



Ecological Appraisal  
Land and Buildings at  
Kirkby Moats Industrial Estate  
Newbold Road  
Kirkby Mallory  
Leicestershire  
NGR SK45547 01853

Survey by  
Christopher Barker CEnv dipHort ACIEEM

|                                                                                                                                                                                                                                                       |                                       |                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <br>www.smasltd.com<br>as recognised by<br> SAFETY<br>SCHEMES IN<br>PROCUREMENT | Report prepared by:<br>C Barker       | Date Issued: 15 March 2023                                                                                                          |
|                                                                                                                                                                                                                                                       | Reviewed by: KLB                      | Report Version: V1                                                                                                                  |
|                                                                                                                                                                                                                                                       | Report ref:<br><b>P2763 /0323 /01</b> | C B E Consulting<br>Highbank, 5 Grantham Road, Navenby<br>Lincoln. LN5 0JJ.<br>Telephone (01522) 810086.<br>www.cbeconsulting.co.uk |

## **Contents**

### **Part 1: Site Details**

1. Introduction
  - 1.1 Site Description and Location
  - 1.2 Objective of the report

### **Part 2: Survey Methodology and Results**

2. Appraisal Methodology
  - 2.1 Baseline Study
  - 2.2 Habitats Assessment Methodology
  - 2.3 Protected Species Assessment Methodology
  - 2.4 Consultations
3. Survey Findings
  - 3.1 Habitat Classifications and Target Notes with Photographs
  - 3.2 Evidence of Protected Species
  - 3.3 Ecological Constraints and Opportunities

### **Part 3: Initial Ecological Appraisal**

4. Impact of any development of the site
  - 4.1 Potential Impact on nearby sites
  - 4.2 Potential impact on biodiversity at the site
  - 4.3 Potential Impact on Protected Species

## **Appendices**

Appendix 1 – Survey Species List

Appendix 2 – Biological Records (**separate confidential appendix**)

## **Figures**

Figure 1 – Site Location Plan

Figure 2 – Contextual Aerial Photograph

Figure 3 – Site Habitat Plan

Figure 4 – Conceptual Development Plan

## Non-Technical Summary

The site surveyed comprises an existing industrial estate containing building, hardstanding and bare ground off Newbold Road, Kirkby Mallory, Leicestershire centred at NGR SK45547 01853. An inspection of the site was completed on 26<sup>th</sup> January 2023.

The defined site area is in a rural location and comprises an industrial estate with large commercial and industrial building surrounded by palisade fencing along which there are a number of semi-mature trees and hedgerows. Land to the east and south comprises open arable land. To the north is a small parcel of open grassland used for grazing horses beyond which the open arable land continues. To the west is a small fishing pond (no longer in use), a stable and horse exercise / grazing areas. A review of the available data confirms that the site is not a Statutory or Non-Statutory site of ecological significance. There are a number of non-statutory sites of ecological value within 1km.

The survey has identified the following habitats within the site area of immediately adjacent to this:

- Commercial / Industrial buildings
- Hardstanding
- Ruderals and Bramble
- Boundary hedgerows and trees
- Former fishing pond (off site)

An assessment of the survey area has identified the following potential for protected species to be present:

| Species              | Present within 1km | Suitable habitat on site / evidence of presence                                                                                                                                                                                          | Likelihood of presence on site                                                                                                               | Further Survey / Mitigation recommended                                                                                     |
|----------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Nesting Birds</b> | Yes                | No evidence of any ground nesting within the site or use of the buildings for nesting was identified. Some ground nesting could take place in the dense vegetation in the future and around the margins of the fishing pond to the west. | Negligible within the existing buildings. Measures to protected nesting birds will be required as part of any proposed vegetation clearance. | Measures to avoid disturbance to any nests or nesting activity will need to be considered prior to any vegetation clearance |
| <b>Reptiles</b>      | Yes                | Marginal areas of the site are suitable for species such as grass snake but the relative isolation and lack of local records makes it unlikely significant numbers are present.                                                          | Low potential but individual reptiles such as Grass Snake may be present within the marginal areas of the site.                              | Inspection of the construction working area immediately before work commences is recommended.                               |
| <b>Amphibians</b>    | Yes<br>No GCN      | The majority of the habitat within the site is sub-optimal for amphibians and there are few records in this area. Some amphibians could be present in the dense vegetation within the site closer to the pond.                           | Low potential but individual amphibians such as Common Frog of Common Toad may be present within the marginal areas of the site.             | Inspection of the construction working area immediately before work commences is recommended.                               |
| <b>Bats</b>          | Yes                | No buildings with roost potential identified.<br>No trees with roost potential identified.<br>Some foraging along the site boundaries and associated with the nearby pond is considered quite likely                                     | No further surveys for roosting bats are recommended.                                                                                        | No further surveys or mitigation measures recommended.                                                                      |

|                                  |     |                                                                                                                                   |                                                               |                                                        |
|----------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------|
| <b>Badger and larger mammals</b> | Yes | No field sign of badger was found in any part of the site area assessed and the site is secured on all sides by palisade fencing. | Foraging across the site area is very unlikely in the future. | No further surveys or mitigation measures recommended. |
|----------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------|

#### **Constraints:**

No significant ecological constraints have been identified during the survey.

- There is potential for nesting birds to be present associated with the dense Bramble / Ruderal vegetation colonising parts of the site area and this should be removed outside of the nesting season or only after inspection by an ecologist.
- There is potential for hedgehogs to be present within the site, particularly around the site boundaries.
- Any vegetation to be removed should be preceded by a search by an ecologist to confirm that there are no reptiles or amphibians present. Any found should be moved to an area around the pond where they can remain undisturbed by further works.

#### **Conclusion and Recommendations**

There are no Statutory or Non-statutory sites nearby that could potentially be impacted by the removal of the two buildings and replacement of these as part of proposed redevelopment works within the site area. The nearest LWS sites are Little Moats hedgerow and Little Moats Grassland situated over 200m to the south west of the area surveyed.

The survey area comprises buildings, hardstanding, small areas of ground colonised by bramble and ruderals with some areas along the boundaries of the site where trees and a hedgerow are present. The proposal is to remove two of the existing buildings and provide land for replacement of these with new buildings and additional parking / external storage areas.

The area surveyed contains no significant ecological features and the proposals appear to retain all of the significant boundary vegetation comprising trees and a hedgerow which provide partial screening to the site area. No evidence of any significant locally rare plants or plant communities within or around the site area surveyed was identified during the survey.

Assuming the boundary vegetation is retained as indicated on the conceptual development plan, it is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity.

The inspection completed in January 2023 did not identify any evidence of protected species within the survey area. However, there is potential for the following mitigation measures to be required in the future during any approved works:

**Birds:** There is negligible potential for nesting birds to be present within the buildings or hardstanding area. The dense bramble and ruderal vegetation in parts of the site has potential to support nesting birds and if any sections need to be cleared this should be completed outside of the nesting season or be preceded by an inspection by an Ecologist to ensure no nesting birds are present or determine what mitigation measures to protect nesting birds are required.

**Herpetofauna:** Whilst it is unlikely that significant numbers of reptiles or amphibians will be present within the survey area due to the character and location of this, it is recommended that as a precaution and vegetation should be inspected by an Ecologist prior to clearance of this. Any reptiles or amphibians which may be found can then be moved to a position around the north-western margin of the pond.

Given the location of the area surveyed on the edge of open agricultural land there is potential for significant ecological enhancements to be included within the scheme to enhance biodiversity.

- Bat boxes and bird boxes could be erected at suitable positions affixed to the any new buildings constructed on the site or on retained boundary trees.
- Refugia suitable for hedgehogs and reptiles could be constructed in suitable positions in landscaped areas where these will be accessible to these species.
- Any landscape planting should utilise native species to promote diversity.

A handwritten signature in cursive script, reading "Christopher Barker", written in black ink on a white background.

Christopher Barker ACIEEM CEnv

## Part 1: Site Details

### 1. Introduction

#### 1.1 Site Description and Location

The site surveyed comprises an existing industrial estate containing building, hardstanding and bare ground off Newbold Road, Kirkby Mallory, Leicestershire centred at NGR SK45547 01853. The location of the site is shown on the plan within **Figure 1** and an aerial photograph has been provided within **Figure 2** to place the site in context.



**Figure 1: Site location.**

Copyright Ordnance Survey Mapping 2023

The Client has requested an ecological survey of the land to determine whether there is anything of ecological value or any evidence of protected species present. An inspection of the site was completed on 26<sup>th</sup> January 2023 and details of the survey are provided in the table below. A photographic record of key areas is included alongside target notes within the report and a list of plant species identified in the site during the survey is included within **Appendix 1**.

| Date                          | Time                                                                          | Location                                                                                                     | Weather                                                                                                                   |
|-------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 26 <sup>th</sup> January 2023 | 10.00                                                                         | Land at Kirkby Moats<br>Industrial Estate<br>Off Newbold Road<br>Kirkby Mallory<br>Leicestershire<br>LE9 7QG | Lightly overcast with occasional clear spells. Wind 5mph from the south. Temperature 5 degrees C humidity 76% at 1039hPa. |
| <b>Accessibility</b>          | All areas of the site accessible to search for evidence of protected species. |                                                                                                              |                                                                                                                           |

The defined site area is in a rural location and comprises an industrial estate with large commercial and industrial building surrounded by palisade fencing along which there are a number of semi-mature trees and hedgerows. Land to the east and south comprises open arable land. To the north is a small parcel of open grassland used for grazing horses

beyond which the open arable land continues. To the west is a small fishing pond (no longer in use), a stable and horse exercise / grazing areas. An aerial contextual photograph has been provided as **Figure 2**.



**Figure 2: Site Contextual Aerial Photograph**

Image Copyright Microsoft Mapping 2023

## 1.2 Objective of the Report

This report is an extended Phase 1 Habitat Survey and ecological appraisal of the area identified in yellow within the aerial photograph above. The objective of the ecological appraisal is to identify the habitat(s) present on, and surrounding, the site area being assessed. Development of the site for the purpose of modernising / extending the existing commercial / industrial uses will require planning approval and this report has been prepared to provide information as part of any future planning application process. To this end the report is required to comply with the recommendations and principles set out in the National Planning Policy Framework 2019 as amended (NPPF). The report contains Biological Records and has been prepared to meet the standard required by BS42020 (British Standard for Biodiversity and Development).

Chapter 11 of the National Planning Policy Framework (NPPF) describes the Government's national policies on promoting 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.' NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' (2014) and ODPM Circular 06/2005.

The National Planning Policy Framework 2019 Chapter 15 sets out the Government's objectives for planning in regard to the protection of habitats and biodiversity. The planning objectives in relation to biodiversity and the natural environment are stated within paragraph 170 of the NPPF 2019 and are as follows:

*"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.*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Within the NPPF the planning policy context requires that Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including an assessment of existing and potential components of ecological networks (NPPF paragraph 43).

The above approach encapsulates the ‘mitigation hierarchy’ described in British Standard BS 42020:2013 which involves the following stepwise process:

- **Avoidance** – avoiding adverse effects through good design,
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects,
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm,
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5).

This ecological appraisal provides information on the existing ecological and biodiversity value of the land on the site and also reports any evidence of protected species or significant habitats present. It has been provided to provide information to the Planning Authority in order to help meet the requirements of the NPPF and enable the Authority to assess the site area in accordance with the Code of Practice within BS42020 and guidelines issued by CIEEM in 2012. The report also identifies any habitats or species present that require more detailed surveys prior to any improvements being undertaken.

## Part 2: Survey Methodology and Results

### 2. Appraisal Methodology

#### 2.1 Baseline Study

Within NPPF it states that there are three dimensions to sustainable development: “economic, social and environmental.” The environmental role includes “contributing to protecting and enhancing our natural, built and historic environment” and, as part of this, helping to improve biodiversity.

Within the NPPF 2019 it states that: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight....”* Paragraph 172

Within paragraphs 174 and 175 of NPPF 2019 the principles by which the protection and enhancement of biodiversity and geodiversity within the context of proposed development are described. These principles state in Paragraph 174 that any development proposal should:

- a) **Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks**, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) **promote the conservation, restoration and enhancement** of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for **securing measurable net gains for biodiversity**.*

Paragraph 175: 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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

The biodiversity of a site area and the potential presence of protected species are factors relevant to all developments irrespective of the size scale and will apply to any development on the site being assessed. Available information on the baseline ecology of the site and the presence of protected species within the locality has been obtained from the local biological records centre and reviewed (**Appendix 2**) and the records obtained are provided as separate appendices.

These data sources have been reviewed and the character and nature conservation value of habitats and species assessed. The aims of this appraisal of information are:

- To characterize all the existing available information regarding habitats and species that may be present at the site and provide up to date information about the environmental characteristics of the site area.
- To identify any habitats potentially present of nature conservation value in terms of local, regional and national context and within the context of local, regional and national policy; and,
- To identify any areas of ecological interest in order to either a) make recommendations to minimize the potential impact of any site works, or b) identify the need for a further survey work.

Following the appraisal of the available information, a site inspection has taken place to obtain specific site data at the site.

## 2.2 Habitat Assessment Methodology

The site was inspected on the morning of 26<sup>th</sup> January 2023. The inspection used the extended Phase 1 Habitat Assessment methodology as adopted by Natural England (Joint Nature Conservation Committee 1993) and in accordance with the Guidelines for Preliminary Ecological Appraisal (2012) issued by the Institute of Ecology and Environmental Management (IEEM) and BS42020 (British Standard for Biodiversity and Development).

The survey required a systematic walkover of the site to classify the habitat types present and was completed using standard Phase 1 Habitat Survey methodology whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal to record details on the actual or potential presence of any notable or protected species or habitats.

Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified summarised within **Appendix 1**. A habitat base map and target notes have been prepared and included as **Figure 3** within section 3 of this report.

## 2.3 Protected Species Assessment Methodology

A methodical inspection was carried out to look for any evidence of protected species using the site and to identify any habitats with potential to provide significant shelter or foraging opportunities for these. The survey was carried out by Christopher Barker, an experienced ecological consultant and Chartered Environmentalist holding Class Licenses issued by Natural England.

The Conservation of Habitats and Species Regulations 2010 consolidates the various amendments that have been made to the Regulations. The original (1994) Regulations

transposed the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

“European protected species” are those which are present on Schedule 2 of the Conservation of Habitats and Species Regulations 2010. They are subject to the provisions of Regulation 41 of those Regulations. All European Protected Species are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

- a. Intentionally or deliberately capture, injure or kill any wild animal included amongst these species
- b. Possess or control any live or dead specimens or any part of, or anything derived from these species
- c. deliberately disturb wild animals of any such species
- d. deliberately take or destroy the eggs of such an animal, or
- e. intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place

For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

- a. to impair their ability—
  - i. to survive, to breed or reproduce, or to rear or nurture their young, or
  - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate;or,
- b. to affect significantly the local distribution or abundance of the species to which they belong.

Although the law provides strict protection to these species, it also allows this protection to be set aside (derogation) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works. In accordance with the requirements of the Regulations (2010), a licence can only be issued where the following requirements are satisfied:

- i) The proposal is necessary ‘to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’
- ii) ‘There is no satisfactory alternative’
- iii) The proposals ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Specific attention was also paid to the potential presence of any protected, rare or notable species, and specific consideration was given to bats, birds, badgers, amphibians and reptiles as described below.

**Breeding Birds:** All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it 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. The inspection of the site included a search of hedgerows, ground vegetation and tree canopies looking for evidence of active or former nests.

**Bats:** All species of Bat within the UK are protected under the Conservation of Habitat and Species Regulations 2010 (Habitat Regulations) that amended and incorporated the Wildlife and Countryside Act 1981. These regulations make it an offence to:

- Intentionally kill, injure or take a bat [WCA section 9(1)]
- Possess or control any live or dead specimen or anything derived from a bat [WCA section 9(2)]
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat [WCA section 9(4)(a)]
- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for that purpose [WCA section 9(4)(a)]

Any building or significant trees present within the survey area have been assessed for their suitability to support roosting bats based on the presence of features such as holes, crevices, cracks, splits or loose bark. Potential bat roost locations in relation to buildings are described within this report (taken from Bat Survey Guidelines 2016) as:

**Confirmed Roost** – a structure with physical evidence confirming the presence of bats or bats visibly seen.

**High** – a structure with one or more potential roost features that are obviously suitable for use by a large number of bats on a regular basis and which is situated in an area of continuous high-quality foraging habitat suitable for bats.

**Moderate** – a structure with one or more potential roost features that could be used by bats, but which is unlikely to support a roost of high conservation status and which is in an area of connected habitat suitable for foraging by bats.

**Low** – a structure with one or more potential roost features that could be used by individual bats opportunistically. However, these potential roost features do not provide sufficient potential to be used by a larger number of bats or on a regular basis and the surrounding habitat is not of high value to foraging bats.

**Negligible** – a structure with negligible habitat features which is in a poor location making it highly unlikely roosting bats will be present.

Tree assessments were undertaken from ground level, with the aid of a torch and binoculars where required. During the survey features considered to provide suitable roost sites for bats such as the following were sought:

- Trunk / branch cavities – significant holes in the trunk caused by rot or injury.
- Trunk / branch split – split / fissure in trunk caused by rot or injury.
- Branch socket cavity – Where a fallen branch has resulted in the formation of an access point into a cavity.
- Woodpecker hole – created by nesting birds suitable for use by roosting bats.
- Lifted bark – bark which has rotted / lifted to form suitable access point/roost site for bats.
- Trunk hollows – decay in heartwood leading to internal cavity in trunk.
- Ivy cover – dense / mature ivy cover where the woody stems could create small cavities / crevices.

**Common Reptiles:** All species of British reptile are protected by the Wildlife and Countryside Act 1981 (as amended). The common species (adder, grass snake, slow worm and common lizard) are only protected against intentional killing and injuring (but not taking).

The survey included a search of all areas where suitable habitat for reptiles to shelter under or bask may be present, lifting logs and other suitable features to search underneath. The surveyor also maintained a careful watch whilst moving across the site to look for signs of reptiles moving to cover.

**Great crested newts** are afforded legal protection under European and UK law under the auspices of The Conservation (Natural Habitats &c.) (Amendment) Regulations which came into force on 21 August 2007, superseding the Habitat Regulations 1994. The 2007 amendments have increased the protection afforded to European Protected Species.

The law provides protection to adults, juveniles, efts (immature GCN) and eggs and it is an offence to intentionally or recklessly or as an incidental result of actions:

- Intentionally or deliberately capture, kill, or injure Great Crested Newts
- Intentionally or recklessly damage, destroy or obstruct access to any place used for shelter or protection (including resting or breeding places) whether occupied or not
- Deliberately, intentionally or recklessly disturb Great Crested Newts when in a place of shelter
- Possess a Great Crested Newt, or any part of it, unless acquired lawfully
- Sell, barter, exchange or transport or offer for sale Great Crested Newts or any part of them.

The survey included a search of any ponds and wetland areas within the site or immediate surrounding area nearby (where these features were accessible) and an assessment of ponds in the local area using Ordnance Survey Maps and aerial photographs to consider the potential for these species to access the site area.

**Badger:** Badgers are protected under the Protection of Badgers Act 1992. This makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as “*a structure or place, which displays signs indicating current use by a badger*”.

The survey searching for evidence of badger activity comprised two main elements. The first element involved searching for evidence of Badger setts. For any setts that were encountered, each sett entrance was noted and mapped. The following information was recorded:

- Number and location of well used / active entrances; these are clear from any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.
- Number and location of inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance.
- Number of disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be and the remains of the spoil heap.

The second element of the survey involved searching for signs of Badger activity such as well-worn paths and push-throughs, snagged hair, footprints, latrines and foraging signs, so as to build up a picture of any use of the site by Badger.

**Invasive Species:** Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.

A range of invasive non-native plant species are listed in Schedule 9 (Part 2) of the Wildlife and Countryside Act 1981, which makes it an offence to plant or cause these introduced

invasive plants to grow in the wild, effectively making it illegal to spread the plants during development operations.

## 2.4 Consultations

The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2016). In evaluating ecological features. The *Geographic Frame of Reference* is a key factor taken into account when assessing the potential ecological value of a site being surveyed. The value of an ecological feature or resource is determined within a defined geographical context using the following frame of reference:

- International.
- National.
- Regional.
- County (or Metropolitan).
- District (or Unitary Authority, City or Borough).
- Local (or Parish).
- Site level only.

Within this frame of reference, certain sites may carry a statutory ecological designation, e.g. Special Area of Conservation (SAC) for internationally important sites or Site of Special Scientific Interest (SSSI) for sites of national importance. Sites of more localised nature conservation importance do not receive statutory protection but may be designated by Local Planning Authorities or other bodies, e.g. Wildlife Trusts. Such non-statutory designations or 'Local Sites' include Local Wildlife Sites (LWSs) and Sites of Nature Conservation Interest (SNCIs), for example.

A review of the available data confirms that the site is not a Statutory or Non-Statutory site of ecological significance. There are a number of non-statutory sites of ecological value within 1km and these are summarised within the table below.

| Site Name                                                   | Reference | Classification | Distance |
|-------------------------------------------------------------|-----------|----------------|----------|
| Kirkby Mallory, Little Moats Hedgerow                       | 91618     | LWS            | 208      |
| Kirkby Mallory, Little Moats Grassland and Hedgerow         | 91619     | LWS            | 218      |
| Desford Lane Ash, Kirkby Mallory                            | 91649     | LWS            | 800      |
| Marsh off Desford Lane, Kirkby Mallory                      | 11161     | LWS            | 579      |
| Newbold Road Oak                                            | 91653     | LWS            | 843      |
| Brascote and Fox Coverts and associated grassland           | 11182     | LWS            | 832      |
| Hedgerows between Kirkby Road and Desford Lane              | 91665     | LWS            | 897      |
| Desford Lane hedgerow, Kirkby Mallory                       | 91650     | LWS            | 905      |
| Archers Lane hedgerows & tree                               | 11159     | LWS            | 822      |
| Newbold Road hedgerow                                       | 91654     | LWS            | 262      |
| Fox Covert/Jubilee Plantation, Kirkby Mallory               | 91663     | LWS            | 277      |
| Brascote Covert, Kirkby Mallory                             | 58177     | LWS            | 831      |
| Bullacre Spinney                                            | 11171     | LWS Pot /Hist  | 610      |
| Kirkby Mallory, Green Spinney, Ashpole Spinney and fishpond | 11183     | LWS Pot/ Hist  | 264      |
| Kirkby Mallory, Brook west of Kirkby Moats                  | 11173     | LWS Pot /Hist  | 350      |
| Beech Spinney                                               | 11172     | LWS Pot / Hist | 496      |

A review of the data for protected species has identified a small number of significant records relating to the immediate vicinity of the site which are summarised within the table below.

| Scientific Name           | Common Name             | Latest Record | Number of Records |
|---------------------------|-------------------------|---------------|-------------------|
| Charadrius dubius         | Little Ringed Plover    | 2014          | 13                |
| Milvus milvus             | Red Kite                | 2013          | 1                 |
| Tyto alba                 | Barn Owl                | 2006          | 1                 |
| Hyacinthoides non-scripta | Bluebell                | 2021          | 33                |
| Natrix helvetica          | Grass Snake             | 2020          | 2                 |
| Chiroptera                | Bat                     | 2018          | 1                 |
| Meles meles               | Badger                  | 2021          | 2                 |
| Pipistrellus              | Pipistrelle Bat species | 1999          | 3                 |
| Pipistrellus pipistrellus | Common Pipistrelle      | 2018          | 3                 |

There are no records of **great crested newt (GCN)** within 1km of the site. Whilst there are no ponds or wetland areas within the site there is a large former fishing pond situated in land nearby to the west which could support amphibian populations. It is possible amphibians could be foraging within the area surveyed even though there are no records of this species in the area.

There are two records of Grass Snake in suitable land 950m to the north west of the site area surveyed. The surrounding landscape is dominated by arable fields which are not optimal reptile habitat and the likelihood of significant numbers being present in this location is low.

The majority of the site area surveyed is buildings or open concrete / hardstanding. There are small areas of disturbed ground which has become colonised by bramble and ruderals which could support nesting birds. However, given the use of this land and frequent disturbance the potential for ground nesting birds may be very limited. Some nesting birds could be present using the buildings if there are suitable structures and accessibility.

There are records of roosting and foraging **bats** in this area with Pipistrelle species being recorded within the local area. There are roosts located in suitable buildings within 1km of the site area. Whilst the site is unlikely to be a significant foraging area for local bats due to its character, there may be buildings present with suitable structural features that could support roosting bats.

There are two records of **badger** activity in this area but both are over 900m from the survey area. There are no records of any setts within 250m of the site but since this commercial industrial area is partly unused and overgrown it is possible badger may have moved in and taken advantage of this land. The site appears to be accessible from the surrounding open arable land so foraging by badger in this location cannot be ruled out.

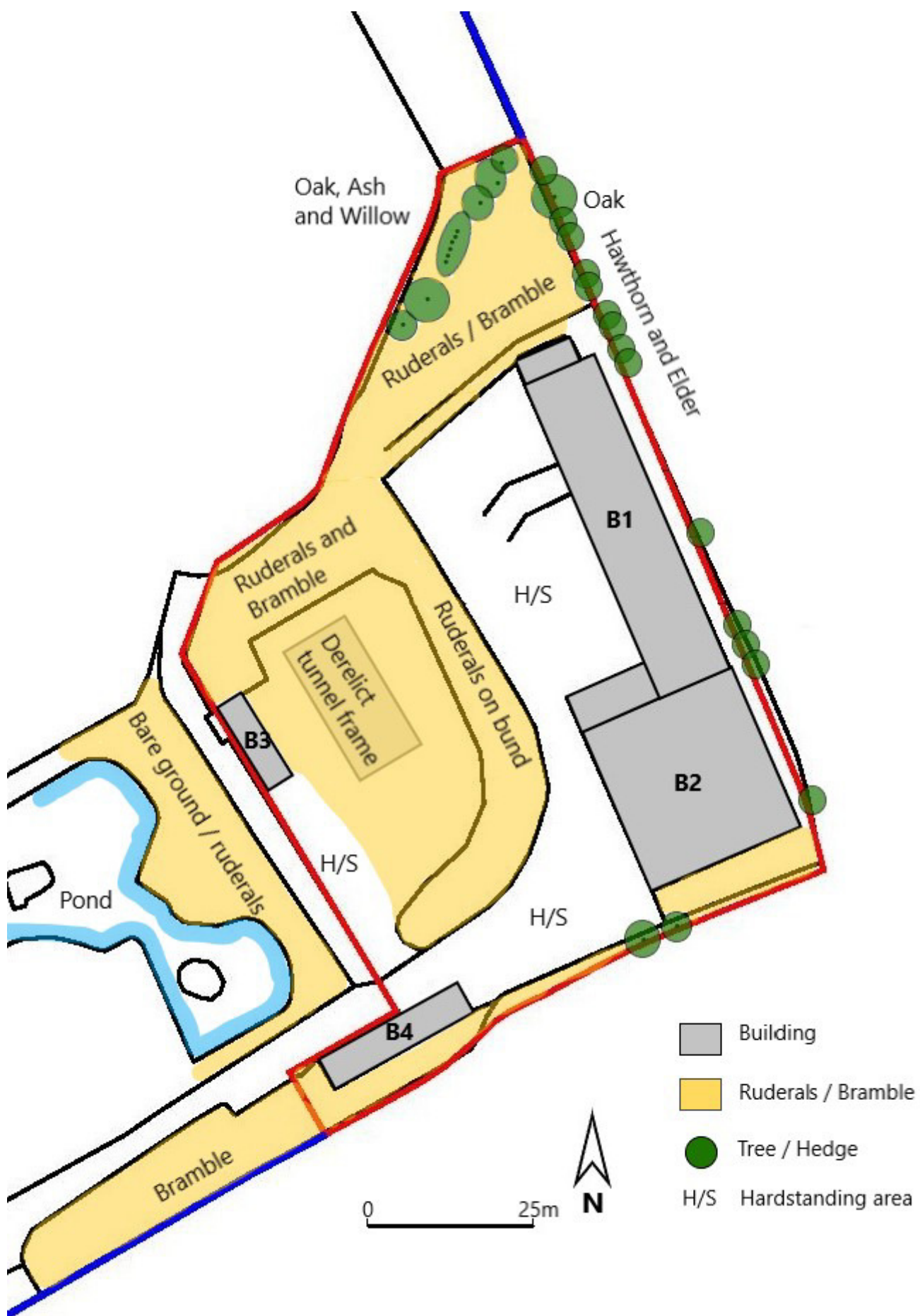


Figure 3 – Habitat Plan

### 3. Survey Findings

#### 3.1 Habitat Classifications and Target Notes

The survey has identified the following habitats within the proposed development:

- Commercial / Industrial buildings
- Hardstanding
- Ruderals and Bramble
- Boundary hedgerows and trees
- Former fishing pond (off site)

#### Target Note: House and Outbuildings

The existing commercial and industrial buildings are currently occupied and actively used for commercial purposes. Details of these buildings are provided in the table below.

| Building  | Description                                                                                                                                                                                                                                                                                                                                        | Potential for protected species                                                                                                                                                                    |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>B1</b> | Commercial office and warehouse in current use. Steel framed building with steel cladding exterior insulated and boarded to the inside. Flat roof of corrugated steel sheeting. Tightly fitting timber windows and doors. Under floor storage area lined with concrete with timber doors on the front facing west.                                 | No evidence of roosting bats or nesting birds found associated with this building.<br>No structural features present of potential interest to roosting bats.<br><b>Negligible roost potential.</b> |
| <b>B2</b> | Steel framed workshop and storage building. Brickwork to 1.5m along sides and to roof at front. Corrugated steel cladding to rear and sides. Shallow pitched roof corrugated steel sheeting with light panels. Steel doors to front facing west.                                                                                                   | No evidence of roosting bats or nesting birds found associated with this building.<br>No structural features present of potential interest to roosting bats.<br><b>Negligible roost potential.</b> |
| <b>B3</b> | Storage building constructed from cinder block with an entrance on the south end sealed with loosely fitting timber doors. Internal walls not lined. Tightly fitted windows facing west. Sloping roof constructed from corrugated steel sheeting laid over timber beams with no lining. Bare concrete floor.                                       | No evidence of roosting bats or nesting birds found associated with this building.<br>No structural features present of potential interest to roosting bats.<br><b>Negligible roost potential.</b> |
| <b>B4</b> | Single storey garage / store constructed from cinder v=block with sections of prefabricated concrete panelling. Interior not lined with a concrete floor throughout. Loosely fitting timbers doors to both ends. Roof edges not sealed. Pitched roof constructed from corrugated steel sheeting over timber beams with no lining to the underside. | No evidence of roosting bats or nesting birds found associated with this building.<br>No structural features present of potential interest to roosting bats.<br><b>Negligible roost potential.</b> |



Building B1



Building B1



Underside of roof B1



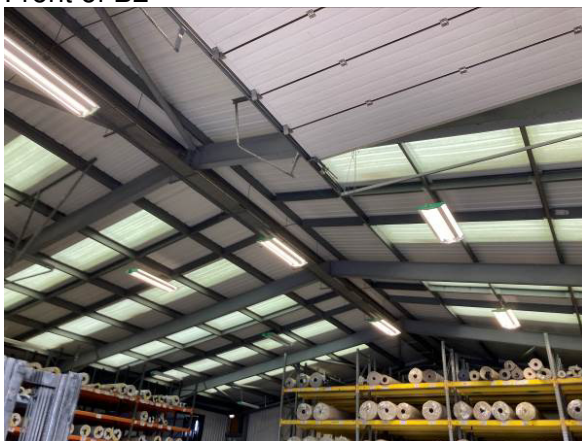
Under floor store area B1



Front of B2



South side of B2



Interior of B2



South face of B3



Interior of B3



Exterior of B4 west end



Exterior of B4 east end



Interior of B4

In addition to the four buildings on the site there is the frame of a derelict polytunnel located in the centre of the site shown below. This structure is positioned on a parcel of concrete hardstanding. The polythene sheeting has been completely removed from this structure.



Derelict polytunnel frame.



Derelict polytunnel frame

**Target Note: Hardstanding**

A large part of the site close to buildings B1 and B2 comprises hardstanding, the majority of which is block paving in use for delivery vehicles and parking. This area has no vegetation or obvious ecological features. There are also sections of the site area under concrete pads close to B3, B4 and the derelict polytunnel. There are small islands / planted borders within the hardstanding area with amenity shrubs and grasses present but nothing of any ecological significance.



Hardstanding near B1



Hardstanding near B1



Hardstanding near B2



Hardstanding near B2

### Target Note: Brambles and Ruderals

The northern and central parts of the site have become colonised by Bramble *Rubus fruticosus* and a range of common ruderals. There are significant patches of bare ground showing signs of recent disturbance and a compact soil bund extending along the edge of the car parking area and access which has also been colonised by ruderals. Bramble is beginning to dominate in some areas with some significant thickets of Nettle *Urtica dioica* and Willowherb *Epilobium angustifolium* within the small parcel to the north of B1. Other species such as Ivy *Hedera helix*, Yorkshire Fog *Holcus lanatus*, Ragwort *Senecio jacobaea*, Creeping Thistle *Cirsium arvense*, Mugwort *Artemisia vulgaris*, Prickly Sowthistle *Sonchus asper*, Cow Parsley *Anthriscus sylvestris*, Lesser Willowherb *Epilobium hirsutum*, Feverfew *Tanacetum parthenium*, Nipplewort *Lapsana communis*, Mignonette *Reseda lutea* and Dock *Rumex obtusifolius* are present throughout.

Close the polytunnel frame and on the bund woody species such as Gorse *Ulex europaeus*, Dog Rose *Rosa canina* and Hawthorn *Crataegus monogyna* are also starting to colonise.

No evidence was found to indicate the presence of any rare or unusual plants or significant unusual plant communities.



Bramble / Ruderal north end of site



Bramble / Ruderal north end of site.



Ruderals on internal bund



Bramble / Ruderals near polytunnel

### Target Note: Boundary trees and hedgerows

Along the eastern boundary of the site there is a sparse hedgerow comprising untrimmed Hawthorn *Crataegus monogyna* and Elder *Sambucus nigra* behind a palisade fence. There are significant bare stretches and gaps along this boundary and at the northern end is a medium sized Oak *Quercus petraea*.

Within the site interior close to the northern boundary are a number of specimen trees comprises Oak *Quercus petraea*, Ash *Fraxinus excelsior*, Goat Willow *Salix caprea* and Apple *Malus sylvestris* with under canopy Hawthorn *Crataegus monogyna* and Cotoneaster *Cotoneaster sp.* These lie within the site boundary palisade fencing. Along the southern boundary just outside of the palisade fencing is a single mature coppice Holly *Ilex aquifolium* with a Hawthorn *Crataegus monogyna* close by.



Trees at north end of site



Trees at north end of site



Oak on north eastern boundary



Hedgerow along eastern boundary

#### **Target Note: Former Fishing Pond (off-site)**

Close to the western boundary of the survey area is a former fishing lake pictured below. It is assumed there are still fish present and there is a wildfowl population also present but this water body could provide habitat for common amphibians and support other wildlife in the area. The land between the survey area and eastern end of the pond is secured by a palisade fence and there is a wide path running north-south between the pond and the site surveyed on the outside of the fencing. The land adjacent to the pond appears to have been cleared / disturbed and now supports ruderal and sparse grass vegetation with scattered sapling trees.



Pond to the west of the survey area



Pond to the west of the survey area



Land between the site and the pond.

### 3.2 Evidence of Protected Species

During the inspection of the site notes were made on the suitability of habitats for protected species and any sightings or signs of protected species were recorded:

- The suitability of habitats for badger (*Meles meles*) was recorded and any evidence of badgers including setts, dung pits, badger paths, hairs, bedding, footprints and scratching trees was noted.
- Trees with features suitable for roosting bats were noted, such as hollows (e.g. old woodpecker holes), cracks and cavities within trunks and branches, crevices behind loose bark and ivy growth on trunks.
- The suitability of habitats was assessed for reptiles such as Grass snake (*Natrix natrix*) and amphibians (including great crested newts - *Triturus cristatus*).
- The suitability of site was assessed for nesting birds.

Surveying in January is a sub-optimum time for many protected species. However, an experienced surveyor can make reliable judgements about the quality and composition of habitats and their potential suitability for protected species. Only an initial assessment of the site was made and no stage 2 surveys were carried out. As such, a lack of evidence of a protected species does not necessarily indicate an absence of these species. The table below provides a summary of the potential for protected species to be present within the site.

| Species                          | Present within 1km | Connectivity                                                                                                                                   | Suitable habitat on site / evidence of presence                                                                                                                                                                                          | Likelihood of presence on site                                                                                                             |
|----------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Nesting Birds</b>             | Yes                | Reasonably good via surrounding open agricultural land.                                                                                        | No evidence of any ground nesting within the site or use of the buildings for nesting was identified. Some ground nesting could take place in the dense vegetation in the future and around the margins of the fishing pond to the west. | Negligible within the existing buildings. Measures to protect nesting birds will be required as part of any proposed vegetation clearance. |
| <b>Reptiles</b>                  | Yes                | Poor due to management of use of the surrounding arable land and lack of optimal habitat in this area.                                         | Marginal areas of the site are suitable for species such as grass snake but the relative isolation and lack of local records makes it unlikely significant numbers are present.                                                          | Low potential but individual reptiles such as Grass Snake may be present within the marginal areas of the site.                            |
| <b>Amphibians</b>                | Yes<br>No<br>GCN   | The presence of a pond to the west makes access to the site by amphibians easily possible although GCN appear unlikely to be present.          | The majority of the habitat within the site is sub-optimal for amphibians and there are few records in this area. Some amphibians could be present in the dense vegetation within the site closer to the pond.                           | Low potential but individual amphibians such as Common Frog or Common Toad may be present within the marginal areas of the site.           |
| <b>Bats</b>                      | Yes                | Limited as the surrounding land is very open and exposed with few significant trees. The fishing pond to the west could attract foraging bats. | No buildings with roost potential identified. No trees with roost potential identified. Some foraging along the site boundaries and associated with the nearby pond is considered quite likely                                           | No further surveys for roosting bats are recommended.                                                                                      |
| <b>Badger and larger mammals</b> | Yes                | Reasonable accessibility to the site from surrounding agricultural land.                                                                       | No field sign of badger was found in any part of the site area assessed and the site is secured on all sides by palisade fencing.                                                                                                        | Foraging across the site area is very unlikely in the future.                                                                              |

**Birds:** The local area supports a range of bird species which includes some Schedule 1 species. During the inspection of the buildings, open hardstanding and dense bramble / ruderal vegetation colonising the open land no evidence of nesting birds was found. The dense bramble and ruderal vegetation within the survey area may support nesting birds in the future but no redundant nests were noted during the inspection. No activity or evidence of Schedule 1 bird species was seen during the site inspection and there was no evidence of any significant nesting activity associated with any of the buildings inspected.

The presence of nests within the bramble / ruderal vegetation is considered likely in the future. ***Measures to avoid disturbance to any nests or nesting activity will need to be considered within any development.***

**Reptiles:** The walkover survey of the site area was completed on a grid pattern (as far as was possible) looking for evidence or indication of reptiles. No sightings or physical evidence of reptiles was seen during the inspection completed in January which is not within the optimum survey period for these species. The bramble and ruderal vegetation is becoming quite dense in places and this may provide sufficient cover to present opportunities for commuting and foraging by reptiles such as grass snake to be present.

The presence of significant numbers of grass snake within the site interior is unlikely as there is negligible cover and foraging potential in this area. However, there may be a small number of individual reptiles where the vegetation is becoming better established and ***measures to protect reptiles are recommended as part of any ground preparation work associated with any proposed development.*** This will take to the form of inspection by an ecologist prior to ground clearance.

**Amphibians:** There are no recorded populations of GCN within 1km of the site and the survey area does not contain any ponds or wetland habitat. However there is a pond to the west and it is possible that this may have been colonised by a small population of common amphibians. These may be using the vegetated areas of the site where there is no hardstanding for foraging purposes. ***Measures to protect amphibians are recommended as part of any ground preparation work associated with any proposed development.*** This will take to the form of inspection by an ecologist prior to ground clearance.

**Chiroptera:** There are no trees with features of potential interest to roosting bats identified within or around the margins of the site area.

None of the buildings inspected display any field signs of roosting bats and none have any significant features of potential interest to roosting bats. Further surveys for roosting bats are not recommended. The use of the pond to the west of the survey area for foraging by local bats is quite likely but significant foraging activity within the site interior is considered to be unlikely.

**Invertebrates:** The area assessed is dominated by buildings and hardstanding and does not support a diverse range of flora. It is not in a location where there is a high density of nectar producing plants present in the surrounding landscape that will support a significant range of invertebrates although there is likely to be a reasonable invertebrate population associated with the pond to the west. The potential for a significant assemblage of invertebrates to be present within the survey area is quite low at the present time and further invertebrate surveys are not recommended.

**Mammals:** During the inspection of the survey area a thorough search for evidence of badger was completed. No significant established tracks or trails indicative of badger activity were found within the site area or along the margins of the adjacent agricultural land. There are records of badger in land to the north west but no records within 250m of the site. Since the site is sub-optimal habitat for badger and it is also secured effectively by palisade fencing, the potential for foraging by badger across this area in the future is considered very unlikely and further surveys are not recommended.

The potential presence of Hedgehog (*Erinaceus europaeus*) cannot be ruled out as there are local records of this species being seen within the surrounding 1km area. Measures to protect hedgehogs should be taken and this should include an inspection of any vegetation by an ecologist ahead of clearance work being carried out. Any found should be moved to a temporary refugia located in a suitable position around the north-western edge of the pond.

### 3.3 Ecological Constraints and Opportunities

#### **Constraints:**

No significant ecological constraints have been identified during the survey.

- There is potential for nesting birds to be present associated with the dense Bramble / Ruderal vegetation colonising parts of the site area and this should be removed outside of the nesting season or only after inspection by an ecologist.
- There is potential for hedgehogs to be present within the site, particularly around the site boundaries.

- Any vegetation to be removed should be preceded by a search by an ecologist to confirm that there are no reptiles or amphibians present. Any found should be moved to an area around the pond where they can remain undisturbed by further works.

#### **Opportunities:**

Given the location of the area surveyed on the edge of open agricultural land there is potential for significant ecological enhancements to be included within the scheme to enhance biodiversity.

- Bat boxes and bird boxes could be erected at suitable positions affixed to the any new buildings constructed on the site or on retained boundary trees.
- Refugia suitable for hedgehogs and reptiles could be constructed in suitable positions in landscaped areas where these will be accessible to these species.
- Any landscape planting should utilise native species to promote diversity.

### **Part 3: Initial Ecological Appraisal**

#### **4. Impact of Proposed Site Development**

Within the NPPF 2019, guidance on the provision or retention of biodiversity within any proposed areas for development and measures to ensure the safeguarding of protected species are provided. Development should seek to contribute a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

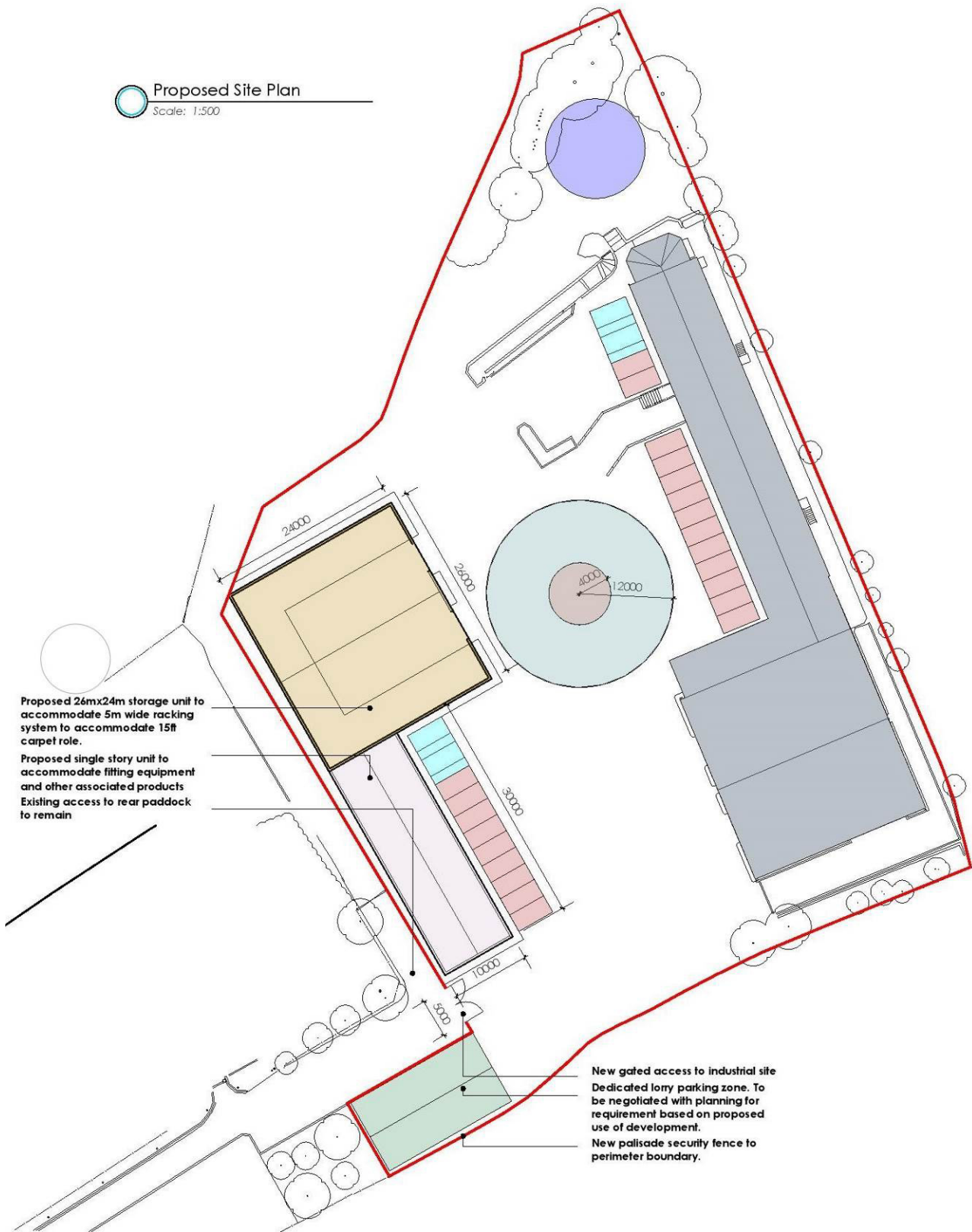
The NPPF para 170 stresses that planning policies and decisions should contribute to and enhance the natural and local environment by a variety of measures including minimising impacts on and providing net gains for biodiversity. This is reinforced by Planning Practice Guidance (PPG) which identifies that 'a key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan' (PPG natural environment Paragraph: 009 Reference ID: 8- 009-20190721).

The conceptual proposals for the survey area require two of the existing buildings to be removed and replaced with new commercial buildings. **Figure 4** below is a copy of the conceptual development plan provided by the Architect for assessment. This report is not intended to be a suitable alternative to an Ecological Impact Assessment (EclA) in accordance with the CIEEM Guidelines on Ecological Impact Assessment, 2016.

As noted within this report, the 'mitigation hierarchy' described in British Standard BS 42020:2013 should be applied in regard to biodiversity within sites being considered for development which is a stepwise process:

- **Avoidance** – avoiding adverse effects through good design.
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects.
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm.
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5).



**Figure 4 – Conceptual Development Plan**

The table below considers the features present on the site in the context of the hierarchy.

| Feature                     | Ecological Significance | Hierarchy application | Impact of proposed development                                                                                                     |
|-----------------------------|-------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Commercial buildings        | Negligible              | None                  | The two large buildings will be retained. The two smaller buildings will be demolished and replaced with new commercial buildings. |
| Hardstanding                | Negligible              | None                  | The hardstanding will be retained and extended                                                                                     |
| Ruderals and Ephemerals     | Low                     | Mitigation            | Loss of the existing vegetation will be partly offset by new landscape planting within the site interior.                          |
| Boundary trees and hedgerow | Moderate                | Avoidance             | All of the boundary trees and hedgerow appear to be retained and incorporated into landscaped areas.                               |
| Pond (off-site)             | High                    | Avoidance             | The pond lies outside of the development area and will not be disturbed.                                                           |

#### 4.1 Potential Impact on nearby Statutory and Non-statutory sites

There are no Statutory or Non-statutory sites nearby that could potentially be impacted by the removal of the two buildings and replacement of these as part of proposed redevelopment works within the site area. The nearest LWS sites are Little Moats hedgerow and Little Moats Grassland situated over 200m to the south west of the area surveyed.

#### 4.2 Impact of the Proposals on Site Biodiversity

The level of biodiversity within the site being assessed must be a consideration in determining the impact on biodiversity that may arise from any development on the site. Within the NPPF 2019 it states that any development proposal should seek to “*contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.....*”

Within the Guidance it specifically states that “*Planning.... decisions should contribute to and enhance the natural and local environment by.....protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.....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.*”

The survey area comprises buildings, hardstanding, small areas of ground colonised by bramble and ruderals with some areas along the boundaries of the site where trees and a hedgerow are present. The proposal is to remove two of the existing buildings and provide land for replacement of these with new buildings and additional parking / external storage areas.

The area surveyed contains no significant ecological features and the proposals shown within Figure 4 appear to retain all of the significant boundary vegetation comprising trees and a hedgerow which provide partial screening to the site area. No evidence of any significant locally rare plants or plant communities within or around the site area surveyed was identified during the survey.

Assuming the boundary vegetation is retained as indicated on the conceptual development plan, it is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity.

#### 4.3 Impact of the Proposals on Protected Species

The requirements of Part IV of ODPM / Defra Circular 06/2005 in regard to the protection of certain species are still applicable under NPPF. The presence of protected species at the site must be taken into consideration. Under the requirements of the NPPF provision in relation to the presence of protected species on, or making use of, a site proposed for any development must be taken into account. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined or where the impact on protected species is considered to outweigh the benefit of development.

The inspection completed in January 2023 did not identify any evidence of protected species within the survey area. However, there is potential for the following mitigation measures to be required in the future during any approved works:

**Birds:** There is negligible potential for nesting birds to be present within the buildings or hardstanding area. The dense bramble and ruderal vegetation in parts of the site has potential to support nesting birds and if any sections need to be cleared this should be completed outside of the nesting season or be preceded by an inspection by an Ecologist to ensure no nesting birds are present or determine what mitigation measures to protect nesting birds are required.

**Herpetofauna:** Whilst it is unlikely that significant numbers of reptiles or amphibians will be present within the survey area due to the character and location of this, it is recommended that as a precaution and vegetation should be inspected by an Ecologist prior to clearance of this. Any reptiles or amphibians which may be found can then be moved to a position around the north-western margin of the pond.



Christopher Barker CEnv ACIEEM

## REFERENCES

*National Planning Policy Framework 2019 as amended*. Department for Communities and Local Government. HMSO

JNCC (2010). *Handbook for Phase 1 habitat survey: a technique for environmental audit (revised reprint)*. JNCC: Peterborough.

*British Standard 42020 – British Standard for Biodiversity: Code of Practice for planning and development*. British Standards Institute 2013.

*The Conservation (Natural Habitats &c.) Regulations 1994: Statutory Instrument 1994 No 2716*. OPSI. HMSO.

English Nature (2004). *Guidelines for Developers*. English Nature, Peterborough

Stace, C (2005) *Field Flora of the British Isles*. Cambridge University Press.

*Trees of Britain and Northern Europe*. A Mitchell. Collins 1998

*Trees and Bushes of Britain and Europe*. O Polunin. Paladin Press 1998.

*Grasses, Sedges, Rushes and Ferns of Britain and Northern Europe. Field Guide*. Collins 1987.

*Wildflowers of Britain*. R Phillips. Pan Books. 1990.

Cheffings, C.M. & Farrell, L. (Eds), Dines, T.D., Jones, R.A., Leach, S.J., McKean, D.R., Pearman, D.A., Preston, C.D., Rumsey, F.J., Taylor, I. 2005. *The Vascular Plant Red Data List for Great Britain. Species Status 7*: 1-116. Joint Nature Conservation Committee, Peterborough.

Bat Surveys for Professional Ecologists: Good Practice Guidelines (2016). Collins - Bat Conservation Trust.

Froglife. 1999. Reptile Survey. *An Introduction to Planning, Conduction and Interpreting Surveys for Snake and Lizard Conservation*. Froglife Advice Sheet 10. Froglife.

Gent, A.H. and Gibson, S.D., eds. 1998 *Herpetofauna Workers' Manual*. Peterborough, Joint Nature Conservation Committee.

Guidelines for Preliminary Ecological Appraisal, 2<sup>nd</sup> Edition (2017). Institute of Ecology and Environmental Management (CIEEM)

Guidelines for Ecological Impact Assessment (EclA) in the UK and Ireland (2018). Institute of Ecology and Environmental Management (CIEEM)

### *Web references*

MAGIC: Designated area data downloaded from URL <http://www.magic.gov.uk.html>

National Biodiversity Network: Protected species data downloaded from URL <http://data.nbn.org/interactive/map>

## Appendix 1 – Plant Species List

| <b>Tree and Shrub Species</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Ground Flora and Perennial Species</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Apple <i>Malus sylvestris</i><br>Ash <i>Fraxinus excelsior</i><br>Blackthorn <i>Prunus spinosa</i><br>Butterfly Bush <i>Buddleia davidii</i><br>Cotoneaster <i>Cotoneaster sp</i><br>Dog Rose <i>Rosa canina</i><br>Dogwood <i>Cornus sanguinea</i><br>Elder <i>Sambucus nigra</i><br>Euonymous <i>Euonymous sp</i><br>Goat Willow <i>Salix caprea</i><br>Gorse <i>Ulex europaeus</i><br>Hawthorn <i>Crataegus monogyna</i><br>Holly <i>Ilex aquifolium</i><br>Oak <i>Quercus petraea</i> | Bindweed <i>Calystegia sepium</i><br>Black Medick <i>Medicago lupulina</i><br>Bramble <i>Rubus fruticosus</i><br>Chickweed <i>Stellaria media</i><br>Cleaver <i>Galium aparine</i><br>Climbing Ivy <i>Hedera helix</i><br>Cow Parsley <i>Anthriscus sylvestris</i><br>Creeping Buttercup <i>Ranunculus repens</i><br>Dandelion <i>Taraxacum sp</i><br>Dock <i>Rumex obtusifolius</i><br>Feverfew <i>Tanacetum parthenium</i><br>Herb Robert <i>Geranium robertianum</i><br>Lesser Willowherb <i>Epilobium hirsutum</i><br>Mayweed <i>Chamomilla suaveolens</i><br>Mignonette <i>Reseda lutea</i><br>Mugwort <i>Artemisia vulgaris</i><br>Nettle <i>Urtica dioica</i><br>Nipplewort <i>Lapsana communis</i><br>Perennial Ryegrass <i>Lolium perenne</i><br>Plantain <i>Plantago lanceolata</i><br>Prickly Sowthistle <i>Sonchus asper</i><br>Ragwort <i>Senecio jacobaea</i><br>Willowherb <i>Epilobium angustifolium</i><br>Yorkshire Fog <i>Holcus lanatus</i> |

This species list records the species seen during the site inspection and is not presented as a detailed botanical survey of the site.

## **Appendix 2 – Biological Records from Leicestershire and Rutland Biological Records Centre**

**Separate Appendix**