

Land North East of M42 Junction 10

## Baseline Ecological Appraisal

December 2020

Quality Management	
<b>Client:</b>	Hodgetts Estates
<b>Project:</b>	Land North East of M42 Junction 10
<b>Report Title:</b>	Baseline Ecological Appraisal
<b>Project Number:</b>	1005971
<b>File Reference:</b>	5971 EBR vf /RM/CL
<b>Date:</b>	18/12/2020

**Copyright**

The copyright of this document remains with Aspect Ecology. All rights reserved. The contents of this document therefore must not be copied or reproduced in whole or in part for any purpose without the written consent of Aspect Ecology.

**Confidentiality**

This report may contain sensitive information relating to protected species. All records of Badger setts must remain confidential. Where this report is circulated publicly or uploaded to online planning portals, reference to Badger setts must be redacted and any maps pertaining to the locations of Badger setts removed from the document.

**Legal Guidance**

The information set out within this report in no way constitutes a legal opinion on the relevant legislation (refer to the relevant Appendix for the main provisions of the legislation). The opinion of a legal professional should be sought if further advice is required.

**Liability**

This report has been prepared for the exclusive use of the commissioning client and unless otherwise agreed in writing by Aspect Ecology no other party may use, or rely on the contents of the report. No liability is accepted by Aspect Ecology for any use of this report, other than for the purposes for which it was originally prepared and provided. No warranty, express or implied, is made as to the advice in this report. The content of this report is partly based on information provided by third parties; Aspect accepts no liability for any reliance placed on such information. This report is subject to the restrictions and limitations referenced in Aspect Ecology's standard Terms of Business.

**Contact Details**

**Aspect Ecology Ltd**  
 Hardwick Business Park | Noral Way | Banbury | Oxfordshire OX16 2AF  
 [REDACTED] info@aspect-ecology.com  
 www.aspect-ecology.com

# Contents

---

## Text:

1	Introduction .....	1
2	Methodology .....	2
3	Ecological Designations .....	6
4	Habitats and Ecological Features .....	8
5	Faunal Use of the Site .....	13
6	Conclusions .....	19

## Plans:

Plan 5971/ECO1	Site Location
Plan 5971/ECO2	Ecological Designations
Plan 5971/ECO3	Habitats and Ecological Features
Plan 5971/ECO4	Reptile Survey Plan

## Appendices:

Appendix 5971/1	Evaluation Methodology
Appendix 5971/2	Legislation Summary
Appendix 5971/3	Desktop Study Data
Appendix 5971/4	Pre-application ecology advice from Warwickshire County Council

# 1 Introduction

## 1.1 Background and Proposals

1.1.1 Aspect Ecology was commissioned by Hodgetts Estates in July 2020 to undertake an ecological survey and assessment work in respect of land North East of M42 Junction 10, centred at grid reference SK 248 009 (see Plan 5971/ECO1), hereafter referred to as 'the Site'.

1.1.2 The proposals are for a new access point off the A5 development of land 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 a hybrid planning application is sought.

## 1.2 Site Overview

1.2.1 The Site is located south-east of Tamworth, in Staffordshire. The site is bounded to the west by the M42, and to the south by the A5. The east of the site is located adjacent to arable land forming adjacent sections of the same field, whilst to the north are narrow grassland fields and existing residential development. The wider surroundings include a mixture of existing residential and industrial development, and agricultural land.

1.2.2 The site itself is dominated by intensively managed arable land, with other habitats largely composed of the field boundary habitats including hedgerows, narrow strips of grassland, and a small number of trees, along with an area of hardstanding.

## 1.3 Purpose of the Report

1.3.1 This report documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site.

## 2 Methodology

### 2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings Warwickshire Biological Records Centre were contacted in July 2020, with data requested on the basis of a search radius of 2km.
- 2.1.2 Where information has been received from the above organisation this is reproduced at Appendix 5971/3 and on Plan 5791/ECO2, where appropriate.
- 2.1.3 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database, which utilises data provided by Natural England, with an extended search radius (25km). In addition, the MAGIC database was searched to identify the known presence of any Priority Habitats within or adjacent the site. Relevant information is reproduced at Appendix 5971/3 and on Plan 5971/ECO2, where appropriate.
- 2.1.4 In addition, the Woodland Trust database was searched for any records of ancient, veteran or notable trees within or adjacent to the site.

### 2.2 Habitat Survey

- 2.2.1 The site was surveyed in July 2020 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 2.2.2 The site was surveyed based on standard Phase 1 Habitat Survey methodology<sup>1</sup>, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal<sup>2</sup> to record details on the actual or potential presence of any notable or protected species or habitats.
- 2.2.3 Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified. The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) Checklist.

### 2.3 Scoping

- 2.3.1 Pre-application advice was obtained from Warwickshire County Council (WCC) in order to inform and scope the ecological survey work to be undertaken to inform the proposals, as set out at Appendix 5971/4.

---

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

<sup>2</sup> Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) 'Guidelines for Preliminary Ecological Appraisal.'

## 2.4 Faunal Surveys

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

### Bats<sup>3</sup>

#### *Visual Inspection Surveys*

2.4.2 **Trees.** Trees were assessed for their suitability to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. Suitability for roosting bats was rated based on relevant guidance<sup>4</sup> as:

- Negligible;
- Low;
- Moderate; or
- High.

2.4.3 Any potential roost features identified were also inspected for any signs indicating possible use by bats, e.g. staining, scratch marks, bat droppings, etc.

### Badger (*Meles meles*)<sup>5</sup>

2.4.4 A detailed Badger survey was carried out in July 2020. The survey comprised two main elements. The first element involved searching for evidence of Badger setts. For any setts that were encountered, each sett entrance was noted and mapped. The following information was recorded:

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

2.4.5 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.

<sup>3</sup> Surveys based on: English Nature (2004) '*Bat Mitigation Guidelines*' and Collins, J. (ed.) (2016) '*Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3<sup>rd</sup> edn).' Bat Conservation Trust

<sup>4</sup> Collins, J. (ed.) (2016) '*Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3<sup>rd</sup> edn).' Bat Conservation Trust

<sup>5</sup> Based on: Mammal Society (1989) '*Occasional Publication No. 9 – Surveying Badgers*'

## Reptiles<sup>6</sup>

- 2.4.6 Given the presence of potentially suitable reptile habitat within the site, specific survey work was undertaken to establish the presence/absence of common reptile species during September and October 2020.
- 2.4.7 A total of seventy 50x50cm sheets of thick roofing felt were placed within suitable areas across the site to act as artificial refugia. The refugia, or ‘tins’, provide shelter and heat up more quickly than their surroundings in the morning and can remain warmer than their surroundings in the late afternoon. Being ectothermic (cold blooded), reptiles use them to bask under and raise their body temperature, which allows them to forage earlier and later in the day. Therefore, checking the refugia at appropriate times of the day (morning and evening) enables the presence/absence of common reptiles to be determined.
- 2.4.8 The refugia remained undisturbed for approximately 1-2 weeks to allow reptiles to find and start using them. Following this initial bedding-in period, refugia were checked at appropriate times of the day on seven occasions during suitable weather conditions, as set out below in Table 2.1.

**Table 2.1.** Reptile survey dates and weather conditions.

Survey Date	Weather Conditions			
	Wind (BF)	Temp(°C)	Cloud Cover (%)	Precipitation
16/09/2020	3 - 4	16 - 18	5	Dry
18/09/2020	3	10 - 13	70	Dry
22/09/2020	3	14 - 19	0	Dry
25/09/2020	4	8 - 10	50	Dry
30/09/2020	3 - 4	11 - 12	100	Dry (some drizzle towards the end of the survey)
07/10/2020	3	11-13	50	Dry
10/10/2020	2	9-11	80	Dry

*BF0 = calm, BF12 = hurricane force*

- 2.4.9 In addition, reptiles basking in the open or partial cover were actively searched for in suitable locations across the site through direct observation. Existing natural objects (e.g. logs and rocks) and artificial refugia (e.g. debris, tyres, etc.) were also searched, where present, for reptiles or evidence of reptiles (e.g. sloughed skin).

## Wintering Birds<sup>7</sup>

- 2.4.10 Wintering bird survey work is currently underway, based around the methodology set out in Scottish Natural Heritage (SNH) Guidance, which although relating specifically to onshore windfarms sets out a number of methodologies for bird surveys that are applicable to a wide range of situations.
- 2.4.11 To date, two visits have been made to the site during suitable weather in November and December 2020. On each survey an experienced ornithologist walked a circuitous route that took in all field margins. Most surveys either started or ended in the hours of darkness in

<sup>6</sup> Surveys based on: Froglife Advice Sheet 10 (1999) ‘Reptile Survey - an introduction to planning, conducting and interpreting surveys for snake and lizard conservation.’

<sup>7</sup> Scottish Natural Heritage (2005) ‘Survey Methods for the use in assessing the Impacts of Onshore Windfarms on Bird Communities’

order to record nocturnal species such as owls. The dates and times of each survey, together with a summary of the weather conditions are given in Table 2.2 below.

**Table 2.2.** Winter bird survey dates and weather conditions.

Survey Date	Time	Weather Conditions			
		Wind (BF)	Temp(°)	Cloud Cover	Precipitation (0-5)
22/11/2020	07:50 – 09:20	S 0-1	5	2/8	0
12/12/2020	14:30 – 16:55	SW 2	8	5/8	0

## 2.5 Survey Constraints and Limitations

- 2.5.1 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 Phase 1 habitat survey was undertaken within the optimal season therefore allowing a robust assessment of habitats and botanical interest across the site.
- 2.5.2 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.
- 2.5.3 Densely vegetated habitats within the site have the potential to reduce the detectability of field signs for faunal species such as Badger. A detailed survey was able to be completed and, whilst dense scrub vegetation is present within the site, it is considered that the survey results do provide an accurate baseline to assess the potential for impacts on Badger under the development proposals.

## 2.6 Ecological Evaluation Methodology

- 2.6.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)<sup>8</sup>, which involves identifying ‘important ecological features’ within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). For full details refer to Appendix 5971/1.

<sup>8</sup> CIEEM (2018) ‘Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine’, ver. 1.1, Chartered Institute of Ecology and Environmental Management, Winchester



## 3 Ecological Designations

### 3.1 Statutory Designations

- 3.1.1 The statutory designations of ecological importance that occur within the local area around the site are shown at Plan 5971/ECO2 and in Appendix 5971/3. The nearest statutory designation identified to the Site is Kettle Brook Local Nature Reserve (LNR), which is located approximately 730 m south-west of the Site. The LNR is separated from the site, including by the M42 motorway corridor, which forms a considerable barrier to any potential wildlife movement.
- 3.1.2 The next closest statutory ecological designation is Abbey Green LNR, which is located approximately 1.4km north east of the site, beyond substantial existing residential development within Polesworth.
- 3.1.3 No other statutory ecological designations have been identified within 2km of the site. Nonetheless, comments received from WCC as part of the pre-application consultation highlight that the site is located in close proximity to Tame Valley NIA and lies between Tame Valley Wetlands and Alvecote Pools Sites of Special Scientific Interest (SSSI) and Middleton Pools SSSI, which along with the LNRs support nationally important wetland bird populations. These designations are well removed and separated from the site, such that they will clearly not be directly affected by the proposals, however WCC has raised the need for the potential for the site to form supporting features for bird species associated with the designations to be considered. Accordingly in line with comments raised by WCC, specific consideration in regard to wintering birds is set out at section 5.8 (Birds), below, including reference to wintering bird survey work, which has been carried out at the Site.
- 3.1.4 All other identified statutory nature conservation designations are well separated from the site.

### 3.2 Non-statutory Designations

- 3.2.1 The non-statutory designations of nature conservation interest that occur within the local area are shown at Plan 5971/ECO2.
- 3.2.2 Tame Valley Nature Improvement Area (NIA) is located approximately 245m north-west of the Site, separated by the M42. The NIA encompasses Tame Valley Wetlands, a regionally important wetland area for bird assemblages, and was designated by the Warwickshire, Coventry and Solihull Local Nature Partnership in October 2016. NIA's are recognised in the NPPF as important areas, and the Tame Valley NIA encompasses a number of SSSIs, LNRs and LWSs. In line with the information above in regard to statutory designations, specific consideration in regard to potential use of the site by wintering bird species of relevance to the Tame Valley NIA and associated designations is set out below at section 5.8.
- 3.2.3 The closest identified Local Wildlife Site (LWS) to the Site is Penmire Lake LWS, which is located approximately 1.2km south-east of the Site, beyond the A5 (Watling Street) and Birch Coppice Business Park. In addition, two adjacent potential LWSs (Freasley Common and Freasley Green) are located approximately 865 m south-west of the Site (beyond the A5 and an industrial park).

### 3.3 Priority Habitats, Ancient Woodland and Notable Trees

3.3.1 No areas of ancient woodland or notable trees have been identified within or adjacent to the site, whilst all such features appear to be well-separated from the site. The nearest identified ancient woodland to the site is an area of ancient and semi-natural woodland located approximately 1.3km east of the site.

### 3.4 Summary

3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and is well-separated from all such relevant ecological designations.

3.4.2 A summary of the identified nature conservation designations within the vicinity of the site is provided at Table 3.1., below.

**Table 3.1:** Statutory and non-statutory ecological designations identified within the vicinity of the site.

Designation Name	Designation	Approximate Distance and Direction from Site
<i>Statutory Designations</i>		
Kettle Brook	LNR	730m SW
Abbey Green	LNR	1.4km NE
Alvecote Pools	SSSI	2.3km N
Birches Barn Meadow	SSSI	2.8km NE
Kingsbury Brickworks	SSSI	2.8 km SE
Kingsbury Wood	SSSI	2.9km SE
Hodge Lane	LNR	3km NW
Dosthill Park	LNR	3km W
Thameside	LNR	3.8km NW
Warwickshire Moor	LNR	4.2km NW
Middleton Pool	SSSI	5.8km SW
<i>Non-statutory Designations</i>		
Tame Valley	NIA	245m NW
Freasley Common	pLWS	865m SW
Freasley Green	pLWS	865m SW
Penmire Lake	LWS	1.2km SE
Coventry Canal	pLWS	1.2 km NE
The Hollies	LWS	1.3km E
Orchard Colliery West	LWS	1.3km E
Polesworth Abbey Green Park	LWS	1.4km NE
Veteran Oak	pLWS	1.5km NE
The Woodlands	pLWS	1.6km SW
Biddleswood and Copes Rough	pLWS	1.6km SE

## 4 Habitats and Ecological Features

### 4.1 Background Records

4.1.1 No specific records of any protected, rare or notable plant species from within or immediately adjacent to the site are included within the information returned from the Records Centre. Records of Crosswort *Cruciata laevipes* (near threatened in England) and Corn Spurrey *Spergula arvensis* (vulnerable in Great Britain) were returned from within the 1km x 1km grid square containing the northern half of the site. However these were low resolution records dating between 1961 and 1984, whilst neither of these species were recorded during the survey work undertaken. A number of other species of conservation concern were returned from within the wider search, with the most notable being Corn Chamomile *Anthemis arvensis* (endangered in Great Britain). Other notable species include Common Cudweed *Filago vulgaris*, Mat-grass *Nardus stricta*, Marsh Ragwort *Senecio aquaticus*, Tormentil *Potentilla erecta*, Devil's-bit Scabious *Succisa pratensis* and Lesser Centaury *Centaureum pulchellum* (all near threatened in England). None of these records were within or adjacent to the site and no evidence for the presence of any of these species within the site was recorded during the survey work undertaken.

### 4.2 Overview

4.2.1 The habitats and ecological features present within the site are described below and evaluated in terms of whether they constitute an important ecological feature and their level of importance, taking into account the status of habitat types and the presence of rare plant communities or individual plant species of elevated interest. The value of habitats for the fauna they may support is considered separately in Chapter 5 below.

4.2.2 The following habitats/ecological features were identified within/adjacent to the site:

- Arable;
- Grassland, Tall Herb, Bramble and Scattered Scrub;
- Hedgerows;
- Trees;
- Hardstanding; and
- Offsite Scrub.

4.2.3 The locations of these habitat types and features are illustrated on Plan 5971/ECO3 and described in detail below.

### 4.3 Priority Habitats

4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats which are of principal importance for conservation in England. This list is largely derived from the 'Priority Habitats' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.

- 4.3.2 Of the habitats within the site, hedgerows are considered to qualify within the broad definition for hedgerow Priority Habitats. This is discussed further in the relevant habitat sections below.

## 4.4 Arable

### Description

- 4.4.1 The vast majority of the Site is dominated by arable land in the form of a single field, which extends offsite to the east, such that the eastern site boundary in particular is not associated with any boundary features or other habitats. At the time of the survey, the field was recorded to support a wheat crop. The arable areas are clearly subject to intensive agricultural management, with weeds apparently largely absent from the internal areas, with any colonising weeds predominantly limited to the extreme margins, including Great Willowherb *Epilobium hirsutum*, Fat-hen *Chenopodium album*, Knotgrass *Polygonum aviculare*, Annual Meadow-grass *Poa annua*, Groundsel *Senecio vulgaris*, Nipplewort *Lapsana communis*, Oilseed Rape, Long-headed Poppy *Papaver dubium*, Wild Pansy *Viola tricolor*, and Scentless Mayweed *Tripleurospermum inodorum*. Some narrow field margins are present, as described at section 4.6 below.

### Evaluation

- 4.4.2 The arable land making up the majority of the site is clearly subject to intensive agricultural management, dominated by the planted crops with negligible weeds noted within the internal areas. This habitat was recorded to support an extremely limited range of common weed species (with evident herbicide application as part of the arable management) and accordingly, provides negligible ecological value in the context of the site, with frequent similar habitats within the surrounding areas, including immediately north and east of the site. Accordingly, the arable habitat is not considered to form an important ecological resource within the wider context than the site itself.

## 4.5 Grassland, Tall Herb, Bramble and Scattered Scrub

### Description

- 4.5.1 Where field margins are present at the periphery of the arable crop, this habitat is dominated by strips of improved grassland, together with areas of tall herb, bramble, and scattered scrub.
- 4.5.2 The areas of grassland comprised tall-grass verges at the field margins and at the periphery of the area of hardstanding. In general these range in width between 1m and 5m, albeit a footpath corridor is present through the arable areas eastern part of the site, which measures approximately 8m in width and was recorded to be dominated by grassland. This Habitat was generally recorded to be dominated by False Oat-grass *Arrhenatherum elatius*, with occasional Yorkshire-fog *Holcus lanatus*, Cock's-foot *Dactylus glomerata*, and Perennial Rye-grass *Lolium perenne*. Where herbs were recorded, these included Perennial Sow-thistle *Sonchus arvensis*, Mugwort *Artemisia vulgaris*, Dove's-foot Crane's-bill *Geranium mole*, Common Toadflax *Linaria vulgaris*, Creeping Thistle *Cirsium arvense*, Common Nettle *Urtica dioica*, Ivy *Hedera helix*, Spear Thistle *Cirsium vulgare*, Field Bindweed *Convolvulus arvensis*, Stinging Nettle *Urtica dioica*, Groundsel, Common Ragwort *Senecio jacobaea*, Scarlet Pimpernel *Anagallis arvensis*, Common Fumitory *Fumaria officinalis*, Cleavers *Galium aparine*, Prickly Lettuce *Lactuca serriola*, Common Knapweed *Centaurea nigra*, Hedge mustard *Sisymbrium officinale*, White Champion *Silene latifolia*, White dead-nettle *Lamium album*, Dandelion *Taraxacum officinale* agg., Common Field-speedwell *Veronica*

*persica*, Cow Parsley *Anthriscus sylvestris* and Broad-leaved Dock *Rumex obtusifolius*. Local dominance of some ruderals, such as Common Nettle, was recorded in some areas, particularly within the south associated with the hardstanding.

- 4.5.3 Scattered scrub associated with this habitat included Bramble *Rubus fruticosus agg.*, Ash *Fraxinus excelsior*, Elder *Sambucus nigra*, Sycamore *Acer pseudoplatanus*, and Hawthorn *Crataegus monogyna*.

#### Evaluation

- 4.5.4 Overall, this habitat supports a low diversity of common and widespread species, whilst this habitat is not uncommon in the local area. As such, this habitat does not constitute an important ecological feature.

## 4.6 Hedgerows

### Description

- 4.6.1 Three hedgerows are present located at the site boundaries, labelled H1 to H3 on Plan 5971/ECO3. The hedgerows are described in Table 4.1 below.

**Table 4.1.** Hedgerow descriptions.

No.	Woody species	Ground flora & climbers	Associated features	Comments (including structure / management)
H1	Hawthorn (D), Sycamore (sm), Ash, Horse Chestnut, Elder (R)	Narrow band of Willowherb and Nettles, with other species consistent with adjacent habitat	A section of the hedgerow at the west is backed by offsite scrub on the south side, comprising Elder, Alder, and Ash.	5-8m high, 4-5m wide. Dense, mature hedge.
H2	Hawthorn (D), Elder (R), Holly, Crab Apple	Bramble, Nettles, Yarrow, Common Couch, Consistent with adjacent habitat.	Standard trees at include Oak and Sycamore	Defunct hedge with frequent gaps
H3	Hawthorn (D), Field Maple (F), Oak, Blackthorn, Crab Apple (R), Rose (R), Holly (R) Eastern Extent: Elder, Oak, Ash, Hawthorn, Hazel	Consistent with adjacent habitat	Dry ditch at western section. Standard trees include Oak and Ash.	Mature, dense hedgerow

### Evaluation

- 4.6.2 The hedgerows present are dominated by common and widespread species, with only occasional standard trees and were not recorded to support a particularly diverse flora, such that they appear to represent unexceptional examples of this habitat type. Nonetheless, they provide linear corridors and cover for potential use by wildlife.
- 4.6.3 The hedgerows are likely to qualify as a Priority Habitat based on the standard definition<sup>9</sup>, which includes all hedgerows (>20m long and <5m wide) consisting predominantly (≥80%) of at least one native woody species.

<sup>9</sup> Based on: Biodiversity Reporting and Information Group (2011) 'UK Biodiversity Action Plan (BAP) Priority Habitat Descriptions', ed. Ant Maddock

- 4.6.4 On this basis, the hedgerows within the site are considered to form an important ecological feature, although given the nature and relatively limited network present within the site itself, are only considered to be of importance at the local level.

## 4.7 Trees

### Description

- 4.7.1 A number of trees were recorded within the site, limited to the site boundaries and largely associated with the hedgerows. Trees were noted to range from semi-mature to mature in age, including Oak *Quercus* sp., Ash *Fraxinus excelsior* and Sycamore *Acer pseudoplatanus*.

### Evaluation

- 4.7.2 The trees present within the Site include a number of mature Oak, with some associated deadwood. Given their size and age, the mature trees are considered to offer some ecological interest in their own right such that they are considered to be of ecological value at the local level.

## 4.8 Hardstanding

### Description

- 4.8.1 A small area of hardstanding is present within the south of the Site, comprising an area of asphalt which is understood to have been created in order to facilitate previous highways works associated with the M42. The margins of the hardstanding support sparse colonising vegetation, including ruderal weeds and tall grasses, such as False Oat-grass, Yorkshire-fog *Holcus lanatus*, Mugwort *Artemisia vulgaris*, Hedgerow Crane's-bill *Geranium pyrenaicum*, Common Ragwort, Prickly Lettuce, Ribwort Plantain *Plantago lanceolata*, Yarrow *Achillea millefolium*, Rosebay Willowherb *Chamerion angustifolium*, Spear Thistle, Black Medick *Medicago lupulina*, Creeping Cinquefoil *Potentilla reptans*, Curled Dock *Rumex crispus*, Common Bird's-foot-trefoil *Lotus corniculatus*, Greater Plantain *Plantago major*, Selfheal *Prunella vulgaris*, White Clover *Trifolium repens*, Common Fleabane *Pulicaria dysenterica*, Bristly Oxtongue *Picris echioides* and Hogweed *Heracleum sphondylium*, with some mosses and Bramble.

### Evaluation

- 4.8.2 The hardstanding is largely devoid of vegetation, supporting a limited range of common colonising weeds at the margins. Accordingly, this habitat is considered to be of negligible ecological value at the Site level.

## 4.9 Offsite Scrub

- 4.9.1 A band of offsite scrub is present adjacent to the western site boundary, associated with the M42 corridor forming the motorway embankment, located beyond a dry ditch. This habitat is approximately 5m in width, comprising mature scrub / developing woodland habitat, which includes some semi-mature trees. Species present include Blackthorn *Prunus spinosa*, Field Maple *Acer campestre*, Ash, Silver Birch *Betula pendula*, Alder *Alnus glutinosa*, Hawthorn *Crataegus monogyna*, Rowan *Sorbus aucuparia*, Dogwood *Cornus sanguinea*, Oak, Cherry *Prunus* sp., Willow *Salix* sp., and Bramble.

## Evaluation

- 4.9.2 The M42 embankment is dominated by a modest diversity of common woody species, which forms a dense corridor of habitat, providing connectivity with the wider landscape. The habitat is located wholly offsite, however is directly adjacent to the site boundary, and connects with boundary hedgerows associated with the Site. Accordingly, this habitat is considered to be of some ecological value at the Local level.

### 4.10 Habitat Evaluation Summary

- 4.10.1 On the basis of the above, the following habitats within and adjacent to the site are considered to form important ecological features:

**Table 4.2.** Evaluation summary of habitats forming important ecological features.

Habitat	Level of Importance
Hedgerows	Local
Trees	Local
Offsite Scrub	Local

- 4.10.2 Other habitats present within the site include improved grassland, and arable. However, these habitats do not form important ecological features.

## 5 Faunal Use of the Site

### 5.1 Overview

5.1.1 During the survey work, general observations were made of any faunal use of the site with specific attention paid to the potential presence of protected or notable species. Specific survey work was undertaken in respect of Badger, bats, reptiles and birds, with the results described below.

### 5.2 Priority Species

5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of species which are of principal importance for conservation in England. This list is largely derived from the 'Priority Species' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority species under the subsequent country-level biodiversity strategies.

### 5.3 Bats

5.3.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 5971/2 for detailed provisions). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. A number of bat species are also considered S41 Priority Species.

5.3.2 **Background Records.** No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the LRC returned records of Natterer's Bat *Myotis nattereri*, Daubenton's Bat *Myotis daubentonii*, Brown Long-eared Bat *Plecotus auritus*, Common Pipistrelle *Pipistrellus pipistrellus* and Soprano Pipistrelle *Pipistrellus pygmaeus* within 2km of the site. The closest record is for a single Common Pipistrelle, recorded in 2015, located approximately 1.1km from the site boundary.

#### 5.3.3 Survey Results and Evaluation

##### Roosting

5.3.4 A small number of semi-mature and mature trees are present along the site boundaries. The results of the tree assessment work undertaken at the site are illustrated on Plan 5971/ECO3 and summarised in Table 5.1 below:



**Table 5.1.** Tree inspection results.

Tree No.	Species	Age	Potential Roost Features	Suitability
T1	Sycamore	Mature	Major tear-out wound at low height does not appear to lead to cavities. Knot hole at approximately 4m facing south.	Low
T2	Sycamore	Mature	Small number of likely cavities noted within minor limbs facing south.	Low
T3	Oak	Mature	Large mature tree with significant deadwood	Low

5.3.5 As can be seen from the above table, only a small number of trees were recorded to support any bat roosting potential, limited to low potential. Accordingly, the Site is considered to be of no more than low value to roosting bats, at the Site level.

#### Foraging / Commuting

5.3.6 The habitats within the site are composed almost entirely of intensive arable land, which supports an extremely low vegetative diversity and is unlikely to provide more than an extremely poor invertebrate prey population. Suitable opportunities for foraging / commuting bats are limited to Site boundary corridors, with internal areas providing negligible potential. Accordingly, the Site appears to be of no more than low value at the Local level in regard to local bat populations.

## 5.4 Badger

5.4.1 **Legislation.** Badger receive legislative protection under the Protection of Badgers Act 1992 (see Appendix 5971/2 for detailed provisions), and as such should be assessed as an important ecological feature. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It is the duty of planning authorities to consider the conservation and welfare impacts of development upon Badger and issue permissions accordingly.

5.4.2 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. Guidance on the types of activity that should be licensed is laid out in the relevant best practice guidance.<sup>10, 11</sup>

5.4.3 **Background Records.** No specific records of Badger within or adjacent to the survey area, or within the wider vicinity of the site were returned from the Records Centre.

5.4.4 **Survey Results and Evaluation.** The majority of the Site is of little value to Badgers, being dominated by intensively managed arable crop. The field margins offer some opportunities for foraging / commuting Badger, albeit limited. No Badger setts, dung pits, latrines, or evidence of foraging were recorded within the Site during the survey work. However, a single Badger scat was recorded within the Site, close to the Site boundary, suggesting Badgers make some occasional use of the Site, albeit it is unlikely to represent a particularly important part of their range, whilst abundant similar habitat is present in the wider surroundings. Accordingly, the Site is considered to be no more than low value to Badger at the Site level.

<sup>10</sup> English Nature (2002) 'Badgers and Development'

<sup>11</sup> Natural England (2011) 'Badgers and Development: A Guide to Best Practice and Licensing', Interim Guidance Document

## 5.5 Other Mammals

- 5.5.1 **Legislation.** A number of other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (e.g. under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species are S41 Priority Species and should be assessed as important ecological features.
- 5.5.2 **Background Records.** No specific records of other mammals from within or adjacent to the site were returned from the desktop study. A number of records of Hedgehog *Erinaceus europaeus* (Priority Species) were returned from within the search area around the Site, with the closest being approximately 190 m south-east of the Site.
- 5.5.3 **Survey Results and Evaluation.** No evidence of any other protected, rare or notable mammal species was recorded within the site. Throughout the reptile survey work, there were some incidental records of common and widespread mammal species, including Common Shrew *Sorex araneus*, Field Mouse *Apodemus sylvaticus*, and Bank Vole *Myodes glareolus*.
- 5.5.4 Other mammal species likely to utilise the site, such as Fox *Vulpes vulpes*, remain common in both a local and national context, and as mentioned above do not receive specific legislative protection in a development context.
- 5.5.5 Habitats within the site are unsuitable for riparian mammals such as Water Vole and Otter, lacking in wetland habitats. On this basis, the site is considered to be of no more than low value to other mammal species at the local level.
- 5.5.6 It is likely that other common mammal species such as Hedgehog are present within the surrounding area and could enter the site. Hedgehog is included as a species of principal importance under the list produced under Section 41 of the NERC Act, albeit this species remains common and widespread in England.

## 5.6 Amphibians

- 5.6.1 **Legislation.** All British amphibian species receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also classed as a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended). As such, both Great Crested Newt and habitats utilised by this species are afforded protection. Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*.
- 5.6.2 **Background Records.** No specific records of Great Crested Newt *Triturus cristatus* from within or adjacent to the site were returned from the desktop study. A small number of records of Great Crested Newt were returned from the wider search area surrounding the site, with the closest located approximately 1.2km to the east of the site.
- 5.6.3 **Survey Results and Evaluation.** No waterbodies are present within the Site, and based on a review of available mapping, aerial photography and available views from the site itself, no standing water bodies are present within 250m of the site boundaries. In terms of terrestrial habitats the majority of the Site is composed of intensively managed arable land, which is extremely unlikely to provide suitable opportunities to support any amphibian population.

- 5.6.4 Amphibians, including Great Crested Newt, can range some distance from their breeding ponds', although typically the majority of activity with regard to this species is centred within 100 metres of the breeding pond with a maximum routine migratory range usually occurring within 250 metres of the pond.
- 5.6.5 Based the site survey work, along with a review of the OS 1:25 000 scale OS map of the area and available online mapping and photography, no suitable breeding habitats appear to be present within 250m of the site.
- 5.6.6 As such, on the basis of the available evidence, including the lack of suitable habitats and physical separation from any potential breeding opportunities, this species is unlikely to make use of the Site. Accordingly, the Site is considered to offer negligible value for amphibians.

## 5.7 Reptiles

- 5.7.1 **Legislation.** All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 5971/2 for detailed provisions. All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.
- 5.7.2 **Background Records.** No records of reptiles were returned from within or adjacent to the Site from the desktop study. Information returned from WBRC returned records for Grass Snake *Natrix natrix* and Slow Worm *Anguis fragilis* in the vicinity of the site, the closest record being for a single Grass Snake, recorded approximately 600m from the site boundary.
- 5.7.3 **Survey Results and Evaluation.** The habitats within the site are composed of intensively managed arable land of negligible value to reptiles. The narrow field margins have some potential to provide foraging / commuting habitat, and as such specific survey work was carried out, as illustrated on Plan 5971/ECO4 and described above. No evidence for the presence of any reptiles was recorded during the specific survey work. Accordingly, the site is considered to offer negligible value for reptiles. There were a small number of incidental records of common mammal species during the reptile survey work, as discussed at section 5.5.

## 5.8 Birds

- 5.8.1 **Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and are subject to special penalties (see Appendix 5971/2 for detailed provisions).
- 5.8.2 **Conservation Status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status<sup>12</sup>. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and or experiencing a

<sup>12</sup> Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) 'Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man' British Birds 108, pp.708-746

high/rapid level of population decline (>50% over the past 25 years). A number of birds are also S41 Priority Species. Red and Amber listed species and priority species should be assessed as important ecological features.

- 5.8.3 **Background Records.** No specific records of birds within or adjacent to the site were returned from the desktop study. Information from the data search included records of a small number of bird species in the vicinity of the site, including the Red Listed species Song Thrush *Turdus philomelos* and House Sparrow *Passer domesticus*, and the Amber Listed species Kestrel *Falco tinnunculus*, Mallard *Anas platyrhynchos*, House Martin *Delichon urbicum* and Mute Swan *Cygnus olor*. Kestrel was recorded within the 1km grid square that includes the southern half of the site. None of the other bird records are from within or adjacent to the site.
- 5.8.4 **Survey Results and Evaluation.** Bird species recorded in the vicinity of the Site at the time of the Phase 1 survey include Wood Pigeon *Columba palumbus*, Magpie *Pica pica*, Robin *Erithacus rubecula*, Blackbird *Turdus merula* and Skylark *Alauda arvensis*.
- 5.8.5 The November and December wintering bird surveys indicate that the fields within the site support only small numbers of a few bird species. Golden Plover *Pluvialis squatarola* was heard calling after dark during the December survey, flying over the adjacent field to the north. Other bird species recorded include Skylark, Fieldfare *Turdus pilaris*, Mistle Thrush *Turdus viscivorus*, Linnet *Linaria cannabina*, Meadow Pipit *Anthus pratensis*, Stonechat *Saxicola rubicola*, Kestrel and Buzzard *Buteo buteo*, along with Red-legged Partridge *Alectoris rufa* (feral) and an incidental Peregrine *Falco peregrinus* flying over the site. A number of these species are listed as being of conservation concern, however none has so far occurred in significant numbers. The peripheral vegetation supports similarly unremarkable numbers of a number of common hedgerow/garden species.
- 5.8.6 The survey work remains ongoing at the time of writing and will be reported in full once complete, however on the basis of the survey information to date, it is not anticipated that the additional survey work will significantly impact the assessment of the value of the site to wintering birds.
- 5.8.7 Overall, on the basis of the survey work undertaken to date, the Site is considered to be of no more than low value to birds at the Local level.

## 5.9 Invertebrates

- 5.9.1 **Legislation.** A number of invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue Butterfly *Maculinea arion*, Fisher's Estuarine Moth *Gortyna borelii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 5971/2 for detailed provisions. A number of invertebrates are also S41 Priority Species. Where such species are present, they should be assessed as important ecological features.
- 5.9.2 **Background Records.** No specific records of invertebrates were returned from within or adjacent to the site. A number of Priority Species were returned within the wider vicinity of the site, including Small Heath *Coenonympha pamphilus*, Dingy Skipper *Erynnis tages*, Cinnabar *Tyria jacobaeae*, Latticed Heath *Chiasmia clathrata*, Helochares *obscurus*, August Thorn *Ennomos quercinaria* and Dusky Thorn *Ennomos fuscantaria*. The closest record is of Small Heath, recorded approximately 520 m west of the site.

5.9.3 **Survey Results and Evaluation.** No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the Site. A number of common and widespread species were recorded during the Phase 1 survey work, among others, species recorded include Seven-spot Ladybird *Coccinella septempunctata*, Harlequin Ladybird *Harmonia axyridis*, Peacock Butterfly *Aglais io*, Small Tortoiseshell *Aglais urticae*, and Common Wasp *Vespula vulgaris*.

5.9.4 The Site is dominated by intensively managed arable land, which is likely to be subject to pesticide application, such that any invertebrate populations would be focussed on the limited boundary habitats, albeit the small number of trees present likely provide refuges for invertebrate species.

5.9.5 As such, the site is likely to provide some low ecological value for invertebrates at the Site level.

## 5.10 Summary

5.10.1 On the basis of the above, a summary of the evaluation of fauna is provided below:

**Table 5.X.** Evaluation summary of fauna forming important ecological features.

Species / Group	Supported by or associated with the site	Level of Importance
Badger	Low	Site (legislative importance only)
Bats – Roosting	Potential habitat in the form of trees	Site (legislative importance only)
Bats – Foraging / Commuting	Low	Local
Birds	Low	Site (legislative importance only)

5.10.2 Other fauna supported by the site include species of mammals and invertebrates, however these are not considered to form important ecological features in the context of the Site.

## 6 Conclusions

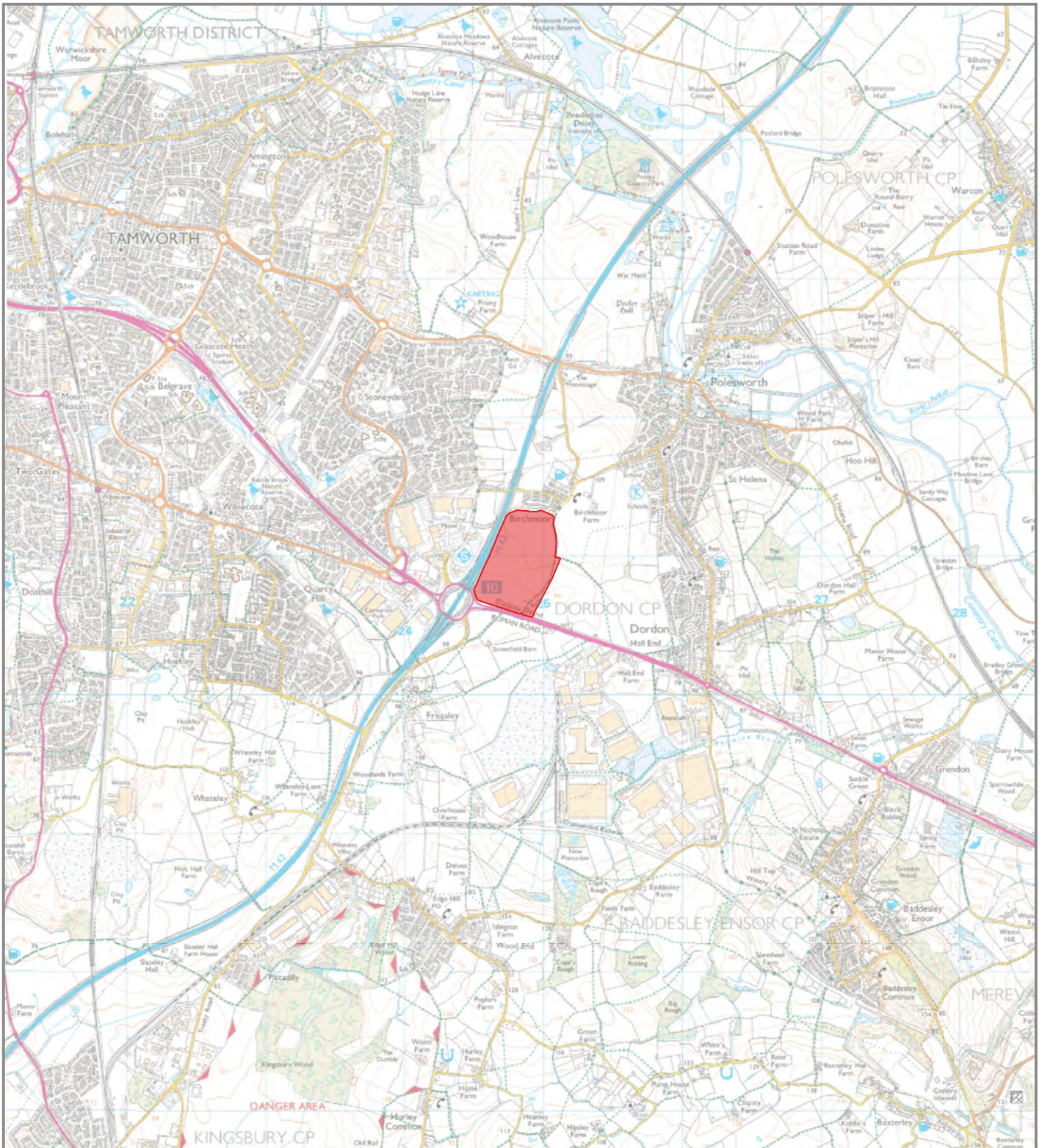
- 6.1.1 Aspect Ecology has carried out a Baseline Ecological Appraisal of the application Site, based on the results of a desktop study, Phase 1 habitat survey and a number of detailed protected species surveys.
- 6.1.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the Site, and the designations within the surrounding area are well separated from the Site.
- 6.1.3 The Phase 1 habitat survey has established that the Site is dominated by habitats not considered to be of ecological importance, with any features of elevated value (namely hedgerows and trees) limited to Site boundaries.
- 6.1.4 The Site generally offers limited opportunities for protected, or other faunal species and the Site was not recorded to be of importance for any of these species during the survey work. Nonetheless, it is likely that the habitats present (predominantly the boundary habitats) are used by common nesting birds.

## Plan 5971/ECO1:


Site Location

---





Key:

 Site Location



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  
 Site Location

5971/ECO1

December 2020

PROJECT	
TITLE	
DRAWING NO.	
REV	
DATE	

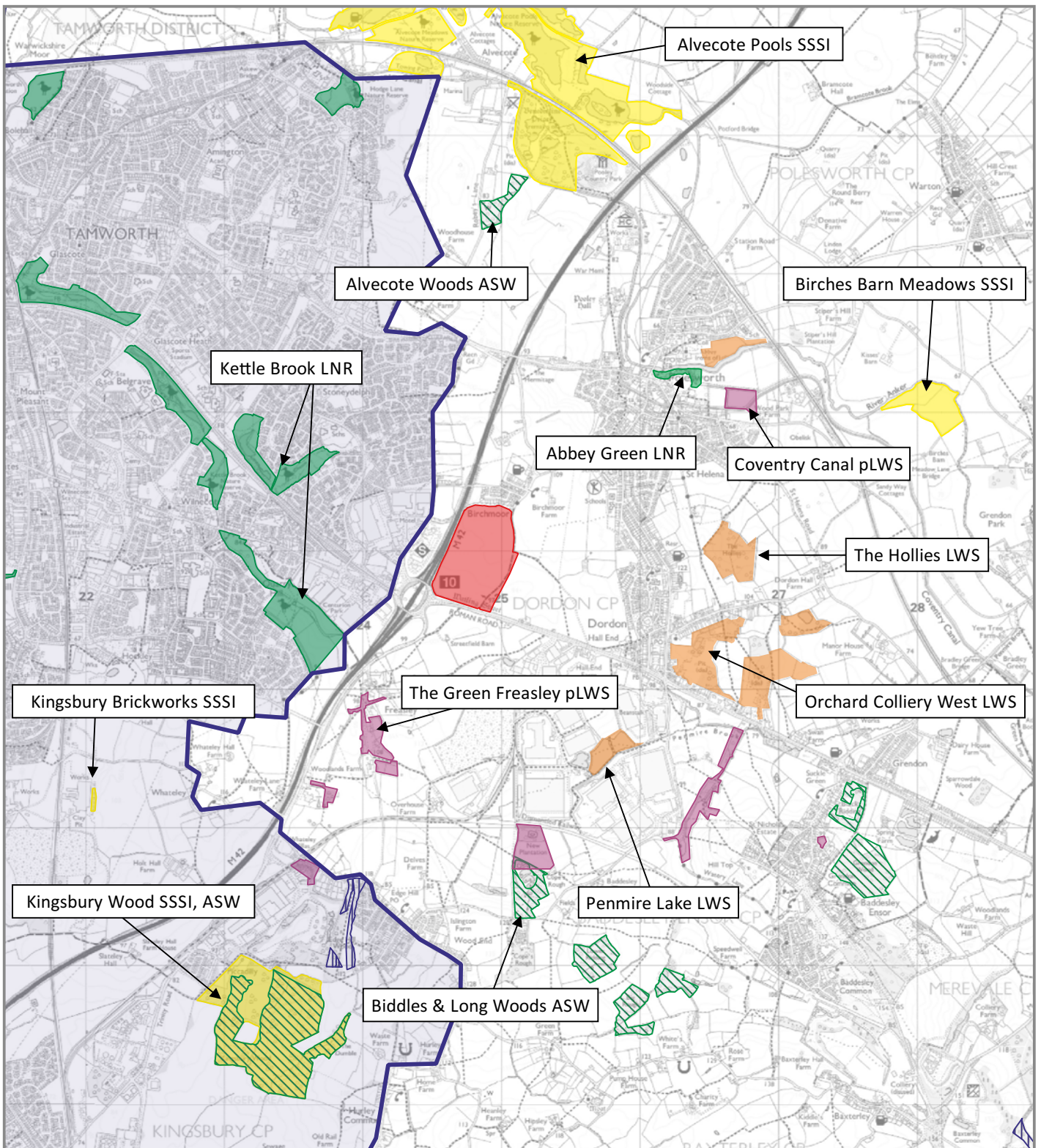




## **Plan 5971/ECO2:**

Ecological Designations

---



**Key:**

- Site Location
- Site of Special Scientific Interest (SSSI)
- Ancient Replanted Woodland (ARW)
- Ancient & Semi-Natural Woodland (ASW)
- Local Nature Reserve (LNR)
- Local Wildlife Sites (LWS) Within 2km of Site Boundary
- Potential Local Wildlife Site (pLWS) Within 2km of Site Boundary
- Tame Valley Nature Improvement Area (NIA)



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**  
 Ecological Designations

5971/ECO2

December 2020

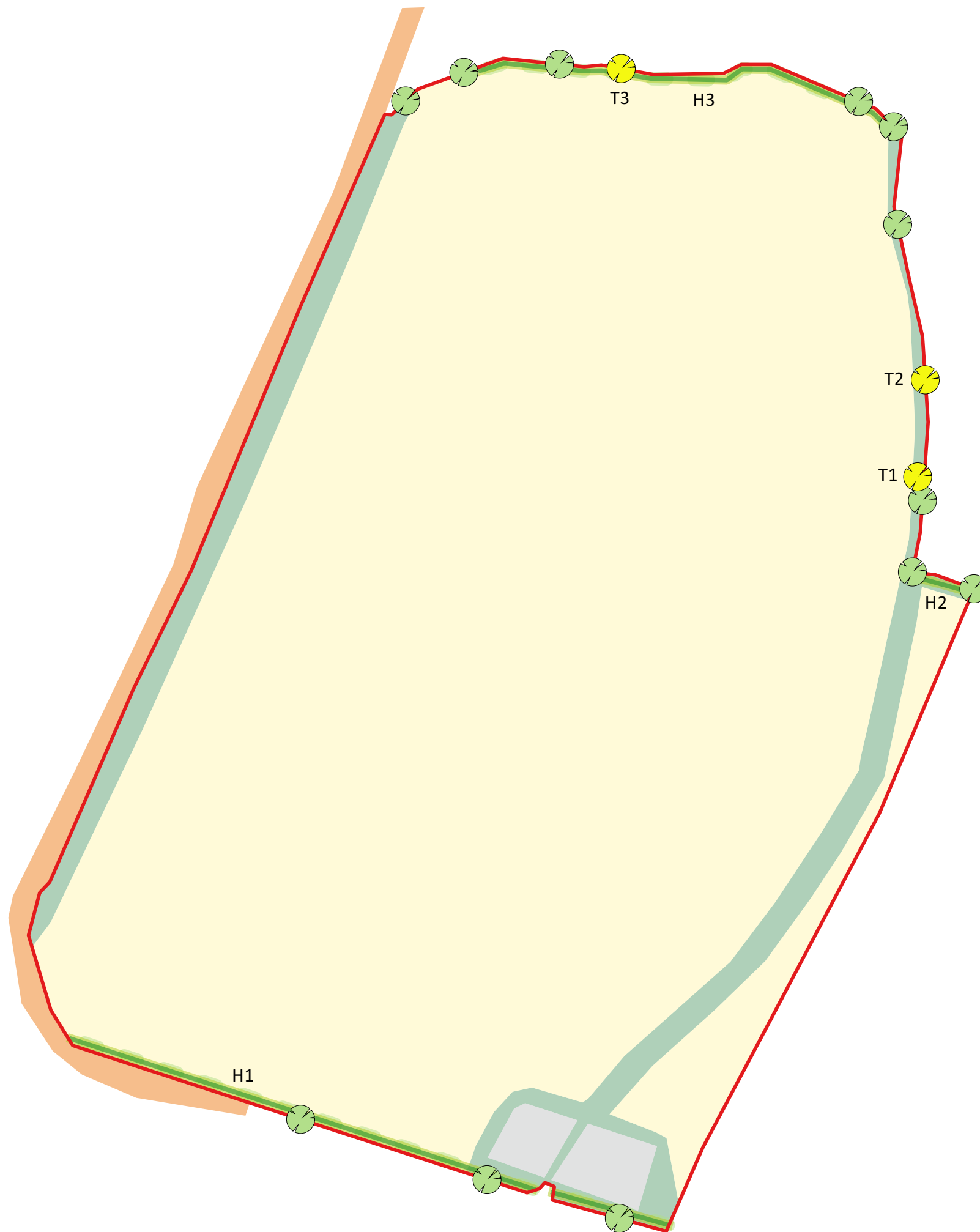


PROJECT	
TITLE	
DRAWING NO.	
REV	
DATE	

## **Plan 5971/ECO3:**

Habitats and Ecological Features

---



- Key:
-  Site Boundary
  -  Arable
  -  Grassland, Tall Herb, Bramble and Scattered Scrub
  -  Hardstanding
  -  Offsite Scrub
  -  Hedgerow
  -  Tree with Low Potential to Support Roosting Bats
  -  Tree



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  
 Habitats and Ecological Features

5971/ECO3

December 2020

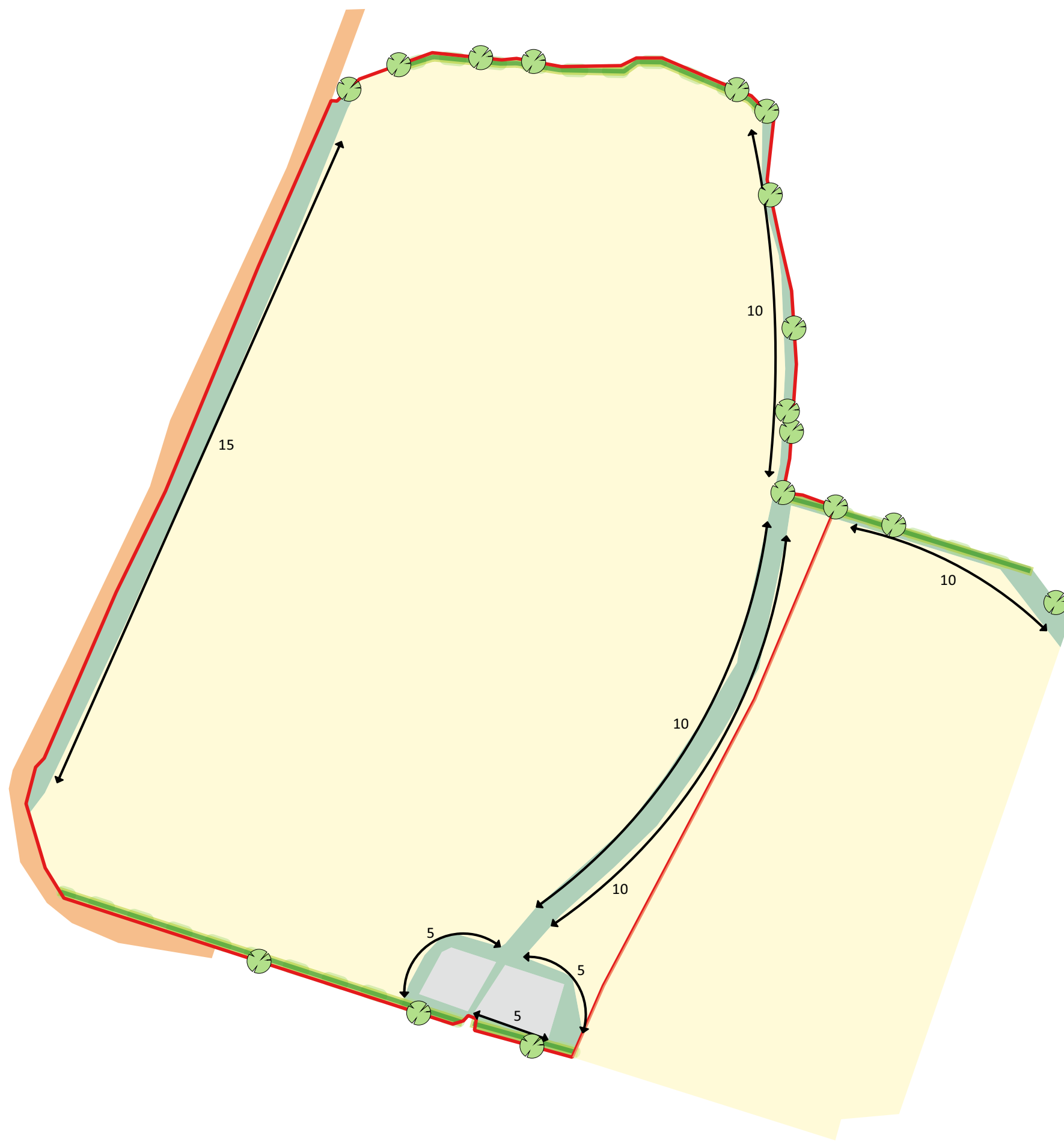
PROJECT	
TITLE	
DRAWING NO.	5971/ECO3
REV	-
DATE	December 2020



## **Plan 5971/ECO4:**

Reptile Survey Plan

---



- Key:
- Site Boundary
  - Arable
  - Grassland, Tall Herb, Bramble & Scattered
  - Hardstanding
  - Offsite Scrub
  - Hedgerow
  - X Tree
  - Reptile Transects

**aspect ecology**

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

<p>Land at J10, M42, North Warwickshire Reptile Survey Locations</p>	PROJECT TITLE DRAWING NO. REV DATE
<p>5971/ECO4</p>	<p>5971/ECO4 - December 2020</p>



## **Appendix 5971/1:**

Evaluation Methodology

---



## Evaluation Methodology

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (2018)<sup>1</sup>.

### Importance of Ecological Features

2. Ecological features within the site/study area have been evaluated in terms of whether they qualify as 'important ecological features'. In this regard, CIEEM guidance states that *"it is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable"*.
3. Various characteristics contribute to the importance of ecological features, including:

- Naturalness;
- Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
- Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
- Endemic species or locally distinct sub-populations of a species;
- Habitat diversity;
- Habitat connectivity and/or synergistic associations;
- Habitats and species in decline;
- Rich assemblages of plants and animals;
- Large populations of species or concentrations of species considered uncommon or threatened in a wider context;
- Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and
- Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.

4. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

### *Designated Sites*

- Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);

<sup>1</sup> CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Chartered Institute of Ecology and Environmental Management, Winchester



- Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);
- Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

#### *Biodiversity Lists*

- Habitats and species of principal importance for the conservation of biodiversity in England and Wales (largely drawn from UK BAP priority habitats and priority species), often referred to simply as Priority Habitats / Species;
- Local BAP priority species and habitats.

#### *Red Listed, Rare, Legally Protected Species*

- Species of conservation concern, Red Data Book (RDB) species;
- Birds of Conservation Concern;
- Nationally rare and nationally scarce species;
- Legally protected species.

5. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

#### Assigning Level of Importance

6. The importance of an ecological feature should then be considered within a defined geographical context. Based on CIEEM guidance, the following frame of reference is used:
  - International (European);
  - National;
  - Regional;
  - County;
  - District;
  - Local (e.g. Parish or Neighbourhood);
  - Site (not of importance beyond the immediate context of the site).
7. Features of 'local' importance are those considered to be below a district level of importance, but are considered to appreciably enrich the nature conservation resource or are of elevated importance beyond the context of the site.
8. Where features are identified as 'important' based on the list of key sites, habitats and species set out above, but are very limited in extent or quality (in terms of habitat resource or species population) and do not appreciably contribute to the biodiversity interest beyond the context of the site, they are considered to be of 'site' importance.
9. In terms of assigning the level of importance, the following considerations are relevant:

### *Designated Sites*

10. For designated sites, importance should reflect the geographical context of the designation (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

### *Habitats*

11. In certain cases, the value of a habitat can be measured against known selection criteria, e.g. SAC selection criteria, 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997. However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as antiquity, size, species-diversity, potential, naturalness, rarity, fragility and typicalness (Ratcliffe, 1977). The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.
12. Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Habitats of Principal Importance' or 'Priority Habitats', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular habitat under a BAP does not in itself imply any specific level of importance.
13. Habitat inventories (such as habitat mapping on the MAGIC database) or information relating to the status of particular habitats within a district, county or region can also assist in determining the appropriate scale at which a habitat is of importance.

### *Species*

14. Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.
15. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
16. Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Species of Principal Importance' or 'Priority Species', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular species under a BAP does not in itself imply any specific level of importance.
17. Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).

## **Appendix 5971/2:**

Legislation Summary

## LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself<sup>1</sup>. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
  - Wildlife and Countryside Act 1981 (as amended)
  - Protection of Badgers Act 1992
  - Hedgerows Regulations 1997
  - Countryside and Rights of Way (CROW) Act for England and Wales 2000
  - Natural Environment and Rural Communities Act 2006
  - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
  - Kill, injure or take any wild bird;
  - Take, damage or destroy the nest of any wild bird whilst in use\* or being built;
  - Take or destroy an egg of any wild bird.

\* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
  - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
  - Disturb dependent young of such a bird.

---

<sup>1</sup> <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
  - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
  - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
  - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
  - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
  - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
  - Wilfully kill, injure, take, possess or cruelly ill-treat\* a Badger, or attempt to do so;
  - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

\* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

# A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CRoW) Act for England and Wales 2000.** The CRoW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)<sup>2</sup> classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
  - Deliberately capture, injure or kill any wild animal of a European Protected Species;
  - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
  - Deliberately take or destroy the eggs of such an animal;
  - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

---

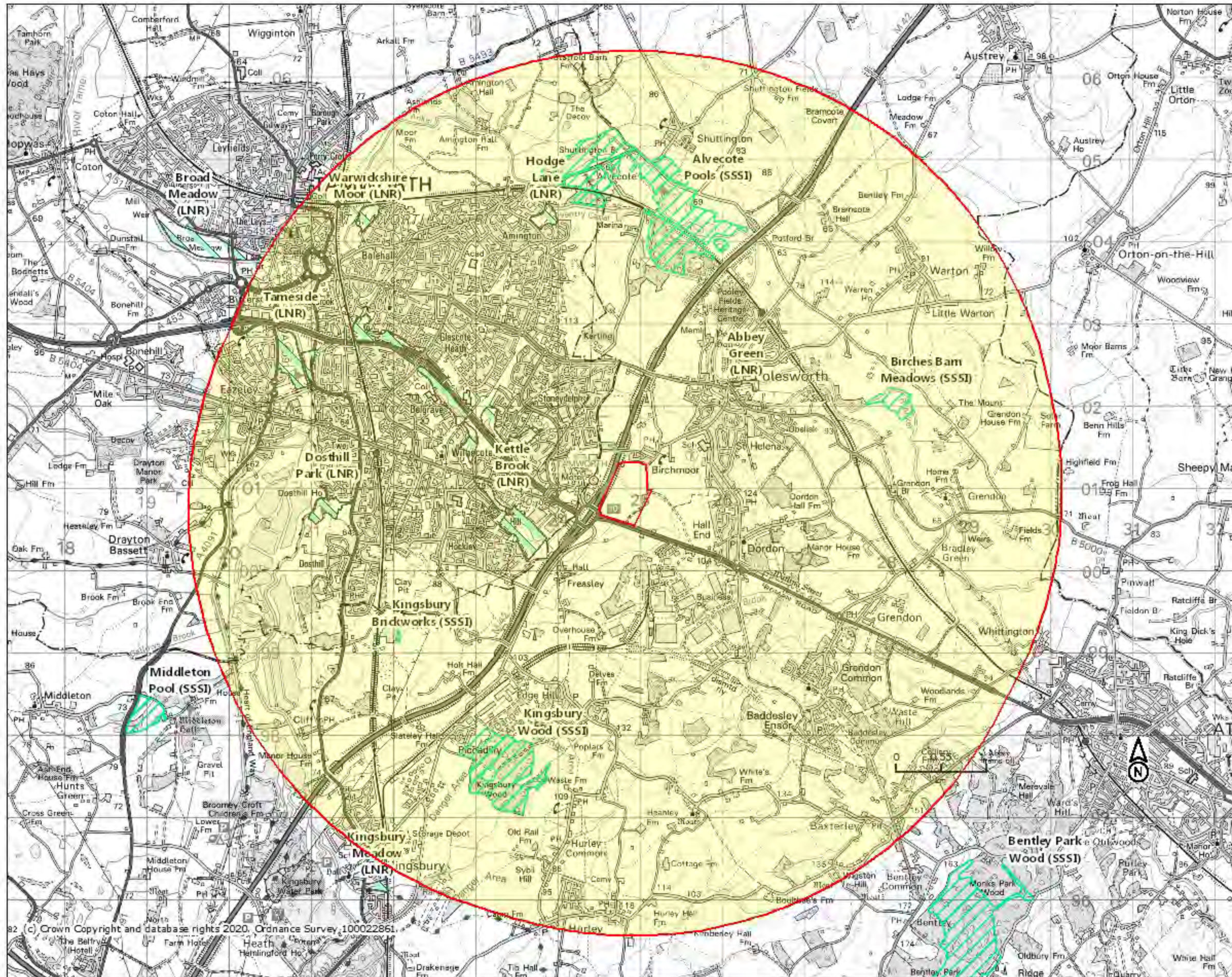
<sup>2</sup> Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

## **Appendix 5971/3:**

Desktop Study Data

---





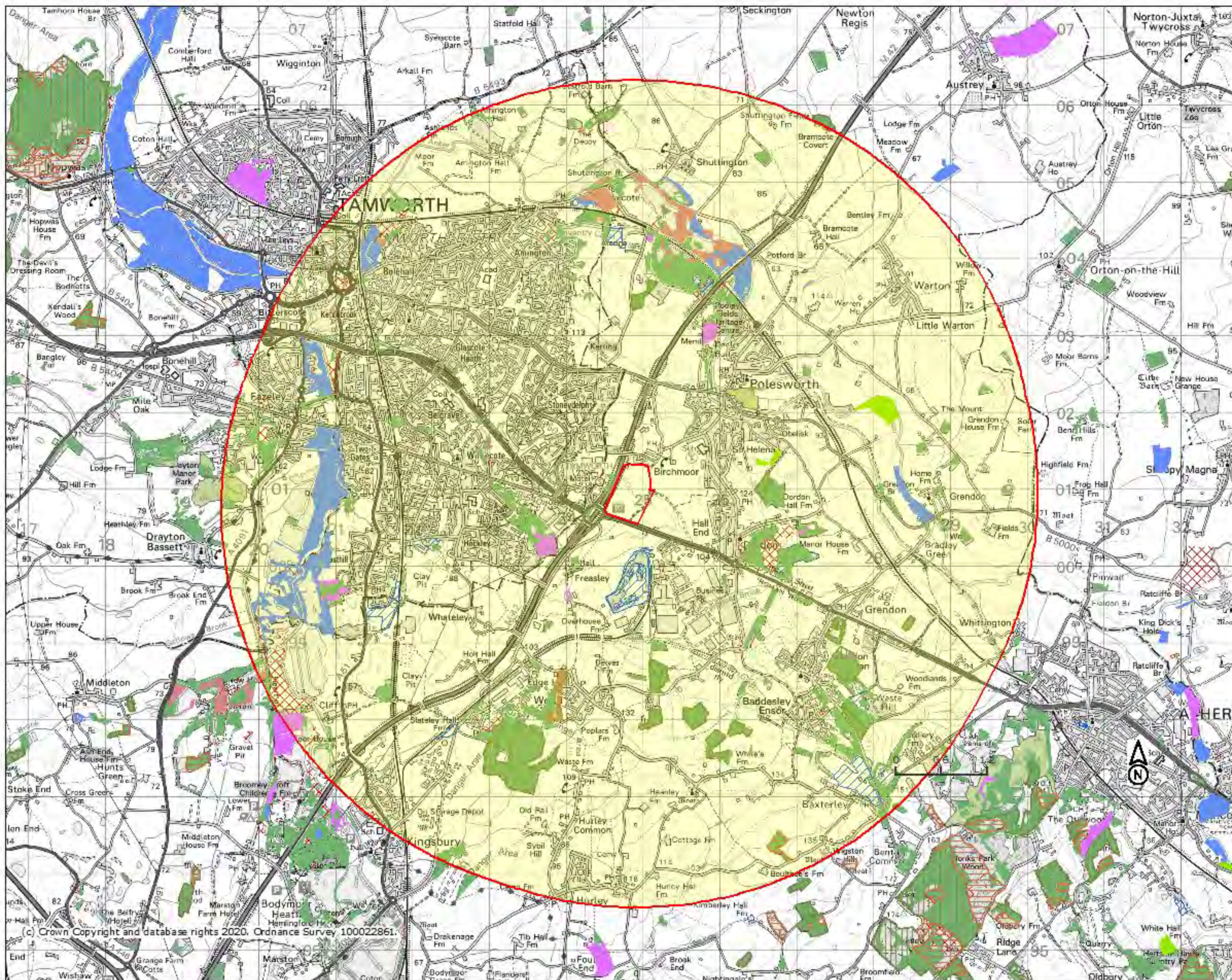
**Legend**

- Local Nature Reserves (England)
- Sites of Special Scientific Interest (England)

Projection = OSGB36  
 xmin = 412900  
 ymin = 294900  
 xmax = 436700  
 ymax = 307000

Map produced by MAGIC on 15 December, 2020.  
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.





**Legend**

- Priority Habitat Inventory - Coastal and Floodplain Grazing Marsh (England)
- Priority Habitat Inventory - Good quality semi-improved grassland (Non Priority) (England)
- Priority Habitat Inventory - Lowland Meadows (England)
- Priority Habitat Inventory - Lowland Fens (England)
- Ancient Woodland (England)**
  - Ancient and Semi-Natural Woodland
  - Ancient Replanted Woodland
- Priority Habitat Inventory - Deciduous Woodland (England)
- Woodpasture and Parkland BAP Priority Habitat (England)
- Open Mosaic Habitat (Draft)
- Priority Habitat Inventory - No main habitat but additional habitat exists (England)

Projection = OSGB36  
 xmin = 411900  
 ymin = 294800  
 xmax = 437600  
 ymax = 307100

Map produced by MAGIC on 15 December, 2020.  
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.



## **Appendix 5971/4:**

Pre-application ecology advice from Warwickshire County Council

# Pre-application Advice



Date: September 2020

**Application:**

**Land Adjacent to M42, North Warwickshire**

**For**

**Aspect Ecology**

**Warwickshire County Council**

**Ecological Services**

**THE DIAGRAMS SUPPLIED HAVE BEEN MADE AVAILABLE TO WARWICKSHIRE COUNTY COUNCIL FOR THE PURPOSES OF PROVIDING PRE-APPLICATION ADVICE ONLY AND HAVE BEEN PROVIDED IN CONFIDENCE**

## Table of Contents

Advice Remit .....	3
Site Assessment .....	4
Protected Species.....	4
Biodiversity Impact Assessment .....	6
ANNEX 1 – CEMP & LEMP conditions .....	7
ANNEX 2 - email .....	8

## Figures

Figure 1: Red & Blue Line Plan .....	3
Figure 2: Ecological Constraints and Opportunities Plan .....	5
Figure 3: Development Plan.....	5

## Advice Remit

Thank you for your pre-application request for ecological planning advice for the above site. We have viewed the documents submitted; including the covering email (Annex 2), Red and Blue Line Plan, 11/08/2020 (Figure 1), Ecological Constraints and Opportunities - 5971/CON1, July 2020 (Figure 2) and the Development Plan - 4263\_CA\_00\_00\_DR\_A\_00067, 11/08/2020 (Figure 3) together with County data sources including aerial photography, the Warwickshire Biological Records Centre (WBRC) and Habitat Biodiversity Audit (HBA) for existing records and information.

The developer has specifically requested this advice to cover any necessary survey work required in order to inform the scheme and a forthcoming planning application and their associated timescales/seasonal considerations of any surveys. Aspect Ecology propose to undertake

- a desktop study (including review of information from WBRC)
- extended Phase 1 survey and
- specific reptile surveys of the suitable habitats identified.
- A BIA/net gain assessment

It is suggested that Aspect Ecology have suggest that further bat foraging/activity surveys are not required

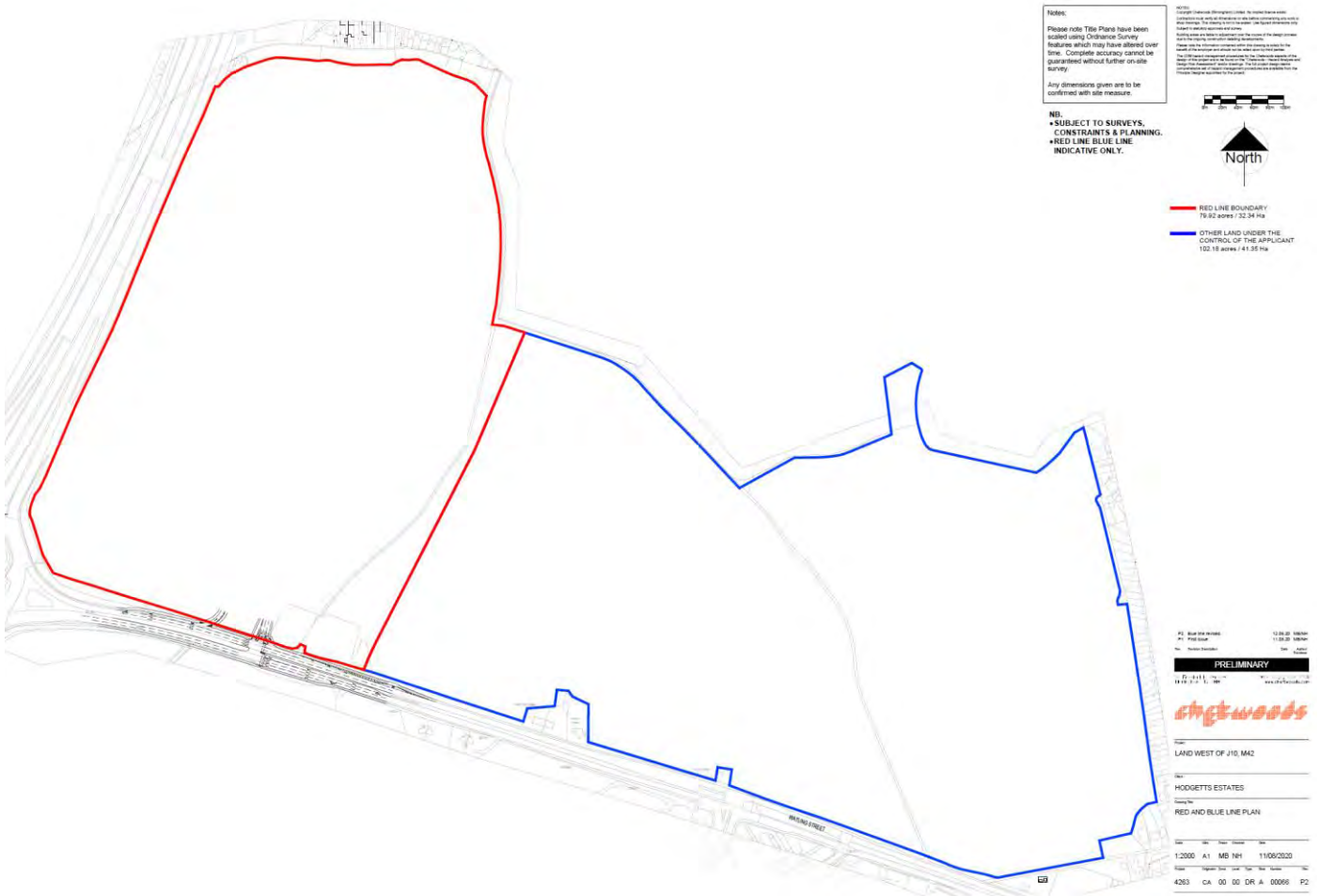


Figure 1: Red & Blue Line Plan

## Site Assessment

Warwickshire County Council has not visited the site and relies upon the ecological description supplied in the accompanying information.

The site has been described from an initial survey visit (date unknown) as “*the internal areas of the site are formed entirely by arable [cereal] cropped areas – the only exceptions being the small section at the southern boundary, which is hardstanding [apparently a former compound for motorway works to the M42] and the footpath corridor running north-south.*”

From this visit the site was “*highlighted as having potential for reptiles, which is purely a grassland strip with no hedgerows/trees, taller or woody vegetation present*”.

The Habitat Biodiversity Audit broadly agrees with this assessment of the red line. The extended blue line area was also recorded as arable with a small copse within the northern boundary.

There are no national or Local Wildlife Sites within or immediately adjacent to the site

There are no records for protected, important or invasive species records within the red or blue line boundaries. There are records for grass snake, slow worm, great crested newt, Japanese knotweed, Lichen Case-bearer (a moth), Dingy skipper and bats near to the site.

### Recommendations:

- **A WBRC search is obtained for the site**
- **An extended Phase 1 survey will be required to confirm habitats on site and their condition, plus any signs or features used or potentially used by protected and important species.**

## Protected Species

Great Crested Newt: Great crested newt has been recorded near to the site, however, there are no obvious ponds near to either the red line or the blue line, although it is difficult to see under the tree canopies of the woodland and its surrounding habitats outside of the blue boundary. It is also noted that the Development Plan (Figure 1) shows significant landscaping zones that could be used to buffer construction works from any newt that looks to enter the site; especially if these zones are to be ‘retained and enhanced’ and not negatively impacted upon.

Bats: Bats have been recorded near to the site; however, the only commuting and foraging routes are along the edges of the site that will be protected by the significant landscaping zone; especially if these zones are to be ‘retained and enhanced’ and not negatively impacted upon.. If this zone is retained, then there should be no impact on features used by these species. The only tree removal would be at the entrance, however, the Ecological Opportunities and Constraints Plan suggest that the trees here have no bat potential.



Figure 2: Ecological Constraints and Opportunities Plan



Figure 3: Development Plan



**Reptiles:** Grass snake and slow worm has been recorded close to the site and could be present in the marginal habitat or around the old compound area. If the fields are maintained for arable until any construction then it could be argued that surveys for grass snake could be carried out prior to commencement and moved to a purpose built and secured area; managed during construction. However, if the fields are left to succession then grass snakes may move into the 'set-a-side' over this abandonment period. If this period extends into the breeding season then a more comprehensive reptile mitigation strategy will be required.

**Badger:** no references to badger activity has been included in the submitted material.

**Breeding Birds:** The fields are expansive and could support overwintering / foraging potential for birds and no references to birds nesting or otherwise have been included in the submitted material.

#### **Recommendations:**

- **No great crested newts surveys are required unless a pond is found on the northern boarder and even then this species could be managed through a Construction and Environmental Management Plan condition (Annex 1).**
- **If the landscape zone is being retained and enhanced without negatively impacted upon existing habitat and a survey of the entrance hedgerow confirms no features for bat roosts, then no bat surveys will be required as they will not be impacted upon by the development.**
- **Reptiles will need to be carefully considered during the pre-construction management of the site. No pre-determination surveys would be required should arable-to-ground commencement of development be relatively continuous. If there is a significant gap between ceasing of arable and development, then surveys may be required. This strategy can be covered within the Construction and Environmental Management Plan condition (Annex 1) or a specific Protected Species Contingency Plan**
- **Confirmation of any or no badger activity needs to be referenced in any submitted planning application documentation (potentially under a separate heading).**
- **An overwintering bird assessment and potential survey will be required especially as there are regionally significant water features near to the site. These assessments will need to be carried out to best practice guidelines.**
- **A lighting strategy is likely to be requested on any determination.**

Please note that the extended Phase 1 survey may highlight the need or no need for additional surveys. WCC Ecology would be happy to assist further once this survey has been carried out.

#### **Biodiversity Impact Assessment**

A Biodiversity Impact Assessment will be required, and we recommend that either the latest Defra Biodiversity Metric 2.0 or the Warwickshire Coventry and Solihull calculator v19.1 is used. We understand that a masterplan or illustrative layout has not yet been finalised but once available we would be happy to review any draft BIA and provide comments. It is noted that there is a significant area within the blue line that could be used to compensate for any residual area from the blue line. Any gains could be recorded to offset other developments within the wider area.

All on site enhancements will need to be secured through a Landscape and Ecology Management Plan (Annex 1) and should any residual gains wish to be used to offset an developments, then there areas will need to be secured through a legal instrument ensuring management for no less than 30 years.

## **ANNEX 1 – CEMP & LEMP conditions**

### **Construction environmental management plans (Biodiversity) – Condition**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

*NOTE See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.*

### **D.4.5 Landscape and ecological management plans (LEMPs) – Condition (Also referred to as a Habitat or Biodiversity Management Plan)**

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... to the commencement or occupation ...] of the development [or specified phase of development]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*NOTE To ensure that some form of covenant is in place to ensure that the management body that takes on long-term responsibility for implementation of the LEMP (management of the ecological areas) is to do so in strict accordance with the details contained therein.*

## ANNEX 2 - email

**From:** Colin Lee  
**Sent:** 17 August 2020 11:00  
**To:** David Lowe  
**Cc:** Planning Ecology  
**Subject:** M42

Dear David,

Further to our brief conversation last week, I mentioned the site in North Warwickshire that we have been asked to look at and having gone back to the landowner, they have now confirmed that they would like us to request your formal pre-application response in regard to our proposed scope of surveys at the site (I understand that the planning officer at NWBC had confirmed to them that WCC 'Ecological Services' is a statutory consultee for ecology and biodiversity measures in the Borough and would therefore be contacted in regard to the site as part of their consideration of any application).

I attach copies of the 'Red and Blue Line Plan' and 'Development Plan' identifying the site and development proposals, which are provided in confidence. I also attach a copy of our initial ecological constraints and opportunities plan, prepared following our recent initial survey visit (as discussed, the internal areas of the site are formed entirely by arable [cereal] cropped areas – the only exceptions being the small section at the southern boundary, which is hardstanding [apparently a former compound for motorway works to the M42] and the footpath corridor running north-south, highlighted as having potential for reptiles, which is purely a grassland strip with no hedgerows/trees, taller or woody vegetation present).

On the basis of the development plan, it is clear that substantial buffers can/will be incorporated to the relevant (vegetated) boundaries with the exception of the required access onto the A5 (which is already well-lit), and potential clearly exists for substantial new habitats and benefits/enhancements to be designed in as part of the scheme design moving forward. I would also anticipate any lighting being necessarily restricted to the development areas (suitably designed to avoid light-spill into the buffers/site boundaries and ensure dark corridors are maintained around all sides (with the exception of the access)).

As this stage, the developer is keen (particularly noting the current seasonal progression) to establish the necessary survey work required in order to inform the scheme and a forthcoming planning application (along with associated timescales/seasonal considerations).

On this basis, in order to inform the scheme, we currently propose to undertake a desktop study (including review of information from WBRC), extended Phase 1 survey and specific reptile surveys of the suitable habitats identified. It is also anticipated that the proposals/application would be informed by BIA/net gain considerations including the use of the latest WCC BIA calculator tool, in line with the standard approach taken across the sub-region.

At this stage, given the nature of the site and on the basis of the survey work and development plan information provided to date (in particular noting the substantial buffers to be maintained to all relevant vegetated boundaries and potential for additional planting/benefits, along with the clearly negligible potential of the internal areas), we do not consider that further bat foraging/activity survey work would gain any particularly useful information nor be warranted in regard to the site, albeit (noting that we are currently right at the end of the available season for this type of work) *I would be grateful in particular for urgent confirmation of your agreement that further such [bat activity] surveys can be scoped out on the basis of this information.*

On the basis of the information set out (and subject to forthcoming scheme design and masterplanning reflecting the above and incorporating ecological enhancements where appropriate/possible), it is currently our consideration that the above survey/assessment approach will ensure that all significant ecological matters associated with the proposals are adequately addressed. I would therefore be grateful for your confirmation that the proposed scope of surveys would provide appropriate information to inform the forthcoming scheme/planning application in line with your identification as a consultee on the scheme by NWBC (or otherwise confirm any additional surveys/consideration you would expect to require).

*I understand from our conversation that you are able to provide pre-application advice in line with the above, however this would be chargeable and I would therefore be grateful if you could confirm the relevant charges and processes in order to facilitate this request.*

I trust this is all self-explanatory, however if you have any queries or it would be useful to discuss further, please don't hesitate to contact me.

Kind regards

**Colin Lee**  
Associate Director

landscape planning ■ ecology ■ arboriculture

aspect

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

T: 01295 276066  
E: [info@aspect-ecology.com](mailto:info@aspect-ecology.com)  
W: [www.aspect-ecology.com](http://www.aspect-ecology.com)