



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	16/08/2024	
RESPONSE:		
No comment		
No objection		
Refusal		
Further information/amendments required		✓
Condition		
Advice Notes		
REASON FOR RECOMMENDATION:		
<p>Habitat The revised metric submitted shows a habitat area gain of 2.90 units (10.99%), hedgerow unit gain of 1.97 units (89.50%).</p> <p>Line of trees – This is noted and agreed.</p> <p>Individual trees – The guidance was amended because it was recognised that medium trees are not achievable in 30 years. WCC Ecology have never accepted Individual trees other than small.</p>		

Not referenced, but it seems that the approach to estimating tree age originates from Mitchell (1974, A Field Guide to the Trees of Britain and Northern Europe) which uses the estimated growth rate of 2.5cm in girth every year, which translates to 10cm diameter in just over 12 years ($2.5 / \pi * 12 = 9.55\text{cm}$). This assumes the tree has a full canopy and can be much less if the tree does not have a full canopy or if its growth is otherwise constrained. As **extra heavy standards have a girth of 14-16cm** (5.09cm max diameter) a highest estimate by this rate would be 28.9cm diameter in 30 years ($[2.5 / \pi * 30] + 5.09 = 28.9\text{cm}$). This assumes the trees are at the largest end of the range at planting, and that their growth is optimal. Therefore, we would not expect semi mature 'medium size' standards to meet this requirement either.

Semi-mature trees are 20cm or more in girth, over 4m in height and are likely to be at least 10 years old at the time of sale. They also require cranes for lifting so will be quite costly.

We would therefore only accept proposals for small trees in the metric.

Proposed Trees - On Plot

These can only be included if they will be managed under the 30-year legal responsibility of the developer. This will **only** be the case if they are **not** within the domestic curtilage of the properties as the trees will be in domestic ownership and not under the 30-year control of the developer. The orange colour on the plan shows proposed front gardens. If the owner of the garden wants to cut down a tree, the developer cannot prevent them. These should, therefore, not be included in the metric.

It is still not clear that a 5m wide buffer along the northern boundary extending fully west to east will be provided for connectivity. It is appreciated that this is not in full control of the ecologists but will need to be shown on all relevant plans when conditions come forward for discharge.

Wildflower planting is unlikely to meet 4 of the 6 condition criteria in areas where it is overshadowed by trees. It is unlikely to pass condition A to represent 'a good example of its habitat type with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type', which is essential for achieving Moderate condition. This is difficult to achieve on nature reserves over a longer time period and with dedicated staff. The other neutral grassland proposed should be entered as poor condition.

It must be demonstrated as part of the LEMP that the **SuDS** area of permanent water will hold water year-round. It is acknowledged that may be the responsibility of another team to show this.

With the above changes, numbers of individual trees reduced and downgrading of proposed grassland condition a gain is still shown. The proposed habitats are more realistic and do not place onerous management costs on the developer.

Protected species

Bats

The 5m wide dark corridor must be shown on all plans going forward for avoidance of doubt.

Badger

CIEEM Good Practice Guidance for Habitats and Species, v3 May 2021 cites Harris S., Cresswell P. and Jefferies D. (1989) Surveying badgers. The Mammal Society – Occasional publication No9. This guidance states that the best time to survey is in winter months. Badger Protection: Best Practice Guidance for Developers, Ecologists and Planners (England), Badger Trust, August 2023 states that surveys are ideally carried out in early spring or late autumn.

It is acknowledged that the camera monitoring in public areas poses risks to loss of equipment, however there are security boxes and locks which are available to counter the risk. Cameras were not used in survey work but will be used to support a licence application.

The WCC Ecology report is not yet published but we can say that the sett locations are SP500761, SP499762 and SP499762. We can let you know when the report has been published. I hope this is helpful.

Updated survey work for badgers, together with mitigation measures, timings of work etc. for a licence application, can be included in a CEMP condition.

Summary

The proposed habitats still need some revision to be realistic and achievable for the developer. Protected species methods can be secured by condition. A lighting strategy will protect wildlife corridors and retained/created habitats.

FURTHER INFORMATION REQUIRED:

- -

AMENDMENTS RECOMMENDED:

- Revise BNG metric

DOCUMENTS REVIEWED:

- Defra 4.0 Biodiversity Metric, Thomas, 10 July 2024 v 9
- ECOLOGY RESPONSE, e3p, June 2024
- BIODIVERSITY METRIC REPORT, e3p, July 2024
- Habitat Creation, P8002 C04

RECOMMENDED CONDITIONS TO BE APPLIED:

- TBC

RECOMMENDED ADVICE NOTES TO BE APPLIED:

- None

RECOMMENDED SECTION 106 REQUIREMENT (standard clause, contribution amount, trigger for payment)

- TBC

DISCHARGE OF CONDITIONS ONLY:

(Please confirm which condition(s) is/are being discharged)

- 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/sdcecolgypreapp>

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)
Various International, European and National laws in relation to the protection of species and habitats	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. 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.