

External Technical Advice Note: **Consideration of additional site ecological information to inform the Rugby Borough Council Ecological Constraints Assessment**

To	Neil Holly, Rugby Borough Council
From	Samantha Cheater, Lepus Consulting
Subject	Consideration of additional site ecological information to inform the Rugby Borough Council Ecological Constraints Assessment
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Purpose of this technical note

1. This Technical Advice Note (TAN) has been prepared to evaluate information that has come to light through the recent local plan consultation concerning site allocations; the Preferred Option Consultation, held from 24 March 2025 until 5 pm on 19 May 2025. This TAN provides a review of the additional ecological information which has been provided by site promoters at a range of sites, totalling five in number. This TAN evaluates whether this information will change the conclusions of Lepus Ecological Constraints Assessment (ECA) report (March, 2025).

Introduction

2. Rugby Borough Council (RBC) is currently in the process of reviewing its Local Plan 2011-2031 which was adopted in June 2019¹. A Regulation 18 Issues and Options consultation was carried out between November 2023 and February 2024. A call for sites ran alongside the Issues and Options consultation between 31st October 2023 and 2nd February 2024. Lepus Consulting was appointed by RBC to undertake an assessment of ecological

¹ Rugby Borough Council (2019) Rugby Borough Council Local Plan 2011-2031.

constraints at 55 sites which are being considered as part of the stage 2 site assessment process to support the Local Plan review. The outputs of this work were reported upon in the Lepus Ecological Constraints Assessment (March, 2025)

3. Since preparation of the Ecological Constraints Assessment (ECA) further detailed site-specific ecological information has been shared with RBC by land promoters for the following sites:
 - Site 50: Prologis Park West and Mountpark, Ryton-on-Dunsmore;
 - Site 71 Land off London Road, Ryton-on-Dunsmore;
 - Site 121 Land at Walsgrave Hill;
 - Site 133 Land north of M45, Thurlaston; and
 - Site 315 Rugby Road, Brinklow.
4. This Technical Advice Note (TAN) provides a review of the additional ecological information provided for the above sites by site promoters and evaluates whether this information will change the conclusions of the ECA (Lepus, March 2025).

Overview of the Ecological Constraints Assessment Methodology

5. The ECA provided a desk-based description of the ecological features at each of the 55 sites assessed, identifying potential impacts of development and outlining mitigation and recommendations for development. It presented the results of a desk-based site appraisal only, and no site visits or detailed ecological surveys were undertaken. All sites considered in the ECA were treated in the same way to ensure a transparent comparison of ecological constraints to development. It is also noted that no consultation was undertaken with Natural England regarding any specific site constraints or potential for mitigation.
6. The objectives of the ECA were as follows:
 - Define an ecological baseline for each site;
 - Identify and map ecological constraints;
 - Identify mitigation measures likely to be required, following the 'Mitigation Hierarchy';
 - Identify additional surveys that may be required; and,
 - Identify opportunities to deliver ecological enhancement.
7. The ECA focused on impacts from proposed development on the following ecological features only.

- Designated sites: Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs);
 - Irreplaceable habitat; and
 - Habitats of medium to high distinctiveness.
8. The ECA evaluated the potential ecological constraints to development at each site, considering an ecological baseline, the nature of development and potential for mitigation. This assessment took into consideration policy and legislative implications as relevant, and applied the following categories to distinguish the level of ecological constraint at each site assessed.

<p>Low ecological constraints - development is possible across the majority of the site with mitigation</p> <ul style="list-style-type: none"> ▪ Site may be located within an SSSI IRZ, but a review of impact pathways show limited potential for impacts²; ▪ Local designations are not located on or adjacent to the site; ▪ Habitats of medium to high distinctiveness located on site comprise less than 50% of the site area and can be retained or re-created using industry-standard environmental protection measures; or, ▪ There is no irreplaceable habitat located within or adjacent to the site.
<p>Medium ecological constraints - development is possible across sections of the site with mitigation</p> <ul style="list-style-type: none"> ▪ Site is located within an SSSI IRZ, and a review of impact pathways show likely impacts which would require mitigation; ▪ Local designations are coincident with or adjacent to the site; ▪ Habitats of medium to high distinctiveness located on site comprise more than 50% of the site area; ▪ Irreplaceable habitat associated with woodland features is located within 50m of the site; or, ▪ Irreplaceable habitat associated with lowland fen is hydrologically connected to the development site.
<p>High ecological constraints - an alternative site location should be considered</p> <ul style="list-style-type: none"> ▪ Site coincident with or within a functionally significant distance of an SSSI, where ecological functioning is unlikely to be re-created within a significant period post-disturbance and adverse impacts appear impossible to avoid for the type of development proposed; or Irreplaceable habitat is located on site.

9. It should be noted that the above categories are not definitive and were used as a guiding framework within the context of the high-level assessment provided within the ECA.
10. Appendix B of the ECA provides an overview of potential impacts from development at designated sites. Readers are referred to Chapters 4 – 58 for a site-specific assessment of development related ecological impacts. The site-specific assessments take into consideration proposed site end uses e.g. commercial or residential.

² Note: Subject to approval by Natural England.

Site 50 Prologis Park Ryton West, Ryton on Dunsmore

11. In correspondence to the Council on 31st January 2024 and 19th May 2025, Natural England highlights Site 50 as being '*notable due to the potential impacts of industrial development at this location upon Brandon Marsh SSSI and Ryton Woods SSSI*' and supports the removal of this site allocation from the Local Plan. A site-specific assessment of development related impacts for Site 50 is provided in Chapter 18 of the ECA and summarised in Table 18.2 of the ECA.
12. The site promotor for Site 50 has provided supplementary ecological site information to RBC: Enzygo (May 2025) Prologis Park Ryton West – Technical Note. Enzygo was commissioned to undertake 'ecological works' at Site 50. The nature of these 'ecological works' remains unclear, as the Technical Note does not include a methodology.
13. Brandon Marsh SSSI is designated for the feature: Assemblages of breeding birds - Lowland open waters and their margins³. Brandon Marsh SSSI is located approx. 935m to the north-east of Site 50 and comprises a complex of flooded gravel pits, fen and scrub lying adjacent to the River Avon in Rugby. It is a good example of open water with surrounding fen which is an uncommon habitat in Warwickshire.
14. The ECA desk-top review of habitat types on site indicated the presence of swamp, marginal and inundation vegetation, standing and running water. In addition, the River Avon and Tributaries LWS is located within and adjacent to Site 50 in the form of small watercourses, with the River Avon running along the western site boundary. Given the presence of these aquatic habitat types within Site 50 and their connectivity to Brandon Marsh SSSI via the River Avon and its tributaries which run under the A45 to the north of Site 50, it was concluded, at the desk top level, that Site 50 has the potential to provide functionally linked land to the SSSI.
15. Hydrological connectivity is apparent at the desk-top level between Site 50 and Brandon Marsh SSSI due to the presence of the River Avon and Tributaries LWS within and adjacent to Site 50, in the form of small watercourses, and the River Avon running along the western site boundary which connects to Brandon Marsh SSSI. Ryton Woods is also identified as hydrologically connected due to its location within 500m of Site 50.
16. Air quality impacts from development can be associated with both point and diffuse sources of pollution. Given the location the road network within 200m of Brandon Marsh

³ Natural England Designated Site Viewer.
<https://designatedsites.naturalengland.org.uk/SiteFeatureCondition.aspx?SiteCode=S1001151&SiteName=Brandon%20Marsh%20SSSI>

SSSI, proximity of Ryton Woods SSSI to Site 50 and the proposed employment site end use, air quality impacts are identified in the ECA.

17. The Enzygo Technical Note, at paragraph 1 on page 2, disagrees with this conclusion, stating '*it is not foreseen that development on this land would result in fragmentation, as it will not impact habitats between parcels of land that are identified as fitting this [Brandon Marsh SSSI] habitat type and designation*'. No detailed ecological site survey data is available in the Enzygo Technical Note to change the findings of the ECA in this respect.
18. The Enzygo Technical Note states, at paragraph 2 on page 2, that '*due to the distance of these sites [SSSIs] from the proposed development site, it is considered that all possible hydrological and air quality impacts can be suitably mitigated through the completion of technical hydrological and air quality reports, prepared by the relevant professional consultants*'. The need for additional survey work as suggested by Enzygo will help to evidence and understand the issues in greater depth, as appropriate. Until such time, the conclusions set out in the ECA in relation to hydrological and air quality impacts from development at Site 50 remain unchanged.
19. The ECA does not identify recreational impacts as an issue at Ryton Woods SSSI, or any LWS, due to the proposed commercial end use at Site 50 – see Table 18.2 of the ECA. The ECA is in agreement with the Enzygo report on this point. Given the proposed commercial end use for Site 50, no further consideration of recreational impacts is required at any SSSI or LWS.
20. Urbanisation effects are associated with impacts such as noise, lighting and visual disturbance as set out in the ECA. Such effects are generally observed when they occur within 400 metres of a designated site or sensitive habitat. It is noted that Ryton Wood SSSI is located approx. 240m to the south of Site 50 and therefore may be vulnerable to such urbanisation effects.
21. On page 2, the Enzygo Technical Note refers to potential mitigation and enhancement measures which could be implemented at Site 50. The measures are similar to mitigation set out in Chapter 59 of the ECA, which was prepared when site layout and design was unknown. Should this information become available, alongside the specialist technical assessments for air quality and hydrology as mentioned in the Enzygo report, the conclusion of the ECA can be revisited.
22. In the absence of this information, the additional information provided in the Enzygo Technical Note does not change the conclusions of the ECA. It is concluded that there are high ecological constraints to development at Site 50. This is consistent with Natural England's response (see **paragraph 11**).

Site 71: London Road, Ryton on Dunsmore

23. The site promotor for Site 71 provided the following ecological information to RBC:
- MKA Ecology (May 2025) Baseline Biodiversity Assessment: Land off London Road, Royton-on-Dunsmore.
 - MKA Ecology (May 2025) Designated Sites Review: Land off London Road, Royton-on-Dunsmore.
 - MKA Ecology (May 2025) Preliminary Ecological Appraisal: Land off London Road, Royton-on-Dunsmore.
24. At the time of writing the ECA, detailed information on the nature of the proposed development was limited to an understanding that the site would be used for employment. The MKA Ecology reports provide further information on the proposed site end use which will include a commercial development comprising four large-scale and three small-scale industrial units with associated access road and parking. A new park and open space for visitors is proposed in the east of the development.
25. The baseline information on designated sites (SSSIs, LNRs, and LWSs) and irreplaceable habitats provided in the MKA Ecology reports aligns with the findings of the ECA. The MKA Ecology report provides outputs from a desktop Preliminary Ecological Appraisal which included a site survey using the standardised UK Habitat classification and mapping methodology⁴. The presence and distribution of habitat information assessed in the ECA draws on desk-based Phase 1 Habitat survey data obtained through the Warwickshire Habitat Biodiversity Audit Partnership (HBA)⁵.
26. The MKA Ecology Baseline Biodiversity Assessment confirmed that Site 71 comprises a high proportion of medium distinctiveness habitats, such as woodland and other neutral grassland. This is consistent with the findings of the ECA.
27. According to the MKA Ecology Baseline Biodiversity Assessment, at Section 3, Site 71 was found to also comprise neutral grassland, modified grassland, broadleaved woodland, mixed scrub, willow scrub, ditches, watercourses, a pond and native species-rich hedgerows.
28. The MKA report concludes at Section 3 that the majority of the site consists of other neutral grassland, with an area of modified grassland in the north-east used as a horse paddock and play space. Mixed scrub is associated with ditches across Site 71, and a small patch of willow scrub is present on the western side of the site.

⁴ UKHab Ltd (2023) The UK Habitat Classification User Manual Version 2.0

⁵ Warwickshire County Council. Habitat Biodiversity Audit. Available at: <https://www.warwickshire.gov.uk/habitatbiodiversityaudit#:~:text=The%20Phase%201%20Habitat%20survey,find%20out%20more%20about%20surveying.> [Accessed 08/08/25].

29. The MKA site survey identified a woodland belt running east–west through the centre of the site and alongside the A45. Water features include a pond in the western part of the site, as well as watercourses and a network of canals. The MKA Ecology Baseline Biodiversity Assessment recommends retaining and enhancing habitats of medium distinctiveness where possible. While additional habitat survey data is provided for Site 71, the overall findings regarding on-site habitats are consistent with those of the ECA.
30. The ECA did not include walkover surveys and, as such, provided no commentary on protected species. In contrast, the MKA Ecology Preliminary Ecological Appraisal identified the potential for Site 71 to support a range of protected species at Section 4.3, including invertebrates, amphibians (such as great crested newts), reptiles, breeding birds, roosting and foraging/commuting bats, and badgers. However, detailed protected species surveys were not carried out as part of the MKA assessment, and MKA recommend an Ecological Impact Assessment.
31. The impact pathways identified for Site 71 are broadly consistent between the MKA Ecology assessment and the ECA. The ECA concluded that there are high ecological constraints to development at Site 71. The findings of the MKA Ecology work do not change this conclusion.
32. The recommendations made in the MKA Designated Sites Review are consistent with those in the ECA (Chapter 59). Both reports conclude that all features within Site 71 associated with the River Avon and Tributaries LWS must be retained, protected, and buffered. They also agree that adjacent designated sites present ongoing constraints that require further investigation.
33. To address and potentially remove these ecological constraints, both the ECA and MKA Ecology reports recommend additional work. This includes the development of a detailed drainage strategy, further protected species assessments, transport and air quality assessments, a recreation mitigation strategy, lighting and noise assessments, and the preparation of a Construction Environmental Management Plan (CEMP), among other measures. The outcomes of this work should inform both mitigation and design and would require consultation with Natural England. Until this further work is completed, the ecological constraints at Site 71 remain classified as high.

Site 121 Land at Walsgrave Hill

34. In correspondence to the Council dated 31 January 2024 and 19 May 2025, Natural England identified Site 121 (Ansty Business Park expansion / A45 Walsgrave Junction) as "notable due to the potential impacts of industrial development at this location upon Coombe Pool SSSI" and expressed support for the removal of this site allocation from the Local Plan.
35. The site promotor for Site 121 provided the following ecological site information to RBC:
- FPCR Environment and Design Ltd (April 2025) Site 121 – Land at Walsgrave Hill – Ecological Constraints and Opportunities Note.
36. The FPCR Note includes outputs from an initial ecological assessment of the site on behalf of the site promoter, including a desk study, walkover field survey, and a Biodiversity Net Gain (BNG) benchmark survey.
37. The key points raised in the FPCR Note include:
- Significant buffer zones (50–300m) and ecological safeguards will protect Combe Pool SSSI and other nearby designations.
 - The scheme retains key habitat features and creates new woodland, grassland, scrub and wetland to enhance biodiversity.
 - Urbanisation, water quality, and air quality impacts will be assessed and addressed through design and mitigation. Specialist input has been sought and provided within the FPCR Note.
 - The development has the ability to deliver a significant BNG uplift, likely in excess of 50% for area habitats ensuring a lasting ecological uplift, which will be subject to funded, positive management for at least 30 years.
38. The FPCR Note includes an assessment of the proposed development at Site 121 in relation to Appendix B of the ECA. It is noted that a more site-specific assessment of development-related impacts for Site 121 is presented in Chapter 44 of the ECA and summarised in Table 44.2. In contrast, Appendix B offers a high-level, generic assessment of development impacts that is not linked to specific site end uses.
39. The baseline information presented in both the ECA and the FPCR Note is consistent. The FPCR Note assesses potential impacts on all designated sites and areas of medium to high distinctiveness habitats (page 8). It proposes mitigation measures to address habitat loss and fragmentation, changes to the hydrological regime, air quality impacts, and urbanisation effects. These mitigation proposals align with the high-level recommendations set out in Chapter 59 of the ECA. The FPCR Note also highlights the need for further technical studies, including a hydrological assessment, a detailed air quality assessment, and full noise, lighting, and visual assessments (page 2). These outputs are pending and are expected to be produced at a later stage. The Note draws

on preliminary input from relevant technical experts, who have advised, based on their professional judgement, that appropriate mitigation for these impacts at Site 121 is likely to be achievable.

40. Both the FPCR Note and the ECA agree that there would be no recreational impacts given the nature of the proposed development. Taking into consideration Natural England's comments, and until such time as the information from the above detailed assessments (**paragraph 39**) have been completed, the conclusions of the ECA remains that ecological constraints at Site 121 are classified as high.

Site 133 Land north of M45, Thurlaston

41. The site promotor for Site 133 provided the following ecological site information to RBC:
 - BWB (May 2025) Richborough, Richborough Park, M45, Junction 1 Thurlaston Preliminary Ecological Appraisal
42. The BWB Report comprises a Preliminary Ecological Appraisal which included a site survey using the standardised UK Habitat classification and mapping methodology⁶. The ECA did not include detailed site surveys. The presence and distribution of habitat information assessed in the ECA drew on desk-based Phase 1 Habitat survey data obtained through the Warwickshire Habitat Biodiversity Audit Partnership (HBA)⁷. In addition, the BWB survey was extended to include a search for incidental evidence of protected/notable fauna and an assessment of the Site's potential to support protected/notable fauna.
43. The outputs of the BWB survey indicate that Site 133 comprises predominantly cereal crop, other neutral grassland, willow scrub, other broadleaved woodland and individual rural trees. The site boundaries comprised native hedgerow, with one stretch of native hedgerow with trees and one stretch of native hedgerow associated with a bank or ditch. This corresponds with the findings of the ECA.
44. The BWB Report concludes that an Ecological Impact Assessment (EclA) is required which will be informed by bat transect surveys. The BWB Report indicates that consultation may be required with Natural England in light of connecting footpaths, however recreational impacts are screened out of the ECA for Site 133 due to the proposed employment site end use.

⁶ UKHab Ltd (2023) The UK Habitat Classification User Manual Version 2.0

⁷ Warwickshire County Council. Habitat Biodiversity Audit. Available at: <https://www.warwickshire.gov.uk/habitatbiodiversityaudit#:~:text=The%20Phase%201%20Habitat%20survey,find%20out%20more%20about%20surveying.> [Accessed 08/08/25].

45. The additional information provided by BWB does not change the conclusions of the ECA, that ecological constraints at Site 133 remain classified as low.

Site 315 Rugby Road, Brinklow

46. The site promotor for Site 315 provided the following ecological site information to RBC:
- Brindle & Green (May 2025) Letter Re: Ecological Constraints for Land South of Brinklow (Site 315) and land south of Rugby Road (Site 82), Rugby Warwickshire.
47. The Brindle & Green Report includes the results of a formal Preliminary Ecological Appraisal conducted in 2022, with an updated walkover survey in 2025. This report assesses the site based on a mixed commercial and residential end use, whereas the ECA assumes the site will be used for residential purposes only.
48. The Brindle & Green Preliminary Ecological Appraisal and updated walkover identified the presence of Habitats of Principle Importance under Section 41 of the NERC Act in the form of hedgerows, mature trees and a woodland. The ECA identified habitats of medium to high distinctiveness located within the site. As set out in the Brindle & Green Report and ECA these habitats should be retained and enhanced where possible.
49. Additionally, the Brindle & Green Report included a search for evidence of protected and notable fauna, as well as an assessment of the site's potential to support species such as bats, badgers, water vole, amphibians, and reptiles. However, no detailed protected species surveys were conducted. This level of assessment was beyond the scope of the ECA.
50. Both the Brindle & Green report and the ECA note the requirement for consultation with Natural England given the site's location within the IRZ of Coombe Pool SSSI and Brandon Marsh SSSI.
51. The Brindle & Green Report concludes that ecological factors do not represent a significant constraint to development at the site. This is reflected in the ECA, which classifies the site as having medium ecological constraints. The Brindle & Green Report also outlines mitigation requirements similar to those detailed in the ECA.
52. The additional information provided by Brindle & Green does not change the conclusions of the ECA. There are considered to be medium ecological constraints to development at Site 135.

Conclusion

53. A review of additional ecological information provided by site promoters has not changed the conclusions of the ECA report. The additional survey information provides reference to detailed technical studies, such as hydrology and air quality assessments. It also sets out detailed recommendations for mitigation which are consistent with the recommendations made in Chapter 59 of the ECA. Once these technical studies are available, detailed mitigation has been worked up and Natural England engaged on a site-specific basis, the conclusions of the ECA can be revisited.

54. It should be noted that the ECA provides a high level, desk-based, assessment to ascertain the level of ecological constraints at the 55 sites assessed for the purposes of identifying sites with the least ecological constraints for development. This information is intended to be taken into consideration by the plan-making team along with other site-specific considerations, to inform the plan-making process.

- End of note -