

Preliminary Ecological Appraisal

Aldi, Watling Street, Hinckley

A Report to: Avison Young Ltd
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Quality Assurance

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Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide **opinions**.

Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned **and prepared**.

Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

Non-Technical Summary

Project Background

In May 2023, Avison Young Ltd commissioned Middlemarch to undertake a Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment and Badger survey of the site of a proposed development at Aldi, Watling Street, Hinckley. These assessments are required to inform a planning application associated with the extension of the existing supermarket.

Scope of Surveys

To fulfil the above brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken. A Preliminary Bat Roost Assessment of the building and trees was also carried out on site in line with the specifications detailed in Bat Mitigation Guidelines (English Nature, 2004)¹ and Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)².

The ecological walkover was carried out on 19th May 2023 by Dorothy Dunne MSc (Ecological Project Officer) and Carol Flaxman BSc (Hons) ACIEEM (Principal Ecological Consultant). The Preliminary Bat Roost Assessment was carried out on 5th June 2023 by Dorothy Dunne (Ecological Project Officer) and Helen Griffin BSc (Hons) ACIEEM (Principal Ecological Consultant and holder of a Class 18 bat licence). An initial review of the ecological data was subsequently carried out to determine the features of ecological importance, bat roosting potential, and to identify the presence of absence of badger on site as well as a preliminary assessment of the potential impacts the proposed development could have on these features.

Potential Impacts on Important Ecological Features

Based on the current understanding of the site proposals and anticipated impacts, the following ecological features have been identified:

- Kendall's Meadow SSSI risk zone
- Non-statutory sites: the River Anker potential LWS
- Habitats: hedgerow and scattered trees
- Fauna species: bats, badger, hedgehog, and birds

Recommendations

In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity where possible, the following recommendations are made (full details are provided in Chapter 7):

Further Ecological Surveys	Bats – Dusk emergence/dawn re-entry surveys.
Scheme Design	The proposed development should apply the following principles: ● Avoidance and Mitigation – the proposed development should seek to minimise losses of scattered trees and the hedgerow, in the first instance and incorporate these features in the landscaping layout of the scheme where possible. ● Compensation – where unavoidable losses occur and mitigation cannot be provided, compensation will be required. This could include the remediation of lost habitats and/or connectivity, the creation of new habitats of ecological value and providing novel compensation solutions to ensure compliance with UK wildlife legislation.

¹ English Nature (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough.

² Collins, J. (ed). (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Ed.)*. The Bat Conservation Trust, London.

	The development should also secure an overall net gain for biodiversity, where feasible.
General Safeguarding Measures	The following safeguards and appropriate working practices should be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation: ● <u>Protection of Adjacent potential LWS:</u> Development standoffs and safeguards for all retained habitats including River Anker potential LWS located adjacent to the site. ● <u>Nesting Birds:</u> Vegetation clearance and building works should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed or building impacted should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. ● <u>Terrestrial Mammals:</u> Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
Invasive Species	The works must not cause cotoneaster species to spread in the wild. They must either be left in situ or removed with care during vegetation clearance and disposed of in an appropriate manner.

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1. Introduction

1.1. Project Background

In May 2023, Avison Young Ltd commissioned Middlemarch to undertake a Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment, and Badger Survey of the site of a proposed development at Aldi, Watling Street, Hinckley. These assessments are required to inform a planning application associated with the extension of the existing supermarket and car park.

The purpose of the Preliminary Ecological Appraisal is to identify the features of ecological importance on site and provide a preliminary assessment of the potential impacts the proposed development could have on these features. A Preliminary Bat Roost Assessment was undertaken to assess the potential for the building and trees on site to support roosting bats.

All UK bat species and badgers are legally protected species and they are capable of being material considerations in the planning process. A summary of the legislation protecting bats and badgers are included within Appendix 2.

1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Location	Aldi, Watling Street, Hinckley
National Grid Reference	SP 3965 9332
Site Area (ha)	0.76
Topography	The site is located on flat ground.
Land Cover (on site)	The site is dominated by the built environment including a car park and supermarket building. A strip of semi-improved neutral grassland was located along the western and northern boundaries and a dry ditch was present along the edge of the grassland in the north. Scattered trees and areas of ornamental planting were present around the existing car park. Scattered scrub was present to the north west of the building. A ditch supporting water was located offsite at the south west corner.
Land Cover (site surrounds)	The wider landscape is comprised of arable fields and urban buildings. The site was adjacent to the north of the A5. The town of Nuneaton was located south-west of site and Hinckley to the north-east.

Table 1.1: Summary of Site and Surroundings

1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project as listed in Table 1.2 below.

Document / Drawing Number	Author
Existing Site Plan K22A02-P002A	STOAS Architects Ltd
Proposed Site Plan K22A02-P003A	STOAS Architects Ltd

Table 1.2: Documentation Provided by Client

2. Methods

2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites;
- Leicestershire and Rutland Environmental Records Centre; and,
- Warwickshire Biological Records Centre.

The desk study included a search for:

- Landscape Scale Conservation Initiatives;
- European statutory nature conservation sites in the UK (now referred to as the 'National Site Network') within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats);
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.
- Statutory nature conservation sites designated for bats within a 10 km radius of the site.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Appendix 1).

2.2 Phase 1 Habitat Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee³ and the Institute of Environmental Assessment⁴. Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, a Habitat Condition Assessment was carried out to determine the ecological status of each habitat recorded. The condition assessment was undertaken using criteria published by Natural England (2023)⁵, the details of which are presented in Section 8.

³ Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint)*. Joint Nature Conservation Committee, Peterborough.

⁴ Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment*, Institute of Environmental Assessment. E&FN Spon, An Imprint of Chapman and Hall. London.

⁵ Natural England (2023) *The Biodiversity Metric 4.0 – User Guide: Technical Annex 1 Condition Sheets and Methodology*. Natural England Joint Publication JP039. Available <http://publications.naturalengland.org.uk/publication/6049804846366720>

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles).

The Phase 1 Habitat survey was carried out on 19th May 2023 by Dorothy Dunne MSc (Ecological Project officer) and Carol Flaxman BSc (Hons) ACIEEM (Principal Ecological Consultant). Table 2.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	16
Cloud (%)	90
Wind (Beaufort)	F1-2
Precipitation	Dry

Table 2.1: Weather Conditions During Field Survey

Field Survey Constraints and Limitations

There were no constraints experienced during the Preliminary Ecological Appraisal field survey.

2.3 Preliminary Bat Roost Assessment Field Survey

A Preliminary Bat Roost Assessment of the building and trees was carried out on site in line with the specifications detailed in Bat Mitigation Guidelines (English Nature, 2004)⁶ and Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)⁷. The assessment was conducted on 5th June 2023 by Dorothy Dunne (Ecological Project Officer) and Helen Griffin BSc (Hons) ACIEEM (Principal Ecological Consultant and holder of a Class 18 bat licence (2017-31629-CLS-CLS)). Weather conditions were recorded and are presented in Table 2.2.

Parameter	Condition
Temperature (°C)	17
Cloud (%)	70
Wind (Beaufort)	F2-3
Precipitation	dry

Table 2.2: Weather Conditions During Preliminary Bat Roost Assessment

A visual assessment was conducted during daylight hours of the building and trees to determine the presence of any Potential Roost Features (PRFs), together with a general appraisal of the suitability of the site for foraging and commuting bats. Please refer to Appendix 3 for a list of example PRFs. Any accessible PRFs were inspected using binoculars, a torch and endoscope for evidence of possible bat presence. The building was only surveyed externally as there was no internal access.

⁶ English Nature (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough.

⁷ Collins, J. (ed). (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Ed.)*. The Bat Conservation Trust, London.

For reasons of health and safety, the survey was only undertaken in areas accessible from 3.5 m ladders.

Based on the PRF's present, the survey area was assessed using the suitability classes detailed within Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)⁷, as detailed in Table 2.2. Trees with features present that are suitable to support roosting bats (high and moderate suitability) are discussed more fully in the report.

A summary of the trees within the survey area without suitable features to support roosting bats (low and negligible suitability) is provided within the report. Due to their negligible potential to support roosting bats, the Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)⁷ recommend no further survey work is required for these tree classes.

Suitability	Description
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. A tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed). A tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Negligible	Negligible habitat features on site likely to be used by roosting bats.

Table 2.2: Classification of Buildings and Trees with Bat Potential (Adapted from Collins, 2016)⁷

Field Survey Constraints and Limitations

Internal access to the roof void was not permitted as the store was operational and the building was only assessed externally. Furthermore, due to the height of the building and height of the potential bat roosting features found, it was not possible to fully inspect all features noted, i.e. those within the soffits. However, based on the features noted externally, it has been possible to complete an initial assessment of the suitability of the building.

2.4 Preliminary Evaluation

The Preliminary Evaluation is an initial review of the ecological data (desk study and Phase 1 Habitat Survey) to identify important ecological features in the context of the site. Important ecological features are those that by virtue of their legal status, their inclusion in any national policy or plan, or their rarity or contribution to local ecological networks, are worthy of further consideration in the planning system. This typically includes statutory or non-statutory nature conservation sites, species protected by law, Habitats and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and Biodiversity Opportunity Areas outlined in local policy.

3. Desk Study

3.1 Landscape Initiatives

No existing landscape initiatives were found within the survey area or its immediate surroundings.

3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.1. The site is not located within 10 km of any statutory nature conservation sites designated for the presence of bats.

Site Name	Designation	Proximity to the Survey Area	Description
Non-statutory Sites			
River Anker	LWS (potential)	Adjacent south-west boundary	A watercourse lined with trees, with the surrounding habitat comprising arable land and improved grassland. This site is an important wildlife corridor supporting populations of water vole <i>Arvicola amphibius</i> and otter <i>Lutra lutra</i> .
Hinckley, Ashby Canal and adjacent grassland	LWS (potential)	630 m north-east	No citation provided.
Hinckley, A5 oak near Padge Hall farm access	LWS (candidate)	710 m south-east	An English oak <i>Quercus robur</i> .
Railway Embankment - Leicester to Birmingham line	Ecosite	880 m south	This site contains a variety of habitats including hedges, tall herb and grassland. With the linear site containing hawthorn <i>Crataegus monogyna</i> scrub, ash <i>Fraxinus excelsior</i> , oak <i>Quercus</i> sp., and silver birch <i>Betula pendula</i> .
Key: LWS: Local Wildlife Site Ecosite: Sites of Ecological Value			

Table 3.1: Summary of Nature Conservation Sites

The survey area is located within multiple SSSI Impact Risk Zones, with the closest being Kendall's Meadow SSSI 4,670 m north.

3.3 Habitats

Table 3.2 summarises known priority or notable habitats within a 1 km radius of the site.

Habitat Type	No. of Records	Location of Nearest Record
Deciduous Woodland	7	420 m north-west

Table 3.2: Summary of Priority/Notable Habitats

3.4 Protected / Notable Species

Table 3.3 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Amphibians					
Common frog <i>Rana temporaria</i>	1	2014	790 m north-east	-	WCA 5 S9(5)
Common toad <i>Bufo bufo</i>	1	2014	790 m north-east	✓	WCA 5 S9(5)
Great crested newt <i>Triturus cristatus</i>	2	2016	790 m north-east	✓	ECH 2, ECH 4, WCA 5
Smooth newt <i>Lissotriton vulgaris</i>	1	2014	790 m north-east	-	WCA 5 S9(5)
Birds					
Barn owl <i>Tyto alba</i>	1	2017	670 m north-west	-	WCA1i
Mammals - Bats					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	5	2018	Within site boundaries	-	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	2	2000	240 m south-west	#	#
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	2	2016	500 m west	✓	ECH 4, WCA 5, WCA 6
Pipistrelle <i>Pipistrellus</i> sp.	1	2016	500 m west	#	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	1	2014	*	✓	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	1	2014	*	✓	ECH 4, WCA 5, WCA 6
Unidentified myotis <i>Myotis</i> sp.	1	2014	*	-	ECH 4, WCA 5, WCA 6
Mammals - Others					
Water vole <i>Arvicola amphibius</i>	5	2016	240 m south-east	✓	WCA 5
Hedgehog <i>Erinaceus europaeus</i>	8	2021	370 m west	✓	WCA 6

Table 3.3: Summary of Protected/Notable Species Records (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Reptiles					
Grass snake <i>Natrix helvetica</i>	1	2021	770 m north-west	✓	WCA 5 S9(1), WCA 5 S9(5)
Key: #: Dependent on species. *: Potentially within a 1 km radius (grid reference provided was four figures only) ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.					

Table 3.3: Summary of Protected/Notable Species Records (continued)

Birds

The desk study provided records of twelve bird species listed as Species of Principal Importance found within a 1 km radius comprising herring gull *Larus argentatus*, skylark *Alauda arvensis*, reed bunting *Emberiza schoeniclus*, grey partridge *Perdix perdix*, yellowhammer *Emberiza citrinella*, linnet *Linaria cannabina*, yellow wagtail *Motacilla flava*, house sparrow *Passer domesticus*, dunnoek *Prunella modularis*, bullfinch *Pyrrhula pyrrhula*, starling *Sturnus vulgaris*, and song thrush *Turdus philomelos*.

The desk study provided records of swift *Apus apus*, a species listed under RSPB Red found within a 1 km radius.

The desk study provided records of wren *Troglodytes troglodytes*, a species listed under RSPB Amber found within a 1 km.

Invertebrates

The desk study provided records of white ermine *Spilosoma lubricipeda* moth and cinnabar *Tyria jacobaeae* moth listed as Species of Principal Importance found within a 1 km radius.

Plants

The desk study provided records of seven plant species listed under Local Rare Plant Register comprising buck's-horn plantain *Plantago coronopus*, medlar *Mespilus germanica*, small-leaved lime *Tilia cordata*, columbine *Aquilegia vulgaris*, greater celandine *Chelidonium majus*, stone parsley *Sison amomum*, and bee orchid *Ophrys apifera*.

3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
Curly waterweed <i>Lagarosiphon major</i>	1	2017	**	WCA 9
Giant hogweed <i>Heracleum mantegazzianum</i>	2	2017	**	WCA 9
Japanese knotweed <i>Fallopia japonica</i>	1	2015	**	LISI 3, WCA 9
Yellow archangel <i>Lamium galeobdolon</i> <i>subsp. argentatum</i>	1	2015	**	LISI 4, WCA 9
Key: **: Potentially within a 1 km radius. Grid reference given to four figures only. WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 3.4: Summary of Invasive Species Records

4. Survey Results

4.1 Introduction

A Phase 1 Habitat Survey Drawing (C160472-04-01), illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 8. Detailed habitat descriptions and a summary of the condition assessment for each habitat type using criteria published by Natural England (2023)⁵ is also included in Chapter 8.

4.2 Habitats

Table 4.1 details the types, extent and ecological condition of the habitats which were recorded on site during the field survey visit. Photographs taken during the field survey are presented in Chapter 9.

Habitat	Area (ha) / Length (km)	Condition	Photo Reference
Semi-improved neutral grassland	0.20 ha	Poor	9.1
Scattered trees	14 trees (including 11 small and 2 medium trees)	Moderate	-
Dense scrub (bramble)	0.007 ha	N/A	9.2
Scattered scrub (mixed)	0.01 ha	Poor	9.3
Ornamental planting	0.04 ha	N/A	9.4
Hardstanding	0.37 ha	N/A	9.5
Buildings	0.14 ha	N/A	9.5
Dry ditch	0.07 km	Poor	9.6
Ditch (off site)	N/A	N/A	9.7
Species poor hedgerow	0.12 km	Good	9.1

Table 4.1: Summary of Habitats Recorded on Site

4.3 Preliminary Bat Roost Assessment

Building – External Assessment

The building on site was an occupied supermarket building. It was approximately one and half storeys high. The building was constructed of brick and had a pitched roof with solar panels. Overall, the building was in good condition. The findings of the survey are shown on Drawing C160472-04-02.

The eastern and western elevations

The roof and walls were mostly well sealed. However, there were some minor gaps noted where the soffits adjoin the elevation walls, which may provide direct access into the soffit box (Plate 9.8). At these elevations, the soffits were constructed of metal, which lacks thermal stability, meaning

the gap into the soffit would have limited suitability for roosting bats. Most of the gaps present were heavily cobwebbed indicating they had not been frequently or recently used by bats. However, some gaps were clear of debris/cobwebs and may extend into a cavity, which may be suitable for roosting bats. It was not possible to fully inspect these features.

Southern elevation

The southern elevation was largely constructed from a glass frontage with metal cladding up to the pitch of the gable end. A section of the southern elevation was on the same construction as the east and west elevations with brick wall and metal soffits. There were gaps noted in the soffit, however, these were narrow and heavily cobwebbed, limiting their suitability for roosting bats.

Northern elevation

The north elevation was brick wall up to the pitch of the gable end with timber soffits present. A small single storey delivery bay was attached to the north elevation constructed of the same materials with timber soffits.

There were occasional gaps noted in the roof tiles on the single storey extension. Gaps were noted where the soffit meets the wall and a gap was also noted at the apex of the roof which may also provide access for fauna into the soffit. In the north-east corner of the building, there was damage to the soffit with a hole in the timber boards, warped / lifted metal cladding on the underside of the soffit and gaps where the soffit meets the wall (Plate 9.10). When viewed from the ground these features did not appear to be heavily cobwebbed or obstructed with debris.

Roosting Potential

Overall, no evidence of bats in the form of droppings, scratch marks, urine staining etc were found. However, due to the lack of internal assessment and the presence of potential roosting features noted around the building, the building was considered to have high potential to support roosting bats.

Trees

The trees were all in good condition and no features suitable for use by roosting bats were noted; all trees on site are of negligible suitability.

4.4 Protected / Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Species/Group	Description
Amphibians	There were no ponds or suitable water bodies found on site. The ditch on site was dry at the time of the survey and unlikely to provide suitable habitat for great crested newts or common amphibians. The site mainly comprised of hardstanding and grassland and is surrounded by arable fields to the north and west which are not favourable for great crested newts or other common amphibians. The semi-improved grassland and hedgerow provides opportunities for sheltering and foraging amphibians.
Bats	As detailed above, the building on site is of high suitability for use by roosting bats. The scattered trees present on site were young to semi-mature and did not appear to have any suitable bat roosting features. The majority of the site comprises building and hardstanding with limited opportunities for foraging and commuting bats. The hedgerow contributes to the

	diversity of habitats on site and provides habitat connectivity to other habitats in the wider area, including a woodland to the west of the site. Due to the use of the site and its location, it is possible that it will be illuminated which may discourage bats from using the site for foraging purposes. Overall, the site is considered to be of low suitability for foraging and commuting bats.
Badger	The hedgerow and grassland on site provide suitable habitat and potential sett building opportunities for badger and there were some mammal paths noted on site. However, no evidence of badger presence (latrines, hair etc.) or setts were found during the survey. Due to the location of the site and the immediate surrounds, it is possible that badger may occasionally commute through the site.
Hedgehog and other small mammals	The hedgerow, ornamental planting, and semi-improved grassland on site provides refuge and foraging opportunities for hedgehogs. Residential gardens to the east of the site also provide suitable habitat and it is possible that hedgehog may commute through the site. Feeding remains indicative of bank or field vole <i>Myodes glareolus</i> / <i>Microtus agrestis</i> were found on an earth mound in the grassland in the north of site (Target note F3).
Birds	The hedgerow, ornamental planting and trees provide good foraging and nesting opportunities for birds on site and the building may also be used by nesting birds. In addition, a robin <i>Erithacus rubecula</i>, great tit <i>Parus major</i>, and blackbird <i>Turdus merula</i> were observed using the site during the survey. Overall, the site does provide good opportunities for birds and is of good value to birds.
Water vole and Otter	The ditch present in the north of the site was dry and was not considered suitable for otter or water vole and there were no other water bodies within the site boundary. The ditch adjacent to site in the south-west supported water and aquatic vegetation for foraging water vole and Middlemarch are aware of a water vole population to the south of the A5.
Reptiles	The edges of the scrub and grassland habitats on site provide opportunities for reptiles, however this was limited in extent. There was also limited connectivity between the site and optimal reptile habitats.
Dormouse	The site does not have any woodland habitats and the hedgerow on site was not considered suitable for dormouse. In addition, the site has no connectivity to any suitable habitats for dormouse. Overall, the site was considered to have no value to dormouse.
Invertebrates	The site had no suitable habitat for aquatic invertebrates. A speckled wood butterfly <i>Pararge aegeria</i> was observed within the grassland on site. The site has plant species in the grassland, hedgerow, and ornamental planting providing opportunities for pollinating terrestrial invertebrates.

Table 4.2: Summary of Species/Species Evidence Recorded on Site

4.5 Invasive Species

Two invasive species of cotoneaster were found on site, entire-leaved *Cotoneaster integrifolius* (Target note F2) and wall cotoneaster *Cotoneaster horizontalis* (Target note F1). These species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which means it is an offence to cause these species to spread in the wild.

5. Preliminary Evaluation

5.1 Landscape Initiatives

The desk study found no existing landscape initiatives within the survey area and its immediate surroundings.

5.2 Nature Conservation Sites

UK Statutory Sites

The site is located within multiple impact risk zones. The closest being Kendall's Meadow SSSI, which is 4,670 m north of site, this is considered further in Section 6.3, below.

Non-Statutory Sites

There are four non-statutory sites located within 1 km of the site. Three local wildlife sites: River Anker (located adjacent to the site); Hinckley, Ashby Canal and adjacent grassland; Hinckley, A5 oak near Padge Hall farm access, and one ecosite: Railway Embankment (Leicester to Birmingham line) ecosite. These sites are considered further in Section 6.3, below.

5.3 Habitats

An evaluation of the importance of each habitat recorded on site is summarised in Table 5.1.

Habitat Type	Important Ecological Feature?	Rationale
Semi-improved neutral grassland	No	Although, this habitat does not meet any initiatives and is not a legally protected habitat, it does contain a good diversity of species and does have some ecological value for fauna which are likely to use the site.
Hardstanding and building	No	The areas of hardstanding and the building have no ecological value however, the building does provide potential opportunities for roosting bats and nesting birds (discussed in Table 5.2).
Species-poor intact hedgerow	Yes	This hedgerow meets the Habitat of Principal Importance criteria and contributes to the diversity of habitats on site. It also provides valuable opportunities for species such as nesting birds and terrestrial mammals.
Dense and scattered scrub	No	The dense scrub is predominantly bramble scrub and the scattered scrub is sparse; both habitats are of low ecological value and can easily be replaced. However, they do provide foraging and nesting opportunities for birds and refuge opportunities for small mammals.
Scattered trees	Yes	The trees increase habitat structure and diversity across the site. The semi-mature trees are also of intrinsic ecological value as they cannot be easily replaced in the short to medium term.

Table 5.1: Preliminary Evaluation of Habitats (continues)

Habitat Type	Important Ecological Feature?	Rationale
Ornamental planting	No	This habitat is of low ecological value and can easily be replaced. However, the habitat does provide opportunities foraging and nesting birds and refuge opportunities for small mammals.
Dry ditch	No	The ditch was dry at the time of survey and has limited ecological value.

Table 5.1 (continued): Preliminary Evaluation of Habitats

5.4 Protected / Notable Species

An evaluation of the potential presence of protected / notable species on site is summarised in Table 5.2.

Species / Species Group	Important Ecological Feature?	Rationale
Amphibians	No	The desk study found two records of great crested newt and three records of other common amphibians. These records were located at least 790 m from site. The site is predominately hardstanding and grassland habitats, which do not provide favourable habitat for amphibians in their terrestrial phase. Furthermore, there are no ponds or suitable waterbodies on site and no suitable ponds within a 500 m radius of the site; a single pond is located approximately 200 m north west, however this is known by Middlemarch to dry annually. Therefore, the potential presence of great crested newt are reasonably discounted and no further surveys are required.
Bats	Yes*	The desk study showed multiple records of at least five species of bat within 1 km of site, with the closest record being on site. Several bat species are Species of Principal Importance, and all bats are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The building on site was assessed as having high potential to support roosting bats and therefore further bat surveys have been recommended. The immediate surrounds and wider area within 1 km of the site contains habitats suitable for roosting, commuting and foraging bats including: residential houses and associated gardens; farmhouses and associated agricultural buildings; running water and standing waterbodies; pockets of woodland; and agricultural fields with tree and hedge lined boundaries. The habitats on site also offer some suitable foraging and dispersal routes along the hedgerow.

Table 5.2: Preliminary Evaluation of Species (continues)

Species / Species Group	Important Ecological Feature?	Rationale
Aquatic mammals	Yes	The desk study provided five records of water vole located at least 240 m south east of the site. Three of these records were associated with Harrow Brook. No records of otter were provided, however, the presence of otter is mentioned in the citation of River Anker potential LWS. The dry ditch on site is not suitable for otter or water vole. The ditch adjacent to the south west of the site is considered suitable for water vole and is a tributary to Harrow Brook where water vole are known to be present (Middlemarch are also aware of a water vole population to the south of the A5). This ditch may also be used by commuting otter. The proposed works will not directly impact the banks of the ditch adjacent to the south west, although a new flap valve is proposed to be installed on the existing outfall. The installation of the valve will not have an impact on the banks and these works will be of a short duration. Resurfacing of the car park is also proposed within 10 m of the bank of the ditch, however, this will only impact existing hardstanding and the extent of the hardstanding in proximity to the bank of the ditch will not change as a result of the works. As the banks will not be directly impacted by the works, no further surveys for water vole are required. As otter may use the watercourse, there is potential that they may occasionally traverse the grassland habitats on site and therefore best practice measures for the protection of mammals should be adhered to during the works.
Reptiles	No	The desk study showed one record of grass snake approximately 770 m north-west of site. The site supported limited opportunities for reptiles and the wider landscape is dominated by arable farmland although there are small pockets of suitable reptiles habitat, however, the site is not connected to favourable reptile habitat. Overall, it is unlikely reptiles will be present on site during the proposed works.
Badger	Yes*	The desk study provided no records of badger within 1 km of the site and there was no evidence of badger found during the survey. However, there are limited sett building opportunities on site although these are limited to the grassland and hedgerow. Badgers and their setts are protected under the Protection of Badgers Act, 1992. Although, no evidence of badger sett building was found during the survey, badger may occasionally use the grassland and hedgerow on site for foraging and commuting purposes. Best practice measures for the protection of mammals should be adhered to during the works.
Hedgehog	Yes*	The desk study showed eight records of hedgehog within 1 km of the site, the closest record being 370 m from site. The hedgerow, ornamental planting, and grassland on site provide good refuge and foraging opportunities for hedgehog. Hedgehog are listed as a Species of Principal Importance and have some protection under the Wildlife and Countryside Act 1981 (as amended). Due to the potential presence of hedgehog on site and their legal protection, best practice measures for the protection of mammals should be adhered to during the works.

Table 5.2 (continued): Preliminary Evaluation of Species (continues)

Species / Species Group	Important Ecological Feature?	Rationale
Birds	Yes*	The desk study revealed records of multiple species of bird listed as Species of Principal Importance within 1 km of site and one record of barn owl, which are listed on schedule 1 on the Wildlife and Countryside act (as amended). The hedgerow, ornamental planting, and trees on site provide good foraging and nesting opportunities for birds and the building is suitable for nesting birds. Furthermore, birds were observed on site during the survey. No opportunities for roosting or nesting barn owl were identified on site. During any works to the building or trees, the potential presence of nesting birds should be taken into consideration.
Dormouse	No	The desk study revealed no records of dormouse within 1 km of the site. There were no suitable habitats found during the survey, and the site has no connectivity to any suitable woodlands or hedgerows.
Invertebrates	No	The desk study revealed two records of notable invertebrates within 1 km of site. During the survey only common terrestrial invertebrates were observed. Furthermore, the site lacks suitable habitat for aquatic invertebrates. Overall, the site was considered suitable to support only common terrestrial invertebrates. Due to their size and connectivity however, the loss of the small area of suitable habitat is unlikely to have a substantial impact upon invertebrate populations in the long term.
Key: * Features assessed as important ecological features are based on available evidence such as existing records or habitat suitability. Conclusions should be evaluated if and when further information about the status of the species becomes available.		

Table 5.2 (continued): Preliminary Evaluation of Species

5.5 Invasive Species

Entire-leaved and wall cotoneaster are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which prohibits allowing these species to spread into the wild. The potential impact on these species during the works is considered further at Section 6.6.

6. Preliminary Impact Assessment

6.1 Summary of Proposals

The site proposals are to extend the existing supermarket building and will also include the expansion of the hardstanding car park to create additional parking bays. The removal of the existing hedgerow, some of the scattered trees, scrub and much of the grassland will be required to facilitate the proposed works. The proposals will also involve the installation of a new flap valve on the existing outfall in the south west corner of the site. Repairs will also be made to the existing building including re-roofing, replacement of fascias and soffits, rendering brickwork and replacement of cladding to shop front. The proposals are further detailed in the proposed plans (Proposed Site Plan K22A02-P003A).

Construction Phase

The following activities are likely to be associated with the proposed development during the construction phase.

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste; and,
- Presence of and movement of site personnel.

Operational Phase

The following activities are likely to be associated with the operational phase of the proposed development.

- Permanent siting of buildings and structures;
- Frequent movement of heavy goods vehicle, cars and other forms of transportation;
- Use of lighting associated with the car park and building;
- Presence of and movement of site personnel; and,
- Maintenance of landscaping.

6.2 Landscape Initiatives

No existing landscape initiatives were in place within the survey area and its immediate surroundings. Therefore, the proposed development is not expected to impact any landscape initiatives.

6.3 Nature Conservation Sites

UK Statutory Sites

The site is located within multiple impact risk zones, however, the proposed extension does not meet the criteria of any of the risk categories. The closest is Kendall's Meadow SSSI, which is 4,670 m north of site. Given the proximity of the site to the SSSI and the separation of the site by roads, there is no obvious connectivity between the site and the SSSI. Therefore, it is considered unlikely that the proposed development will have an adverse effect on any SSSI's.

Non-Statutory Sites

There are four non-statutory sites located within 1 km of the site; three potential local wildlife sites, and one ecosite.

The River Anker potential LWS is located adjacent to the south west of the site. The proposed works will not have a direct impact on the watercourse although there is potential for indirect impacts during construction, such as via dust pollution and run-off. Best practice measures to be adhered to for the protection of the watercourse will also provide protection to the potential LWS.

The remaining non-statutory sites are located at least 630 m from the site. Given the small scale nature of the proposals and the distance between the site and designated sites, no adverse impacts to these sites are anticipated.

6.4 Habitats

Table 6.1 below summarises the potential impacts on habitat features that are likely to occur as a result of the construction and operational activities of the proposals described in Section 6.1 above. Impacts are considered before mitigation. Only habitats considered to be an important ecological feature are included in the impact assessment.

Species / Species Group	Summary of Potential Impacts
Hedgerow	- Habitat loss and fragmentation. - Habitat damage or degradation during construction works, lighting, or inappropriate post-construction landscape management.
Scattered trees	- Habitat loss and fragmentation. - Habitat damage or degradation during construction works, lighting, or inappropriate post-construction landscape management.

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.5 Protected / Notable Species

Table 6.2 below summarises the potential impacts on species/species groups that could occur as a result of the construction and operational activities of the proposed development described in Section 6.1 above. Only species/species groups considered to be an important ecological feature are included in the impact assessment.

Species / Species Group	Summary of Potential Impacts
Bats	● Potential killing or injury of bats and/or damage, disturbance or fragmentation of a bat roost during the construction and repair works phase. ● Physical loss of fragmentation of bat foraging/dispersal habitat. ● Habitat fragmentation, degradation or displacement of foraging routes due to light spill.
Birds	● Potential killing and injury of birds and their nests and disturbance to nesting birds during the construction phase. ● Physical loss of foraging and nesting habitat.
Hedgehog, otter and badger	● Potential killing and injury during the construction phase. ● Physical loss of habitats required for sett building, foraging and refuge.

Table 6.2: Summary of Potential Impacts on Protected/Notable Species

6.6 Invasive Plant Species

The proposed development could result in the disturbance or spread of an invasive plant species, namely entire-leaved and wall cotoneaster, during the construction phases or as a result of inappropriate post-construction landscape management. A recommendation has been made in Chapter 7, below if these species need to be removed during the works.

7. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

R1 Ecological Surveys: The Preliminary Ecological Appraisal has highlighted the presence or potential presence of a range of protected and notable species. It is recommended that the following species surveys are undertaken:

Building: The building on site has been identified as having high potential to support roosting bats. Bat Surveys: Good Practice Guidelines published by the Bat Conservation Trust (Collins, 2016)⁷ recommends that for structures with high bat roosting potential at least three dusk emergence and/or dawn re-entry surveys be undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the structure. The bat emergence/re-entry survey season extends from May to September. At least two of the surveys should be undertaken during the peak season for emergence/re-entry surveys between May and August and one of the three surveys should be a dawn re-entry survey. If a roost is discovered during these surveys, a Natural England licence application may be required.

R2 Scheme Design: The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG). The mitigation hierarchy requires all development schemes to apply the following principles:

- *Avoidance and Mitigation* – the proposed development should seek to minimise losses of scattered trees and the hedgerow in the first instance and incorporate these features in the landscaping layout of the scheme, where possible. Suitable measures should be implemented to enable the ditch adjacent to site to be protected.
- *Compensation* – where unavoidable losses occur and mitigation cannot be provided, compensation for significant residual harm will be required. Compensation should include the remediation of lost habitats and/or connectivity, the creation of new habitats of ecological value and providing novel compensation solutions to ensure compliance with UK wildlife legislation.

In accordance with the principles of the Environment Act 2021 the development should also secure an overall net gain for biodiversity. Biodiversity Net Gain is a planning process that aims to leave biodiversity on site in a better state than it was before, going beyond solely avoiding, mitigating and compensating adverse effect on biodiversity and actively seeking to enhance the site's biodiversity value overall.

R3 General Safeguarding Measures: The following safeguards and appropriate working practices should be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation:

- Protection of Adjacent potential LWS: Development standoffs and safeguards for all retained habitats including River Anker potential LWS located adjacent to the site.

- Nesting Birds: Vegetation clearance and building works should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed or building impacted should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- Terrestrial Mammals: Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

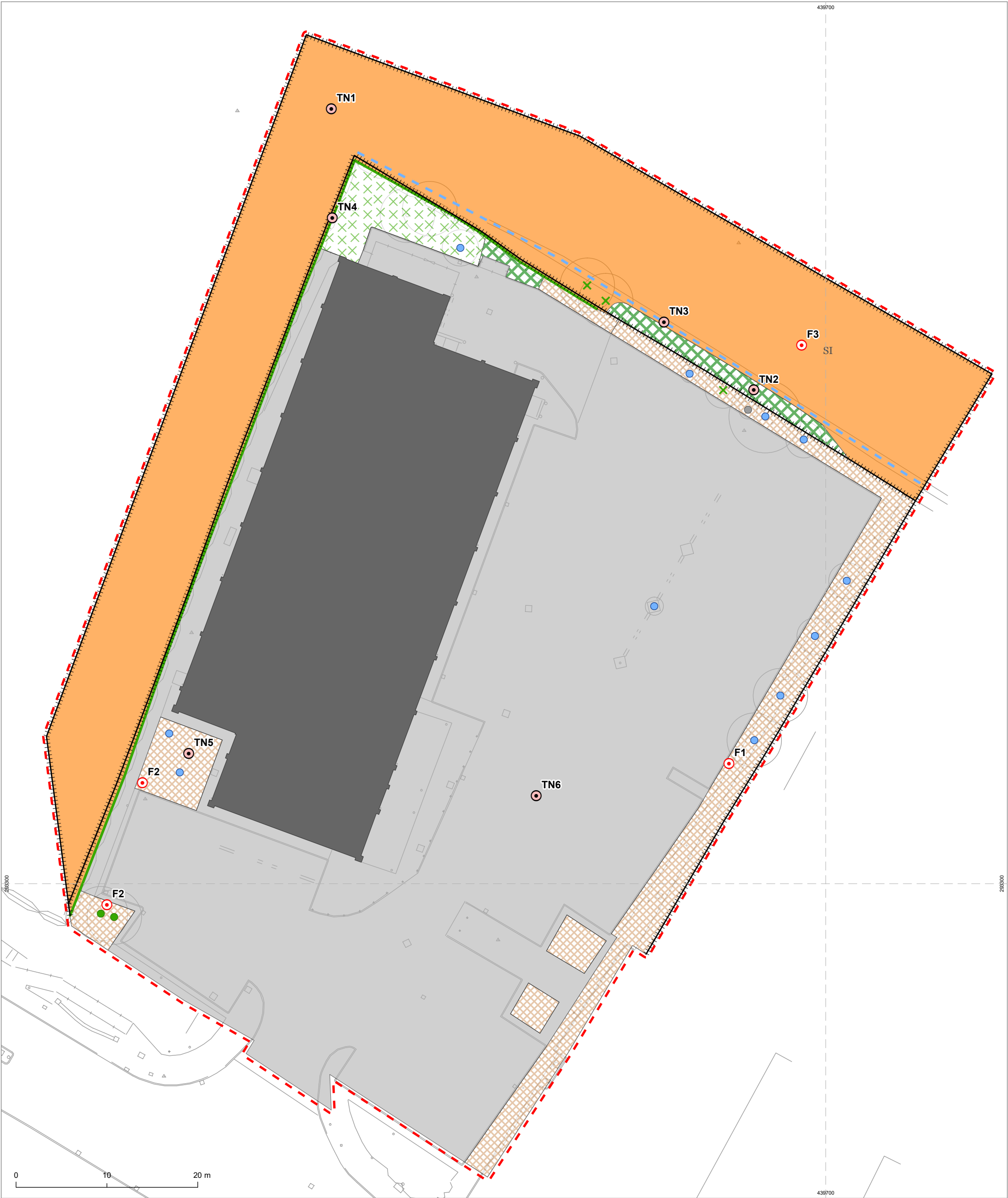
These measures should be included in the Construction Management Plan prepared for the site.

- R4** **Invasive Plant Species:** The works must not cause cotoneaster species to spread in the wild. They must either be left in situ or removed with care during vegetation clearance and disposed of in an appropriate manner.

8. Drawings

Drawing C160472-04-01 – Phase 1 Habitat Map

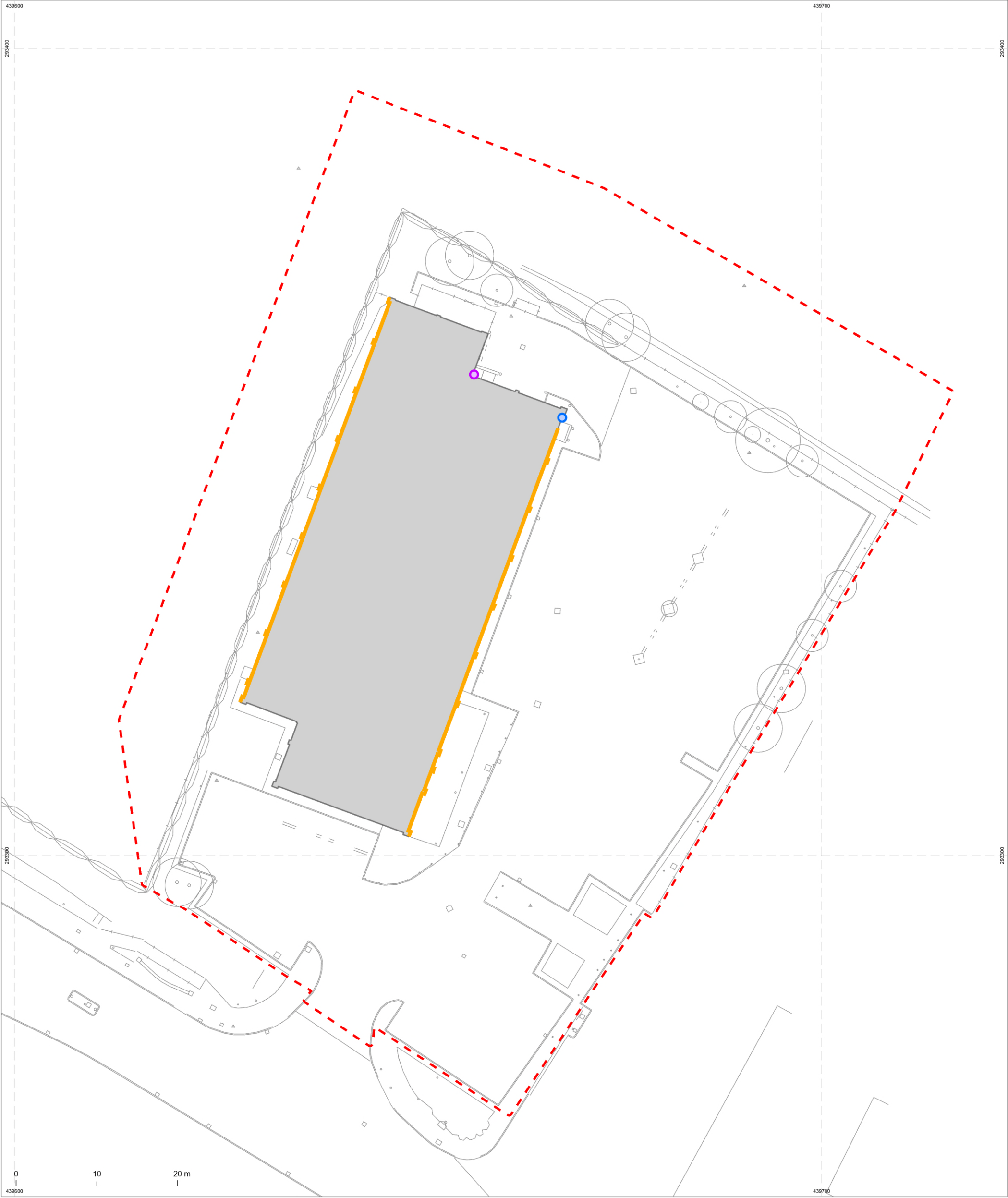
Drawing C160472-04-02 – Preliminary Roost Assessment



- Legend**
- Site boundary
 - Scattered scrub
 - Less than 7cm tree
 - Small tree
 - Medium tree
 - Dry ditch
 - Fence
 - Species-poor intact hedgerow
 - Building
 - Dense scrub
 - Hardstanding
 - Ornamental planting
 - Scattered scrub
 - Semi-improved neutral grassland
 - Target note - habitat parcel
 - Target note - feature
 - F1 - Wall cotoneaster
 - F2 - Entire leaved cotoneaster
 - F3 - Mound with vole feeding signs

Project	Aldi, Watling Street, Hinckley	
Drawing	Phase 1 Habitat Map	
Client	Avison Young Ltd	
Drawing Number	C160472-04-01	Revision 00
Scale @ A3	1:400	Date May 2023
Approved By	DD	Drawn By AW
 MIDDLEMARCH		
Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ T:01676 525880 E:admin@middlemarch-environmental.com		
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C160472-04-01



- Legend**
- Site boundary
 - Building
 - Gap in soffit leading to cavity
 - Gap in soffit at apex
 - Line of minor gaps along the soffit

Project	Aldi, Watling Street, Hinckley		
Drawing	Preliminary Roost Assessment		
Client	Avison Young Ltd		
Drawing Number	C160472-04-02	Revision	00
Scale @ A3	1:450	Date	June 2023
Approved By	DD	Drawn By	KB
MIDDLEMARCH Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ T:01676 525880 E:admin@middlemarch-environmental.com This map is reproduced from the Ordnance Survey material with the permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationary Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings. Licence Number: 100040519			

C160472-04-02

The following tables include full habitat descriptions and summarise the condition assessment for habitats and hedgerows using criteria published by Natural England (2023)⁵.

Area Habitat				Condition Sheet Criteria Score														Total Score	Condition Assessment
Polygon / Line Ref.	Phase 1 Habitat Type	UK Hab Habitat Equivalent	Habitat Description	Condition Sheet Used	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	C12	C13		
TN1	Semi-improved neutral grassland	Other neutral grassland g3c5	A strip of semi-improved neutral grassland covered the north and western edges of site. The grassland was unmanaged and had a varied sward height ranging 5 to 30 cm. Species present included locally abundant turfed hairgrass <i>Deschampsia cespitosa</i> subsp. <i>cespitosa</i> , frequent creeping buttercup <i>Ranunculus repens</i> , Yorkshire fog <i>Holcus lanatus</i> , rough meadow grass <i>Poa trivialis</i> , meadow foxtail <i>Alopecurus pratensis</i> , and creeping bent <i>Agrostis stolonifera</i> . Locally frequent broadleaved dock <i>Rumex obtusifolius</i> , common couch <i>Elytrigia repens</i> , and creeping thistle <i>Cirsium arvense</i> . Occasional red clover <i>Trifolium pratense</i> , common vetch <i>Vicia sativa</i> , cut-leaved crane's bill <i>Geranium dissectum</i> , perforate st john's-wort <i>Hypericum perforatum</i> , and thyme-leaved speedwell <i>Veronica serpyllifolia</i> .	Grassland med, high, v.high	F	P	F	P	F	F								2/6	Poor
TN2	Dense scrub	Bramble scrub h3d	Dense scrub was present along the southern edge of the semi-improved grassland in the north of the site and was 2 m to 3 m wide. Bramble <i>Rubus fruticosus</i> agg. dominated the scrub with some occasional self-seeded ash trees <i>Fraxinus excelsior</i> .	N/A															
TN3	Dry ditch	Rivers and streams – other rivers and streams r2b	A ditch ran underneath the hedgerow and dense scrub next to the inner fencing in the north. The ditch was approximately 0.7 m wide, with shallow banks at a gradient of up to 45 degrees, and was dry at the time of the survey. Great willowherb <i>Epilobium hirsutum</i> was present in the channel and the banks comprised of the same species as the surrounding grassland.	Ditch	F	F	P	F	P	F	F	P						3/7	Poor
TN4	Scattered scrub	Mixed scrub (h3h)	An unmanaged area of sparse scattered scrub to the north east of the building. Occasional hawthorn <i>Crataegus monogyna</i> and elder <i>Sambucus nigra</i> with a ground flora of bramble and ivy <i>Hedera helix</i> .	Scrub	F	F	P	F	F									1/5	Poor
TN5	Ornamental planting	Urban – introduced shrub u1160	There were patches of ornamental planting around the edges of the hardstanding car park. The shrubs were managed and up to 0.5 m high. Species present included: Japanese spiraea <i>Spiraea japonica</i> , snowberry <i>Symphoricarpos albus</i> , barberry <i>Berberis</i> sp., Wilson's honeysuckle <i>Lonicera nitida</i> , ash saplings, rock-rose <i>Cistus</i> sp., <i>Viburnum</i> sp., firethorn <i>Pyracantha</i> sp.. Three species of cotoneaster were found, two of which were invasive species. The cotoneaster species found included: Franchet's cotoneaster <i>Cotoneaster franchetii</i> , which is not listed under schedule 9; Entire-leaved cotoneaster (F1); and wall cotoneaster (F2) were also found which are listed under schedule 9.	N/A															
TN6	Hardstanding	Urban – developed land; sealed surface (u1b)	A hardstanding tarmac car park covered much of the east and south of site and paving slabs were present around the east and south of the building. To the west of the building there was a strip of gravel. No plant species were present within the hardstanding except occasional cleavers <i>Galium aparine</i> in the gravel areas.	N/A															
N/A	Building	Urban – developed land; sealed	The occupied supermarket building was constructed of brick, had a pitched roof with solar panels, and was generally in good condition. There were some gaps noted between the soffit and roofline, and damaged to the soffit in the north-east corner.	N/A															

Area Habitat				Condition Sheet Criteria Score																
Polygon / Line Ref.	Phase 1 Habitat Type	UK Hab Habitat Equivalent	Habitat Description	Condition Sheet Used	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	C12	C13	Total Score	Condition Assessment	
		surface (u1b5)																		
N/A	Scattered trees	Urban – u11	Scattered trees were noted across site, primarily around the edges of the existing car park area. The trees were young to semi-mature and up to 10 m high. Species present included: Italian alder <i>Alnus cordata</i> , cherry <i>Prunus</i> sp., ash and hornbeam <i>Carpinus betulus</i> .	Individual trees	P	P	F	P	F	P								4/6	Moderate	
N/A	Fencing	Urban- built linear features u1e	Timber fencing lined the site boundaries on the north, west and east sides. In the north and west an inner fence lined the perimeter of the hardstanding. The fence was predominately timber with some metal chain link sections in the north.	N/A																

Key:
P – Criteria passed
F – Criteria failed

Table 8.1: Habitat Descriptions and Condition Assessments

Hedgerows				Condition Sheet Criteria Score										
Ref.	Phase 1 Habitat Type	UK Hab Habitat Equivalent	Description	A1	A2	B1	B2	C1	C2	D1	D2	E1*	E2*	Condition Assessment
TN4	Species-poor hedgerow	Other hedgerows h2b	A hedgerow was present to the north and west of the building. The hedgerow was species poor, intact, and unmanaged. The hedgerow was approximately 6 m high and 1.5 m wide. The hedgerow consisted of abundant hawthorn, with hornbeam, ash, dog-rose <i>Rosa canina</i> , blackthorn <i>Prunus spinosa</i> and privet <i>Ligustrum</i> sp. also present. The ground flora consisted of pockets of bramble with broad-leaved dock, cow parsley <i>Anthriscus sylvestris</i> , common nettle <i>Urtica dioica</i> , cleavers, hogweed <i>Heracleum sphondylium</i> , bindweed <i>Convolvulus</i> sp., and ivy <i>Hedera helix</i> . The same grasses as were present in the hedgerow as found in the surrounding grassland. A single semi-mature Norway maple <i>Acer platanoides</i> tree was associated with the hedgerow.	P	P	P	P	P	P	P	P			Good

Key:
*Applicable to hedgerows with trees only

Table 8.2: Hedgerow Descriptions and Condition Assessments

9. Photographs



Plate 9.1: Semi-improved neutral grassland and hedgerow



Plate 9.2: Dense scrub (bramble)



Plate 9.3: Scattered scrub



Plate 9.4: Ornamental planting



Plate 9.5: Hardstanding car park and building



Plate 9.6: Dry ditch



Plate 9.7: Off-site ditch



Plate 9.8: Example of a gap between wall and soffit



Plate 9.9: Southern elevation of the building



Plate 9.10: Damaged soffit on north-east corner of the building

Appendix 1

General Biodiversity Legislation and Policy

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)⁸ recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

⁸ Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?*
Available: <https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect>

- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Section 102 of The Environment Act 2021 (Commencement No. 5 and Transitional Provisions) Regulations 2022 makes amendments to Section 40 of the NERC Act. The revisions strengthen the requirement for public authorities to assess how they can take action to conserve and enhance biodiversity, and then take these actions.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and

species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

National Planning Policy Framework and Practice Guidance

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;

- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

Local Planning Policy

Hinckley and Bosworth

Local Plan 2006-2026

The Local Plan 2006-2026 consists of a series of documents that set out detailed policies and specific proposals for guiding future development within the borough up to 2026. The documents include Development Plan Documents (DPDs) which outline the council's policies and carry the most weight for making decisions on planning applications. The documents also include Supplementary Planning Documents (SPDs) which provide further details to the policies.

Core Strategy DPD

The Core Strategy was adopted in December 2009 and is the key strategic document in Local Plan (2006-2026). The Core Strategy sets out the overarching strategy and core policies to guide the future development of the borough up to 2026. None of the policies within the Core Strategy refer to ecology.

Site Allocations and Development Management Policies DPD

The Site Allocations and Development Management Policies Development Plan was formally adopted on the 12th July 2016. The Site Allocations and Development Management Policies Document (DPD) allocates land to deliver the development requirements outlined in the Core Strategy. In addition, it also includes development management policies which apply across the borough and which will be used when determining planning applications. The policies which refer to ecology are:

DM6 Enhancement of Biodiversity and Geological Interest

Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. Major developments in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Proposals where the primary objective is to conserve or enhance biodiversity or geological interest will be permitted where they comply with other relevant policies in the plan. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

In addition to the above, where specific identified sites are to be affected the following will be taken into account:

Internally and Nationally Designated Sites

International and Nationally Designated Sites will be safeguarded. Development which is likely to have any adverse impact on the notified features of a nationally designated site will not normally be permitted. In exceptional circumstances, a proposal may be found acceptable where it can be demonstrated that:

- a) A suitable alternative site with a lesser impact than that proposed is not available; and,
- b) The on-site benefits of the proposal clearly outweigh the impacts on the notified features of the site and where applicable, the overall SSSI or habitat network; and,
- c) All appropriate mitigation measures have been addressed through the development management process; and,
- d) Development likely to result in a significant effect on internationally designated sites will be subject to assessment under the Habitats Regulations and will not be permitted unless adverse effects can be fully avoided, mitigated and/or compensated.

Irreplaceable Habitats

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly outweigh the loss; and,
- f) It has been adequately demonstrated that the irreplaceable habitat cannot be retained with the proposed scheme; and
- g) Appropriate compensation measures are provided on site wherever possible and off site where this is not feasible.

Locally Important Sites

Development proposals affecting locally important sites should always seek to contribute to their favourable management in the long term. Where a proposal is likely to result in harm to locally important sites (including habitats or species of principal importance for biodiversity), developers will be required to accord with the following sequential approach:

- h) Firstly, seek an alternative site with a lesser impact than that proposed;
- i) Secondly, and if the first is not possible, demonstrate mitigation measures can be taken on site;
- j) Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible.

DM7 Preventing Pollution and Flooding

Adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that:

- a) It will not adversely impact the water quality, ecological value or drainage function of water bodies in the borough;

- b) Appropriate containment solutions for oils, fuels and chemicals are provided;
- c) All reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion;
- d) It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity;
- e) Appropriate remediation of contaminated land in line with minimum national standards is undertaken;
- f) It will not contribute to poor air quality;
- g) It will not result in land instability or further intensify existing unstable land; and
- h) The development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.

Appendix 2

Relevant Species Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- 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.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Otter

The otter benefits from world-wide protection under Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna. It also receives legal protection under Appendix II of the Bern Convention and Annexes II and IV of the EU Habitats Directive 94/43/EEC, which is transposed into UK Law by means of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019).

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill an otter;
- deliberately disturb otters; or
- damage or destroy a breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead otter, part of an otter or anything derived from an otter which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

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- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

The reader should refer to the original legislation for the definitive interpretation.

Water vole

Water voles receive protection under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to:

- Intentionally kill, injure or take (capture) a water vole;
- Possess or control live or dead water voles or any derivatives;
- Intentionally or recklessly* damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection;
- Intentionally or recklessly* disturb water voles whilst occupying a structure or place used for that purpose; or
- Sell, offer for sale or advertise for live or dead water voles.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

Water voles are listed as Species of Principal Importance which means they are a material consideration in the planning process.

Appendix 3

Examples of Potential Roost Features

External Features

- access through window panes, doors and walls;
- behind peeling paintwork or lifted rendering;
- behind hanging tiles;
- weatherboarding;
- eaves;
- soffit boxes;
- fascias;
- lead flashing;
- gaps under felt (even including those of flat roofs);
- under tiles/slates;
- existing bat and bird boxes; and
- any gaps in brickwork or stonework permitting access into access to cavity- or rubble-filled walls.

Internal Features

- behind wooden panelling;
- in lintels above doors and windows;
- behind window shutters and curtains;
- behind pictures, posters, furniture, peeling paintwork;
- peeling wallpaper, lifted plaster and boarded-up windows;
- inside cupboards and in chimneys accessible from fireplaces.
- within attic voids:
- the top of gable end or dividing walls;
- the top of chimney breasts;
- ridge and hip beams and other roof beams;
- mortise and tenon joints;
- all beams (free-hanging bats);
- the junction of roof timbers, especially where ridge and hip beams meet;
- behind purlins;
- between tiles and the roof lining; and
- under flat felt roofs.

Potential Roost Features (Adapted from Collins, 2016)⁷

Trees

- Bat, bird and dormouse boxes on trees;
- Cankers (caused by localized bark death) in which cavities have developed;
- Compression forks with included bark, forming potential cavities;
- Cracks/splits in stems or branches (both vertical and horizontal);
- Crossing stems or branches with suitable space between for roosting;
- Ivy stems with diameters in excess of 50 mm with suitable roosting space behind (or where a roosting space can be seen where a mat of thinner stems has left a gap between the mat and the trunk);
- Man-made holes (e.g. cavities that have developed from flush cuts);
- Natural holes (e.g. knot holes) arising from naturally shed branches, or cavities created by branches tearing out from parent stems;
- Other hollows or cavities, including rot holes and butt rots;
- Partially detached or loose, platy bark;
- Woodpecker holes; or,
- Other features that offer a place of shelter.

Potential Roost Features (Adapted from Collins, 2016)⁷