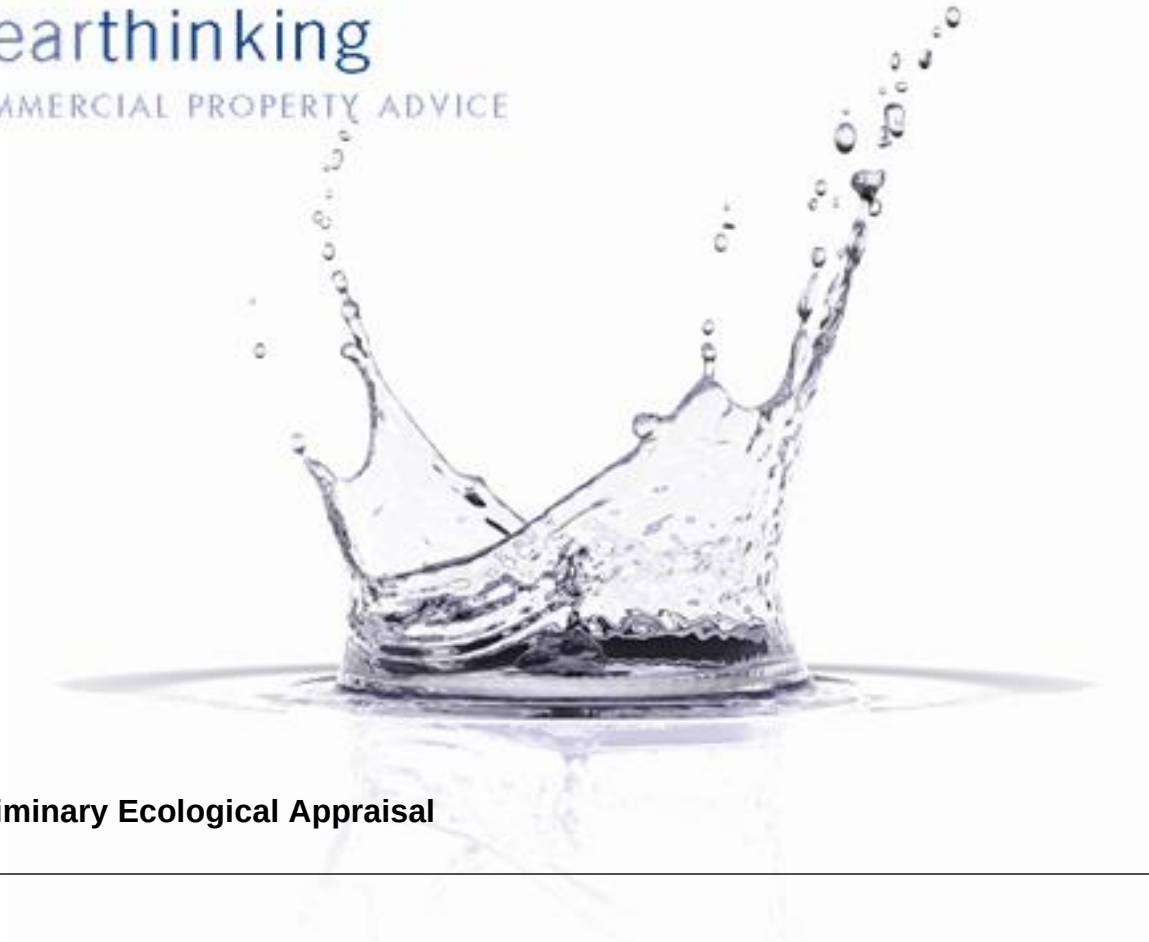


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COMMERCIAL PROPERTY ADVICE



Preliminary Ecological Appraisal

Bison (Forterra) Concrete, Swadlincote

On Behalf Of:

Mulberry Logistics Park Doncaster Limited

Prepared By:

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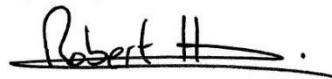
Date: November 2021

Preliminary Ecological Appraisal

Bison (Forterra) Concrete, Swadlincote

Main Contributors

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EXECUTIVE SUMMARY

Harris Lamb Property Consultancy (HLPC) was commissioned by Mulberry Developments to undertake a Preliminary Ecological Appraisal (PEA) for Land at Tetron Point, Tetron Park, William Nadin Way, Swadlincote, DE11 0BB. The site is dominated by hard standing and industrial buildings with a linear boundary soak away drainage feature and scrub planting.

Desk-based consultation was undertaken with Derbyshire Wildlife Trust for records of protected species and habitats within 2km of the site. No statutorily designated sites, non-statutorily designated sites or ancient woodlands are anticipated to be negatively affected by the proposed scheme. A Proposed Local Wildlife Site is located immediately to the north of the site that could require consideration.

Vegetation removal should be undertaken outside of the nesting bird season (birds typically nest between March to August inclusive) unless pre-surveyed by an ecologist. Landscape proposals should include scrub habitats and enhancement of these boundary areas where possible and use native species. [REDACTED]

[REDACTED]

[REDACTED]

There is potential for the construction Phase to adversely affect great-crested newts and reptiles associated with the pLWS to the north of the site. Prior to construction commencing a RAMS and appropriate derogation licence will be required which could be controlled via planning condition and if required.

A suitable lighting scheme has been devised by MBA Consulting Engineers and should be followed to prevent light spill that could impact wildlife. Enhancement of the site boundaries can be achieved for nesting birds and bats through installation of bird and bat boxes which could be controlled via planning condition.

1.0 INTRODUCTION

1.1 Terms of reference

- 1.1.1 Harris Lamb Property Consultancy (HLPC) was commissioned Mulberry Logistics Park Doncaster Limited to undertake an ecological appraisal of land at Tetron Point, Tetron Park, William Nadin Way, Swadlincote, DE11 0BB (national grid reference SK277192) hereafter termed the 'site' (see Figure 1 below).

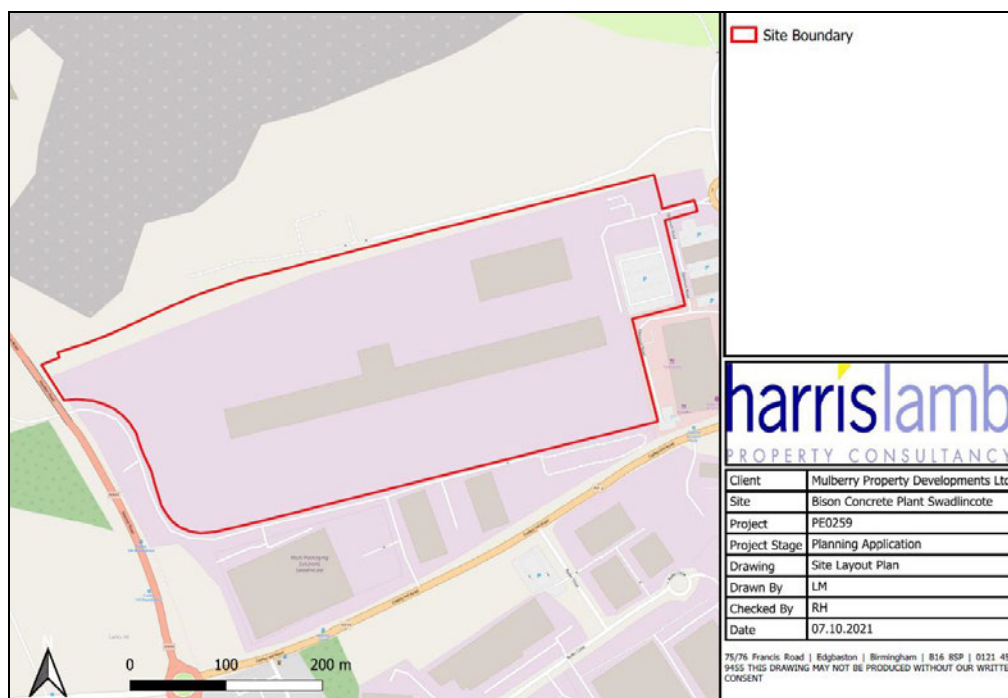


Figure 1: Site location. Not to scale.

1.2 Site location

- 1.2.1 The site is located west of Swadlincote adjacent to the A444 in an existing area of industrial/commercial premises.
- 1.2.2 The site comprises the Bison (Forterra) concrete plant and as such contains an expanse of hard standing, industrial buildings, an office block, a linear boundary soak away drainage feature and scrub planting.

1.3 The proposed development

- 1.3.1 It is understood that a planning application is being submitted to redevelop the Bison (Forterra) Concrete plant in Swadlincote into a new national pallet logistics hub for one of the largest logistics operators in the UK.

- 1.3.2 Proposals are to demolish the 2nr industrial buildings and construct a new logistics hub, which will be c.600,000ft². The new building will be fully open on the north and south elevation i.e. the building only has two closed sides, the smaller east and west elevations.
- 1.3.3 There is also a small office block of c.950m² on the site which is being retained and refurbished.
- 1.3.4 The linear boundary soak away drainage feature on the northern boundary would be filled in as part of the development proposals.

1.4 Purpose of the report

- 1.4.1 The purpose of this report is to:
- Identify key ecological constraints associated with the proposed development and input into the scheme design to minimise ecological impacts where possible.
 - Set out mitigation measures required to ensure compliance with nature conservation legislation and address potentially significant ecological effects.
 - Identify how mitigation measures could be secured.
 - Provide an assessment of significance of residual effects.
 - Identify appropriate enhancement measures.
 - Identify appropriate post-construction monitoring if relevant.

2.0 PLANNING CONTEXT

2.1 National Planning Policy Framework (NPPF)

2.1.1 National Planning Policy Framework (NPPF)¹ is the top tier of planning policy. The Framework provides guidance to local authorities and other agencies on planning policy and the operation of the planning system. Section 15 relates to 'Conserving and enhancing the natural environment'.

2.1.2 Relevant policies in relation to planning application include Paragraphs:

"174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

179. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife

¹ National Planning Policy Framework (2021) July 2021 Ministry of Housing Communities and Local Government

corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

2.2 Relevant local planning policy

2.2.1 Policies of particular relevance to the site are summarised in Table 1.

Table 1: Summary of identified relevant policies

Policy	Description
South Derbyshire Local Plan Part 1 ²	
Policy S3: Environmental Performance	The Council will support developers in bringing forward more sustainable homes and commercial properties by supporting the Governments drive towards improved housing standards including in respect of access, space standards, security, water and external waste storage where specific justification exists for seeking higher standards locally than set out in Building Regulations. The Council will work collaboratively with developers, and other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis.
Policy S8: Green Belt	The principal, general extent and permanence of the Nottingham-Derby Green Belt and Burton – Swadlincote Green Belt within South Derbyshire is supported and maintained. Measures to improve public access to the Green Belts and improve connectivity to the built-up areas adjacent to the Green Belts will be encouraged. There is a presumption against inappropriate development within the Green Belt and development proposals received within the Green Belt will be assessed against national policy.
South Derbyshire Local Plan Part 2 ³	
Policy BNE5: Development in Rural Areas	Outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.
Policy BNE7: Trees, Woodland and Hedgerows	A. Where development is proposed that could affect trees, woodland and/or hedgerows which are important in terms of their amenity, ecological, landscape or historic value, developers will be expected to demonstrate that: i) the layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys; and ii) development would not suffer from undue shading either now or in the future; and iii) appropriate measures are secured to ensure adequate root protection and buffers around trees, woodland and hedgerows. B. The felling of protected trees, groups of trees or woodland and/or removal of important hedgerows, will be considered in accordance with the relevant national guidance and regulations, taking account in particular of their amenity, ecological, landscape

² South Derbyshire Local Plan Part 1 (2016) South Derbyshire District Council

³ South Derbyshire Local Plan Part 2 (2017) South Derbyshire District Council

Policy	Description
	and historic value. Where protected trees and/or hedgerows are subject to felling or removal, a replacement of an appropriate number, species, size and in an appropriate location will normally be required. C. Development proposals which will have a detrimental effect on important trees, woodland or hedgerows must satisfactorily demonstrate how the impact on biodiversity has been minimised and, wherever possible, a net biodiversity gain delivered through appropriate mitigation, compensation or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity. D. Where new planting is proposed on development sites, principal consideration should be given to planting tree species which are in keeping with the urban or rural character of the area. However, where appropriate, wider environmental or amenity benefits including improvements to local air quality, erosion control, land drainage or shading should be considered.
Policy BNE8: Local Green Space	Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation: i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land; ii) the carrying out of an engineering or other operation.

2.3 Natural Environment and Rural Communities Act

- 2.3.1 In Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act, which came into force on 1st Oct 2006 requires the Secretary of State to publish “a list of habitats and species which are of principal importance for the conservation of biodiversity in England”. This list guides decision-makers such as councils and statutory undertakers, as to their duty under Section 40 of the NERC Act, to “have regard to the conservation of biodiversity in England” in day-to-day decisions.
- 2.3.2 There are currently 56 habitats of principal importance and 943 species of principal importance included on the S41 list. Species and habitat included on the list have been considered where relevant in the sections below.

3.0 METHODOLOGY

3.1 Study area

3.1.1 The study area is the application boundary shown on Figure 1. The study area was extended beyond the site where appropriate to undertake species-specific appraisals as detailed below. The study area and assessments comply with industry guidance from the CIEEM Guidelines for Preliminary Ecological Appraisal⁴.

3.2 Desk study

3.2.1 The desktop study was undertaken in October 2021 and included:

- Derbyshire Wildlife Trust (DWT)
- Multi Agency Geographic Information for the Countryside (MAGIC) website⁵;
- Ordnance Survey (OS)⁶, and
- Aerial imagery⁶.

3.2.2 The geographical extent of the search area for biodiversity information was related to the significance of sites and species and potential zones of influence which might arise from development within the site. For this site the following search areas were considered to be appropriate:

- 10km around the site boundary for sites of International Importance (e.g. Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site)).
- 2km around the site boundary for sites of National or Regional Importance (e.g. Sites of Special Scientific Interest (SSSI)), protected or otherwise notable species and non-statutory designated sites of County Importance (e.g. Local Wildlife Sites (LWS)).
- 1km for ancient woodland.

⁴ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester

⁵ www.magic.gov.uk accessed October 2021

⁶ www.bing.co.uk accessed October 2021

- 2km for biological records.

3.2.3 No pre-application consultation was undertaken with the LPA regarding ecology at the time of writing this report.

3.3 Field survey

Flora

3.3.1 HLPC carried out an Extended Phase 1 Habitat Survey of the site on the 6th October 2021. The survey was carried out by an experienced and suitably qualified ecologist and a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). The survey was undertaken in accordance with 'Extended Phase 1' methodology⁷.

Fauna

3.3.2 The fauna included within this assessment is based on the habitats present, data from the desk-based searches, and the following principal legislation⁸:

- The Wildlife and Countryside Act 1981 (as amended);
- [REDACTED]
- The Conservation of Habitats and Species Regulations 2017 (as amended);
- The NERC Act 2006 – S41 Species of Principal Importance (SPI) for the conservation of biodiversity, and
- The Countryside Rights of Way Act 2000.

Amphibians

3.3.3 Waterbodies within 250m of the site boundary were identified using online Ordnance Survey maps and aerial imagery⁹ and were assessed for their suitability to support great-crested newts *Triturus cristatus* using desk based information.

⁷ Joint Nature Conservation Committee (2010) Handbook for Phase 1 Habitat Survey. A Technique for Environmental Audit.

⁸ See www.legislation.gov.uk for full details

⁹ www.bing.com/maps accessed July 2021

Reptiles

- 3.3.4 An assessment of the suitability of the habitats present to support common reptile species was undertaken. In accordance with current guidance, this assessment involved a review of habitats and habitat structure for suitable shelter for reptiles such as areas of scrub and woodpiles, grassland with well-developed and varied structure, areas suitable for basking, large tussocks etc.

Birds

- 3.3.5 Bird species identified at the time of survey were noted and nesting birds recorded as seen. An assessment of habitats was undertaken to determine the likely value to breeding and foraging birds.

Hazel dormice

- 3.3.6 An assessment of the trees adjacent to the site for suitability to support hazel dormice *Muscardinus avellanarius* was undertaken.

Bats

- 3.3.7 Tree and building assessments were undertaken from ground level, with the aid of a torch and binoculars, where required. During the survey Potential Roosting Features (PRF) for bats following current best practice^{10, 11, 12} were recorded.
- 3.3.8 The potential for the site and immediate surrounds to support foraging and commuting bats was also assessed, with particular regard given to the presence of continuous treelines, watercourses and hedgerows providing good connectivity in the landscape, and the presence of varied habitat such as scrub, woodland, grassland and open water in the vicinity.

¹⁰ Bat Conservation Trust (BCT) 2016. Bat Surveys for Professional Ecologists, Good Practice Guidelines, 3rd Edition

¹¹ Mitchell-Jones, A.J. & McLeish, A.P. Ed. 2004. Bat Workers' Manual 3rd Edition

¹² BCT (2015) Surveying for Bats in Trees and Woodland – Guide

Riparian mammals

- 3.3.10 Signs of otter *Lutra lutra* and water vole *Arvicola amphibius* were searched for on watercourses on and immediately adjacent to the site. This included looking for holts and burrows, latrines and spraints, mammal paths/runs and feeding signs. Habitats were assessed for their suitability to support riparian mammals

Invertebrates

- 3.3.11 The habitats were assessed for their potential to support a diverse assemblage of priority invertebrates including white clawed crayfish *Austropotamobius pallipes*.

Other notable species

- 3.3.12 Signs of other notable species were recorded as seen.

Legally controlled species

- 3.3.13 Evidence of species listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended were recorded as seen.

3.4 Assessment methodology

- 3.4.1 The importance of ecological features and impact assessment methodology is based on CIEEM guidelines for ecological impact assessment in the UK and Ireland¹³. Significant effects is defined as “*an effect that either supports or undermines biodiversity conservation objectives for important ecological features*” (CIEEM, 2016). A significant effect does not necessarily equate to an affect so severe that consent for a project should be refused planning permission if they can demonstrate following the mitigation hierarchy (avoid, mitigate, compensate) has been applied as part of the decision-making process. Significant effects are qualified with a scale: international and European, national, regional, metropolitan/county, local or within the zone of influence (defined here as site level).

¹³ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland

3.4.2 This report assumes that construction will commence within 1-2 years of the date of the assessment in accordance with the British Standard 42020:2013¹⁴ unless otherwise stated.

Determining importance

3.4.3 Determining the importance of identified ecological features is based on CIEEM guidance¹⁵. Various characteristics contribute to the importance of ecological features including:

- naturalness;
- animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
- ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
- endemic species or locally distinct sub-populations of a species;
- habitat diversity;
- habitat connectivity and/or synergistic associations;
- habitats and species in decline;
- rich assemblages of plants and animals;
- large populations of species or concentrations of species considered uncommon or threatened in a wider context;
- plant communities (and their associated animals) that are considered to be typical of valued natural/seminatural vegetation types, including examples of naturally species-poor communities;
- species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.

¹⁴ BSI (2013) Biodiversity – Code of Practice for Planning and Development.

¹⁵ CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester

3.4.4 Geographic context is also considered within a defined geographical context.

- International and European.
- National.
- Regional.
- Metropolitan, County, vice-county or other local authority-wide area.

3.4.5 Local (including district or borough context) or within a zone of influence (here termed the site).

3.5 Assessment limitations

3.5.1 Ecological surveys are limited by factors that affect the presence of plants and animals, such as the time of year, weather, migration patterns and behaviour. The initial survey was undertaken in early October 2021 and not considered a limitation to this assessment.

3.5.2 Any absence of desk study records cannot be relied upon to categorically infer absence of a species/habitat as the absence of records may be a result of under-recording within the given search area.

3.5.3 Phase 1 Habitat survey aimed to characterise the habitat on site and is not intended to give a complete list of plant species present.

Lifespan of Ecological Data

3.5.4 The majority of ecological data remain valid for only short periods due to the inherently transient nature of the subject. The survey results contained in this report are considered accurate for one to two years, assuming no significant changes to the site conditions.

4.0 RESULTS

4.1 Ecological designations

Internationally designated sites for nature conservation

- 4.1.1 The River Mease SAC is located c.9.8km SE from the site. The River Mease is designated for its riparian habitats, aquatic plant assemblages and fauna that it supports. The River Mease SAC is considered important for nature conservation at the international level.

Nationally designated sites for nature conservation designation

- 4.1.2 Badgers Hollow, Cotton Park Local Nature Reserve is located c.1.2km SW of the site. The site on which the nature area now sits is an area of reclaimed and landscaped land formerly used as a coal stacking yard. The site was restored to a mosaic of habitats, with wetland habitat providing a particular area of interest. Several species of locally rare or uncommon birds and plants have been recorded here.
- 4.1.3 This site is considered to be of national importance to nature conservation.

Non-statutorily designated sites for nature conservation designation

- 4.1.4 Nine non-statutorily designated sites for nature conservation were identified within 2km of the site (Table 2).

Table 2: Summary of non-statutorily designated sites for nature conservation identified within 2km of the site

Name	Location and distance from site	Ecological feature
Bretby Railway Line	c.1.0km NW	Unimproved neutral grassland
Bretby Disused Railway	c.1.7km N	Scrub
Breach Leys Farm Meadows	c.1.5km E	Semi-improved neutral grassland
Castle Gresley Wetland	c.1.6km S	Habitat mosaic
CADLEY HILL RAILWAY AREA	c.0.1km W	Habitat mosaic
CASTLE MOUND, CASTLE GRESLEY	c.1.7km S	Semi-improved neutral grassland
Hall Wood	c.1.1km S	Ancient semi-natural woodland - mixed deciduous
White Lady's Spring	c.1.8km S	Habitat mosaic
Badger's Hollow	c.1.2km SW	Habitat mosaic

- 4.1.5 Also of note is a Potential Local Wildlife Sites (sites that have been identified as having nature conservation interest, but where that interest has not been fully assessed against the Wildlife Site Selection Guidelines) located immediately to the north of the site boundary. This Potential Local Wildlife Site is Hall Farm Field Ponds and is a 41Ha site with wetland habitat potential for great crested newt and reptiles.
- 4.1.6 These sites are considered to be of importance to nature conservation up to a local level.

Priority habitat

- 4.1.7 A search using MAGIC identified no priority habitats, as listed under Section 41 of the NERC Act, on site.
- 4.1.8 As a result of the same search, no ancient woodland was identified within 1km of the site. Although, Deciduous woodland as a Priority Habitat is located c.0.1km West of the site at Cadley Hill.

4.2 Habitats

- 4.2.1 All habitats recorded within the site are described below and are shown on Figure 2 overleaf.

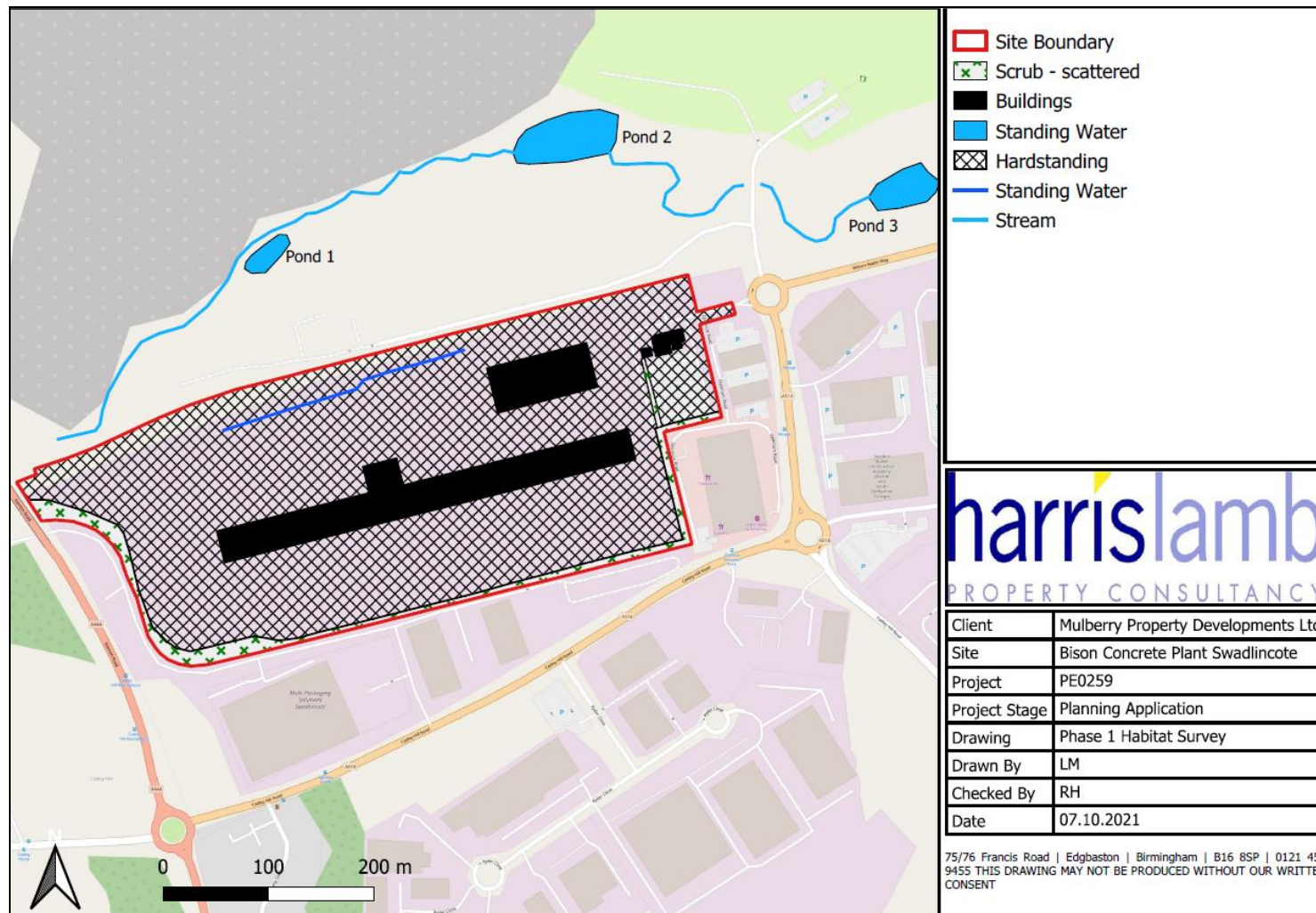


Figure 2: Phase 1 Habitat map. Not to scale.

Hard Standing and Buildings

- 4.2.2 The majority of the site consists of hard standing and industrial buildings (Plate 1). These areas are void of vegetation and are located within an active concrete plant. Therefore, the hard standing and building habitats offer limited opportunity for wildlife.
- 4.2.3 The potential for use of buildings by birds and bats is discussed within the relevant species sections below.
- 4.2.4 The hard standing and building habitats are considered species poor and widespread both locally and nationally and are not considered to be of value to nature conservation at greater than a site level.



Plate 1. Hard Standing
Scrub

- 4.2.5 Scrub borders an embankment on the western and southern boundary (Plate 2).
- 4.2.6 Species composition was dominated by ash *Fraxinus excelsior*, silver birch *Betula pendula* and hawthorn *Crataegus monogyna* with less frequently recorded species including elder *Sambucus nigra*, English oak *Quercus*

robur, holly *Ilex aquifolium*, Sycamore *Acer pseudoplatanus* and bramble *Rubus fruticosus* agg..

- 4.2.7 Scrub was considered to be of site value for nature conservation.



Plate 2. Scrub

Ditches / linear boundary soak away drainage feature

- 4.2.8 One linear boundary soak away drainage feature was present as shown on Figure 2. The linear drainage feature was on the edge of the northern boundary and used for site drainage. The water quality was considered poor and there was evidence of concrete dust within the water indicated through the milky discolouration (Plate 3).
- 4.2.9 The ditch was wet at the time of survey following heavy rainfall the preceding days, however, it is known through discussions with the site manager that the drainage feature is typically dry and only holds water for short periods following high rainfall events.
- 4.2.10 Submerged and floating leaved vegetation was absent indicative of the non-permanence of water in the drainage feature. Emergent and bank species

included a mix of ruderal species typical of disturbed ground and emergent species typical of wet inundated ground. Species included common reed *Phragmites australis*, common nettle *Urtica dioica*, creeping bent *Agrostis stolonifera*, greater pond sedge *Carex riparia*, coltsfoot *Tussilago farfara*, common liverwort *Marchantia polymorpha* and creeping thistle *Cirsium arvense*.

- 4.2.11 The linear boundary soak away drainage feature present was considered in poor condition due to impacts from the existing concrete plant and lack of water permeance. It was, therefore, considered to be of site level importance to nature conservation.



Plate 3. Linear boundary soak away drainage feature

4.3 Species

Amphibians

- 4.3.1 Over sixty records of great-crested newt *Triturus cristatus* and common amphibian species were identified within 2km of the site by DWT, with the closest record of great-crested newt being from Ponds 1, 2 and 3 as shown on Figure 2 within Hall Farm Field Ponds Potential Local Wildlife Site immediately to the north of the site. A summary of the records provided by DWTs is shown in Figure 3 below. The nearest pond with GCN record is located c. 110m from the site boundary.



Figure 3: Records of GCN grid references provided by DWT (image www.gridreferencefinder.com)

- 4.3.2 The majority of the habitats on site are not considered suitable for supporting great-crested newts due to the dominance of hard standing lacking sheltering habitat to support this species.
- 4.3.3 The linear boundary soak away drainage feature on site is considered poor suitability for supporting breeding great crested newts due to its lack of water permeance. This feature is more likely to be used for foraging and as terrestrial habitat for great crested newts.

- 4.3.4 The Natural England Rapid Risk Assessment tool¹⁶ has been used and shows that there is an Amber risk¹⁷ and an offence is likely in relation to great crested newt as a result of development, without mitigation.
- 4.3.5 Great-crested newts are therefore considered to be a potential receptor with respect to the proposed development.

Reptiles

- 4.3.6 Multiple records of grass snake and common lizard were provided by DWT within 2km of the site. The Hall Farm Field Ponds Potential Local Wildlife Site immediately to the north is also noted as having potential for reptiles.
- 4.3.7 Although there are records of reptiles in close proximity to the site, the site habitats are considered suboptimal for reptiles due to the expanse of hard standing and active use of the site for industrial purposes creating high levels of disturbance. Any use by reptiles would be limited to the scrub areas and linear boundary soak away drainage feature (see Figure 2).
- 4.3.8 Reptiles could be a potential receptor in respect of proposed development of the site.

Birds

- 4.3.9 Numerous records of birds have been provided by DWT within 2km of the site boundary, of which, a few are detailed under as listed under Section 41 of the NERC Act and Wildlife and Countryside Act 1981 schedule 1.
- 4.3.10 The boundary scrub and ditch habitats on site are likely to provide suitable foraging and nesting habitat for limited numbers of bird species.
- 4.3.11 In addition, the buildings on site could provide some opportunity for nesting birds particularly common pigeon *Columba livia domestica*, although no evidence of nesting birds were seen at the time of survey e.g. old nests.
- 4.3.12 Foraging and nesting birds could be a potential receptor in respect of proposed development of the site.

¹⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785314/gcn-method-statement.xlsm [accessed 18/6/19]

¹⁷ Red: offence highly likely" indicates that the development activities are of such a type, scale and location that an offence is highly likely.

Hazel dormice

- 4.3.13 No records of hazel dormouse were identified by DWT within 2km of the site.
- 4.3.14 The scrub on site was considered to lack the structural diversity favoured by hazel dormouse for nesting. Due to the absence of historic biological records and favourable habitat, hazel dormouse are considered unlikely to be a receptor with respect to the proposed development.

Bats

- 4.3.15 Several records of bat species were provided by DWT within 2km of the site. These included common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and Daubenton's Bat *Myotis daubentonii*.
- 4.3.16 The scattered trees within the scrub on site were assessed for their bat roost potential but were not considered mature enough or have the features associated with bat roosts. Therefore, trees on site were considered to have negligible bat roost potential.
- 4.3.17 Buildings on site were assessed for their potential for roosting bats. Two buildings were of metal construction and open sided offering limited opportunity for roosting bats (Plate 4 and 5). The office building (Plate 6) for refurbishment was of brick construction with sealed metal soffit boxes and a metal roof. This building did not have features associated with bat roosts and was considered to offer negligible bat roost potential.
- 4.3.18 The boundaries of the site with scrub and linear boundary soak away drainage feature habitats could provide some foraging and commuting opportunity for bats but the interior of the site with buildings and hard standing would provide limited opportunity for bats.
- 4.3.19 Foraging and roosting bats could be a potential receptor with respect to the proposed development.



Plate 4. Metal buildings for demolition



Plate 5. Metal buildings for demolition (interior)



Plate 6. Office building for renovation

Badger

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]

Riparian mammals

- 4.3.23 No records of water vole were returned in the data consultation with DWT and only a few records of otter were returned.
- 4.3.24 The linear boundary soak away drainage feature habitats on site are limited in size and not connected to watercourses in the wider area. Due to the poor water quality observed and lack of permanence, the limited drainage feature habitats were not considered suitable for otter or water vole and no signs of these species were recorded.

- 4.3.25 Otter and water vole are not considered a receptor for the scheme.

Invertebrates

- 4.3.26 No records of white-clawed crayfish or any other protected invertebrate were returned by DWT. The habitats on site dominated by hard standing were not considered suitable for important assemblages of invertebrates. Likewise, the linear boundary soak away drainage feature habitats were considered to have too poor water quality and lacked permanence to support white-clawed crayfish.

Other notable species

- 4.3.27 Hedgehogs have been recorded within 2km of the site. The boundary habitats on the site are suitable for supporting this species and hedgehogs are considered a potential receptor with respect to the proposed development.

Legally controlled species

- 4.3.28 No evidence of species listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended were recorded as seen.

5.0 ASSESSMENT OF EFFECTS AND MITIGATION MEASURES

5.1 The proposed development

5.1.1 It is understood that a planning application is being submitted to redevelop the Bison (Forterra) Concrete plant in Swadlincote into a new national pallet logistics hub for one of the largest logistics operators in the UK. The following assessment is based on the proposed site plan (PHP Architects dated 11-08-21 reference 4542P19).

5.1.2 Proposals are to demolish the 2nr industrial buildings and construct a new logistics hub, which will be c.600,000ft². The new building will be fully open on the north and south elevation i.e. the building only has two closed sides, the smaller east and west elevations.

5.1.3 There is also a small office block of c.950m² on the site which is being retained and refurbished.

5.1.4 The linear boundary soak away drainage feature on the northern boundary would be filled in as part of the development proposals.

5.2 Statutory and non-statutory designated sites for nature conservation

5.2.1 River Mease SAC is located c.9.8km SE from the site. Given the separation and distance of the site from the SAC, no mechanism has been identified associated with the proposed development which is likely to affect identified SAC, directly or indirectly.

5.2.2 The proposed development is not for residential use and therefore no recreational impacts associated with the proposed development are anticipated to occur to Badgers Hollow, Cotton Park Local Nature Reserve or Local Wildlife Sites within 2km of the site.

5.2.3 The proposed development has potential to result in pollution events which could affect non-designated sites for nature conservation within 2km of the site without mitigation. It is therefore recommended that prior to construction commencing a Construction and Environmental Management Plan (CEMP) is agreed with the LPA including measures to minimise the risk of pollution events during construction.

5.2.4 Detailed planting scheme should include native species selected to compliment the adjacent LWS and should be controlled via a suitable planning condition.

5.2.5 Impacts relating to GCN associated with Hall Farm Field Ponds pLWS are set out below.

5.3 Habitats

Potential impacts

5.3.1 The proposed development will require land-take of hard standing, areas of scrub and a ditch/linear boundary soak away drainage feature. The proposed development includes retaining areas of existing landscaping and creation of new landscape planting as shown proposed site plan (PHP Architects dated 11-08-21 reference 4542P19).

Mitigation measures

5.3.2 Retained trees and hedgerows should be protected through the construction phase following advice set out within the British Standard Tree Survey.

5.3.3 The final landscape design should use native species of local provenance and suitable for location adjacent to a pLWS.

Enhancement

5.3.4 No further enhancement measures are considered to be required at this stage.

Monitoring

5.3.5 The success of the detailed landscape scheme could be monitored through standard landscape management practices.

Significance

5.3.6 Assuming the detailed landscape design is in accordance with the principles set out in this assessment and secured via planning condition, it is anticipated that the proposed development would result in a net nature conservation enhancement at site to local level.

5.4 Species

Amphibians

Potential impacts

- 5.4.1 The Natural England Rapid Risk Assessment tool¹⁸ has been used and shows that there is an Amber risk and an offence is likely in relation to great crested newt as a result of development, without mitigation.
- 5.4.2 The proposed development will require temporary loss of c.0.6 ha of potential great crested newt terrestrial habitat located c. 110 m from the nearest known great crested newt pond. No direct impacts to the ponds are anticipated. No loss of core habitat (within 50m of the nearest known breeding pond) are anticipated. No impacts to habitat within 100m of the nearest known breeding pond are anticipated.
- 5.4.3 The proposed development will require loss of a largely dry soakaway ditch and surrounding rough grassland during the construction phase of the proposed development. This area will be relandscaped as grassland post-construction.
- 5.4.4 Natural England concluded in their report (English Nature Research Reports 576 (2004) that *'It will also almost always be necessary to actively capture newts 50-100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200-250m, capture operations will hardly ever be appropriate'*.
- 5.4.5 Without mitigation there is potential for construction to adversely affect great-crested newts should they be present in this area at the time of construction.

Mitigation measures

- 5.4.6 Based on the distance of the site from the breeding ponds, large area of high quality habitat within the pLWS outside the site which would be retained

¹⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785314/gcn-method-statement.xlsm [accessed 18/6/19]

and poor quality of habitat to support this species on site it is not anticipated temporary loss of this habitat would affect the favourable conservation status of the population of GCN in the local area if the following mitigation measures are implemented.

- 5.4.7 The following mitigation provides a framework which should be reviewed when the final construction timing and phasing is known.
- 5.4.8 It is anticipated that the majority of the demolition and construction could be undertaken under a Reasonable Avoidance Method Statement (RAMS) for great crested newts due to the majority of the site being poor suitability to support this species. This RAMS could be secured via planning condition.
- 5.4.9 Taking a precautionary approach at this stage it is anticipated that the works affecting the areas of vegetation and soakaway will require a European Protected Species Licence from Natural England prior to works commencing in this part of the site. It is understood that District Level Licensing is potentially available in this area and could be considered as a licensing route for this work.
- 5.4.10 The area of retained and new landscaping should be managed via a Landscape and Ecological Management Plan (LEMP) in accordance with any management requirements as set out within any licensing requirements.

Significance

- 5.4.11 Assuming the above measures are undertaken and secured through a planning condition, it is anticipated that the proposed development would not result in impact great crested newts, should they be present at the time of works.

Enhancement

- 5.4.12 An amphibian hibernaculum could be included within the area of retained/new landscaping for the benefit of GCN and other common amphibians.

Monitoring

- 5.4.13 No additional monitoring is considered to be required at this stage. Monitoring may be required by the conditions of any derogation licence.

Reptiles

- 5.4.14 Common reptiles are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended)¹⁹.

Potential impacts

- 5.4.15 The site is sub-optimal to support a population of common reptiles however, the habitats to the north of the site may provide limited foraging and sheltering opportunities for the species.

Mitigation measures

- 5.4.16 Taking a precautionary approach, construction should be undertaken following a Reasonable Avoidance Measures Method Statement (RAMS).

Enhancement

- 5.4.17 The proposed development could include hibernaculum/log piles which would benefit reptile species within the retained/new landscaping and managed via a LEMP.

Monitoring

- 5.4.18 No additional monitoring is considered to be required at this stage.

Significance

- 5.4.19 Assuming the above measures are undertaken, it is anticipated that the proposed development would result in an enhancement for common reptiles at a site to local level.

Birds

- 5.4.20 All species of native British birds are protected only the Wildlife and Countryside Act 1981 (as amended) making it an offence to intentionally kill, injure or take any species of wild bird, and to take, damage or destroy their nests or eggs. Several species receive higher levels of protection from disturbance under the Schedule 1 of the Act. Several declining bird species are also Priority Species under the NERC Act 2006.

¹⁹ See www.legislation.gov.uk for full details throughout this report

Potential impacts

- 5.4.21 The scattered scrub could provide some limited nesting and foraging habitat for bird species.
- 5.4.22 The proposed development includes an area for native planting including native trees, scrub, native wildflower planting which will benefit a wide range of urban and farmland bird species at a site level.

Mitigation measures

- 5.4.23 As a precautionary approach any vegetation should be removed (if required) outside the nesting bird season (nesting season runs March-August, inclusive) where practicable. Should these works be scheduled during the nesting bird season they should be checked by a suitably experienced ecologist immediately beforehand. In order to prevent disturbance or harm to individuals, work should not be carried out within a minimum of 5m of any in-use nest, although this distance could be more depending on the sensitivity of the species.

Enhancement

- 5.4.24 Installation of nesting boxes for a variety of bird species e.g. sparrow upon retained trees can be included to further benefit to the local bird populations.

Monitoring

- 5.4.25 No additional monitoring is considered to be required outside the standard landscape planting maintenance requirements.

Significance

- 5.4.26 Assuming the above measures are secured through a planning condition it is anticipated that the proposed development would enhance habitats to support a range of urban bird assemblages at a site to local level.

Bats

- 5.4.27 In Britain all bat species and their roosts are legally protected, by both the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Several species are also Priority Species under the NERC Act 2006.

Potential impacts

- 5.4.28 No trees with greater than negligible were identified within the site. There will be temporary loss of habitat during construction with creation of new planting and trees upon completion.
- 5.4.29 Any introduced artificial lighting could disrupt potential commuting and foraging activities associated with the boundary hedgerows/planting.

Mitigation measures

- 5.4.30 To minimise disturbances to bats foraging/commuting, artificial lighting introduced during the construction works should be fitted with a directional cowl. Lighting should then be positioned in such a way that avoids light spill over hedgerow habitats along the site boundaries. Lighting outputs should be maintained at, or below, 1lux which is equivalent to twilight conditions.
- 5.4.31 Any introduced/permanent lighting should follow the sensitive lighting scheme from MBA Consulting Engineers²⁰ which has been designed to prevent light spill and glare to and around site boundaries and prevent sky glow. The lighting plan is in accordance with the current Design Standard for Exterior Lighting in conjunction with BS 5489-1:2020, BS EN 12464-2:2014, CIBSE LG6 -The Outdoor Environment and BREEAM 'Excellent' requirements.
- 5.4.32 It should be appreciated that bats require only small cavities for roosting. It has been assumed trees within the hedgerows will be retained. Should this change at the reserved matters stage an assessment of trees prior to felling for roosting bats should be undertaken by a suitably experienced ecologist. Should a bat be discovered during works, works in that area should cease and a licensed bat ecologist contacted for further advice.

Enhancement

- 5.4.33 Installation of bat boxes upon retained trees will further be of benefit to the local bat populations.

Monitoring

- 5.4.34 No additional monitoring is considered to be required at this stage.

²⁰ MBA Consulting Engineers (2021) External LED Lighting Assessment Report Rev 3

Significance

- 5.4.35 Assuming that the above measures are secured through a planning condition, it is anticipated that the proposed development would not adversely affect bats and new planting would be of benefit to bat populations at a site level.

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Other notable species

Potential impacts

5.4.43 The habitats on site could be used by hedgehogs. Hedgehogs are listed as a Priority Species under the NERC Act 2006.

5.4.44 The introduction of boundary treatments (e.g. fences) has the potential to reduce the accessibility of the site for foraging and commuting hedgehog.

Mitigation measures

5.4.45 Where relevant the boundary fences should include a small gap (13cm by 13cm) to allow hedgehog to pass through.

Enhancement

5.4.46 No enhancement measures considered to be required.

Monitoring

5.4.47 No monitoring is considered to be required.

Significance

5.4.48 Assuming the above measures are secured through a planning condition it is anticipated that the proposed development would not result in an adverse impact to hedgehog, should they be present.

6.0 CONCLUSIONS

- 6.1.1 Based on the data collected and information provided about the proposed development, it is anticipated that impacts to species and habitats identified within this report could be avoided or mitigated and enhanced. This can be secured through appropriately worded planning conditions.
- 6.1.2 On this basis there are no insurmountable constraints to development from an ecology or biodiversity perspective and the proposals would accord with relevant national and local planning policy on such matters.