



Land and Building at Chapel Lane,
Witherley,
Leicestershire

**Botanical Survey and Updated
Biodiversity Impact Assessment**

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Project GE0357

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

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1. Introduction

1.1 Background

Griffin Ecology Ltd. has been instructed by the client to undertake a botanical survey and inform an updated Biodiversity Impact Assessment of Land and Buildings off Chapel Lane in Witherley, Leicestershire. This survey and report have been provided following a further information request made by the considering LPA Ecologist within a consultee response to the Planning Application 21/01305/FUL on 2nd December 2021.

As this BIA report seeks to update an existing BIA, this document should be read in conjunction with *Chapel Lane, Witherley – Biodiversity Net Gain Assessment provided by RPS, dated 11th October 2021.*

1.2 Site description

The site, located off Chapel Lane in Witherley occupies some 0.49ha which is largely dominated by a series of derelict buildings with scattered bramble and tall ruderal encroachment. A small portion of semi-improved grassland will also be impacted by the proposed application.



Figure 1: Site boundary

2. Relevant Legislation and Policy

Legislation:

Under the Conservation of Habitats and Species (Amendment) Regulations 2012, it is illegal to deliberately pick, collect, uproot or destroy certain listed plant species Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad and Yellow Marsh Saxifrage.

The Wildlife and Countryside Act 1981 (as amended) contains a list (Schedule 8) of endangered plants, which are protected against intentional picking, uprooting and destruction (unless a licence is obtained from the relevant authority, or the damage is a result of a lawful activity and could not reasonably have been avoided). These plants are also protected against sale.

In addition, there are 2 species (Bluebell in Britain and Primrose in Northern Ireland) which are listed for protection only against sale.

The Wildlife and Countryside Act 1981 (as amended) contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the planting of plants listed in Schedule 9 of the Act.

Policy:

The National Planning Policy Framework (NPPF) sets out government policy regarding consideration of biodiversity in planning decisions. Under the NPPF the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

Section 40 of the Natural Environment and Rural Communities Act 2006 (the NERC Act) places a legal duty on public bodies, including planning authorities, to 'have regard' to the conservation of biodiversity when carrying out their normal functions, which includes consideration of planning applications.

In compliance with Section 41 of the NERC Act, the Secretary of State has published a list of species and habitats considered to be of principal importance for conserving biodiversity in England under the UK Post-2010 Biodiversity Framework. This is referred to as the list of Species/Habitats of Principal Importance in England, of which there are 56 habitats (HPI) and 943 species (SPI), 214 of which of botanical species. The list is used to guide planning authorities in implementing their duty under the NERC Act.

3. Methodology

3.1 Botanical Survey

An updated walkover survey and habitat condition assessment has been undertaken by experienced botanist Brian Laney, professionally recognised as the Northamptonshire County Flora Recorder, on Friday 20th May 2022. The survey was undertaken to cover the site survey boundary as well as adjacent habitats within the ownership and control of the landowner.

This informing walkover survey was undertaken using a simple walk-through method, walking the site to examine and map the various vegetation types. The plant communities were plotted by eye onto an aerial photograph base map. The vegetation was delineated into approximately homogeneous stands for mapping purposes. The DAFOR scale was used to record the level of cover of plant species.

The objective of botanical walkover survey was to identify the constituent plant communities within the survey boundary. The results of the survey are intended to provide a baseline condition assessment as well as identify any potential botanical constraints to inform appropriate mitigation in relation to the proposed development.

UK Habitat Classification (UKHab) is employed to provide a system for recording and classifying habitats. The system comprises a principal hierarchy (the Primary Habitats) - which include ecosystems, broad habitats, priority habitats and Annex 1 habitats - and non-hierarchical Secondary Codes. All habitats present on-site were recorded on a UKHab map provided within Figure 2.

3.2 Biodiversity Impact Assessment

Following the informing walkover survey habitats on site have been subject to an updated condition assessment based on habitat extent, distinctiveness and condition in accordance with the published user guidance relating to The Biodiversity Metric 3.1.

The Biodiversity Impact Assessment (BIA) Small Sites Metric Calculator published in May 2022 has been employed in this instance as the site meets the qualifying criteria, containing no high or very high distinctiveness habitats, being less than 0.5ha in size and proposals including less than nine units.

Areas and lengths of the habitats and linear features were determined using the QGIS Mapping tool and GPS data collected on site. The proposed site plans were then used to determine retained, enhanced and new habitats for the site.

The site, within the ownership and control of the client, has been surveyed in line with the BIA guidance to identify opportunities to secure biodiversity enhancement post development. A copy of this metric is included within Appendix 1 of this document.

Habitats, within the ownership and control of the client, has been surveyed in line with the BIA guidance to identify opportunities to secure biodiversity enhancement post development.

4. Botanical Walkover Survey

The site supports a mosaic of habitats, the main areas of which are mapped within the updated UK Habitat Map provided within Figure 2.



Habitats:

A botanical species list is provided within appendix 4 of this report.

Developed sealed surface u1b:

Some 505m² of the site is comprised of buildings set within the existing hardstanding curtilage. Additionally the red line boundary includes a stretch of the adjacent Chapel Lane. These areas are mostly devoid of vegetation with intact hard surface and bare ground are present.

Bramble scrub h3d:

Both dense continuous and scattered bramble scrub are present within the previously developed land and hardstanding curtilage associated with the buildings along Chapel Lane. This habitat, being common and wider spread, is dominated by bramble (*Rubus sp.*). Where scattered scrub encroachment is present within the hardstanding curtilage, areas of bare ground are present.

Grassland g3c:

The development boundary includes some 2432m² of other neutral grassland, offering a sward length of in excess of 30cm at the time of survey. This habitat falls under the UK Habs primary classification of other neutral grassland g3c and is dominated by rank grasses with continuous grassland communities present with herbaceous species limited to locally occasional.

Hedgerows h2:

The majority of hedgerow habitat present on site or to the boundaries are considered species poor offering limited native species diversity and appear subject to regular management. With the exception of a 35m stretch of newly established hedgerow to the northern boundary and along Chapel Lane. This linear feature offers limited understory or indicative ground flora however, but does contain five species within a surveyed 30m section. Species include hawthorn (*Crataegus monogyna*), dog rose (*Rosa canina*), elder (*Sambucus nigra*), ash (*Fraxinus excelsior*), field maple (*Acer campestre*) and blackthorn (*Prunus spinosa*).

5. Biodiversity Impact Assessment

A updated Biodiversity Impact Assessment (BIA) has been undertaken to provide consideration of the site and the current development proposals using the current Small Site Metric tool published by DEFRA in May 2022.

This impact assessment has been undertaken in consideration of the Detailed Planning Proposals, DWG. No. 21.4021.09B, dated August 2021, and seeks to updated the existing BIA report provided by RPS, dated 11th October 2021. Should the proposed site layout or landscaping strategy be subject to changes it will be necessary to revisit this BIA calculation.

Habitat Impacts:

The current proposals, covering a total of 0.49ha, include the loss of two buildings set within a hardstanding curtilage atop which dense bramble scrub has encroached as well as some 0.25ha of existing semi-improved grassland.

The proposals include the creation of five residential dwellings with associated hard and soft landscaping, infrastructure and access. The habitats adjacent to the site will be retained as part of the proposals and offer an opportunity to secure a net biodiversity gain.

H5 and H6 will be directly impacted in order to create access from Chapel Lane. However, further, boundary hedgerows and tree planting will form part of the proposed soft landscaping associated with development.

When considering the proposals some 0.13ha of developed land – sealed surface will be created with an additional 0.32ha of garden space and soft landscaping.

These proposals, in their current form result in a net loss of biodiversity as detailed within the BIA metric Appendix 1.

Biodiversity Net Gain opportunities:

Although this development represents an overall loss when understood through the BIA metric, further opportunities on site are limited. The land directly adjacent to the site is under the ownership and control of the landowner and represents an opportunity to secure a biodiversity net gain. However, it is important to note that the planning system is not approached on a mechanistic basis but instead involves expert opinion provided by independent Ecological Consultants having considered the results of the BIA calculation tool within our overall assessment. As such, the results of this tool cannot be considered determinative.

Opportunities for biodiversity net gain have been identified within the adjacent other neutral grassland to be retained but under the ownership and control of the landowner. Should a portion of this retained other neutral grassland be enhanced through sensitive management to good condition as wetland meadow. This enhancement would result in a net gain habitat units.

When understanding the hedgerow impacts should H4 and H5 be enhanced from native hedgerows to native hedgerows with standard trees and the proposals provide addition hedgerow planting a further gain in hedgerow units could be secure.

4. Conclusion and Recommendations

The site pre-development largely comprises habitats of low ecological value, however, when considered within the BIA metric this results in an overall loss in biodiversity units.

Measurable opportunities for BNG have been identified on the retained land to the south of the development boundary. This land is under the ownership and control of the client and could be dedicated for the purposes of BNG. Should this be considered appropriate, a tailored and agreed Biodiversity Habitat Management Plan will be produced to prescribe appropriate enhancement to biodiversity for the lifetime of the development.

7. References

CIEEM, 2015. Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester

Circular 06/2005: Biodiversity and geological conservation: Statutory obligations and their impacts in the planning system

Institute of Environmental Assessment, 1995. Guidelines for Baseline Ecological Assessment. London: E & FN Spon.

Google Earth Pro.

UK Habs

National Planning and Policy Framework, 2021.

The Conservation of Habitats and Species Regulations, 2012.

Stace, C., 1997. New flora of the British Isles. Cambridge: Cambridge University Press.

Southwood, T.R.E. (1961) The numbers of species of insect associated with various trees. J. Animal Ecology 30: 1-8

Appendix 1 – BIA Metric 3.1

Appendix 2 – Species List

Other neutral grassland:

Meadow foxtail (*Alopecurus pratensis*) ABUNDANT
 Yorkshire fog (*Holcus lanatus*) OCCASIONAL
 False oat grass (*Arrhenatherum elatius*) FREQUENT
 Cocksfoot grass (*Dactylus glomerata*) OCCASIONAL
 Cow parsley (*Anthriscus sylvestris*) RARE
 Creeping thistle (*Cirsium arvense*) FREQUENT
 Common vetch (*Vicia sativa*) RARE
 Meadow buttercup (*Ranunculus acris*) FREQUENT
 Dandelion species (*Taraxacum agg.*) RARE
 Creeping buttercup (*Ranunculus repens*) OCCASIONAL
 Cut leaved cranesbill (*Geranium dissectum*) OCCASIONAL
 Common mouse ear (*Cerastium fontanum*) RARE
 Common sorrel (*Rumex acetosa*) FREQUENT
 Curled dock (*Rumex crispus*) OCCASIONAL
 Cleavers (*Galium aparine*) RARE
 Broad leaved dock (*Rumex obtusifolius*) RARE
 White dead nettle (*Lamium album*) RARE
 Ladys smock (*Cardamine pratensis*) RARE
 White clover (*Trifolium repens*) RARE
 Ribwort plantain (*Plantago lanceolata*) RARE
 Common nettle (*Urtica dioica*) RARE
 Sweet vernal grass (*Anthoxanthum odoratum*) RARE
 Hogweed (*Heracleum sphondylium*) RARE
 Green dock beetle (*Gastrophysa viridula*)

Tarmac clippings area with sparse vegetation between old barn and building including at SP32916 97580:

Sticky mouse ear (*Cerastium glomeratum*) FREQUENT
 Daisy (*Bellis perennis*) OCCASIONAL
 Common ragwort (*Senecio jacobaea*) FREQUENT
 White clover (*Trifolium repens*) OCCASIONAL
 Hedgerow cranesbill (*Geranium pyrenaicum*) OCCASIONAL
 Fleabane species (*Coniza agg.*) RARE
 Soft brome (*Bromus hordeaceus*) RARE
 Hairy bitter cress (*Cardamine hirsuta*) OCCASIONAL
 Ribwort plantain (*Plantago lanceolata*) RARE
 Wall speedwell (*Veronica arvensis*) OCCASIONAL
 Barren brome (*Anisantha sterilis*) RARE
 Groundsel (*Senecio vulgaris*) RARE
 Wall barley (*Hordeum murinum*) RARE
 Greater plantain (*Plantago major*) RARE
 Procumbent pearlwort (*Sagina procumbens*) RARE
 Lesser trefoil (*Trifolium dubium*) RARE

Rough chervil (*Chaerophyllum temulum*) RARE
Black medick (*Medicago lupulina*) RARE
Sycamore (*Acer pseudoplatanus*) RARE

Waste ground between barn and old stables at SP32938 97571 included;
Bramble (*Rubus fruticosus* agg.) FREQUENT
Curled dock (*Rumex crispus*) RARE
Hedgerow cranesbill (*Geranium pyrenaicum*) RARE
Tufted hair grass (*Deschampsia cespitosa*) OCCASIONAL
Black medick (*Medicago lupulina*) RARE
Great mullein (*Verbascum thapsus*) RARE
Common vetch (*Vicia sativa*) RARE
Wild strawberry (*Fragaria vesca*) RARE
Goats beard (*Tragopogon pratensis*) RARE
Cow parsley (*Anthriscus sylvestris*) RARE
Common nettle (*Urtica dioica*) RARE
Broad leaved dock (*Rumex obtusifolius*) RARE
Ash dieback (*Hymenoscyphus fraxineus*) noted.