

**Project:** 1005971**Planning Ref:** PAP/2021/0663**Date:** 7 March 2024

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## Land North East of M42 Junction 10 (1005971)

### TN04: Ecological Addendum - Update Ecological Survey Results

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## 1 Introduction

- 1.1.1 Aspect Ecology Ltd was originally commissioned by Hodgetts Estates in 2020 to undertake ecological survey work at the site, located north east of the M42, junction 10, centred at grid reference SK 248 009.
- 1.1.2 The site is proposed for development to provide new development within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E (office, research and development and light industry), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works, for which an outline planning application was submitted to North Warwickshire Council (ref: PAP/2021/0663) and validated on 2 December 2021.
- 1.1.3 The site was subject to a range of ecological survey and assessment work undertaken during 2020 and 2021 in order to inform the proposed development of the site, the results of which are set out within Aspect Ecology's previous reports<sup>1</sup> that informed the Environmental Statement prepared in relation to the proposals (including Chapter 11: Nature Conservation and Biodiversity) and submitted to inform the application.
- 1.1.4 Subsequently, in view of the passage of time since the application was validated a planning Appeal has been submitted to the Planning Inspectorate against the non-determination of the application.
- 1.1.5 Accordingly, given the age of the previous survey work, in order to inform the current considerations and confirm any relevant changes (or otherwise) in relation to the habitats and ecological position at the site, Aspect Ecology has been commissioned to undertake update ecological survey work. This note therefore sets out the results of the update survey work in order to confirm the current position at the site, along with any relevant changes to the habitats or ecological considerations in relation to the previous work, including in particular with reference to the conclusions drawn within the Environmental Statement.

## 2 Methodology

### 2.1 Previous ecological work

- 2.1.1 Previous ecological survey work and assessment was undertaken in relation to the site by Aspect Ecology Ltd during 2020 and 2021 to inform the proposed development, including ecological desktop study, extended Phase 1 habitat and general faunal surveys, along with specific surveys and consideration in regard to roosting bats, Badger, reptiles and wintering birds, the results of which are set out within the previously submitted reports. In addition,

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<sup>1</sup> Land North East of M42 Junction 10: Baseline Ecological Appraisal (Aspect Ecology), ref: 5971 EBR vf, dated December 2020; and Land North East of M42 Junction 10: Wintering Bird Survey Report (Aspect Ecology), ref: 5971 WBS vf, dated March 2021

specific consideration was given to Biodiversity Net Gain (BNG), including a formal Biodiversity Impact Assessment using the Warwickshire County Council calculator tool (the Council's preferred metric at the time of the application).

## 2.2 Update Survey Work

2.2.1 As set out above, given the time that has elapsed since the previous survey work, in order to update the previous survey work and confirm the current position with regard to the habitats present and continued potential for and/or likely absence of protected, rare or notable species, further update survey work has been undertaken of the wider survey area, (composed of the proposed development site itself, along with additional land under the same ownership (wider survey area), as shown at Plan 5971/USR1) during March 2024, as set out below.

### Update extended Phase 1 Habitat and General Faunal Survey

2.2.2 The update survey work was undertaken based on standard Phase 1 Habitat Survey methodology<sup>2</sup>, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal<sup>3</sup> to record details on the actual or potential presence of any notable or protected species or habitats. Habitats were viewed and any significant changes evident in the species composition, management or other factors affecting likely ecological value were mapped in order to inform the current considerations, with regard to the previous survey results and associated information where appropriate.

2.2.3 During the above survey work, attention was paid to the presence of any faunal species present within or adjacent to the site boundary. In addition, specific update survey work has been undertaken at the site in respect of Bats and Badger (as described below).

### Badger

2.2.4 A detailed, updated Badger survey was carried out in March 2024, concurrent with the update Phase 1 habitat survey. The survey comprised two main elements. The first element involved searching for evidence of Badger setts. Any setts that were encountered were noted and mapped. The second element involved searching for signs of Badger activity such as well-worn paths and push-throughs, snagged hair, footprints, latrines and foraging signs, so as to build up a picture of any use of the site by Badger.

### Roosting Bats

2.2.5 The previous survey work identified the presence of a small number of mature trees, including trees recorded to provide potential suitability for roosting bats. Accordingly, in order to update the position in regard to potential roosting features, trees were subject to specific ground level inspection and assessed for their current suitability to support roosting bats based on the presence of suitable features such as holes, cracks, splits or loose bark.

## 2.3 Survey constraints and limitations

2.3.1 All of the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The update habitat survey was undertaken prior to the optimal season,

<sup>2</sup> Joint Nature Conservation Committee (2010) 'Handbook for Phase 1 habitat survey: A technique for environmental audit.'

<sup>3</sup> Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) 'Guidelines for Preliminary Ecological Appraisal.'

albeit the nature of the habitats within the site allowed for the broad habitat types to be identified and for an adequate assessment of the intrinsic ecological interest of the site to be made, particularly given the previously available survey information in relation to the site.

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

## 3 Update Survey Results and Discussion

### 3.1 Habitats and Ecological Features

- 3.1.1 A summary of the update habitat and faunal survey results is set out at Plan 5971/USR1.
- 3.1.2 At the time of the previous survey work, the vast majority of the site and adjacent survey area was recorded to be composed of arable land under intensive crop production. During the current update survey work, the arable areas were recorded to remain largely unchanged from the previously recorded position, with intensive arable production having apparently continued, such that at the time of the update survey the vast majority of the site was recorded to support stubble associated with previous cropping and scattered colonising weed species typical of arable land under current intensive management. Similarly the hardstanding areas within the south east of the development site boundary remain largely devoid of vegetation, with ongoing management evident such that the adjacent bunds and ruderal vegetation were noted to include substantial bare areas, along with ruderal colonising weeds.
- 3.1.3 In line with the previous survey results, a narrow strip (approximately 1-3m width) of grassland, scrub, Bramble and tall herb vegetation was recorded to be present along the western site boundary field margin, adjacent to the M42 motorway embankment and associated boundary fence. Similarly, grassland corridors measuring approximately 5-8m in width are present along the routes of public footpaths extending through the arable land (see Plan 5971/USR1), which appear to support a limited range of grass and forb species consistent with the previously recorded position.
- 3.1.4 The boundary hedgerows and small number of mature trees were also recorded to remain largely as previously described, limited to the southern and northern boundaries to the site and wider survey area. In addition, two lengths of additional new native hedgerow planting (formed by double rows of recently planted whips with rabbit guards, set at approximately 0.5m centres, with associated trees) were noted to have been provided at the north western boundary of the site and within the offsite land east of the site (see Plan 5971/USR1). It is understood (pers. comm. Landowner) that the planting represents advance provision of enhancement planting forming part of the proposed works (including in order to maximise long term ecological value in line with the submitted Biodiversity Impact Assessment) and accordingly, form part of the proposals (in line with the submitted drawings) and should be considered accordingly.
- 3.1.5 The small area of woodland present in the offsite land at the north east of the survey area was recorded to be dominated by an Oak *Quercus robur* canopy, the majority of which appear semi-mature, albeit a small number of more mature trees are present, with scattered Blackthorn *Prunus spinosa* and Dog Rose *Rosa canina*, and a ground flora dominated by Bramble *Rubus fruticosus*. The woodland is clearly subject to substantial disturbance from local residents, with clear pathways, litter and fire damage to a number of trees.

- 3.1.6 Overall, the habitats present were recorded to be consistent with the previously recorded position. *Accordingly, the considerations set out and associated conclusions within the previously submitted information in relation to ecological habitats and features are considered to remain appropriate in relation to the site and the proposed development.*

## 3.2 Fauna

### Bats

- 3.2.1 In line with the previously reported position, no buildings or structures are present within the site or survey area boundary, whilst the small number of trees present are limited to the extreme boundaries. A number of the trees present were recorded to support features offering minor potential for use by bats (or the presence of such features could not be ruled out due to the presence of dense Ivy covering). In particular, a single large mature Oak (likely representing an ancient or veteran tree) present at the extreme south eastern corner of the survey area (well-removed from the proposed development site, located approximately 850m from the proposed development site boundary such that it will clearly remain unaffected under the proposals) was recorded to include substantial loose bark offering potential opportunities for use by roosting bats.
- 3.2.2 Nonetheless, in line with the previously reported position, set out within the submitted ES, all of the trees identified to offer potential suitability for use by roosting bats will be retained within substantial (enhanced) landscape buffer corridors. Similarly, the habitats within the site were recorded to remain as previously recorded (with in particular the internal areas lacking in any taller vegetation, commuting or foraging features), such that (subject to appropriate detailed lighting design in line with the previous recommendations) the proposals are unlikely to result in any adverse effects on roosting and foraging bats, and *the conclusions and associated considerations set out within the previously submitted information remain unchanged in regard to this group.*

### Badger

- 3.2.3 No Badger setts, dung pits, latrines or foraging signs were recorded within or adjacent to the site during the previous survey work, albeit a single Badger scat was recorded within the north of the site indicating that this species makes occasional use of the site.
- 3.2.4 During the current survey work, no evidence of Badger was recorded within the proposed development site itself. A single disused mammal entrance of a size and shape characteristic of Badger was recorded beneath the offsite field boundary hedgerow within the north of the wider survey area (see Plan 5971/USR1), which was recorded to be partially collapsed and filled with leaf litter and debris, such that it is clearly not in use, albeit likely represents a former outlier Badger sett. No other evidence of Badger was recorded anywhere within the survey area during the current update survey work.
- 3.2.5 Accordingly, overall the position in regard to Badger within the survey area appears to remain consistent with the previous survey results and accordingly, subject to the implementation of suitable construction safeguards, the proposals are unlikely to result in any adverse effects on Badger and *the conclusions drawn within the previously submitted information remain unchanged.*

## Birds

- 3.2.6 In line with pre-application advice received from Warwickshire County Council ecology unit, specific Wintering Bird survey work was previously undertaken at the site during 2021, the results of which are set out within the previously submitted information.
- 3.2.7 During the update survey work, the habitats present appeared unchanged from the previous position, such that opportunities for bird species remain similarly unchanged. A number of common bird species were recorded within the site boundary during the current update, including Woodpigeon *Columba pallumbus* and Carrion Crow *Corvus corone* foraging within the arable areas, along with a single Skylark *Alauda arvensis*, whilst Blue Tit *Cyanistes caeruleus*, Blackbird *Turdus merula*, Linnet *Carduelis cannabina* and Fieldfare *Turdus pilaris* using the boundary hedgerows consistent with the previous surveys. In addition, a flock of approximately 100 Golden Plover was recorded briefly flying over the site, consistent with the previous wintering bird surveys.
- 3.2.8 Within the wider survey area, located east of the site boundary, two Lapwing *Vanellus vanellus*, along with two further Skylarks were recorded within the offsite arable areas, all of which were located outside of, and removed from the proposed development site boundary (within areas proposed to remain as arable land in line with the current position – as shown at Plan 5971/USR1). Other bird species recorded within the wider survey area boundary during the current update surveys (predominantly associated with the boundary vegetation) include Robin *Erithacus rubecula*, Magpie *Pica pica*, whilst individual Kestrel *Falco tinnabulis* and Buzzard *Buteo buteo* were recorded flying over the wider survey area.
- 3.2.9 Overall, the bird species recorded are largely consistent with the previously recorded species (with the exception of the offsite presence of 2 Lapwing within the wider survey area).
- 3.2.10 *Accordingly, on the basis of the current survey information, opportunities for bird species at the site appear to remain unchanged from the previously recorded position and as such similarly the considerations and conclusions drawn within the previously submitted information remain unchanged in regard to bird species.*

## Other Fauna

- 3.2.11 No evidence for the presence of any other protected, rare or notable faunal species has been recorded within the site during the 2024 update survey work undertaken, whilst no material changes in the potential of the site to support such species were recorded from the previously reported position. Furthermore, the retention of the majority of the existing boundary vegetation and incorporation of additional native landscaping will provide benefits to other faunal species at the site.
- 3.2.12 *Accordingly, on the basis of the update survey work, the mitigation and conclusions previously proposed are considered to remain appropriate and unchanged in respect of the proposed development.*

## **4 Summary and Conclusions**

- 4.1.1 Aspect Ecology Ltd is advising of Hodgetts Estates in regard to ecological matters relating to the site, located immediately north east of the M42, junction 10. The site is proposed for development to provide new industrial/employment units with associated infrastructure and open space, which is the subject of a current planning appeal (application ref: PAP/2021/0663).

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The planning application was informed by a range of ecological survey work undertaken in 2020 and 2021.

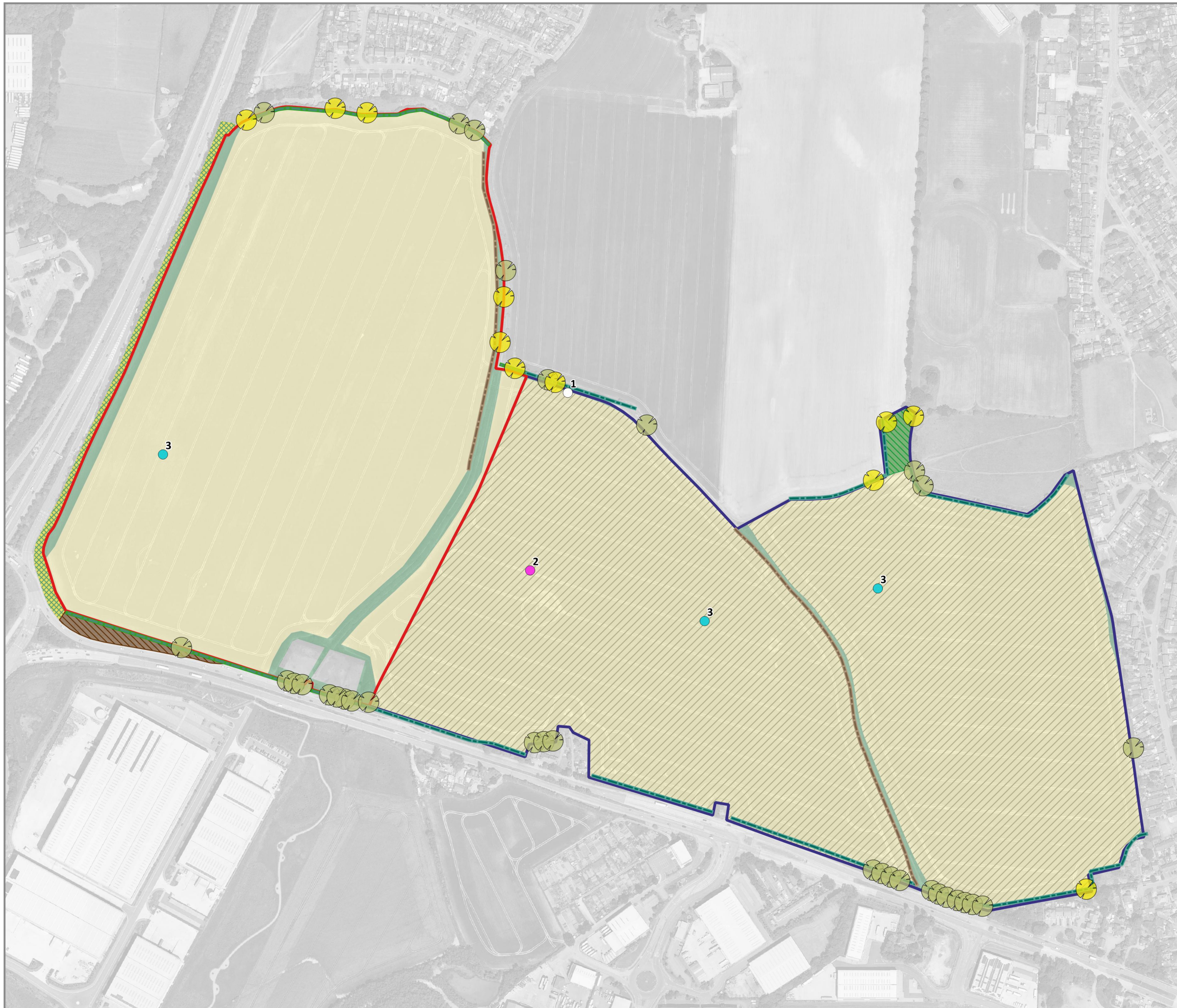
- 4.1.2 Given the time that has elapsed since the previous ecological information, in order to inform the current considerations and ensure the available information remains suitably up to date in line with standard guidance, the site has been subject to specific ecological update survey work during March 2024 (comprising update habitat survey and specific survey work and consideration in regard to Badger and bats).
- 4.1.3 This report sets out the results of the updated ecological survey work undertaken and therefore provides an addendum to the previously submitted ecological information in relation to the planning application.
- 4.1.4 As set out above, the update survey work undertaken during March 2024 has confirmed that the position in regard to habitats and protected species at the site remains in line with the previously reported position.
- 4.1.5 *Accordingly, on the basis of the update survey work, the proposed mitigation measures and associated considerations are considered to remain appropriate and unchanged in respect of the proposed development and the overall conclusions of the previously submitted information (including the Environmental Statement) remain unchanged in regard to ecology.*

## **Plan 5971/USR1:**

Update Habitat and Faunal Survey Result

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- Key:**
- Application Site Boundary
  - Survey Area
  - Arable
  - Improved Grassland, Scattered Scrub & Ruderal Vegetation
  - Hardstanding
  - Off-site Arable
  - Off-site Woodland
  - Off-site Woodland/Scrub
  - Off-site Scrub
  - Hedgerow
  - Off-site Hedgerow
  - New Hedgerow Planting with Trees (advance planting)
  - Mature Tree
  - Tree with Potential for Roosting Bats (refer to text)
- Survey Notes:**
- 1. Disused single mammal entrance (possible former outlier Badger sett)
  - 2. Location of 2 no. Lapwing
  - 3. Location of Skylark



Aspect Ecology Limited - West Court - Hardwick Business Park  
 Noral Way - Banbury - Oxfordshire - OX16 2AF  
 01295 279721 - info@aspect-ecology.com - www.aspect-ecology.com

**Land at J10, M42,  
 North Warwickshire**  
 Update Habitat & Faunal Survey Results

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Aspect Ecology Ltd  
West Court  
Hardwick Business Park  
Noral Way  
Banbury  
Oxfordshire OX16 2AF

T: 01295 279721  
E: [info@aspect-ecology.com](mailto:info@aspect-ecology.com)  
W: [www.aspect-ecology.com](http://www.aspect-ecology.com)