



Jelson Ltd.

Phase 8 Normandy Way, Hinckley

UPDATE ECOLOGICAL ASSESSMENT

February 2024

FPCR Environment and Design Ltd

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FIGURE

Figure 1: Bat and Bird Box Plan

1.0 INTRODUCTION

1.1 The following document has been produced to satisfy the requirements of Conditions 17, 19 and 20 of Outline planning permission 15/00188/OUT (Hinckley and Bosworth Borough Council Ref.) which was submitted for the erection of up to 850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (Outline - access only) at Normandy Way, Hinckley.

1.2 Jelson have submitted a Reserved Matters application for Phase 8 (22/01091/REM) which was approved in June 2023. The proposals for Phase 8 are shown on the Proposed Site Layout (Ref: J112-BRP-00-00-DR-A-0102-P12 BRP Architects). Jelson have commissioned this report to inform the discharge of the Conditions 17, 19 and 20.

1.3 Condition 17 states:

No development shall commence, in any phase, unless and until such time as a scheme identifying the provision of bat boxes on properties adjacent to wildlife corridors of hedgerow or watercourse for that phase is submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

1.4 Condition 19 states:

'No development shall commence, in any phase, unless and until a schedule of re-survey and/or re-assessment of ecological plans and assessment for that phase is submitted to and agreed in writing by the Local Planning Authority.'

1.5 And Condition 20 states:

'No development shall commence, in any phase, unless and until such time as the re-survey and/or re-assessment of ecological plans and assessment as identified in condition 19 are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved survey/assessments and any identified mitigation measures.'

Scope

1.6 A Bat and Bird Box Plan is included within this report at Figure 1. This is based on the current Proposed Site Layout.

1.7 A site visit was carried out on 31st January 2024 to inform Conditions 19 and 20. The aims of the site visit were to:

- Review the habitats on-site and their potential to support protected species.
- Determine whether any further surveys are required.

1.8 Prior to the site visit, previous ecological reporting was reviewed as background information and to aid in directing the scope of survey. This included the 'Discharge of Conditions 14, 19 and 20 (15/00118/OUT)' produced by Ecology Solutions in July 2020 and the Ecological Creation and Habitat Management Plan produced by RSK in November 2014.

2.0 METHODOLOGIES

2.1 The following outlines the survey methodologies used during the site visit.

Badgers

2.2 Badgers *Meles meles* and their setts are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from persecution by baiting and deliberate harm or injury. The act makes it an offence to:

- intentionally capture, kill or injure a badger;
- damage, destroy or block access to their setts;
- disturb badgers in setts;
- treat a badger cruelly;
- deliberately send or intentionally allow a dog into a sett; and
- bait or dig for badgers.

A sett is defined as:

“Any structure or place that displays signs indicating current use by a badger”.

2.3 The area to be affected by the Phase 8 works and a 30m surrounding buffer (where accessible) was subject to survey on 31st January 2024 to search for evidence of badger activity. The standard methodology¹ was used to complete a thorough search for evidence which would indicate the presence of badgers. Evidence of badger occupation and activity sought included:

- Setts: including earth mounds, evidence of bedding and runways between setts;
- Latrines: often located close to setts, at territory boundaries or adjacent to favoured feeding areas;
- Prints and paths or trackways;
- Hairs caught on rough wood or fencing;
- Other evidence: including snuffle holes, feeding and playing areas and scratching posts.

Bats

2.4 The Habitats Regulations includes a list of animals, including bats, taken from the Annex IV of the Habitats Directive that have a natural range which includes any area in Great Britain. These are collectively known as European Protected Species (EPS). The regulations make it an offence to deliberately capture, kill, disturb or take, or damage or destroy a breeding or resting place of animals listed in Schedule 2 of the Regulations.

2.5 The Wildlife and Countryside Act 1981 (as amended) makes it an offence to (subject to exceptions) intentionally or recklessly kill, injure or take wild animals listed on Schedule 5 of the Act. For some species, including those listed as European Protected Species, the protection extends to interference with places used for shelter or protection, or disturbing animals occupying or obstructing access to such places. These species are regarded as “fully protected”.

¹ Harris, Cresswell and Jefferies (1989) *Surveying Badgers* The Mammal Society

Ground Level Tree Assessment

- 2.6 Tree assessments were undertaken from ground level, with the aid of binoculars (where appropriate). These surveys were undertaken on 31st January 2024 by an experienced ecologist and reviewed by a bat licensed worker (2020-44420-CLS-CLS).
- 2.7 During the survey Potential Roosting Features (PRF) for bats such as the following were sought (Based on P16, British Standard 8596:2015 Surveying for bats in trees and woodland, October 2015):
- Natural holes (e.g., knot holes) arising from naturally shed branches or branches previously pruned back to a branch collar.
 - Woodpecker holes.
 - Cracks/splits in stems or branches (horizontal and vertical).
 - Partially detached, loose or bark plates.
 - Cankers (caused by localised bark death) in which cavities have developed.
 - Other hollows or cavities, including butt rots.
 - Bat or bird boxes.
- 2.8 Certain factors such as orientation of the feature, its height from the ground, the direct surroundings, and its location in respect to other features may enhance or reduce the potential value.
- 2.9 Trees were classified into general bat roost potential groups based upon the presence of these features. Table 1 (below) broadly classifies the potential categories as accurately as possible as well as discussing the relevance of the features. This table is based upon Table 6.2 and Chapter 6 in Bat Surveys for Professional Ecologists: Good Practice Guidelines (J., Collins (Bat Conservation Trust), 2023²).

Table 1: Classification and Survey Requirements for Bats in Trees

Classification of Tree	Description of Category and Associated Features (based on PRFs listed above)	Likely Further Survey Work/Actions
PRF – I	PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.	No further survey required but a precautionary working method statement may be appropriate.
PRF - M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.	Where the tree(s) will likely be affected by development a combination of aerial assessment by roped access bat workers (if appropriate) and / or nocturnal survey during appropriate period (May to August). Following additional assessment, a tree may be upgraded or downgraded based on findings. If roost sites are confirmed and the tree or roost is to be affected by proposals a licence from Natural England will be required. After completion of survey work (where the presence of a bat roost is discounted), a precautionary working method statement may still be appropriate.

² Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn). The Bat Conservation Trust

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Great Crested Newt (GCN)

- 2.10 According to the 2020 reporting by Ecology Solutions, great crested newts *Triturus cristatus* have been recorded within ponds within 250m of site (located approximately 160m and 220m north-west). However, as the majority of the site was previously arable fields, it was not considered suitable for great crested newts. A precautionary approach to site clearance was proposed on a phase-by-phase basis. As part of this approach, newt exclusion fencing was installed along the boundary of the site to prevent great crested newt from entering the development site during construction.
- 2.11 During the site visit, land within the Phase 8 boundary was reviewed for its suitability for great crested newt. The amphibian fence line in the vicinity of the Phase 8 site was also walked and checked for defects.

Reptiles

- 2.12 There are seven species on Schedule 5 of the Act that not “fully protected” but are still protected against killing and injuring these include the common reptile species slow-worm *Anguis fragilis*, viviparous lizard *Zootoca vivipara*, grass snake *Natrix Helvetica helvetica* and adder *Vipera berus*.
- 2.13 During the site visit, land within the Phase 8 boundary was reviewed for its suitability for reptiles.

Other Species

- 2.14 During the site visit, the potential for habitats within the Phase 8 boundary to support other protected species was also considered.

3.0 RESULTS

Habitat Overview

- 3.1 The site comprised large areas of bare earth as a result of construction vehicle movement and earth moving works. Some small areas of rough grassland and tall ruderal herb were recorded around the western and northern boundaries as well as small patches within the core of the site. One mature tree, T1, was located within the centre of the site. A boundary hedgerow was present along the western boundary, and a mature tree, T2, along the southern boundary. Trees T1 and T2 are shown on Figure 1.

Badger

- 3.2 No conclusive evidence of badger activity was recorded within the site. Mammal runs were noted crossing the western boundary of Phase 8 however no badger evidence was recorded in association with any of these.
- 3.3 The disused badger sett identified within the Ecology Solutions report at BS1 was found to comprise a small hole located at the base of the mature tree T1, however this appeared to have collapsed and no evidence of badger activity was recorded.

Bats

- 3.4 Two trees with bat potential were recorded within the site, T1 and T2. T1, was located within the centre of the site and supported one small branch socket cavity and a broken branch stub with superficial splits and cracks. These features were classed as PRF-I, being suitable for only small numbers of bats, if any. The tree is to be retained within the proposals however owing to its location with the development, there will be a degree of isolation from the surrounding environment. No further survey is recommended in line with current guidance however, and it is considered that the provision of bat boxes within the site will provide suitable compensation for the potential loss of these limited roost features, and an overall enhancement for bats within the Phase 8 site.
- 3.5 T2, located on the southern site boundary supported a woodpecker hole on the eastern aspect of the main stem. As a precautionary approach, this feature has been classed as a PRF-M, however as this tree is to be retained within the proposals and located along a corridor of grassland structural planting, no impacts are anticipated to this tree and no further survey is recommended.

Herpetofauna**Great Crested Newts**

- 3.6 The amphibian fencing along the western site boundary (which also extends to the north and south of this boundary) was found to be generally in a good state of repair.
- 3.7 The large areas of bare ground were generally unsuitable for great crested newt given the lack of cover for shelter they provide, and regular disturbance from construction traffic. Small areas of vegetation provided some limited suitable terrestrial habitat however this was restricted in extent. Given the site's previous arable nature and presence of the amphibian fencing along the site boundary, it is not considered likely that great crested newt will be present within the site boundary.

Reptiles

- 3.8 As above, the extent of bare ground and limited areas of vegetation were considered to offer very limited suitable habitat for reptiles, and as such it is considered highly unlikely that any such species would be present.

Nesting Birds

- 3.9 Trees T1 and T2 and the boundary hedgerows were the only features suitable for nesting birds within the site. These features are to be retained during construction, and it is recommended that tree and hedgerow protection fencing is instated in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction – Recommendations, which would ensure no accidental damage, and subsequent disturbance of nesting birds, occurs during works.
- 3.10 The majority of the site is currently subject to disturbance from construction traffic and is therefore unsuitable for ground-nesting birds.

Other Species

- 3.11 Given the nature of habitats within the site, it was not considered likely that other protected species such as water vole *Arvicola amphibius* would be present.
- 3.12 As detailed in the Ecology Solutions report, water vole were previously recorded within the wider development site (of which Phase 8 is a part of), located adjacent to a stream approximately 320m to the south of the Phase 8 site boundary. Given the nature of habitats within the Phase 8 site boundary and the distance between the Phase 8 boundary and the stream, no further assessment for water vole is considered necessary as part of the Phase 8 works.

4.0 RECOMMENDATIONS

Further Survey

- 4.1 No further survey work is considered necessary to inform the discharge of Conditions 19 or 20. It is considered that sufficient information was obtained during the site visit to assess the likelihood of protected species being present, however if construction work has not started on-site within 12 months of the date of the site visit, it is recommended that a further survey to review the site for protected species should be undertaken.

General Recommendations

Badgers

- 4.2 Badger were recorded within the wider area during previous surveys, as detailed within the 2020 Ecology Solutions report. Therefore, prior to and during construction works, the presence of badgers within the area should be made known to all relevant construction staff. Any open trenches or similar should also be covered at night or ramped at one end to prevent badger entrapment. Any soil piles should also be covered over or compacted down to minimise the risk of badgers digging in to create new setts. Soil piles should also be checked daily for the presence of badger excavations. If any evidence of badger use on-site is observed during the construction period, further advice sought immediately from a suitably experienced Ecologist.

Nesting Birds

- 4.3 Under the Wildlife and Countryside Act 1981 (WCA) (as amended) it is an offence to intentionally or recklessly take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006). For birds listed on Schedule 1 of the WCA, protection extends to offences relating to the intentional or reckless disturbance of these birds while at their nests or their dependent young.
- 4.4 In the event that any woody vegetation (such as hedgerows, scrub or mature trees) is to be removed or subject to cutting/pruning during the bird breeding season (March to August), they should be checked prior to any vegetation removal being undertaken by a suitably experienced ecologist. If active nests are found, vegetation should be left untouched and suitable buffer implemented until all birds have fledged. If no evidence of nesting birds is identified, then works

would proceed without ecological supervision. Nesting bird checks would be valid for a 48-hour period on any section of vegetation checked by the ecologist. An updated check would then be required where such vegetation has not been cleared within this timeframe.

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- 4.5 In the unlikely event that great crested newt or reptiles are noted on-site during works, all works should cease and further advice sought immediately from a suitably experienced Ecologist.



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Key

- Site Boundary
- Bat Box Locations
- Bird Box Locations (with tree reference)

Ibstock enclosed Bat Box C



Locations of bat boxes are shown indicatively on the plan, with seven potential locations shown. Bat boxes installed on buildings should be located on the southern and eastern aspects, at least 4m from the ground.

1B Schwegler Nest Box (26 & 32mm Hole)



Bird boxes to be installed at least 4m from the ground, on the north and east aspect of trees, with a clear flight path to the box.

