



CONSULTATION RESPONSE FROM WARWICKSHIRE COUNTY COUNCIL: ECOLOGY

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| DISTRICT OR BOROUGH | Rugby Borough Council |
| APPLICATION NUMBER | R25/0565 |
| ADDRESS | Land South East Of, Rugby Road, Clifton Upon Dunsmore |
| PROPOSAL | 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). |
| PLANNING CASE OFFICER | Lucy Davison |
| DEPARTMENT | ECOLOGY |
| ECOLOGY OFFICER | Jane Harrison, Ecologist |
| DATE COMMENTS SENT | 02/10/2025 |
| RESPONSE: | |
| No comment | |
| No objection | |
| Deferral/refusal | |
| Further information/clarification required | ✓ |
| Condition | |
| Advice Notes | |
| REASON FOR RECOMMENDATION: | |
| <p>Biodiversity Net Gain (BNG) 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%). Watercourse units are not included in the application. Trading rules are satisfied. Sustainable urban drainage system (SuDS) are shown on plans, but not on the metric. This may be a realistic expectation that these areas will often not hold water. However, this may need to be revised at reserved matters stage when drainage engineering plans are closer to finalisation.</p> | |

Gains are shown by the inclusion of modified and other neutral grassland, and mixed scrub. Other neutral grassland on nutrient rich arable will need to be carefully implemented and managed to achieve the expected goal. Soil sampling is advisable.

Overall, we are in agreement with the gain shown on the metric submitted, subject to layout revisions.

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 fully reflect the amendments.

Habitat

The site is dominated by arable non-cereal cropland. There will be a loss of mixed scrub habitat to facilitate access. It appears that all trees and hedgerows are to be retained within the proposals. The development is confined to the middle section of the site, leaving wildlife connectivity available to the south of the site.

Protected species

Constraints for bats, badger and nesting birds were noted.

Bats

Structures - One building on the site was assessed as having negligible potential to support roosting bats. One A photograph of B1 would have been helpful, but from the description this does appear to be the case.

Trees - Trees on the site, which were confined to the boundaries and are likely to be retained, were also assessed using ground level tree assessment (GLTA). Three trees T1-T8 were assessed as having potential roosting features (PRFs).

Three trees, T1, T5 and T6, were assessed as PRF-M (suitable for more than one bat) potential and three trees T2, T3 and T8 were categorised PRF-I (suitable for individual bat use) potential. T4 and T8 were densely covered by ivy and would require further assessment because features could be hidden, or ivy could form a PRF.

The report states that all trees with PRFs are to be retained within the proposals. Please note though that further assessment will be required, usually a climbing survey, if plans change and any of the trees will be removed or need pruning or lopping to facilitate works. A suitable methodology to be included in a CEMP.

Commuting and foraging - No bat night-time bat walkover (NBW) surveys, nor static detector surveys appear to have been carried out. Reasons were not given as to why surveys were not undertaken. This should be included.

Badger

CONFIDENTIAL

It is surprising that no records of badger were returned because there are records of setts held by WBRC within 1km of the site.

A total of fourteen possible sett entrances were recorded. Some of these were found to be shallow or too narrow for badger use following closer inspection.

Six sett entrances are proposed for closure, two subsidiary and four outliers. These will need to be closed under licence. Could it be clarified why S8, S9 and S10 will be destroyed when open space is proposed at that location.

A 20m buffer would be suitable for use of light machinery, but heavy machinery must be excluded by 30m. We would expect to see this distance in a CEMP. Excavators are likely to be used when constructing a SuDS feature. This must be taken into account. The mitigation hierarchy should be followed to minimise disturbance and to ensure sett closures are not necessary wherever possible.

A separate **Schedule of badger mitigation measures condition** is recommended in addition to the CEMP, because of confidentiality, to ensure protected, important and priority species and their habitats are not harmed by the development. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992. The Wildlife and Countryside Act (1981) and the Hunting Act (2004) provide additional protection.

Birds

A small number of commonly occurring species were noted using the site during the PEA. No birds were identified as using the site for breeding, but a dedicated breeding bird survey was not undertaken.

Skylark and yellow wagtail might make use of cereal crop fields. Skylark records were returned from the local record centre. It should be clarified why these ground nesting species were scoped out based on PEA observations alone.

The main area of vegetation clearance will be around the proposed access to the west and we would agree that precautionary measures for timings or pre-checks can be included in a CEMP.

Amphibians and reptiles

Four ponds were identified within 250m. Ponds 3 and 4 were not accessed. The two ponds are connected to the site via Clifton Disused Railway and hedgerows. It is agreed that the majority of the arable site would be poor habitat for these species. However, the surrounding boundary hedgerows and scrub would provide good connectivity and foraging habitat. Access to P3 and P4 should be sought if at all possible, to at least undertake eDNA sampling to have greater confidence in scoping out GCN. If access permissions are not gained, a worst-case scenario of a low population should be assumed. Works near to hedgerows and mixed scrub should include precautionary measures for GCN in a CEMP.

Lighting

No information was submitted, but the hedgerows and other boundary vegetation are likely to serve as foraging and commuting habitat for bats. Lighting should be designed to minimise impact on bats and other nocturnal species where possible. This can be secured by condition.

FURTHER INFORMATION/CLARIFICATION REQUIRED:

- Clarify why S8, S9 and S10 will be destroyed.

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| <ul style="list-style-type: none"> • justify why NBW and static surveys were not undertaken. • Clarify why skylark and yellow wagtail were scoped out • eDNA of P3 and P4 if at all possible. |
| AMENDMENTS RECOMMENDED: |
| <ul style="list-style-type: none"> • 30m heavy machinery exclusion buffer of setts. |
| DOCUMENTS REVIEWED: |
| <ul style="list-style-type: none"> • As standard, WCC Ecology reviews aerial photography, consults Warwickshire Biological Record Centre (WBRC) and Habitat Biodiversity Audit (HBA) Phase 1 data. • Site Location Plan • Site Plan • PROPOSED SITE ACCESS JUNCTION WITH VISIBILITY SPLAYS, T21542 001, Rev D • Preliminary Ecological Appraisal, Aspect Ecology, August 2025 • Daytime Bat Walkover Survey, Aspect Ecology, August 2025 • Habitat Suitability Index Assessment and eDNA Analysis, Aspect Ecology, August 2025 • Statutory Biodiversity Metric, Aspect Ecology, August 2025 • Biodiversity Net Gain Assessment, Aspect Ecology, August 2025 • Arboricultural Impact Assessment, Aspect Ecology, August 2025 • Illustrative Landscape Masterplan, Blade |
| RECOMMENDED CONDITIONS TO BE APPLIED: |
| <u>Likely to be recommended:</u> <ul style="list-style-type: none"> • Construction Environmental Management Plan (Biodiversity) • Schedule of badger mitigation measures • Habitat Management and Monitoring Plan (HMMP) • Lighting design strategy |
| 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"> • Biodiversity Net Gain - to secure onsite monitoring fees will be required. |
| 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 |
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| 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. |