

Stretton Point, Hinckley

Ecological Appraisal & Reptile Survey

2023



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Client Welcome Break
Project Title Stretton Point, Hinckley
Project Reference RHE.3882.01
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Executive Summary

Development Details

The client is proposing commercial development at a site off the M69 at Stretton Point, near Hinckley, hereafter referred to as the 'site'.

This report describes the ecological features of the site and its surroundings and assesses the potential impacts of the development on the ecological interest. Recommendations are provided so that the development is compliant with biodiversity policy and legislation.

Ecological Interest

The site has a moderate level of ecological interest. The site supports a low population of Grass Snake, a mosaic of habitats including broadleaved woodland and dense scrub, as well as being designated as part of Stretton Croft Local Wildlife Site, a non-statutory designation. Multiple ecological surveys have been conducted on the site since 2011 and these are referenced in this report.

Outcomes

No further survey work is considered necessary. The development will achieve Biodiversity Net Gain via off-setting and good quality habitat protection, enhancement and creation on site.



1. Introduction

1.1 Project Brief

- 1.1.1 Rachel Hacking Ecology Limited was commissioned in 2023 by Welcome Break to carry out an ecological appraisal and Biodiversity Net Gain assessment of land at Stretton Point, Hinckley, hereafter referred to as the 'site'. The site is located at O.S. grid reference: SP431910– see Figure 1).



Figure 1. Map showing the location of the site

Description of Development

- 1.1.2 The site will be the subject of a planning application for a motorway service area (MSA).

Relevant Planning History

- 1.1.3 The site benefits from recent planning consent for a hybrid development (full application for the erection of a roadside services facility comprising a petrol filling station, drive through restaurant with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking, drainage works, earthworks, landscaping and other associated infrastructure and outline application for the erection of commercial units with access via the A5 (Watling Street) together with the construction of

internal roads, vehicle and cycle parking, drainage works, earthworks, landscaping and other associated infrastructure), which was granted in August 2022 (planning reference: R20/0422).

- 1.1.4 In 2011, the site received outline planning permission for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping (planning reference: R11/0239).
- 1.1.5 Ecological surveys were undertaken in 2019/2020^{1,2} to inform the most recent planning application. Earlier ecological surveys were undertaken in 2011 and these are referenced within the report where valid.

1.2 Scope of Work

- 1.2.1 The Client commissioned Rachel Hacking Ecology to carry out the following works:
- Desk-based study to obtain details of designated sites, protected and notable species within a specified search area.
 - Record the extent, type, and condition of habitats within the site.
 - Calculate the baseline and post-development biodiversity units.
 - Search for signs of protected species and assessment of the potential of habitats and features to support protected and notable species.
 - Carry out targeted surveys to record assemblages of species and/or protected and notable species.

1.3 Site Visit Information

Surveyor Details and Timings

- 1.3.1 Hollie Ainley (Ecologist) visited the site on 10th August 2023, to undertake the baseline habitat survey and deploy reptile refugia. Numerous visits were then undertaken between 17th August and 29th September 2023 to update botanical species lists and undertake a reptile presence/absence survey. These were undertaken by Kate Reed (Senior Ecologist) and Zoe Lloyd-Davies (Assistant Ecologist). All surveyors are fully trained and experienced in habitat and protected species surveys.

Weather

- 1.3.2 The weather during the initial habitat survey was dry, hot and sunny. Weather conditions during each of the reptile visits was conducive to the surveys and is detailed in the results section of this report.

¹ BWB (2020) Brackley Property Developments Ltd, Stretton Point, Hinckley: Preliminary Ecological Appraisal.

² BWB (2020) Brackley Property Developments Ltd, Stretton Point, Hinckley: Reptile Report.



2. Methods

2.1 Desk Study

- 2.1.1 The Magic website (Multi-Agency Geographical Information for the Countryside) was interrogated for the presence of Statutory Designated Sites (and European Protected Species licences) within 2km radius of the site.
- 2.1.2 The Impact Risk Zones for any SSSI within 5km of the site was checked to determine whether the Local Planning Authority will need to consult with Natural England.
- 2.1.3 Leicestershire & Rutland Environmental Records centre (LRERC) was contacted to provide details of non-statutory designated sites and records of protected and notable species within a 1km radius of the site.

2.2 Field Survey

Extended Phase 1 Habitat Survey

- 2.2.1 In accordance with JNCC guidelines³ the site was walked over and the habitats and features of ecological interest were mapped and described. Habitats and features of particular interest were target noted.
- 2.2.2 During the walkover habitat and features were assessed for their suitability to support of protected and notable species in accordance with CIEEM guidelines⁴. Field signs of protected, notable, and invasive non-native species, if encountered, were mapped, and described.

Bats

- 2.2.3 Any trees on the site that are to be affected by the proposals were given a ground-level assessment, searching for Potential Roosting Features (PRFs), such as flaking bark, woodpecker holes, knot holes and limb splits

³ JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Joint Nature Conservation Committee, Peterborough

⁴ CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester.

Reptiles

- 2.2.4 A reptile survey was undertaken in accordance standard methodology⁵. During the Phase 1 survey 28 artificial cover objects (ACOs) were deployed in areas of suitable habitat. Seven subsequent survey visits were undertaken. These involved walking quietly, downwind of suitable habitats, scanning 3-4 metres ahead with binoculars for basking reptiles. The surveyor searched for reptiles basking on or beneath the ACOs. Areas of suitable habitat were also surveyed for basking reptiles.

2.3 Biodiversity Net Gain

- 2.3.1 During the site walkover the ecological condition of each habitat was assessed in accordance with the Natural England (2022) guidelines⁶. Habitat types recorded and mapped during the field survey were converted from the JNCC system to the UK Habitat Classification system⁷.
- 2.3.2 Habitat data including type, area (or length), condition and strategic location were uploaded to the Warwickshire, Coventry & Solihull - Habitat Impact Assessment Calculator v.19.1 to determine the baseline value of the site. The extent of any habitats to be retained or enhanced was also entered into baseline worksheets.
- 2.3.3 The post-development masterplan was measured by the client team, to determine areas of hardstanding, buildings, and associated infrastructure. New, retained and enhanced habitats (landscaping) were classified and allocated a target condition, based on habitat type, location and management input. This information was uploaded to the calculator to obtain a post-development value.
- 2.3.4 The pre- and post-development values were compared to determine whether the development achieved a deficit or gain.

2.4 Mitigation Hierarchy

- 2.4.1 Mitigation measures should be embedded within the masterplan design and planning application process. This process from proposal to implementation needs to consider the 'mitigation hierarchy' of avoid, reduce, compensate, and enhance:

- Aim to avoid negative effects through the design process.

⁵ Froglife (1999). Reptile Survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.

⁶ Panks, S. White, N., Newsome, A. et al. (2023). *Biodiversity metric 4: Auditing and accounting for biodiversity – User Guide*. Natural England.

⁷ Butcher, B., Carey, P., et al. (2020). UK Habitat Classification – Habitat Definitions V1.1. at <http://UKhab.org>

- Mitigate if negative effects cannot be avoided.
- Use compensation measures to offset residual impacts.
- Identify and implement opportunities to enhance biodiversity.



3. Results

3.1 Survey Constraints

- 3.1.1 Field survey results are valid for a limited duration and no investigation can provide a complete description and characterisation of a site. The composition of habitats and species can change depending on environmental variables and the mobility of species, so the results of a study become less reliable over time. In some cases, surveys that are 3 years old may be acceptable for a project assuming that habitats have not significantly changed in the intervening period, but for protected species it is likely that survey data will need to be no more than 18 months old.
- 3.1.2 The site was mostly accessible, with only dense scrub being impenetrable. However, it was possible to view within and around the scrub from the margins of the habitat. No survey constraints exist.

3.2 Designated Sites

- 3.2.1 No statutory designated sites are present within the study area. The nearest statutory designated site is Burbage Wood and Aston Firs Site of Special Scientific Interest (SSSI), which lies 3.1km to the north-east of the site. No other statutory designated sites lie within 5km of the site.
- 3.2.2 The desk study identified that the site was located within a SSSI Impact Risk Zone but the proposed development will not require the Local Planning Authority to consult with Natural England due to the distance involved.
- 3.2.3 The site comprises most of a non-statutory designated site; Stretton Croft Local Wildlife Site (LWS). The site is notified for the mosaic of habitats. The grassland on site supports locally important butterfly populations. Woodland habitats support a bird assemblage.
- 3.2.4 A Potential LWS (pLWS) exists 650 metres to the south of the site. This is Ash Pole Spinney, which comprises woodland, marshy areas and grassland.

3.3 Habitats

- 3.3.1 The habitats survey plan is contained in Appendix 3. Appendix 4 contains the species lists of the habitats.
- 3.3.2 The Biodiversity Impact Assessment details of the baseline habitats are included below for each existing habitat. The total site biodiversity habitat value is 24.04 and the Habitat Impact Score (HIS) is 18.81.



Neutral Grassland

- 3.3.3 Neutral grassland, which is currently unmanaged, occurs across large parts of the site (see Photograph 1). Previously this habitat was classified as semi-improved grassland. Ruderal species have established within the sward and the habitat merges with tall, ruderal herb and ephemeral vegetation. In places, scattered scrub has established and this is mapped and condition- assessed separately.



Photograph 1 showing the grassland

- 3.3.4 The neutral grassland is classified as Grassland: Semi-improved neutral grassland under the Warwickshire Calculator. This habitat is classified as being in 'moderate' condition due to the species mixture. The Habitat Biodiversity Value of the grassland is 13.04.
- 3.3.5 The neutral grassland with scattered scrub is still classified as Grassland: Semi-improved neutral grassland under the Warwickshire Calculator but is given 'poor' condition. The Habitat Biodiversity Value of the grassland with scattered scrub is 1.00.

Broad-leaved Woodland

- 3.3.6 Woodland, mostly appearing to be of planted origin with natural regeneration, occurs along the western, southern and part of the eastern edge of the site (see Photograph 2). Non-native and native tree and shrub species occur. Less than 10% of the woodland is coniferous.



Photograph 2 showing part of the woodland

- 3.3.7 The woodland is classified as Woodland: Broad-leaved plantation under the Warwickshire Calculator. This habitat is assessed in being in 'moderate' condition. Due to the vast majority of the woodland being retained and enhanced, the Habitat Biodiversity Value of the woodland scores 0.00.

Ephemeral/Short Perennial

- 3.3.8 A linear stretch of low-growing ephemeral vegetation exists on site (see Photograph 3). This has a higher species diversity than the grassland.



Photograph 3 showing the ephemeral habitat

- 3.3.9 The ephemeral/short perennial habitat is classed as Other: Ephemeral/short perennial in the Warwickshire Calculator. This habitat is classified as being in 'poor' condition due to the habitat not

closely resembling Open Mosaic Habitat and its inherent characteristics such as structural diversity. The Habitat Biodiversity Value of the ephemeral vegetation is 0.32.

Continuous Scrub (Mixed and Bramble)

- 3.3.10 Dense scrub has established across more of the site since 2021. There are areas of mixed species scrub (including Bramble *Rubus fruticosus* agg., Broom *Cytisus scoparius*, Dogwood *Cornus sanguinea*, Gorse *Ulex europaea*, Butterfly Bush *Buddleja davidii*, Goat Willow *Salix caprea* and Sycamore saplings – see Photograph 4) and areas of Bramble scrub.



Photograph 4 showing the mixed scrub

- 3.3.11 The two types of scrub are classed as Woodland: Dense continuous scrub within the Warwickshire Calculator. Both are assessed as in 'poor' condition. The Habitat Biodiversity Value of the mixed scrub is 1.32 and the Bramble scrub scores 2.52.

Tall, Ruderal Herb

- 3.3.12 Tall, ruderal herb occurs in one location on site. This comprises mostly dense Rosebay Willowherb *Chamaenerion angustifolium*, Broad-leaved Dock *Rumex obtusifolius*, Spear Thistle *Cirsium vulgare* and Creeping Thistle *Cirsium arvense* (see Photograph 5).



Photograph 5 showing the ruderal vegetation

- 3.3.13 The tall, ruderal herb is classed as Other: Tall ruderal in the Warwickshire Calculator, This has been assessed as being in 'poor' condition. The Habitat Biodiversity Value of the tall, ruderal herb is 0.51.

Bare Ground

- 3.3.14 A small patch of bare earth exists on site. This is classed as Other: Bare ground in the Warwickshire Calculator, This has been assessed as being in 'poor' condition. The Habitat Biodiversity Value of the bare ground is 0.10.

3.4 Species

Invertebrates

- 3.4.1 No invertebrate records were returned from the data search.
- 3.4.2 The habitats on site offer suitable resources for a wide range of invertebrate species.

Reptiles

- 3.4.3 Two records of Grass Snake *Natrix helvetica* were returned from the data search. These were recorded approximately 850 metres to the north of the site. A previous survey of the site (BWB – 2020) recorded a low population of Grass Snake (peak count of 4).
- 3.4.4 The dates and weather conditions of the 2023 reptile survey are given below in Table 1.

Table 1. Reptile survey details		
Date	Times	Conditions
10 th August 2023	ACOs deployed	Hot, dry and sunny.
17 th August 2023	10:40-12:00	Dry, sunny, gentle breeze, 20°C.
25 th August 2023	10:45-11:45	Dry, sunny spells, light breeze, 17°C.
29 th August 2023	10:40-12:00	Dry, sunny, gentle breeze, 15°C.
30 th August 2023	10:45-11:30	Dry, cloudy with sunny spells, light breeze, 15°C.
5 th September 2023	11:00-11:40	Dry, sunny, gentle breeze, 21°C.
13 th September 2023	11:25-12:40	Dry, sunny spells, light breeze, 21°C.
22 nd September 2023	11:30-12:20	Dry, sunny spells, light breeze, 12.5°C.

3.4.5 The 2023 reptile survey recorded a single Grass Snake on visit 5 (13th September) and visit 6 (22nd September).

3.4.6 The results from 2020 and 2023 indicate the presence of a low population of Grass Snake. This is considered to be of importance at the site level.

Great Crested Newt

3.4.7 The closest record of Great Crested Newt is from approximately 420m north-west of the site (2022).

3.4.8 There are no ponds on site or within 250m. Although the terrestrial habitats on site are suitable, Great Crested Newt is unlikely to be present on site due to the lack of breeding habitat in the locality. Great Crested Newt is not considered further in this report.

Birds

3.4.9 Records of birds returned from the data search include Fieldfare *Turdus pilaris*, Redwing *T. iliacus*, Red Kite *Milvus milvus* and Greylag Goose *Anser anser*.

3.4.10 The woodland and scrub habitats on site offer suitable nesting and foraging habitat for a range of bird species.

Badger

3.4.11 Several Badger records were returned, the closest of concern being within 110m of the site.

3.4.12 No Badger sett was found on site or within 30 metres of the site. No evidence of Badger activity was found. The woodland habitats on site offer opportunities for Badgers to create setts and the grassland habitats offer foraging opportunities.

Bats

3.4.13 Numerous bat records were returned from the data search, including Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *P. pygmaeus*, Nathusius' Pipistrelle *P. nathusii*, Brown Long-eared *Plecotus auritus*, Serotine *Eptesicus serotinus*, Noctule *Nyctalus noctula*, Leisler's *N. leisleri*,



Barbastelle *Barbastella barbastellus*, Daubenton's *Myotis daubentonii* and Whiskered/Brandt's *M. mystacinus/brandtii*.

- 3.4.14 Previous bat transect surveys (BWB – 2020) returned very low levels of bat activity, with mainly Common Pipistrelle recorded foraging along the edges of the site (tree canopy/woodland edge). Very low numbers of Soprano Pipistrelle, Noctule and *Myotis* sp. were also recorded.
- 3.4.15 No buildings exist on site. The trees to be affected were assessed as supporting no Potential Roosting Features (PRFs) for bats. All mature trees will be retained. The woodland and woodland edge habitats on site offer suitable foraging opportunities – these are to be mostly retained.

Invasive, Non-native Species

- 3.4.16 Rhododendron *Rhododendron ponticum* was found within the woodland on site. This is an invasive, non-native species.



4. Assessment

4.1 Development Context

- 4.1.1 The following assessment assumes that the development will proceed as outlined within the ADS Design Planning Drawing 1415-26e.

4.2 Impacts on Designated Sites

- 4.2.1 No statutory protected sites will be directly or indirectly impacted upon by the proposals, due to the distances involved and the lack of impact pathways.
- 4.2.2 The development will impact upon part of Stretton Croft LWS. Without mitigation, this will reduce the size and functionality of the LWS. High quality landscaping has been designed, including a wide range of habitats, with many native species. The habitats proposed are of a greater variety than those to be lost. The woodland will be retained and enhanced, providing a better quality LWS habitat than the existing resource. Therefore, the impact to the LWS will be minimised. Functionality to the wider landscape will be enhanced with the site design, creating green networks (new woodland, scrub and hedgerows). Therefore, the LWS will be enhanced.

4.3 Impacts on Habitats

- 4.3.1 The following assessment has been undertaken in conjunction with the DEP Landscaping Scheme (drawing reference: 5254.01B Landscape Layout WB Hinckley).
- 4.3.2 Habitats of Principal Importance on site include the woodland and dense scrub. The grassland/ruderal/ephemeral vegetation is of value at site level only.
- 4.3.3 The woodland will be mostly retained, with all mature trees retained and protected. Moreover, the woodland will be enhanced through adjacent native woodland planting or native scrub, plus removal of non-native species from the existing woodland.
- 4.3.4 The dense scrub will be lost to the development but scrub of higher ecological value i.e. a greater mixture of native species, has been included within the site design. This will adequately mitigate for the loss of the existing scrub.
- 4.3.5 Wildflower grassland has been included within the site design. This will mitigate for the loss of the existing grassland/ruderal resource.



4.4 Biodiversity Net Gain

- 4.4.1 The proposed habitats are described below. The proposals provide a Habitat Mitigation Score of 6.82 within the Warwickshire Calculator.

Built Environment: Buildings/hardstanding

- 4.4.2 Buildings (0.21ha) and hardstanding/sealed surfaces (2.27ha) will be developed on site. These deliver zero habitat biodiversity values.

Grassland: Semi-improved neutral grassland

- 4.4.3 Species-rich wildflower grassland is proposed across the site. The target condition is 'moderate' due to the species-mix. The habitat biodiversity value of the wildflower grassland is 0.38.

Other: Introduced shrub

- 4.4.4 Shrub beds are included within the site design, using a variety of amenity species/varieties. The target condition is 'poor'. The habitat biodiversity value of the shrub beds is 0.05.

Woodland: Dense continuous scrub

- 4.4.5 Dense, native, species-rich scrub is proposed, to be created adjacent to the retained woodland and inbetween new woodland planting and wildflower grasslands, to create structure. The target condition is 'moderate', given the species mixture, ability to grow dense and adjacent complimentary habitats. The habitat biodiversity value of the native scrub is 1.26.

Woodland: Broad-leaved Plantation

- 4.4.6 A native, species-rich woodland planting scheme is proposed. The target condition is 'moderate' given the location and adjacent retained woodland and other species-rich habitats. The habitat biodiversity value of the woodland planting is 1.25.

Individual Trees

- 4.4.7 113 trees are proposed. These include 21 heavy standards and 92 standards. The majority of the trees are native, including Alder, Birch, Pedunculate Oak and Rowan. These inherently add biodiversity value to the site.

Species-rich Native Hedgerow

- 4.4.8 0.37km of native, species-rich hedgerows are proposed across the site. These add a linear biodiversity value of 3.15.

Summary

- 4.4.9 The baseline Habitat Impact Score (HIS) is **18.81**. The Habitat Mitigation Score (HMS) is **6.82**. This shows a net loss (Habitat Biodiversity Impact Score) of -11.99.
- 4.4.10 During the previous planning application in 2011, a net loss of -13.82 was calculated and this, in its entirety, was off-set by a commuted sum (planning reference: R11/0239). During the 2022 application,

the net loss was -11.19 units, similar to the 2023 calculation. Moreover, this current BNG assessment has also been calculated using the Defra Metric 4.0 and this results in a loss of -10.55 habitat units).

- 4.4.11 Therefore, the current scheme shows a decrease in the biodiversity impact since 2011 and therefore, there is no deficit to mitigate for.

4.5 Impacts on Species

Bats

- 4.5.1 No bat roost will be affected by the proposals. The site supports suitable bat foraging habitat, along the woodland edge and to a lesser extent across the site. Previous bat activity surveys have shown a low level of bat activity along the woodland edges.
- 4.5.2 Considering that the woodland edges are to be retained and protected, as well as enhanced with species-rich planting, which will attract invertebrates, it is considered that the bat foraging habitat will not be deleteriously impacted upon by the proposals. A greater amount of invertebrate-attractive planting is proposed, which in turn will attract bats. Moreover, multiple bat boxes will be erected onto retained trees.
- 4.5.3 A sensitive lighting scheme will be required, to protect the woodland edge and associated planting (see Section 5).

Badger

- 4.5.4 No Badger sett will be impacted by the proposals. However, Badger is known to be active in the locality. Given that Badger is a mobile species, recommendations have been made to mitigate for any foraging taking place during the construction period (see Section 5).

Reptiles

- 4.5.5 A low population of Grass Snake exists on site. This is of importance at site level. Given the surrounding habitats in connection to the site, which are suitable for Grass Snake, it is recommended that the Grass Snake population is protected with a displacement strategy during site preparation (see Section 5).
- 4.5.6 The proposed landscaping will provide a greater amount of suitable basking habitat and cover for reptiles.

Birds

- 4.5.7 The site does support suitable bird nesting habitat. Mitigation relating to timings of works is detailed in Section 5.
- 4.5.8 Multiple bird nest boxes will be provided on the site, erected onto mature trees.

Invasive Species

- 4.5.9 Rhododendron is present within the site, within the woodland. Under the Wildlife and Countryside Act (Section 14 and Part II of Schedule 9) 1981 (as amended), it is an offence for Rhododendron to be planted in the wild or otherwise cause it to grow in the wild.
- 4.5.10 It is not an offence to have Rhododendron on your land, but it is an offence to allow the species to spread into neighbouring areas or to grow in the wild. Therefore, it will be necessary to ensure appropriate measures are in place to prevent development activities from causing further spread of the species to new areas (see Section 5).



5. Recommendations

5.1 Mitigation Measures

General

- 5.1.1 Protection of ecological features (remaining Stretton Croft LWS, Grass Snake and retained woodland) during the construction phase will be described in a Construction Environmental Management Plan (CEMP). It is anticipated that the CEMP will be imposed as a planning condition in advance of the commencement of the proposed development.
- 5.1.2 If a protected species or large mammal hole is discovered at any time during the development, work must temporarily cease and a suitably experienced ecologist be contacted for advice.

Local Wildlife Site and Biodiversity Net Gain

- 5.1.3 The remaining Stretton Croft LWS will be protected via a CEMP, to include pollution prevention measures.
- 5.1.4 The woodland on site, and associated woodland planting, will be protected with a sensitive lighting scheme, which will prevent artificial lightspill from impacting upon the woodland edge.
- 5.1.5 The landscaping scheme must be created as designed. No BNG off-setting is required due to the previous commuted sum having been paid to off-set a greater amount of habitat units.

Habitats

- 5.1.6 All retained habitats will be protected with suitable exclusion zones and fencing.
- 5.1.7 The woodland will be enhanced by removal of non-native species and appropriate undersotrey planting (this will also naturally regenerate from adjacent species mixtures being planted).
- 5.1.8 All habitat creation, management and monitoring will need to be detailed within a Landscape Ecological Management Plan (LEMP).

Reptiles

- 5.1.9 The site clearance needs to be undertaken under a displacement strategy. This will include, for example, clearing the site from east to west, allowing reptiles to naturally disperse to adjacent suitable habitat. This will take place between March to September and under ecological supervision. A site walkover will be conducted pre-commencement. The existing habitats will be strategically cleared, by reducing vegetation height slowly and in stages, to encourage dispersement.

Badger

- 5.1.10 To ensure that Badger, and any other mammals, are not trapped or harmed during the construction work, the construction should be undertaken using Reasonable Avoidance Measures (for example,

smaller excavations should be covered if left overnight. Larger excavations, if left overnight or for longer periods, should be ramped to enable animals to escape).

Nesting Birds

- 5.1.11 Impacts on nesting birds should be avoided in particular, by carrying out site clearance and similar operations outside of the bird breeding season (March- August). Construction activities that might directly impact upon breeding birds should hence be limited to the September-February period. If vegetation has to be cleared during the bird breeding season checks immediately before clearance by a suitably qualified ecologist will be required. If nesting activity is detected work in that area will need to stop until the ecologist considers that nesting activity is finished.

Bat and Bird Boxes

- 5.1.12 It is recommended that 10 bat boxes of various types and 10 bird boxes of various types are erected onto retained mature trees on site.



Appendix 1: Planning Policy & Legislation

National Policy

The National Planning Policy Framework (NPPF 2021) describes the Government's planning policy for England and how it should be applied. Within this framework, the requirements in relation to biodiversity are included within several policies. The two most relevant to individual planning decisions are Paragraphs 174 and 180, shown below:

- 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; etc...

- 180. When determining planning applications, local planning authorities should apply the following principles:
 - a) 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;
 - b) 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 Special Scientific Interest;
 - c) 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; and



- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Legislation

The Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) includes the notification and confirmation of Sites of Special Scientific Interest (SSSIs). SSSIs can be notified for their floral, faunal, geological, or physiographical features. Protection against damaging operations and management of SSSIs is also included within the Act. Impact Risk Zones (IRZs) are zones around an SSSI account for the particular sensitivities of the features for which it is notified and identify development proposal which could have adverse impacts.

The Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) protects native animals, plants and habitats. Under the Act it is an offence to intentionally kill, injure or take any wild animal listed on Schedule 5 and it is an offence to interfere with places used for shelter or protection, or intentionally disturb animals occupying such places. The Act prohibits picking, uprooting or destroy any wild plant (or any attached seed or spore) listed in Schedule 8.

European Protected Species (EPS) such as bats, Hazel Dormouse, Otter, Natterjack Toad, Smooth Snake, Sand Lizard and Great Crested Newt are protected by the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) and the Conservation of Habitats and Species Regulations 2017. The Acts make it an offence to:

- a) Deliberately capture, injure or kill an EPS;
- b) Deliberately impair an EPS's ability to survive, breed, reproduce, rear or nurture young; to hibernate or migrate; or significantly affect the local distribution or abundance of the EPS.
- c) Possess or control live or dead EPS or any part of, or anything derived from a EPS;
- d) Damage or destroy a breeding site or resting place of an EPS;
- e) Intentionally or recklessly obstruct access to any place that is used for shelter or protection by an EPS;
- f) Intentionally or recklessly disturb a structure or place that it uses for shelter or protection that is occupied by an EPS.

All common herptiles are protected under the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000). Grass Snake, Slow Worm, Common Lizard, Adder are protected against intentional killing or injury.



Common Frog, Common Toad, Smooth Newt and Palmate Newt is protected against sale. In addition, all British reptiles, Common toad and Great Crested Newt are listed as Species of Principal Importance.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built, or take or destroy its eggs. It is an offence to intentionally or recklessly disturb a species listed on Schedule 1 of the Act while they are nest building or at or near a nest with eggs or young, or to disturb the dependent young.

The Protection of Badgers Act 1992 makes it an offence to wilfully, or to attempt to kill, injure, take, possess or cruelly ill-treat a Badger, or intentionally or recklessly interfere with a sett. Interference of a sett includes disturbing badgers during occupation of a sett, or damaging or destroying a sett, or obstructing access to the sett.

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on every public authority to have regard to conserving biodiversity. Section 41 of the same Act requires the Secretary of State to publish a list of the living organisms and types of habitats that are of 'Principal Importance' for the purpose of conserving biodiversity. The Secretary of State must take steps, as appear reasonably practicable, to further the conservation of those living organisms and habitats in any list published under this section. The list of species and habitats of principal importance currently includes 943 species and 56 habitats. These are the species and habitats found in England which are regarded as conservation priorities under the UK Post-2010 Biodiversity Framework

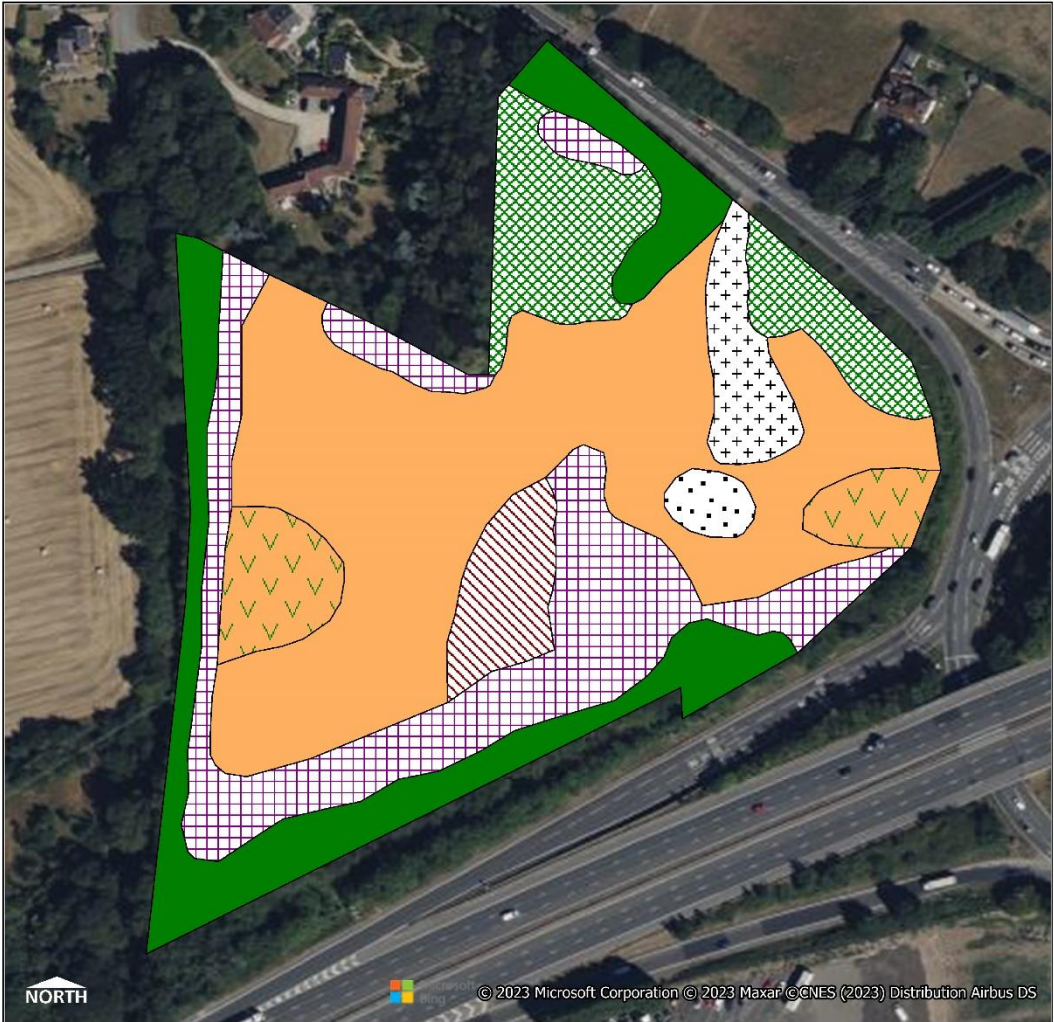
The Hedgerows Regulations 1997 protect 'important' hedgerows from destruction or damage. A hedgerow is 'important' if it (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy 'important' hedgerows unless permitted by the local planning authority.



Appendix 2: Desk Study

The full species lists provided by the desk study can be provided upon request to Rachel Hacking Ecology.

Appendix 3: Habitats Plan



Phase 1 Habitat Map

Key

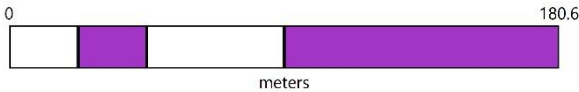
	Bare Ground		Neutral Grassland
	Broadleaved Woodland		Neutral Grassland/Scattered Scrub Mosaic
	Continuous Scrub		Tall, Ruderal Herb
	Continuous Scrub - Bramble		
	Ephemeral/Short Perennial		

Project Name:
Land off the A5, Hinckley

Project Reference:
RHE.3882

Drawn By:
Ben Crossthwaite

Date:
20/09/23



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Appendix 4: Species Lists

Please note, these are not exhaustive.

Grassland:

Vernacular Name	Scientific Name
Perennial Rye-grass	<i>Lolium perenne</i>
Red Fescue	<i>Festuca rubra</i>
Cock's-foot	<i>Dactylis glomerata</i>
False Oat-grass	<i>Arrhenatherum elatius</i>
Yorkshire Fog	<i>Holcus lanatus</i>
Red Clover	<i>Trifolium pratense</i>
White Clover	<i>Trifolium repens</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Bird's-foot Trefoil	<i>Lotus corniculatus</i>
Common Vetch	<i>Vicia sativa</i>
Broad-leaved Willowherb	<i>Epilobium monatum</i>
Prickly Sowthistle	<i>Sonchus asper</i>
Field Bindweed	<i>Calystegia sepium</i>
Rosebay Willowherb	<i>Chamaenerion angustifolium</i>
Curled Dock	<i>Rumex crispus</i>
Common Ragwort	<i>Jacobaea vulgaris</i>
Selfheal	<i>Prunella vulgaris</i>
Cleavers	<i>Galium aparine</i>



Woodland:

Vernacular Name	Scientific Name
Sycamore	<i>Acer pseudoplatanus</i>
Pedunculate Oak	<i>Quercus robur</i>
Silver Birch	<i>Betula pendula</i>
Horse Chestnut	<i>Aesculus hippocastanum</i>
Ash	<i>Fraxinus excelsior</i>
Beech	<i>Fagus sylvatica</i>
Holly	<i>Ilex aquifolium</i>
Scot's Pine	<i>Pinus sylvestris</i>
Elder	<i>Sambucus nigra</i>
Rhododendron	<i>Rhododendron ponticum</i>
Cherry Laurel	<i>Prunus laurocerasus</i>
Wood Avens	<i>Geum urbanum</i>
Bramble	<i>Rubus fruticosus</i>
Bracken	<i>Pteridium aquilinum</i>
Hawthorn	<i>Crataegus monogyna</i>
Ground Ivy	<i>Glechoma hederacea</i>
Ivy	<i>Hedera helix</i>
Goat Willow	<i>Salix caprea</i>

Ephemeral/Short Perennial:

Vernacular Name	Scientific Name
Common Centaury	<i>Centaureum erythraea</i>
Scarlet Pimpernel	<i>Anagallis arvensis</i>
Lady's Mantle	<i>Alchemilla mollis</i>
Creeping Cinquefoil	<i>Potentilla reptans</i>
Silverweed	<i>Potentilla anserina</i>
Common Fleabane	<i>Pulicaria dysenterica</i>
Teasel	<i>Dipsacus fullonum</i>
Creeping Thistle	<i>Cirsium arvense</i>
Creeping Bent	<i>Agrostis stolonifera</i>
Common Cat's-ear	<i>Hypochaeris radicata</i>
Rosebay Willowherb	<i>Chamerion angustifolium</i>
Hoary Willowherb	<i>Epilobium parviflorum</i>
Broadleaved Willowherb	<i>Epilobium montanum</i>
Greater Plantain	<i>Plantago major</i>
Black Medick	<i>Medicago lupulina</i>
Germander Speedwell	<i>Veronica chamaedrys</i>
Yorkshire Fog	<i>Holcus lanatus</i>
Red Bartsia	<i>Odontites vernus</i>
Common Ragwort	<i>Jacobaea vulgaris</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Ground Ivy	<i>Glechoma hederacea</i>
Perforate St. John's-wort	<i>Hypericum perforatum</i>
Wild Strawberry	<i>Fragaria vesca</i>
Common Mouse-ear	<i>Cerastium fontanum</i>
Bird's-foot Trefoil	<i>Lotus corniculatus</i>
Common Vetch	<i>Vicia sativa</i>
Oxeye Daisy	<i>Leucanthemum vulgare</i>
Selfheal	<i>Prunella vulgaris</i>
Creeping Jenny	<i>Lysimachia nummularia</i>
Soft Rush	<i>Juncus effusus</i>
Jointed Rush	<i>Juncus articulatus</i>

