

STATEMENT OF COMMON GROUND - ECOLOGY

12TH JANUARY 2026

Appeal Reference	APP/E3715/W/3373251
Local Planning Authority Reference	R24/0111
Appellant	St. Modwen Homes
Local Planning Authority	Rugby Borough Council
Site 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 115 dwellings, accesses, landscaping, parking, drainage features and associated works

1. INTRODUCTION

This Statement of Common Ground (SoCG) – Ecology has been prepared by E3P at the request of the Planning Inspector to clearly demonstrate that:

- ✳ Legally protected species have been properly considered.
- ✳ The proposed development would not result in ecological offences.
- ✳ The Biodiversity Net Gain (BNG) position is understood, including the issues in dispute between parties.

This SoCG – Ecology is supplementary to the main signed Statement of Common Ground dated August 2025, which identified the following issues in dispute:

- ✳ Whether the BNG condition put forward by the Appellant is acceptable in all respects.
- ✳ Warwickshire County Ecology do not agree to the biodiversity metric as submitted with the appeal, due to the inclusion of 'medium' trees.

This Statement of Common Ground - Ecology has been prepared by Celia Kenyon BSc (Hons), MSc, MEnvSc, CEnv, MCIEEM Associate Director of Ecology at E3P. Celia is a Chartered Environmentalist with ten years experience working and managing projects across the UK for a variety of developments including industrial, commercial, and residential. During this time, Celia has undertaken multiple Preliminary Ecological Appraisals resulting in further Phase 2 surveys being recommended, for a variety of species including bats, GCN, badgers, birds, reptiles, otters, and water voles. Celia has undertaken multiple ecological impact assessments, environmental statements, and protected species licensing as a result of the outcome of the Phase 2 surveys.

2. SUPPORTING DETAILS

- ✳ WCC Ecology Unit Consultation Response dated 29th February 2024.
- ✳ WCC Ecology Unit Consultation Response dated 16th August 2024.
- ✳ Summary from meeting dated 22nd October 2024 between Warwickshire County Council's (WCC) Ecologist and E3P.
- ✳ WCC Ecology Unit Consultation Response dated 12th November 2024.
- ✳ Summary from meeting dated 31st January 2025 between WCC's Ecologist, Rugby Borough Council, E3P, Cerda Planning, Aspect Arboriculture, and St. Modwen Homes.

3. LEGALLY PROTECTED SPECIES

3.1. SUMMARY TABLE

SPECIES	SURVEYS UNDERTAKEN	AGREED FINDINGS	IMPACT OF DEVELOPMENT	MITIGATION / CONTROL MEASURES	DEROGATION REQUIRED
Bats – roosting	Preliminary Roost Assessment (PRA) of the on-site buildings, walls, and trees. Nocturnal Bat Surveys on Building 1 (B1) and Wall 1 (W1).	B1 was assessed as having 'Moderate' bat roosting potential and W1 was assessed as having 'Low' bat roosting potential. The remaining buildings and walls were assessed as having 'Negligible' bat roosting potential. 23 trees were found to have 'Low' bat roosting potential No bat roosts identified during Nocturnal Bat Surveys.	Low risk during tree clearance.	Trees will be soft felled under ecological supervision, included in Construction Environmental Management Plan (CEMP).	No
Bats – foraging / commuting	Preliminary Ecological Appraisal (PEA). Bat Activity Surveys.	Within the PEA, the site was assessed as providing 'Moderate' foraging opportunities for local bat species. Bats were recorded during all of the Bat Activity Surveys mainly in association with Treeline 4 (TL4) located within the north-east to the south-east, the broadleaved woodland located within the south-west and the areas of dense scrub located within the site.	Negligible impact	Treeline and woodland retention. Creation of a green corridor along the east-west axis. Lighting mitigation included in CEMP.	No
Badger	PEA. Badger Sett Monitoring and Wider Area Walkover.	During the PEA, one active sett (Sett 1) and one disused sett (Sett 2) were located within the site. Snuffle holes, latrines, and mammal paths were also noted.	Negligible impact	Sett 1 and 2 to be permanently closed under a Natural England Class Licence.	No

SPECIES	SURVEYS UNDERTAKEN	AGREED FINDINGS	IMPACT OF DEVELOPMENT	MITIGATION / CONTROL MEASURES	DEROGATION REQUIRED
		Following the Badger Settle Monitoring, the two on-site setts were assessed as outlier setts. No further setts were identified within the wider area.		Precautionary Working Methods for badgers, included in CEMP. Updated badger walkover prior to construction works commencing.	
Breeding birds	PEA	The site was assessed as having value for common bird species within the broadleaved woodland, hedgerow, treelines, dense scrub, and scattered trees	Low risk during vegetation clearance	Timing restrictions or ecological check prior to clearance, included in CEMP.	No
Hedgehogs	PEA	Hedgehogs may be present within the broadleaved woodland, treelines, scattered trees, dense scrub, scattered scrub, hedgerow, and treelines.	Low risk during vegetation clearance	Precautionary Working Methods for common amphibians included in CEMP.	No
Hazel dormouse	PEA	No records of the species were noted within the local area and there was a lack of suitable habitat on-site. AS such, hazel dormouse are anticipated to not be present on site.	No impact	No further mitigation required.	No
Otter and water vole	PEA	No watercourses were identified within the site boundary or in proximity to the site. Therefore, otter and water vole are reasonably discounted.	No impact	No further mitigation required.	No
Great crested newts	PEA	No records of the species within the local area.	No impact	No further mitigation required.	No
Common amphibians	PEA	The site may support common amphibians within the hedgerows, broadleaved woodland, treelines, hedgerows, scattered scrub, poor semi-improved grassland, and dense scrub habitats on-site.	Low risk during vegetation clearance.	Precautionary Working Methods for common amphibians included in CEMP	No

SPECIES	SURVEYS UNDERTAKEN	AGREED FINDINGS	IMPACT OF DEVELOPMENT	MITIGATION / CONTROL MEASURES	DEROGATION REQUIRED
Reptiles	PEA Reptile Surveys.	The broadleaved woodland, dense scrub, scattered scrub, poor semi-improved grassland, scattered trees, treelines, and hedgerow were assessed as providing valuable foraging opportunities and shelter for reptiles. No reptiles were recorded during the Reptile Surveys.	No impact	Precautionary Working Methods for reptiles included in CEMP.	No
Invertebrates	PEA	The site is not anticipated to support notable invertebrates due to a lack of floristic diversity.	No impact	No further mitigation required.	No

3.2. CURRENT AGREED POSITION

Both parties agree that all issues concerning protected species have been addressed. The potential impact on species is to be mitigated against through the use of planning conditions therefore complying with Policy NE1 of the Local Plan. No derogation or European Protected Species licensing is required. A Natural England Class licence required in relation to badgers.

4. BIODIVERSITY NET GAIN (BNG)

4.1. MATTERS AGREED

- ✳ As the application was submitted prior to 12 February 2024, the proposal is **not** subject to a statutory mandatory 10% Biodiversity Net Gain and are to be assessed using the Biodiversity Metric 4.0.
- ✳ A gain for biodiversity is required in line with NPPF and Rugby Borough Council Local Plan Policy NE1.
- ✳ The Biodiversity Metric 4.0 User Guide specifies that most newly planted trees should be categorised as 'small', although evidence could be provided to justify the input of larger size classes.
- ✳ There is a risk with any habitat type that it may not reach the target condition anticipated at the point of granting planning permission during the timeframe.

4.2. ISSUES IN DISPUTE BETWEEN PARTIES

- ✳ At the time of refusal, disagreement existed between the Appellant and WCC regarding the inclusion of 'medium' sized trees within the biodiversity metric and the resulting ability to achieve a BNG gain on-site.
- ✳ The Appellant's position was, assuming normal UK weather conditions, that it is reasonable to assume that the proposed 'medium' sized trees will achieve a 30cm trunk diameter after 30 years. Existing tree growth on site demonstrates the capacity for the required rigour in this location and there are various studies which further support the likelihood of trees reaching the necessary size. Large canopied species planted as large nursery stock and with appropriate soil types and sufficient space can reach 'medium' size.
- ✳ The Council's position was that it is generally unlikely that newly planted trees would grow to 'medium' size within the 30 year timeframe, and that on this basis it has in the past refused to accept an entry for such trees other than as 'small' The Appellant disagrees with this position.
- ✳ The Appellant's position is that it is not necessary to resolve this dispute as part of this inquiry, and that the matter can be addressed by the following condition to ensure that a net gain in biodiversity will be achieved by the development, with:

No development shall commence until a biodiversity metric and associated report is submitted to demonstrate that the development will achieve a biodiversity net gain, through on-site or off-site provisions, calculated using Natural England's Biodiversity Metric 4.0 (which was in force at the time of submission).

- ✳ The details of on-site and off-site compensation will be decided at a later date and, if required, will be subject to a separate legal agreement to secure off-site provision as necessary.

4.3. MATTERS IN DISPUTE

- ✳ Rugby Borough Council and Warwickshire County Council Ecology consider that any off-site provision that may be required in relation to the development cannot be secured by condition and needs to be included in the S106 agreement.

Parties

The SoCG – Ecology is jointly agreed by

Signed:



Date: 12/01/2026

Name: C. Kenyon

On behalf of the Appellant

Signed:

Date:

Name:

On behalf of Rugby Borough Council