



**CONSULTATION RESPONSE FROM WARWICKSHIRE COUNTY COUNCIL: ECOLOGY**

<b>DISTRICT OR BOROUGH</b>	Rugby Borough Council
<b>APPLICATION NUMBER</b>	R25/0565
<b>ADDRESS</b>	Land South East Of, Rugby Road, Clifton Upon Dunsmore
<b>PROPOSAL</b>	Outline application with some matters reserved for the demolition of all buildings and the residential development of up to 160 dwellings, and creation of associated vehicular access off Rugby Road, pedestrian/cycle access points, parking, landscaping, drainage features, open space, childrens play area and associated infrastructure (all matters reserved except for vehicular access off Rugby Road).
<b>PLANNING CASE OFFICER</b>	Lucy Davison
<b>DEPARTMENT</b>	ECOLOGY
<b>ECOLOGY OFFICER</b>	Jane Harrison, Ecologist
<b>DATE COMMENTS SENT</b>	16/12/2026
<b>RESPONSE:</b>	
<b>No comment</b>	
<b>No objection</b>	
<b>Deferral/refusal</b>	
<b>Further information/clarification required</b>	
<b>Conditions</b>	✓
<b>Advice Notes</b>	
<b>REASON FOR RECOMMENDATION:</b>	
<p><b>Biodiversity Net Gain (BNG) Summary/Recommendations:</b>  A 10% biodiversity net gain is required for this application and the deemed condition will apply. A Defra Statutory Biodiversity metric submitted shows a habitat area gain of 3.38 units (17.09%) and a hedgerow unit gain of 0.90 units (22.75%).</p> <p>Overall, we are in agreement with the gain shown on the metric submitted, subject to layout revisions.</p>	

The deemed condition linked to Environment Act 2021 will apply, and the Decision Notice should include relevant wording to that effect. To support discharge of the deemed condition, a completed [Biodiversity Gain Plan \(BGP\)](#), a Habitat Management and Monitoring Plan (HMMP), including a detailed proposed habitat/landscape plan and corresponding Defra metric must be submitted to the LPA. A separate condition for a HMMP is recommended to ensure enactment of the HMMP.

**Please note, should the proposed layout change at the reserved matters stage, updated biodiversity metric etc should be changed to reflect the amendments.**

**Protected Species Summary/Recommendations:**

It was recommended that all information for easy reference (consolidation) the information provided in the email should be included as an addendum to the PEA or badger report as appropriate. Because this was not submitted, all agreed information should appear in the CEMP.

**A CEMP must be informed by the most recent proposed site layout and recent site information. At least one updated site walkover should be undertaken prior to producing the CEMP as part of the reserved matters submission. Regular badger walkovers are recommended.**

Lighting

A Lighting design strategy condition in accordance with NPPF, ODPM Circular 06/2005 and in the interests of protecting the nature conservation value of the site is also recommended.

**FURTHER INFORMATION/CLARIFICATION REQUIRED:**

- None at this stage

**AMENDMENTS RECOMMENDED:**

- None at this stage.

**DOCUMENTS REVIEWED:**

- No new documents reviewed.

**RECOMMENDED CONDITIONS TO BE APPLIED:**

Construction Environmental Management Plan (Biodiversity):

No development shall take place (including demolition, ground works and vegetation clearance) until a (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the

construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

*Reason: To ensure that protected species are not harmed by the development*

#### Schedule of badger mitigation measures

The development hereby permitted shall not commence until a detailed schedule of badger mitigation measures (to include timing of works, ecologist supervision of destructive works, toolbox talk, procedure if badger are found, replacement sett details, including location and timetable for installation, monitoring and further survey if necessary) has been submitted to and approved by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full and maintained in perpetuity.

*Reason: To ensure protected, important and priority species and their habitats are not harmed by the development.*

#### Habitat Management and Monitoring Plan (HMMP)

A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of bat and bird boxes, reptile, and amphibian refugia, invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy NE1.*

#### Lighting design strategy

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for *nocturnal species* and that are likely to cause disturbance in or around their breeding sites and

<p>resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <ul style="list-style-type: none"> <li>show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</li> </ul> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances will any other external lighting be installed without prior consent from the local planning authority.</p> <p><i>Reason: In accordance with NPPF, ODPM Circular 06/2005 and in the interests of protecting the nature conservation value of the site.</i></p>
<b>RECOMMENDED ADVICE NOTES TO BE APPLIED:</b>
<ul style="list-style-type: none"> <li>None</li> </ul>
<b>RECOMMENDED SECTION 106 REQUIREMENT</b> (standard clause, contribution amount, trigger for payment)
<ul style="list-style-type: none"> <li>Biodiversity Net Gain - to secure onsite monitoring fees</li> </ul>
<b>DISCHARGE OF CONDITIONS ONLY:</b> (Please confirm which condition(s) is/are being discharged)
<ul style="list-style-type: none"> <li>N/A</li> </ul>

**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/sdceecologypreapp>

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

(edit as appropriate):

<b>Legislation source</b>	<b>Reference</b>
NPPF Dec 2024	Paras 8, 187, 188, 192, 193, 194, 195
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.