failed specimens.	Autumn / winter (November - March)	Annually, as required	Habitat Contractor / Arboriculturalist	•	•	•	•	•	•
	Control of weeds via cutting / pulling or mulching. Do not use herbicides.	Mid-late spring / autumn	Annually, as required	Habitat Contractor / Arboriculturalist	•	•	•	•	•	•
<i>Trees</i>										
	Tree planting across areas of open space will include a variety of species, including flowering and fruit-bearing species. Trees will be secured with stakes and ties and protected with rabbit-proof fencing.	Autumn / winter (November - March)	n/a	Habitat Contractor / Arboriculturalist	•					

	Regular maintenance checks will be undertaken during the first 12 months to ensure successful establishment. Monthly visits during this year will include removing weeds and litter, watering specimens, necessary pruning and checking tree ties and stakes.	Following planting of specimens	Monthly checks for first 12 months	Habitat Contractor / Arboriculturalist	•						
	Annual maintenance checks of <u>all</u> trees, following initial 12 months after planting. Inspections will ensure trees are in good health and do not pose any health or safety risks.	Spring	Annually	Habitat Contractor / Arboriculturalist		•	•	•	•	•	•
	Formative pruning of trees where considered necessary following annual checks.	Between September - February, to avoid nesting bird season	As required	Habitat Contractor / Arboriculturalist Ecological Clerk of Works	•	•	•	•	•	•	•
	Replace any failed specimens.	Autumn / winter (November - March)	Annually, as required	Habitat Contractor / Arboriculturalist	•	•	•	•	•	•	•
<i>Wildflower Grassland</i>											
	Prepare the planting environment (weeding, deep ploughing and rolling of ground). Sow a suitable native wildflower seed mix (e.g. Emorsgate Seeds EM1 'Basic General Purpose Meadow Mix')	Spring / Autumn	n/a	Habitat Contractor	•						
	Control weed growth by hand-pulling	As necessary	As required (likely to be quarterly)	Habitat Contractor	•						

	Wildflower grassland will be subject to a rotational 'hay cut', where each year approximately 70-80% of the grassland will be cut to a height of no less than 50mm. Arisings will be left to dry and shed seed for 1-7 days then removed from site. A proportion of the arisings may be used to create / add to compost piles.	Late Summer (not before August to allow species to flower)	Annually	Habitat Contractor		•	•	•	•	•
	Cut re-growth if needed.	March / April	Annual, if required	Habitat Contractor		•	•	•	•	•
<i>Woodland Grassland</i>										
	Prepare the planting environment (weeding, deep ploughing and rolling of ground). Sow a suitable native tussocky-grassland seed mix (e.g. Emorsgate Seeds EW1 'Woodland Mixture')	Spring / Autumn	n/a	Habitat Contractor	•					
	Control weed growth by hand-pulling	As necessary	As required (likely to be quarterly)	Habitat Contractor	•					
	Woodland grassland will be subject to an annual cut, where each year no more than 50% of grassland will be cut to a height of no less than 150mm. Arisings will be removed from the site. A proportion may be retained and used to create compost piles.	Late autumn / winter (October - February)	Annually	Habitat Contractor		•	•	•	•	•
	Hand-pulling of any scrub / woody species invading grassland.	n/a	As required	Habitat Contractor		•	•	•	•	•
<i>Attenuation Features</i>										
	Creation of attenuation feature. Feature will be designed to encourage and support a variety of wildlife.	During construction works	n/a	Development Contractor Habitat Contractor	•					

Disturbed ground surrounding the attenuation feature will be sown with a grassland seed mix suitable for aquatic and damp conditions. Prepare the planting environment (weeding, deep ploughing and rolling of ground). Sow a suitable native wet-tolerant grassland seed mix (e.g. Emorsgate Seeds EG8 'Meadow Grass Mixture for Wet Soils')	Spring / Autumn	n/a	Habitat Contactor	•					
Annual maintenance checks to ensure attenuation feature is in good condition and recommend remedial action as required. Inspections for fish and invasive species will also be carried out. If present, eradication programmes may be required.	Late spring / summer	Annually	Habitat Contractor / Ecological Clerk of Works		•	•	•	•	•
Control growth of marginal and emergent vegetation within the micro pools by hand-pulling if vegetation cover exceeds 60% of open areas. Remove by roots to prevent vigorous growth. Avoid excessive removal.	Late summer / early autumn	As required	Habitat Contractor		•	•	•	•	•
Cut back excessive overhanging vegetation to avoid heavy shading of the attenuation feature, particularly on the southerly sides.	Between September - February, to avoid nesting bird season	As required	Habitat Contractor / Arboriculturalist		•	•	•	•	•
Removal of leaf litter from attenuation feature. Remove debris and leave on the side of the banks overnight to allow wildlife to escape back into the water or other habitats.	Late summer / early autumn	As required	Habitat Contractor		•	•	•	•	•
Wet-tolerant grassland will be cut on a rotational 2-3 year cycle, where each year only 70-80% of the grassland will be cut to a height of no less than 100mm. Arisings will be removed from site. A proportion of the arisings may be used to create / add to compost piles.	Late summer / early autumn	Annually	Habitat Contractor		•	•	•	•	•

	Removal of short sections (wedges) of marginal wildflower vegetation to create open edges along the feature. Carried out on 2-3 year rotation.	Late summer / early autumn	Annually	Habitat Contractor		•	•	•	•	•
	Thinning of dense stands of single species (e.g. yellow flag iris).	Late summer / early autumn	As required	Habitat Contractor		•	•	•	•	•
	Hand-pulling of any scrub / woody species invading grassland.	n/a	As required	Habitat Contractor		•	•	•	•	•
<i>Amenity Grassland</i>										
	Prepare the planting environment (weeding, deep ploughing and rolling of ground). Sow with a suitable hard-wearing and low maintenance general purpose seed mix (e.g. Germinal A22 seed mixture or similar).	Spring / Autumn	n/a	Habitat Contractor	•					
	Regular mowing / strimming of grassland during the growing season to maintain short, formal sward of approximately 30-35mm.	April - October, however, cuts during winter may be required.	As required	Habitat Contractor		•	•	•	•	•
<i>Ecological Enhancements</i>										
	8 bird boxes will be installed on / integrated within new buildings. Boxes to be installed as per guidance within Section 9.3.	Prior to completion of development works.	n/a	Development Contractor Ecological Clerk of Works	•					
	8 bat boxes will be installed / integrated within new buildings. Boxes will be placed a minimum of 4m above ground-level and not placed directly above windows / doors, preferably south / south-west facing. Locations to be agreed with the Ecological Clerk of Works.	Prior to completion of development works.	n/a	Development Contractor Ecological Clerk of Works	•					
	2 hibernacula will be created adjacent to the attenuation feature. Habitat surrounding hibernacula will be left uncut. Locations to be agreed with the Ecological Clerk of Works.	Prior to completion of development works.	n/a	Habitat Contractor Ecological Clerk of Works	•					

	Creation of 2 log / brash piles in safe, secure areas of open space. Use of large logs to prevent removal. Habitat surrounding habitat piles will be left uncut. Locations to be agreed with the Ecological Clerk of Works.	Prior to completion of development works.	n/a	Habitat Contractor Ecological Clerk of Works	•						
	Further log / brash piles and compost piles may be created during construction / management activities.	n/a	n/a	Habitat Contractor Ecological Clerk of Works	•	•	•	•	•	•	•
	Gaps of 130mm by 130mm (maximum of two gaps per garden) will be created in fence-lines bordering established hedgerows to maintain an obstacle free 'highway' across the post-developed site for small mammals such as hedgehogs. 'Hedgehog Highway' signs to be affixed to gaps.	Prior to completion of development works.	n/a	Development Contractor	•						
<i>Condition Monitoring</i>											
	Annual monitoring checks will be undertaken during the initial five year period following completion of the development. Checks will inspect retained and newly created habitats, compensation and enhancement measures (e.g. bat / bat boxes) and identify any remedial works, as required.	Summer	Annually	Ecological Clerk of Works		•	•	•	•	•	•

9. ANNEXES

9.1 Photographs

9.2 Plans

9.3 References & Bibliography

9.4 Legislation & Best Practice

9.5 Recommended Planting List

9.1 Photographs

All photographs taken on 13 July 2021.



Plate 1: Showing typical view of the site.
Photograph looking east.



Plate 2: Showing typical view of the site.
Photograph looking north.



Plate 3: Showing the north-eastern boundary
(B2) of the site. Photograph looking north.

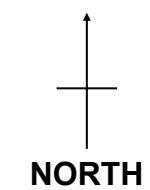
9.2 Plans

Plans:

9.2.1 Location Plan

9.2.2 Enhancement Plan

9.2.1. Location Plan



Client: Davidsons Homes
Site: Land off Wykin Lane, Stoke Golding, Nuneaton, CV13 6JG
Title: Location Plan
Contract: 1567
Date: May 2023

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Please note: this plan is intended only to indicate the approximate location of features and should therefore, not be treated as an accurate scale plan.

9.2.2. Enhancement Plan



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9.4 Legislation & Best Practice

9.4.1 The Conservation of Habitats and Species Regulations 2017

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

These regulations, referred hereafter as “the Habitats Regulations”, represent the primary method by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) is transposed for England and Wales and their territorial seas. The Habitats Directive, in conjunction with the Birds Directive (Council Directive 2009/147/EEC) forms the basis for implementation of Europe’s nature conservation policy through both habitat and species level protection. The Habitats Directive requires the designation of strictly protected European sites known as Special Areas of Conservation (SACs). Together with the Special Protection Areas (SPAs) established by the Birds Directive, these collectively form the Natura 2000 Network of protected sites. The Habitats Directive also requires the strict protection of animals and plants of Community Interest listed under Annex IV. Habitat types requiring strict protection as SACs are listed under Annex I. The conservation of animals and plants listed under Annex II requires the designation of SACs.

The Habitats Regulations require that public bodies must exercise their nature conservation responsibilities to ensure compliance with the Habitats Directive. These regulations also require the conservation of natural habitats and habitats of species through the selection, designation and notification of marine and terrestrial ‘European Sites’ to be afforded protection under the Habitats Directive. The habitats and species of European Importance are listed under Annexes I and II of the Habitats Directive. The regulations also contain provision for the appropriate management of these European Sites including the control of damaging operations, special nature conservation orders and restoration orders, for example. The Habitats Regulations afford strict protection to European Protected Species of animals under Schedule 2 and plants under Schedule 5. Offences (subject to certain exceptions) include the deliberate capture, killing, disturbance or trade in these animals. Similarly plants listed under Schedule 5 are protected (subject to exceptions) from picking, collection, cutting, destruction or trade.

9.4.2 The Wildlife and Countryside Act 1981 (as amended)

While the Habitats Regulations provide the basis for nature conservation policy in Europe, the Wildlife and Countryside Act 1981 (as amended) (WCA) is still a major mechanism for the legislative protection of wildlife and countryside/national parks in the UK. The WCA, and its various amendments, draw on from pre-existing legislation and support the Habitats Regulations in implementing the Bern Convention (1979) and Directive 2009/147/EC on the conservation of wild birds. Schedules within the WCA provide a list of protected species and habitats, in addition to prohibited actions. Further details are provided below for specific species relevant to the report. The WCA also contains measures for controlling invasive non-native species and amendments to a number of laws, including in relation to public rights of way.

9.4.3 The Countryside and Rights of Way (CROW) Act 2000

The CROW Act amends existing WCA legislation in accordance with the 1992 Convention on Biological Diversity (Rio Earth Summit). The Act applies to England and Wales only and encompasses public access, rights of way, nature conservation and Areas of Outstanding Natural Beauty (AONBs). Schedule 9 of the Act provides increased powers for the protection and management of SSSIs while Schedule 12 strengthens the legal protection for protected species via arrestable offences and heavier penalties.

9.4.4 The Natural Environment and Rural Communities (NERC) Act 2006

The Natural Environment and Rural Communities Act imposes a *Biodiversity Duty* (S.40) on all public bodies to conserve biodiversity at both species and habitat levels (S40). *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”*

S.41 of the Act requires the publication of a list of *“living organisms and types of habitat which in the Secretary of State’s opinion are of principal importance for the purpose of conserving biodiversity.”* The list generated under S.41 of the Act contains a number of types of habitats and species of animal and plant that have the potential to be affected by development projects of a range of sizes and impacts.

S.47 of the Act establishes special protection for the nest sites of certain birds that are known to re-use their nests and creates an additional Schedule containing these birds, namely golden eagle, white-tailed eagle and osprey. It is an offence to take, damage or destroy the nest of these three birds at any time.

The Act also establishes Natural England as the independent body “to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development”. 943 species and 56 habitats of principal importance are included on the S41 list as guidance for public bodies on decisions that affect biodiversity.

9.4.5 The Hedgerow Regulations 1997

On 1 June 1997, the Hedgerow Regulations came into force under section 97 of the Environment Act 1995 to address the dramatic decline in UK hedgerows. The regulations protect important hedgerows by limiting removal through a system of notification via local planning authorities.

The regulations are aimed at countryside hedgerows in England and Wales “on or adjoining, common land, village greens, Site of Special Scientific Interest (which include National Nature Reserves, Special Protection Areas under the Birds Directive and Special Areas of Conservation under the Habitats Directive), Local Nature Reserves, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys” (Section 3.6).

Written permission is required from the local planning authority before the removal of any hedgerow over 20 metres and more than 30 years old. Hedgerows less than 20 metres long may also be considered if they form part of a continuous network of hedges. Garden hedges, however, are not protected. Once the LPA has received a written request they will issue either a Hedgerow Retention or Hedgerow Removal Notice within 42 days depending on whether they define the hedgerow as *important* or not. This is determined by the following;

- “They have been in existence 30 years or more; and”
- “They satisfy at least one of the criteria set out in Part II of Schedule 1 of the Regulations.”

Exemptions to the Regulations fall into three categories:

- “small scale works;”
- “works approved under other procedures which ensure careful assessment and consideration of the impact on the local environment; and”
- “works authorised under other legislation which justify the removal of a hedgerow without first establishing its importance.”

It is an offence to remove a hedgerow subject to a retention notice, or to remove a hedgerow protected under the Hedgerow Regulations without first obtaining the required removal notice.

9.4.6 The UK Post-2010 Biodiversity Framework

As of 17 July 2012, the UK Post-2012 Biodiversity Framework replaced the UK level Biodiversity Action Plan to deliver the outcomes of the Government’s Biodiversity 2020 Strategy. This was in response to the 2011 EU Biodiversity Strategy (EUBS) and the 2010 United Nations Convention on Biological Diversity (CBD) whereby five “*Aichi*” *strategic goals and supporting targets*” have been internationally agreed.

The UK Framework is a collaborative effort between Defra and JNCC on behalf of the Four Countries’ Biodiversity Group to achieve the ‘*Aichi*’ strategic goals through focused supporting targets and follows on from policies contained within the Natural Environment White Paper (2011).

9.4.7 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018 and 19 February 2019. This framework acts as guidance for planning authorities (LPAs) in England to form Local Plan policies in favour of sustainable development as part of the government’s reforms to increase the accessibility of the planning system and promote long term sustainable growth. Along with the Circular 06/205, the NPPF consolidates the Planning Policy Statements and Guidance Notes, many of which are now obsolete, including *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)*.

The framework states that “*planning policies and decisions should contribute to and enhance the local environment*” (paragraph 170).

Chapter 15 of the framework focusses on habitats and biodiversity. Specifically, paragraph 175 states: “*...when determining planning applications, local planning authorities should apply the following principles:*

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Scientific Interest;*
- *development proposals whose primary objective is to conserve or enhance biodiversity should be supported;*
- *opportunities to incorporate biodiversity improvements in and around developments should be encouraged;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;*

9.4.8 Circular 06/2005: Biodiversity and Geological Conservation

The Circular 06/2005 complements the NPPF by advising on how the law relates to planning and nature conservation in England, with particular reference to designated sites and protected species;

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision” (Paragraph 99).

However, “developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.”

Part IV also reminds LPAs and developers that licences and mitigation measures may be required in addition to planning permissions if protected species are to be affected by the development. *“The breach of protected species legislation can often give rise to a criminal offence”* (Paragraph 101).

9.4.9 BS42020:2013 Biodiversity. Code of Practice for Planning and Development

BS 42020 was developed by BSI with input from a variety of organisations (in all sectors) and experts in the field of biodiversity. It is fundamentally engaged with the incorporation of biodiversity into all stages of the planning process. The standard identifies a suite of recommendations and advice to ensure that decision-making and activities undertaken from inception to fruition of planning applications are adequately informed by appropriate and robust ecological knowledge. BS42020 aims to:

- give decision-makers (and specifically planning authorities and other regulatory bodies) more confidence that the ecological audits and assessment of impact on biodiversity provided in support of development proposals is fit for purpose;
- encourage greater consistency and transparency in the quality, scientific robustness and transparency of ecological reports that are submitted with planning applications and other forms of regulatory approval; and
- foster an approach that is proportionate and retains and positive environmental legacy following development.

9.4.10 Bats

All British bats are “European Protected Species” (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting bats are prohibited under the legislation:

- deliberate capture, injury or killing of a bat;
- deliberate disturbance of a bat and in particular 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.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any bat or any part of a bat or anything derived from one.

Bats are also afforded protection from intentional or reckless ‘disturbance’ by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by bats for shelter and protection is also an offence under the Act.

9.4.11 Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992 (as amended). This makes it an offence to wilfully kill, injure or take a badger or interfere with a badger sett through damaging the sett, destroying the sett, obstructing access to a sett, causing a dog to enter the sett or disturbing a badger occupying a sett.

9.4.12 Birds

All wild birds in the UK are afforded protection under the Wildlife and Countryside Act 1981 (as amended). This protection includes killing, injuring or taking wild birds as well as taking, damaging or destroying bird nests in use or being built, and taking or destroying eggs. Birds listed under Schedule 1 of the Act are afforded additional protection from disturbance during nesting and offences relating to these birds are subject to special penalties. The nest sites of birds listed under Schedule ZA1 of the act (golden eagle, white-tailed eagle and osprey) are afforded strict, year-round protection even when the nests are not in active use.

A small number of derogated bird species, principally members of the genus *Corvus* (crows), *Larus* (gulls) and *Columba* (pigeons), may be killed by authorised persons (landowner/occupier or otherwise authorised by the landowner or relevant conservation body or fisheries board) under a 'general licence'. The general licence is issued by Natural England (in the case of English usage). The general licence can only be exercised for reasons of preserving public health or public safety and cannot be lawfully used in the case of damage to property or nuisance.

9.4.13 Great Crested Newts

The great crested newt (*Triturus cristatus*) (Laurenti, 1758), is a "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting great crested newts are prohibited under the legislation:

- deliberate capture, injury or killing of a great crested newt;
- deliberate disturbance of a great crested newt and in particular 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.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any great crested newt, any part of a great crested newt or anything derived from one.

Great crested newts are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure

or place used by great crested newts for shelter and protection is also an offence under the Act. This applies to both aquatic and terrestrial habitat.

9.4.14 Reptiles

All common reptile species (grass snake, adder, common lizard and slow-worm) native to Britain are protected by Schedule 5 the Wildlife & Countryside Act, 1981 (as amended). It is illegal to:

- deliberately kill, injure a reptile or
- sale, barter, exchange, transport for sale and advertising to sell or to buy a reptile.
- In Northern Ireland they are fully protected against killing, injuring, capturing, disturbance, possession or trade.

In addition sand lizard and smooth snake are protected under Conservation of Habitats and Species Regulations 2017. The following actions affecting these reptiles are prohibited under the legislation:

- deliberate capture, injury or killing;
- deliberate disturbance and in particular 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.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, these reptiles or anything derived from them.

Sand lizards and smooth snakes are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by these reptiles for shelter and protection is also an offence under the Act.

10. QUALIFICATIONS & EXPERIENCE

Focus Environmental Consultants® has the expertise to provide sure-fire environmental solutions to a wide range of projects. The company ethos forges the highest standards of professional scientific practice with a best value approach for our clients. Our core area of expertise is in the production of specialist environmental reports and advice to support planning applications. Our comprehensive services include Preliminary Ecological Appraisals (PEA), Ecological Impact Assessment (EcIA), Habitat Regulations Assessment (HRA) and fulfilling protected species surveys, licensing and mitigation requirements. Focus Environmental Consultants is a CIEEM Registered Practice, with all ecological staff being members of this professional body. Our flexible approach, range of skills and broad project experience from major infrastructure contracts to small private developments allows us to adapt to your individual requirements. As well as offering a full suite of ecological services, Focus Environmental Consultants can provide expert arboricultural advice and reports and is building an enviable reputation for innovative habitat creation and management solutions. Focus Environmental Consultants is situated in Worcestershire, providing a convenient and central UK location.

Josh Toogood BSc (Hons)

Josh is an Ecological Consultant who joined Focus Environmental Consultants in 2021. He holds a BSc (Hons) in Ecology and Environmental Science (1st Class) from the University of Worcester. Josh is a skilled ornithologist with expertise in conducting breeding and over-wintering bird surveys and assessments for barn owls. Additional ecological experience includes undertaking Preliminary Ecological Appraisals and surveying for notable and European Protected Species including bats and great crested newts. He holds a Natural England survey licence (Class 1) for bats and great crested newts. Josh is also a competent surveyor of reptiles and badgers. Josh is a Qualifying member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

This report has been checked for quality and content by:

Graham Davison BSc (Hons) MSc MCIEEM MRSB

Graham is an ecologist with over twenty years of experience in the field of applied ecology. He holds a BSc (Hons) degree in Zoology and an MSc with distinction in Law and Environmental Science. Graham's Masters paper on legal and practical implications for mammal reintroductions was published by the IUCN. His ecological experience includes surveys to identify nationally and locally important sites for wildlife, ecological services to local planning authorities and provision of ecological reports to accompany major infrastructure projects, housing schemes, industrial developments and mineral extraction. Graham is a skilled botanical surveyor (FISC 4) specialising in Phase I and Phase II (NVC) Habitat Surveys. Graham has considerable expertise in protected species surveys and licensing, and is a Registered Consultant under the Bat Mitigation Class Licence scheme (BMCL). Graham has appeared and delivered evidence as an expert witness for Planning Appeals and Public Inquiry. Graham has been interviewed for BBC local radio and TV programmes to provide specialist expertise on ecological topics.