



CONSULTATION RESPONSE FROM WARWICKSHIRE COUNTY COUNCIL: ECOLOGY

DISTRICT OR BOROUGH	Rugby Borough Council	
APPLICATION NUMBER	R24/0111	
ADDRESS	Land North of Rounds Gardens, Rugby	
PROPOSAL	Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 134 dwellings, accesses, landscaping, parking, drainage features and associated works	
PLANNING CASE OFFICER	Ella Casey	
DEPARTMENT	ECOLOGY	
ECOLOGY OFFICER	Jane Harrison, Ecologist	
DATE COMMENTS SENT	29/02/2024	
RESPONSE:		
No comment		
No objection		
Refusal		
Further information required		✓
Condition		
Advice Notes		
REASON FOR RECOMMENDATION:		
<p>Habitat</p> <p>The metric submitted shows a habitat area gain of 0.75 units (2.55%), hedgerow unit gain of 1.75 units (79.88%) and a neutral watercourse unit score of 0.00 units (0.00%).</p> <p>A mandatory 10% biodiversity net gain is not required for this application because it was submitted prior to 12 February 2024. However, a gain/neutral for biodiversity is required in line with NPPF and Rugby Borough Council Local Plan.</p>		

The landscape proposals include enhancements to existing woodland and scrub and creation of an area of permanent standing water with marginals, wetland and grassland wild flower planting, increased area of scrub, native woodland and individual tree planting. The proposals are welcome but might need some revision.

The Nocturnal Bat and Activity Survey Report recommendations suggest that an east /west corridor (sections of tree lines: sections of TL1, TL2, TL3, TL4) and broadleaved woodland to the north will be retained for connectivity through the site. *It is recommended that the proposed site plans include creating a green corridor between the east to west of the site to maintain commuting routes for local bat species.* (Section 6.2 of the report.) This would be a welcome feature which would be helpful for many species, including bats. We strongly recommend this to reduce the relative isolation and increase future attractiveness of the site for wildlife. The Proposed Site Plan suggests this area will be reserved as a 5m wide maintenance corridor. If this is intended for access, a buffer to the access should be included as a dark, wildlife corridor.

The submitted Landscape Management Plan, Roberts Limbrick does not extend to 30-years and does not include a responsible body for the implementation and maintenance of the habitat strategy. These will be expected for the LEMP.

A Defra metric, landscape plan and Habitat Management plan need to be the same with no conflicts. The consultant ecologists and the landscape designers need to work closely to design a landscape which is realistic and can achieve the aims set out.

BNG Metric

Baseline query – the woodland area appears to extend south and around rear of York Street houses and to the side of number 101 York Street, rather than being scattered scrub. The TREE REMOVAL PLAN also appears to suggest mature trees in that location, not shown on the Phase 1 Habitat Plan Drwg. No. 80-671-001 (PEA, Appendix 1). Tree Constraints Plan, 001 (Arboricultural Impact Assessment and Method Statement, Appendix 2) also suggests mature trees in the location.

Individual trees - Nearly all tree species would be expected to reach only small size within 27 years. See [The Statutory Biodiversity Metric: User guide](#).

Small trees in poor condition is a more realistic target. Moderate condition passes 2-3 of the criteria on Statutory biodiversity metric condition assessments sheet.

Twenty-three trees are marked 'Proposed trees – On plot'. These cannot be counted in the metric because their management on private land cannot be guaranteed.

Proposed wildflower meadows appear to be mostly narrow strips, some adjacent to biodiverse lawned areas. Both appear to be proposed close to a path where the Landscape Masterplan shows picnic tables and play trail symbols. The proposed are unlikely to reach moderate in the location shown with increased footfall and shading/leaf litter from trees.

Suds area – Habitat target condition changed from good to moderate. Good would mean reaching all three core criteria and having no non-native species. It should also be demonstrated that the feature is engineered to hold water all year round.

A metric with WCC comments added has been included with the response.

The revisions made show a habitat area loss of -15.33 units (-52.06%), hedgerow unit gain of 1.75 units (79.88%) and a neutral watercourse unit score of 0.00 units (0.00%).

Protected species

According to the Updated Site Walkover an initial Preliminary Ecological Appraisal (PEA) of the site was undertaken in late 2021 and a further assessment in summer 2022, when more detailed Phase 2, presence/likely absence surveys were undertaken for protected species, which may be using the site.

Amphibians and GCN

There are no waterbodies shown on the Phase 1 Habitat map. The WBRC holds no records for GCN within 1km of the site. One waterbody was identified within 250m of the site. The location is to the north (approx. 190m) within the industrial area to the north of the site. It was concluded that the lack of suitable connecting habitat between the waterbody and the site was given as a reason for a likely absence of GCN on the site. We would agree with this.

Common amphibians such as common frog and notable species such as common toad may be present within woodland and hedgerows on the site. Precautionary working measures (PWMs) for site clearance and enhancements were recommended. These can be included in the CEMP and shown on a Habitat Creation plan associated with a LEMP.

Bats

A preliminary assessment undertaken identified one building (B1) and three walls (W1-3) which required assessment for potential to support roosting bats. B1 had moderate potential and W1 had low potential to support roosting bats.

Twenty-three trees were assessed as having low potential. No further surveys are required for trees with low potential.

In line with guidance, two nocturnal surveys were carried out on B1 and one on W1. The surveys were carried out at appropriate times and in appropriate conditions. No bats were observed exiting, nor entering the structures. Low levels of commuting and foraging activity were recorded, including common pipistrelle, soprano pipistrelle brown long-eared bat and noctule.

Bat activity transect surveys were undertaken across the site during June to October 2022. The timings are appropriate for 2016 guidelines. The same species as detected during nocturnal surveys were identified. Results are given as low activity across the site with no firm pattern of use of the site by bats.

Static bat detectors were set up in 5 locations associated with linear features around the site. The most bats recorded was 160 common pipistrelle passes in mid-September. Again, the same species as detected during previous surveys were identified. The most important location, with low levels of activity recorded throughout the survey period was Location 4, which was placed within the broadleaved woodland.

The results reinforce the importance of retaining existing tree lines including sections of TL1, TL2, TL3 and TL4 and a small section of broadleaved woodland to the north of the site. Eastern and northern boundaries represent important commuting and foraging routes, which should be retained as far as possible. Recommendations pertaining to lighting are also made. The recommendations are appropriate and we would agree with these.

Bat emergence surveys were undertaken in 2022, which is just within limits of survey validity (CIEEM Advice-Note on survey validity, 2019). Bats are highly mobile creatures, known to use several different roosting sites throughout the active season and from year to year. The building may undergo physical changes from year to year and provide opportunities for roosting bats in this time. Should works not be carried out to demolish B1 and W1 before the end of the 2024 season, further surveys should be undertaken, or ecological supervision for removal of B1 should be included in the CEMP.

Badger

One active and one disused sett were identified on site during the PEA. In July 2022 further survey work was undertaken. The survey was carried out at a time not recommended as optimal months for badger surveys. The methodology does not appear to follow or reference any specific guidelines. Sett statuses and types of sett do not appear to be defined in the text nor in an appendix. Passive camera surveys were not undertaken. The use of sticks and a walkover of connected habitat does not give confidence in the conclusion that the entrances at Sett 1 are not a main, but an outlier sett. The extended survey across wider, connected habitat missed setts known to WCC Ecology. An assessment of the importance of the sett and surrounding habitat for a badger population does not appear to be considered. Proposals are made to close the outlier entrances under licence, which may be appropriate, but a Natural England Licence application will require more supporting evidence. Timings of licence availability and time to obtain a licence should also be taken into account.

Further survey work, following recognised guidelines should be undertaken.

Hazel Dormouse

Lack of nearby records and suitable extent of habitat onsite led to this species being scoped out of the requirement for further survey work. We would agree with this conclusion.

Other Terrestrial Mammals

The site was considered suitable for hedgehogs and the WBRC holds several records for this species within 1km of the site. The site does offer suitable habitat (hedgerow, broadleaved woodland, dense scrub, scattered scrub, treelines, and scattered scrub). Precautions (PWMs) for site clearance and enhancements were recommended. These can be included in the CEMP and shown on a Habitat Creation plan associated with a LEMP.

Otter and Water Vole

The nearest watercourse, River Avon, is 350m north of the site beyond suitable connecting habitat. Both these species were scoped out of the requirement for further survey work. We would agree with this conclusion.

Breeding Birds

WBRC returned many records for notable birds within 1km. The site survey recorded three common birds. It was considered that broadleaved woodland, scattered trees, treelines, hedgerow, and dense scrub would support common birds. Ground nesting birds were ruled out due to lack of suitable habitat.

Any vegetation clearance should be timed to avoid the breeding season. This can be included in the CEMP. Enhancements proposed, such as integrated bird boxes in buildings, should be included in the CEMP and shown on a Habitat Creation plan associated with a LEMP.

Reptiles

Reptile surveys, with methodology and results detailed in a separate report, were carried out during June and July 2022. These months are not recognised as optimal survey months in guidelines (Froglife Advice Sheet 10). The best daytime survey times were also missed occasionally. These factors were not listed as a limitation. No reptiles, nor any other species, were recorded on the site after seven survey visits.

However, given the location and the lack of WBRC records for reptiles, the lack of connectivity for reptiles, we do not consider that the results gained are inaccurate for this site.

Providing precautionary working measures are included in the CEMP, to ensure that reptiles are not harmed by the development.

Invertebrates

No specific survey was carried out for invertebrates. Desk study data returned a majority of records associated with London to Birmingham mainline railway corridor. No records were returned for the site.

Enhancements proposed should aim to increase diversity of plant and habitats and lead to an increased attractiveness for invertebrate populations. These will be included in the LEMP.

Invasive Plant Species.

Schedule 9 plants wall cotoneaster and field horsetail were identified within the site boundary. It is an offence to plant it or actively allow it to spread (e.g. through translocation of soil containing wall cotoneaster and /or field horsetail seeds). Any polluted soil or plant material that is discarded, intended to be discarded or required to be discarded is classed as controlled waste and should be accompanied by appropriate Waste Transfer documentation. Appropriate methods for safe disposal of both species should be included in a CEMP.

FURTHER INFORMATION REQUIRED:

- Reassess the BNG metric in the light of comments and justify target conditions if necessary
- Further badger survey work during spring/autumn

AMENDMENTS RECOMMENDED:

- TBC

DOCUMENTS REVIEWED:

- As standard, WCC Ecology reviews aerial photography, consults Warwickshire Biological Record Centre (WBRC) and Habitat Biodiversity Audit (HBA) Phase 1 data.
- Preliminary Ecological Appraisal (PEA), e3p January 2024
- Biodiversity Metric Report, e3p January 2024
- Defra 4.0 metric, Jones, January 2024
- Nocturnal Bat and Activity Survey Report, e3p January 2024
- Reptile Survey Report, e3p January 2024
- Badger Survey Report and Method Statement, e3p January 2024
- Updated Site Walkover, email summary dated 24th January 2024
- Habitat Creation plan, P8002 Rev C01
- LANDSCAPE MANAGEMENT PLAN, Roberts Limbrick, January 2024
- Landscape Masterplan, P8001 Rev C01
- Proposed Site Plan R9112 RLA 23 XX DR A Rev C01

<ul style="list-style-type: none"> • Arboricultural Impact Assessment and Method Statement, e3p November 2024 • Tree Removal Plan, R9112 RLA 23 XX DR A
RECOMMENDED CONDITIONS TO BE APPLIED:
A Construction Environmental Management Plan (Biodiversity) Condition, a Landscape and Ecological Management Plan Condition and a Lighting condition are likely to be recommended for this application.
RECOMMENDED ADVICE NOTES TO BE APPLIED:
<ul style="list-style-type: none"> • None
RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)
<ul style="list-style-type: none"> • TBC
DISCHARGE OF CONDITIONS ONLY: (Please confirm which condition(s) is/are being discharged)
<ul style="list-style-type: none"> • N/A

Note for applicants: Please be aware that this specialist advice is provided to the Local Planning Authority through a Service Level Agreement with Warwickshire County Council. If you have any queries about the content of this document, please correspond **directly with the Planning Officer** dealing with the planning application or discharge of condition application. We are unable to respond directly to applicant enquiries regarding the advice that we have provided as part of this service.

Warwickshire County Council also offers a **chargeable support service for applicants** and information can be found about this service here:

<https://www.warwickshire.gov.uk/sdcecologypreapp>

The following legislation is used to assist in the assessment of planning applications:

(edit as appropriate):

Legislation source	Reference
NPPF Dec 2023	Paras 8, 180, 181, 185, 186, 187, 188
Environment Act 2021	Mandatory net gain Biodiversity Duty Local Nature Recovery Plan
District or Borough Local Plan and supporting SPD's	Local Plan policy reference: Rugby Borough Council Local Plan 2011-2031 (2019) Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets Policy NE2: Strategic Green and Blue Infrastructure
ODPM circular 06/2005: Biodiversity and Geological Conservation	Requirement for species survey work to be carried out prior to the determination of a planning application. Paras. 98 and 99
NERC Act 2006	Biodiversity Duty (see also Environment Act 2021) Section 41, habitats and species of Principal Importance (previously BAP)

<p>Various International, European and National laws in relation to the protection of species and habitats</p>	<p>International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include SAC's and SPA's), SSSI's, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves.</p> <p>Habitats and Species protection: Habitat and Species Regulations (protected sites and species). Wildlife and Countryside Act 1981 (as amended including special Schedule 1), Natural England Standing Advice. Badger Act.</p>
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