TECHNICAL NOTE: SKYLARK IMPACT & MITIGATION

Bloor Homes

Land South of Sacheverell Way, Groby

17 December 2025

1.0 INTRODUCTION

1.1 This Technical Note has been prepared by FPCR Environment & Design Ltd. in response to comments made by the Hinckley and Bosworth Borough Council Case Officer and Hinckley and Bosworth Borough Council Planning Ecology Officer in relation to the above application which is herein referred to as 'the Site'.

1.2 This Technical Note outlines that the scheme would not result in a loss of breeding skylark *Alauda arvensis* significant enough at a local level to trigger any requirement of off-site mitigation, which for a scheme of this scale would be disproportionate due to the low significance of the impact on skylark. In addition, direct compensation for the loss of bird habitat as a result of development, regardless of significance or scale, is not the legislative intent of any piece of UK wildlife legislation and this is reflected within the legislation or DEFRA's Biodiversity 2020 strategy.

1.3 This Note is divided into three parts to address the comments made; Part 1 is an ecological impact assessment for the effects of the proposed scheme on skylark specifically. Part 2 outlines typical measures for providing skylark mitigation and provides justification for not including such measures in the masterplan. Part 3 is regarding the legislative and policy requirements for addressing impacts of developments on farmland birds and why specific mitigation for skylark has not been pursued as part of this application.

Part 1: Ecological Impact Assessment

Survey Summary

1.4 Four breeding bird survey visits were conducted across 2025, with two each carried out in May and June. The survey results showed low numbers of skylarks on-site during the breeding season; with two skylark (considered to represent two separate breeding territories) consistently recorded. Full details of the surveys are provided within Appendix C within the Ecological Appraisal issued by FPCR in 2025.

Ecological Impact Assessment

1.5 In order to determine the importance of the on-site skylark population, an assessment is provided below based on varying spatial scales followed by an assessment of the effects of the proposed development.

1.6 Skylarks are one of the most common farmland birds with an estimated 1.6 million territories nationally in 2016[1]. They nest in a wide range of open habitats mostly heathland, moorland, arable and marshes, with bogs, reedbeds, pasture, coastal areas and villages also favoured but are generally absent from towns and dense woodland. Their status as a common and

[1] Woodward, I., Aebischer, N., Burnell, D., Eaton, M., Frost, T., Hall, C., Stroud, D.A. & Noble, D. (2020) Population estimates of birds in Great Britain and the United Kingdom. British Birds 113: 69–104

widespread species nationally is due to their association with the most abundant habitat types in the UK. Unless stated otherwise, the figures in this assessment have been taken from the BTO BirdFacts webpage and related links to national BTO Breeding Bird Survey data and BTO Bird Atlas.

1.7 Skylark have undergone significant population declines in the UK since the 1960s and for this reason are listed as a *Species of Principal Importance* under Section 41 of the NERC Act and are Red listed on the Birds of Conservation Concern 5 (BoCC5). It is widely agreed that the cause of this decline is largely derived from changes in farming practices, mainly the intensification of grassland management for livestock and a shift in arable farming from spring to winter cereals, and not from loss of habitat due to development. In England this decline has somewhat stabilised and was estimated to be -1% in the 25 years from 1998 to 2023. Further, following a minimum in 2018-2019 the population of skylarks has rebounded both within England and cumulatively across the UK, with this rebound estimated to be approximately +14% at both 10-year and 5-year intervals.

1.8 Additionally, BTO BBS data identifies skylark densities within the hectad overlapping the Site as supporting 20-40 individuals per square kilometre. The peak count of skylarks recorded during breeding bird surveys at the Site was two individuals which equates to a density of 19.05 individuals per square kilometre (total site area of 1.5ha), falling below the average density for suitable breeding habitat within the surrounding land.

Conclusion

1.9 Overall, the breeding population of skylark present on-site have been assessed as being of below local level importance due to the species' status as a NERC and Red listed species, but the number of pairs present is not, in itself, significant and the minor magnitude of the adverse effect identified within the Ecological Appraisal is therefore limited to habitat loss at a negligible level at local scale, and would remain of negligible magnitude at larger spatial scales as this species is common and widespread locally, regionally and nationally. The most likely scenario will be that the small numbers of skylarks are displaced into the significant amounts of suitable habitat available locally.

Part 2: Options for Skylark Mitigation

1.10 Skylarks require substantial expanses of open, treeless habitats which ideally comprise a mosaic of bare ground and short vegetation for foraging, and taller growth for nesting. Natural habitats for skylark in a UK context include moorland, lowland meadows, downland, dune slacks, and machairs. The species is also typically associated with farmland due to its ability to utilise arable farmland, particularly cereal cropland, in place of natural habitats.

1.11 Consequently, mitigation measures that may be implemented for skylark in the context of developments are relatively limited due to the requirement for providing sufficiently sized areas of compensatory habitat which is often unfeasible on-site when accounting for scheme viability and other constraints. Where significant adverse impacts are expected to arise as a result of proposed development off-site mitigation may be considered to offset these and typically involve the implementation of mitigation measures on adjacent and/or nearby land.

1.12 Specific management activities for skylark fall into two categories: creation of new breeding suitable breeding habitat, or measures to provide additional foraging resources to facilitate

increased carrying capacity of adjacent suitable habitat thereby facilitating displacement of individuals from within a proposed development site.

1.13 Creation of breeding habitats at inland sites, where the creation of range-restricted habitat types is unfeasible, typically involves compensation through the provision of high-quality grasslands and meadows which typically facilitate higher territory densities than the cereal monocultures lost. Grasslands are designed to include features of lowland meadow, calcareous grassland, or neutral grassland as appropriate for the setting, and are then managed under prescriptions sensitive to farmland and ground-nesting birds that include the incorporation of seed-bearing seed mixes, varied sward heights (including some areas of sparsely vegetated or bare ground), and restrictions on the timings of cutting to allow completion of each farmland bird species' respective breeding cycle and ensure seed availability throughout the winter.

1.14 As stated, there is limited scope to implement meaningful mitigation for adverse effects on skylark within the Site due to the masterplan precluding any sufficiently large areas of open, treeless habitat that could be made suitable for breeding.

1.15 Skylark populations in arable environments occur at significantly lower densities than in natural habitats. The availability of sufficient foraging resources is considered the limiting factor which necessitates larger territory sizes and thus lower population density within arable fields. Measures to provide and/or enhance the foraging provisions for skylarks within suitable habitat locally serve to increase the carrying capacity of these areas such that displaced individuals from a development can be accommodated. Typical management actions to achieve this align with the measures developed for use in agri-environment schemes and include the implementation of skylark plots within arable fields and/or the provision of features that benefit invertebrate populations such as set-asides and 'beetle banks'.

1.16 In the case of the Site, there is negligible suitable habitat to be retained/enhanced into which such measures could be implemented to be enhanced on-site. Similarly, areas of grassland creation are typically small and enclosed by boundary features, and isolated from adjacent arable land.

1.17 The negligible significance of the impacts of the scheme on the skylark population below a local scale and the small number of individuals to be displaced relative to the regional, county, and local populations is such that the use of off-site land to implement specific mitigation for skylark is disproportionate, in line with BS42020:2013 and CIEEM guidance on impact assessments.

Part 3: Legislative & Policy Requirements

1.18 Other than the protection afforded to all birds while nesting under the Wildlife and Countryside Act (WCA) 1981, including additional protection to Schedule 1 birds, bird habitats in the UK are not statutorily protected unless they fall under a statutory protected site designation (SSSI, SPA etc).

1.19 Outside the designation of protected sites, birds and their habitats are addressed through Regulation 10 of the Habitats Regulations and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, whereby duties are placed on the secretary of state, local authorities and other bodies, to have in place "*measures to maintain the population of bird species*" and to "*have regard, so far as is consistent with the proper exercise of those functions,*

to the purpose of conserving biodiversity….in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."

1.20 Overall, the requirement for direct off-site replacement skylark habitat in this case need not be required for the LPA to fulfil their legal duty under the Habitats Regulations or NERC Act 2006. The National Planning Policy Framework (NPPF) also states that planning conditions should only be imposed where they are '*necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*', and here based on the arguments above, we assert that providing specific mitigation for the minor loss of skylark habitat is neither necessary nor reasonable. Furthermore, even where some level of harm is accepted however minor, but which must be taken into consideration in any planning decision, this should be weighed in the planning balance against the benefits of the scheme.

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