



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	12/11/2024	
RESPONSE:		
No comment		
No objection		
Refusal		
Further information/BNG amendments required		✓
Condition		
Advice Notes		
REASON FOR RECOMMENDATION:		
<p>Habitat</p> <p>The revised metric, v10, submitted shows a habitat area gain of 1.86 units (7.05%), hedgerow unit gain of 1.97 units (89.50%).</p> <p><u>Individual trees</u></p> <p>Calculations shown are correct, but they are based on an optimistic figure for trees growing naturally in open space with enough room for canopy and root development.</p>		

The Statutory Biodiversity Metric User Guide Date: February 2024 p55 states: record newly planted individual trees as 'small', unless 'medium' size or above at the time of site-planting.

Therefore, the comments made on 16/08/2024 are the same and we have previously and still do only accept proposals for small trees in metrics.

126 (112 open space and 14 management company) small trees, assuming moderate, reduces the metric to a habitat loss to -9.12 (-34.49%). Reduces the habitat to -10.68 (-40.43%).

Proposed Trees - On Plot

Revisions on the Habitat Creation plan show areas which will be managed through a management company. Although some of these areas appear to be front gardens, the Habitat Creation plan makes it clear where they are located and therefore the areas are shown as habitat creation in the Defra Metric.

This will also need to be clear on landscaping and other relevant plans so that residents are in no doubt that the area marked is not part of their domestic curtilage.

Wildflower planting

The condition score for this habitat has been reduced. The HMMP will need to show how wildflower planting areas will be demarked from biodiverse lawn, and wetland wildflower meadows planting areas for management purposes to avoid blanket mowing of habitat.

Connectivity corridor

Ecologist email says that a maintenance corridor will not be publicly accessible. This is encouraged to avoid the area being inhospitable for wildlife. However, the ecologist's letter will not be adopted into scheme documentation, so this must be stated elsewhere. Additionally, boundary treatments have not been agreed with the landowners to the north, so light permeable fencing is not guaranteed, and neither are narrow strips of wildflower meadows to the north of the site. It is not fully clear that the corridor will benefit wildlife connectivity, but if the service corridor is not publicly accessible, this will go some way towards this aim. The details must be shown clearly on all relevant plans when conditions come forward for discharge.

Protected species

Bats

Because tree lines TL1 to TL4 were identified as important commuting and foraging habitat, these should be retained as far as possible. A 5m wide dark corridor no build zone to the north of the site must be shown on all plans going forward for avoidance of doubt.

Badger

No further survey work for badger has been undertaken during optimal survey season as recommended.

Although this is not ideal, updated survey work for badgers, together with mitigation measures, timings of work etc. for a licence application, can be included in a CEMP secured by condition. It is noted that the site is no longer accessible to the public, so no loss of equipment is likely and camera monitoring can be completed.

Other considerations

Enhancements for species including hedgehog highways and bee hotels in line with St Modwen Homes Sustainability policy can be shown on landscape drawings.
A lighting strategy, secured by condition, will protect wildlife corridors and retained/created habitats.
FURTHER INFORMATION REQUIRED:
<ul style="list-style-type: none"> -
AMENDMENTS RECOMMENDED:
<ul style="list-style-type: none"> Proposed individual trees needs revision to small in line with Statutory Biodiversity Metric User Guide.
DOCUMENTS REVIEWED:
<ul style="list-style-type: none"> Defra 4.0 Biodiversity Metric, Thomas, 10 July 2024 v 10 BIODIVERSITY METRIC REPORT, e3p, October 2024 Habitat Creation, P8002 C05 Ecologist Email, e3p, 31/10/2024 Proposed Site Plan R9112 RLA 23 XX DR A Rev C02
RECOMMENDED CONDITIONS TO BE APPLIED:
<ul style="list-style-type: none"> A LEMP, CEMP and Lighting Scheme conditions are likely to be recommended for this application. Biodiversity Net Gain may need to be secured offsite.
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/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.