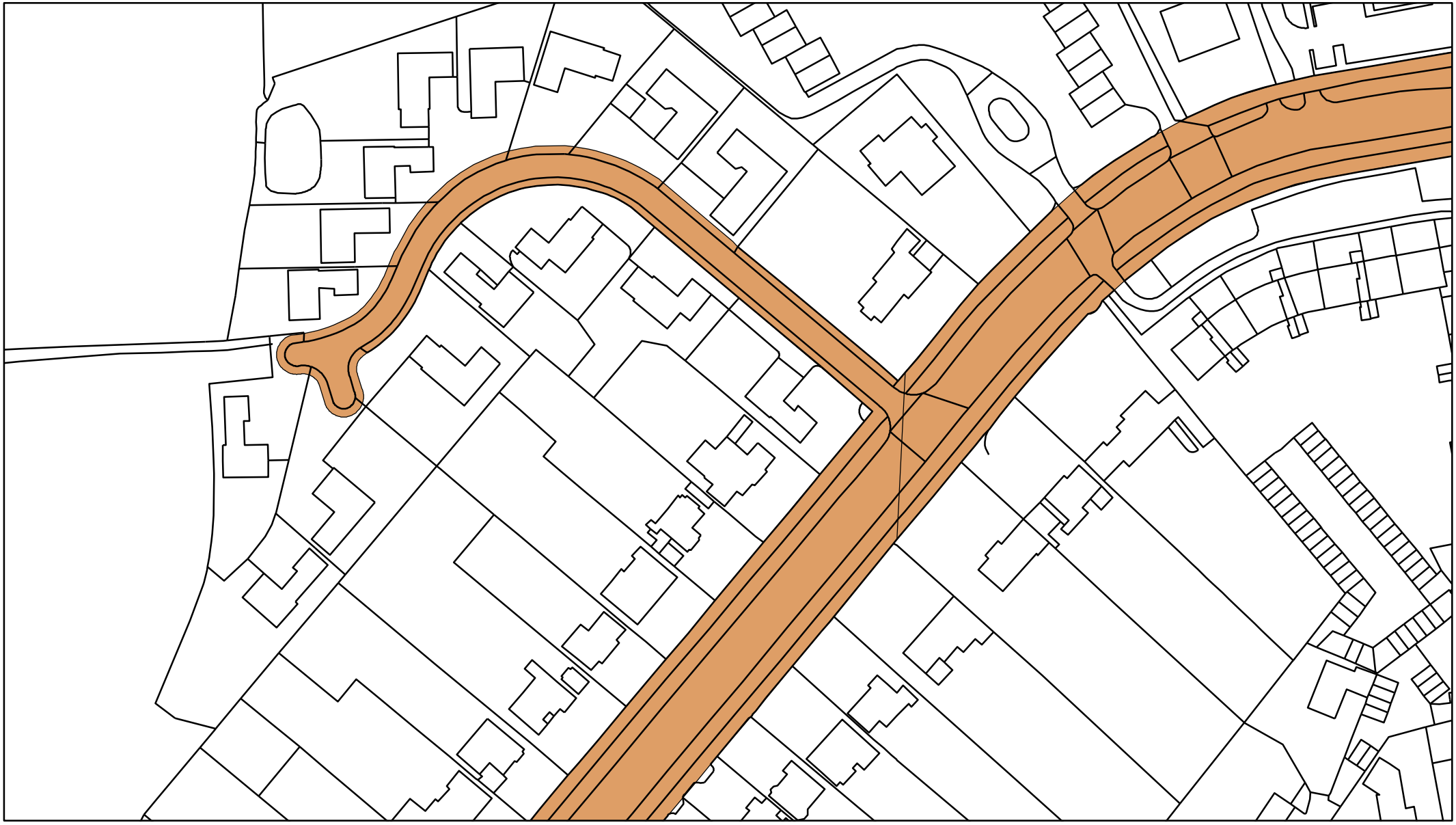
Bamburgh Grove, Leamington Spa



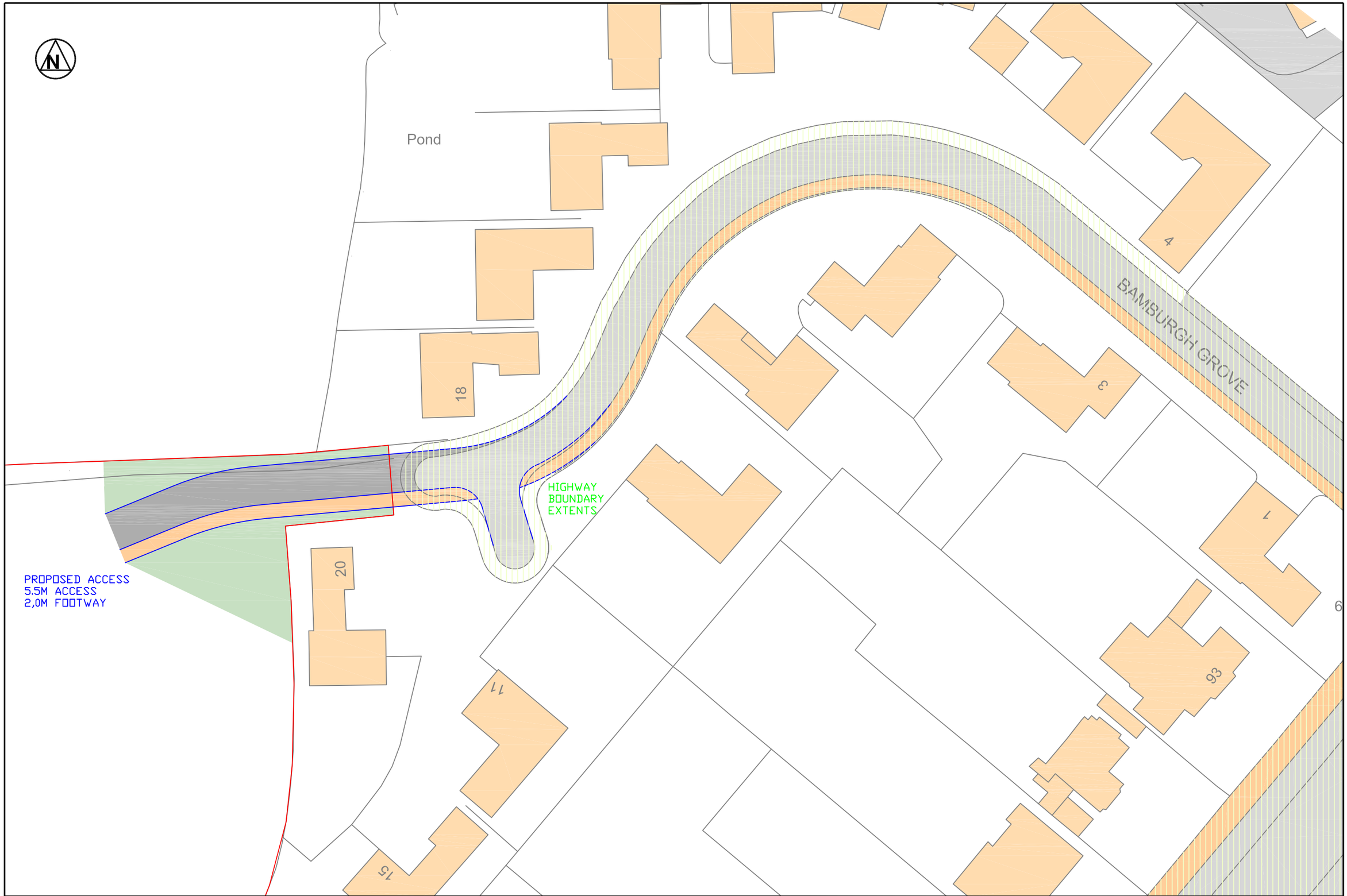
Legend

Highway Maintainable at Public Expense

N

Warwickshire County Council

Communities
20/08/2013



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JOB TITLE	CLIENT
Bamburgh Grove, Leamington	Framptons

DRAWING TITLE

Proposed Site Access

SCALE	DRAWN BY	DATE	DRAWING No	REVISION
1/500@A3	BP	August2013	15248-01	

ECOLOCATION

Protected Species Surveys for Development

Ryton Organic Gardens Wolston Lane Ryton-on-Dunsmore Warwickshire CV8 3LG 02476 217727 www.gbae.co.uk ecolocation@gbae.co.uk

Ecological Appraisal

of

Land off Bamburgh Grove
Leamington Spa
Warwickshire

For

Framptons & Mr. D. Hunter

(18th November 2013)

2013-07(23)

CONTENTS

SECTION

Report Author: Rebecca Golder, ACIEEM
Report Date: 15/11/13
Quality checked by: Anna Swift, MCIEEM
Quality check date: 18/11/13

Summary

- An Ecological Appraisal of an area of grassland and a Habitat Suitability Index assessment of a pond was carried out at Land off Bamburgh Grove, Leamington Spa, Warwickshire on the 19th August 2013, by suitably experienced ecologist, Rebecca Golder.

- It is understood the proposed development was for the erection of residential dwellings, however a Site layout was not available at the time of writing this report.

- The Site included species poor, rough grassland, dense and scattered bramble scrub, defunct hedgerows and scattered trees ranging in ages from immature to mature.

- Two ponds were present within a 500m radius of the Site, both outside of Mr. Hunter's ownership. Pond 1 was some 290m west of the Site and accessible via a footpath. The results of the HSI were below average, with regards to offering suitable opportunities to breeding great crested newts. Pond 2 was within a private garden some 55m north of the Site, access to this pond was not sought as it was understood previous surveys by another Ecological Consultancy had been carried out on this pond, however the data was not available to ECOLOCATION at the time of writing the report.

- The Site was considered suitable for reptiles as part of a larger mosaic of habitats and close proximity to typically favourable allotments and waterbodies. Evidence of small mammals and potential for amphibians was also recorded, both forming part of reptiles diets.

- In addition to this the hedgerows and scattered trees on Site were considered suitable for nesting birds. There was also potential for ground nesting warblers though no evidence was recorded.

- The mature trees on the northern and eastern boundary of the Site offered suitable roosting opportunities to bats. In addition to this the Site could offer suitable foraging opportunities to bats and the hedgerows a potential commuting route for bats.

- It was considered that in order to minimise any adverse ecological impacts, further detailed reptile surveys should be carried out.

- Although Pond 1 scored below average when assessed for its potential to support great crested newts, it was considered, due to the presence of great crested newt records within the area, further great crested newt surveys should be carried out. This would also involve accessing Pond 2 to carry out a HSI, however, should the previous newt survey results be available this further survey may not be necessary as it may be possible to design an outline mitigation strategy based on existing survey data.

- Further recommendations, sensitive working practices and enhancements are made within the report and further recommendations will be made based on the results of the detailed newt and reptile surveys.

- Prior to the writing of this report three reptile presence/absence surveys of the Site were undertaken during October 2013; surveys were discontinued due to unfavourable weather conditions and the onset of the hibernation period. No reptiles were recorded and the remaining surveys are to be continued during April 2014.

1.0 INTRODUCTION

1.1 PURPOSE OF STUDY

ECOLOCATION were commissioned by Framptons on behalf of Mr. D. Hunter to undertake an ecological assessment of an area of land and a Habitat Suitability Index assessment of a nearby pond at Bamburgh Grove, Leamington Spa, Warwickshire, which is understood will be subject to a future planning application for the erection of residential dwellings.

1.2 SURVEY AIMS

The aims of the survey were to:

- provide a description of the habitats present on Site
- identify the potential for the presence of protected species on Site
- determine the need for further ecological surveys
- assess the ecological impact of the proposals
- identify any ecological constraints/opportunities on Site

2.0 SITE LOCATION

2.1 SITE

The Site (grid ref. SP 31276 67208), survey boundary indicated by the red line below, was set on the northern outskirts of the town of Royal Leamington Spa, Warwickshire just off Bamburgh Grove.

2.2 SCOPE

The survey sought to identify the potential for protected species on Site including:

- Badger - areas that might be used by badger *(Meles meles)* for foraging and sett building. Incidental foraging signs, tree scratching, paths, latrines and setts were recorded if found (Harris *et al.*, 1989). A 30m buffer of the whole Site was also surveyed where practicable, most of which was viewed from the Site boundaries.
- Reptiles - areas that could be used for insolation, shelter, foraging and breeding.
- Great crested newts – waterbodies were scored for their suitability for use by breeding newts (assessed using the Habitat Suitability Index).
- Bats – Suitable trees and natural features for roosting together with suitable roosting opportunities within any buildings on Site.
- Birds - areas of habitat/structures that may be used by nesting birds.
- Hedgehog – evidence including droppings and suitable foraging and sheltering habitat.
- Brown Hare - suitable habitat such as arable fields and rough field margins together with individual animals.
- Polecat - evidence of the presence of suitable habitat such as woodland, riverbank and surrounding farmland mosaic.
- Harvest mouse – evidence of the presence of suitable habitat such as arable fields and stiff-stemmed grasses.

The lack of hazel coppice woodland with a varied understorey of fruiting and flowering species resulted in habitats on Site being unsuitable for dormice.

The lack of suitable watercourse made the site unsuitable for otter, water vole and crayfish.

Therefore these species were not included in the survey.

2.3 LEGISLATION

Bats, otter, white-clawed crayfish and great crested newts
All species of British bat and their roosts (places of shelter or rest), otter, white-clawed crayfish and great crested newts are protected by law from intentional and reckless disturbance under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Acts 2000, and the Conservation of Habitats and Species Regulations 2010 to incorporate the European Habitats directive.

Birds
The majority of species of nesting bird are protected under the Wildlife & Countryside Act 1981 and as amended by the Countryside & Rights of Way Act 2000.

Herpetofauna
The following species are protected against sale under Section 9(5) of The Wildlife and Countryside Act 1981 which limits the animals being offered for sale, transported for sale or advertised for sale however capture, keeping or killing are not prohibited subject to other animal welfare regulations - smooth or common newt (*Triturus vulgaris*), palmate newt (*Triturus helveticus*), common frog (*Rana temporaria*) and common toad (Bufo bufo). Grass snakes (*Natrix natrix*) are however protected from killing, injuring and sale under Sections 9(1) and 9(5) of the same legislation.

Badger
Badgers and their setts are protected under the 1992 Badgers Act, and it is illegal to carry out work which may disturb badgers without a licence from Natural England. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0117 3728000.

Hedgehog, Polecat and brown hare
UK Biological Action Plan (BAP) Priority Species.

3.0 DESK-TOP STUDY RESULTS

3.1 DESK-TOP STUDY

Prior to the ecological survey of the Site, a desk-top data gathering exercise was undertaken. Nature on the Map and the Local Records Centre were accessed for statutory and non-statutory sites and protected/notable species records within a 1km radius; only species scoped into the survey, where records exist, are mentioned within the species section.

3.1.1 Habitat connectivity

- The Site was set on the outskirts of the spa town of Royal Leamington Spa, Warwickshire.
- The Site was surrounded immediately to the south and east by residential dwellings of the town of Leamington Spa, which may have provided some obstruction to movement from animals onto the Site from the south and east due to artificial lighting, human disturbance and other pollution.
- To the north and west the Site was bordered by arable fields which extended some 800m until they reached the River Avon which flowed from east to west through the 1km search radius.
- The River Avon may have provided a good wildlife corridor for the safe and unobstructed movement of many animals scoped into this survey through the wider landscape and onto the Site from the north.

  There were a number of small pockets of woodland located within the 1km search radius. These may have offered refuge and forage ground for many species.
- There were a few small waterbodies in the vicinity, that often offer a refuge and foraging grounds for many species, in particular newts and reptiles.
- There were no designated sites within the 1km search radius.

3.1.2 Species within a 1km radius

Terrestrial Mammals

Brown long-eared bat *(Plecotus auritus),* common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), unidentified bat (*Chiroptera*), European hedgehog (*Erinaceus europaeus*)

Amphibians

Common frog (*Rana temporaria*), common toad (*Bufo bufo*), smooth newt (*Lissotriton vulgaris*), great crested newt (*Triturus cristatus*)

Reptiles
Grass snake (*Natrix natrix),* common lizard (*Zootoca vivipara*)

4.0 PHASE 1 HABITAT RESULTS AND EVALUATION

4.1 PHASE 1 HABITAT SURVEY

On the 19th August 2013, a walkover survey of the Site was carried out in accordance with standard methodology for Phase 1 habitat assessment (Joint Nature Conservation Committee, 1993) by an experienced surveyor, Rebecca Golder. Habitats and features were classified and recorded together with target notes identifying any particular areas of ecological interest.

4.2 LIMITATIONS

Pond 2 was not accessible due to its location within a private garden, though it was understood that previous detailed great crested newt surveys were carried out on this pond by another ecological consultancy for an unrelated development. However the results of which were not able to be issued to ECOLOCATION at the time of writing this report.

4.3 PHASE 1 HABITAT SURVEY RESULTS AND EVALUATION

An annotated Phase 1 habitat survey map is provided in this section. This illustrates the location of all habitat types recorded at the Site together with target notes depicting features of ecological interest. Habitats were classified using Phase 1 methodology (JNCC, 1993) and were then evaluated against the IEEM EIA evaluating habitats and species guidelines (2006) in order to give them a scale of importance. Such criteria included size, species diversity, presence of Local BAP or UK BAP habitats and species together with presence of other notable species.

4.3.1 Habitats

- Species-poor, semi-improved grassland
- Intact hedgerow
- Boundaries
- Tall ruderal
- Scattered trees
- Scrub

Phase 1 map

Species-poor, semi-improved grassland

The majority of the Site comprised species-poor, semi-improved, rough grassland, with species including frequent ribwort plantain, sweet vernal grass and cock's-foot. There was a general sward length of around 10-15cm, however, sward length varied across the Site with some areas in the south around 5cm. A number of well used footpaths cut through the Site and appeared to be in use by dog walkers.

This habitat is usually permanent grassland, which has been subject to some form of agricultural improvement such as fertilizer/herbicide use or drainage. This habitat is generally more species diverse than grassland that is classed as improved with a greater diversity of broadleaved plants within the sward. The presence of these broadleaved plants allows this habitat to provide a reasonable food resource for some nectar-dependent invertebrates. Semi-improved grassland has been in decline over recent years as a result of the intensification of agriculture.

Ecological value: MEDIUM

View of semi-improved grassland from the north

Defunct hedgerow

There were defunct hedgerows on the north, south and western boundaries. These were managed (hedge cutting was being carried out at the time of survey) but with frequent gaps and included frequent hawthorn and blackthorn.

Hedgerows are not only a UK BAP priority habitat but they can also provide valuable connectivity through the landscape and between other habitats, making them a valuable resource for a range of wildlife including, hazel dormice, bats and many invertebrates. Traditionally hedgerows were maintained as a means of containing livestock however as this need has decreased with the frequent use of modern fencing, some hedgerows have been left unmanaged resulting in frequent gaps. However with corrective management such as laying, planting and or coppicing these can frequently be restored.

Ecological value: LOW-MEDIUM

Western hedgerow

Northern hedgerow

Scattered trees

There were a small number of scattered immature trees including oak and ash which appeared to have been planted in the east of the Site. In addition to this there were a number of semi-mature trees adjacent to the northern hedgerow, these again included oak and ash. A single mature oak was present on the eastern boundary.

There was a curved line of semi-mature trees running north to south in the eastern part of the Site and species included frequent elder, apple and hawthorn.

Ecological value: LOW-MEDIUM

Mature oak on eastern boundary

Semi-mature trees on northern boundary

Planted immature trees in the east of the Site

Scrub

There were areas of frequent bramble scrub on the northern, western and eastern boundaries, whilst areas of scattered bramble scrub were also present in the central section of the Site. Dense blackthorn scrub was present spreading southwards from the northern boundary and encroaching onto the grassland.

This habitat type is generally widespread and usually associated with areas of unmanaged/unmaintained land. Consisting of multi-stemmed shrubs and bushes between 0.5m and 5m in height, this habitat can be an important component of a habitat mosaic. Scrub can provide good foraging and nesting habitat for many bird species as well as provide valued shelter and forage for many other species.

Ecological value: LOW-MEDIUM

Dense scrub

Boundaries

Please see Phase 1 map

Ecological value: LOW

4.3.2 Species

A species list can be found in Appendix 7.2. The potential of protected species to be present on Site was given a value evaluated by the habitat suitability, records within the 1km radius and any evidence found on Site.

Bats

There are 18 species of bats found in the UK all of which are protected by European law and are considered priorities under the UK BAP, as a result of a recent decline in numbers. Bats use a range of different habitats depending on species and time of the year. However all bats found in the UK are reliant on invertebrates as a food source, so therefore habitats that are known to be beneficial to invertebrates can be considered as beneficial to bats, such as pasture, woodland and water bodies.
Most bats rely on good connective habitat such as hedgerows to ensure they can travel safely between roosts and foraging areas.

There were records of bats within a 1km radius of the Site and there were opportunities for roosting bats within a mature oak tree on the eastern boundary and an oak and ash on the northern boundary (TN2, 3-4). It was not possible to view the mature trees within the northern hedgerow due to the extent of scrub surrounding them, however, it is possible features were present that offered suitable roosting opportunities to bats. In addition to this the grassland was likely to offer suitable foraging grounds for bats as invertebrate numbers could potentially be high due to the lack of herbicides and pesticides used on the grassland. The hedgerows and trees could possibly be used by bats as a dispersal route to the wider countryside.

Likelihood of roosting presence: LOW-MEDIUM
Likelihood of dispersal: MEDIUM-HIGH
Likelihood of foraging: HIGH

Badgers

Badgers and their setts are protected in the UK, although they have become more numerous over recent years. Badgers use a range of habitats (rural or urban) however they are generally associated with agricultural land. A clan of badgers may have a number of setts which they may use at different frequencies at different times of the year.

There were no badger records within 1 km of the Site, and no evidence in the form of latrines, digging or a sett was recorded during the survey visit. A number of mammal tracks were recorded throughout the Site however it was considered that badgers were more likely to be dispersing through the Site than using it to forage or build a sett.

Likelihood of presence: LOW

Reptiles

There are a total of 6 reptile species found in the UK namely common lizard, sand lizard, slow worm, grass snake, smooth snake and adder. All reptile native to the UK are priority species under the UK BAP. As cold blooded creatures, basking makes up a very important part of their life cycle, because of this all reptiles will use areas that are exposed to the sun in the morning and late afternoon to ensure they maintain a regulated body temperature.

There were records of reptiles within a 1km radius of the Site. The rough grassland offered limited basking opportunities on narrow paths and within the shorter sward length of grassland. Suitable foraging and sheltering habitat was present within the grassland, scrub and hedgerows. Furthermore it was considered this Site was part of a larger mosaic of habitats including arable and pasture land, gardens, waterbodies and allotments and that together these habitats offered suitable and ample opportunities to reptiles.

Following the walkover survey, recommendations were made to the client to conduct 7 presence/absence survey visits for reptiles at the Site. Consequently, ECOLOCATION were instructed to undertake this work and three reptile presence/absence survey visits were carried out on the Site during October 2013 using 0.5x0.5m roofing felt and carpet tiles. No reptiles were recorded during these surveys. Surveys were discontinued due to the onset of the hibernation period and temperatures falling below those outlined as suitable surveying conditions in the Frog-Life Advice sheet 10. The remaining reptile surveys, and subsequent reptile report are to continue in April 2014.

Likelihood of presence: MEDIUM

Amphibians

Great Crested Newts are protected by European law and are a priority species under the UK BAP, as they have been in decline in recent years due to habitat loss and fragmentation. This species relies on suitable ponds for breeding in the spring as well as suitable terrestrial habitat for safe hibernation over the winter and before they reach maturity. Newts also migrate between ponds to ensure gene pool viability, so safe connecting habitat is also important.

Pond 1 outside of the Site was visible from a footpath and was subject to a habitat analysis using the Great Crested Newt Habitat Suitability Index (HSI) developed by Oldham et al. (2000). [See Appendix]

Map showing ponds in relation to Site

The potential of Pond 1 to support great crested newts was analysed using the Great Crested Newt Habitat Suitability Index (HSI) developed by Oldham et al. (2000). [See Appendix].

HSI can be useful in:

- Evaluating the general suitability of a sample of ponds for Great Crested Newt
- Comparing general suitability of ponds across different areas
- Evaluating the suitability of receptor ponds in a proposed mitigation scheme

HSI is limited by being insufficiently precise to allow one to draw conclusions that a pond with a high score will support Great Crested Newts nor that a pond with a low score will not do so. Also, the results do not allow conclusions on newt populations to be reached.

Pond 1

HSI		
Factor	Result	Suitability Index
SI_1 Location	optimal	1
SI_2 Pond Area	230m²	0.4
SI_3 Pond Drying	Sometimes	0.5
SI_4 Water Quality	Poor	0.33
SI_5 Shade	40%	1
SI_6 Fowl	Absent	1
SI_7 Fish	Absent	1
SI_8 Ponds	1	0.67
SI_9 Terrestrial	Poor	0.33
SI_{10} Macrophytes	0 %	0.3

SI1 x SI2 x SI3 x SI4 x SI5 x SI6 x SI7 x SI8 x SI9 x SI10

(1 x 0.4 x 0.5 x 0.33 x 1 x 1 x 1 x 0.67 x 0.33 x 0.3) 1/10 = 0.58

equates to " below average" habitat suitability for Great Crested Newts

There were records of great crested newt and one record of common toad and common frog within a 1km radius of the Site. Pond 1 was subject to a HSI and scored "below average" with regards to the likelihood of supporting great crested newts. It was not possible to access Pond 2 as it was located within a private garden.

Although Pond 1 scored below average it was considered that due to the presence of records within the area from what appears to be Pond 1 and Pond 2 it was likely that great crested newts were using these ponds. Both Ponds 1 and 2 were well connected by hedgerows to the Site and therefore it was possible great crested newts could forage and shelter within the Site. The Site and the neighbouring ponds offered suitable habitat for breeding, sheltering and foraging amphibians.

Likelihood of gcn presence: MEDIUM
Likelihood of other amphibian presence: MEDIUM-HIGH

Birds

The Site as a whole did offer some potential for nesting birds within the hedgerow, scrub and scattered trees. In addition to this the Site could offer suitable nesting opportunities to ground nesting birds such as warblers, however, it was considered too small an area to offer opportunities to skylark or meadow pipit, these species were more likely to use the neighbouring agricultural land. There were a number of bird records within a 1km radius including tree sparrow and yellowhammer, though no evidence of nesting birds was recorded during the survey.

Birds recorded on Site during survey:

Great tit x 2
Blue tit x 1

Likelihood of presence: MEDIUM-HIGH

Hedgehog

Hedgehogs have been in decline recently due to increased pressures from a number of factors including increased pesticide use. They are now considered a priority species under the UK BAP. Hedgehogs rely on habitats that are high in invertebrate numbers and have safe areas for nesting and good connectivity.

There were records of hedgehog within a 1km radius of the Site, however, no evidence of this species was recorded during the Site visit. Suitable connective, sheltering and foraging habitat was present in the hedgerow, scrub and rough grassland areas. This species typically favours gardens and allotments and therefore it was considered possible this species could to disperse into the Site from these neighbouring habitats.

Likelihood of presence: MEDIUM-HIGH

Brown Hare

There were no records of brown hare within a 1km radius of the Site. This animal does prefer an arable landscape with hedgerows, although no forms were found during the survey and no individuals. It should be noted that dog walkers frequented the Site. However, ample and more suitable habitat was present within the agricultural fields north and west of the Site.

Likelihood of presence: LOW

Polecat

Polecats are protected in the UK and have slightly increased in numbers recently however they are still scarce in England and are considered a priority under the UK BAP. Polecats like a mosaic of habitat including woodland, grassland and riverbanks and have large territories (though are not particularly territorial) and tend to move around quite freely following seasonal food sources, with their main diet being rabbits and rats.

There were no records of polecat within a 1km radius of the Site. Suitable habitat for this species can be found further afield of the Site. It is considered possible that polecat could use this Site, adjacent allotments and gardens for foraging at some point during the year, but this Site would only make up a very small part of their large territory.

Likelihood of presence: LOW-MEDIUM

5.0 CONCLUSION

To summarise, it was considered the hedgerows, scattered trees, scrub and rough grassland offered suitable foraging and sheltering opportunities to hedgehog, polecat, amphibians and reptiles, with the adjacent habitats, in particular the nearby allotments, offering additional opportunities for these species resulting in dispersal into the Site being likely.

Nesting birds were likely to use the hedgerows, scattered trees and scrub. To a lesser extent ground nesting birds may use the rough grassland, with warbler species more likely to be present ,though many species would be deterred by the small size of the Site together with the presence of frequent dog walkers.

Mature trees on the boundary of the Site potentially offered suitable opportunities to roosting bats, and hedgerows on site could offer suitable commuting routes, in addition to this the grassland offered suitable foraging opportunities.

It was considered that ponds 1 and 2 could offer habitat to breeding great crested newts due to records within the area. These ponds were well connected to the Site, therefore the Site was considered likely to be used for shelter and foraging by great crested newts, should they be present.

No Site layout was available at the time of writing the report and further detailed recommendations will be made following, and based on the results of, the further detailed great crested newt and reptile surveys.

6.0 RECOMMENDATIONS

The National Planning Policy Framework paragraph 117 states that "To minimise impacts on biodiversity and geodiversity, planning policies should...promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations". In order to ensure no net loss of biodiversity in accordance with NPPF & Circular 06/2005 recommendations are made below:

- **Additional reptile surveys (continuing on from those already carried out in 2013) should be undertaken of the Site in suitable weather conditions** following Froglife advice sheet 10. Such surveys can be conducted between April-October. Only following the results of this survey can the likely impact of the development on reptiles be determined.

- **Further detailed great crested newt surveys should be undertaken of pond 1 & 2,** although should the results of the previous great crested newt surveys be available, these can form the basis of an outline mitigation strategy which is likely to involve fencing the development site and trapping it in order to clear. the site of any great crested newts to allow works to commence. Post-development, it will be essential to maintain a connective corridor of rough grassland or trees, shrubs and hedgerow between pond 1 and pond 2 and to maintain an area of foraging and shelter for these animals, by way of a suitable area of grassland.

- **The hedgerows, scrub and scattered trees should be retained and protected, where practicable, in accordance with BS5837:2012** 'Trees in relation to construction' for the purposes of ensuring that the potential bat roosting and commuting as well as bird nesting, sheltering, foraging habitat, a source of food and dispersal route is maintained.

- **Should the proposed development anticipate any impacts to trees, hedgerows or the grassland (either directly or indirectly via increased noise/vibration levels within 10m of these habitats), these should be surveyed for nesting birds (the majority of species of which are protected by law) immediately prior to commencement of works** by a person competent to do so and due vigilance should also be maintained during construction to ensure that no breeding birds or other notable species are disturbed during the construction process should nesting commence thereafter. Alternatively hedgerows and trees could potentially be netted (20mmx20mm robust bird netting) outside of the nesting season and removed once works on site are complete. Birds typically nest between March-September inclusive.

- **Should the proposed development anticipate the removal of, or work to, trees, further bat surveys may need to be undertaken by a suitably licensed ecologist. This may involve a tree-climbing inspection or bat activity surveys and should be undertaken when bats are active during May-August.**

- **Should the proposed development anticipate the removal of hedgerows, further bat surveys may need to be undertaken during May-August to better understand their use for bat commuting.**

- **Should the proposed development anticipate the removal of trees or hedgerows, a watching brief by a suitably experienced ecologist is recommended to ensure no possible impacts to birds, reptiles, hedgehogs, polecats or amphibians.** Should any evidence of protected species be found, works must cease whilst Natural England are contacted to advise on how best to proceed. It would then be likely that an appropriate mitigation strategy would need to be designed to minimise impacts and ensure no net biodiversity loss.

- Lighting during works and permanent lighting once the development has been completed should **face towards the ground and away from potential bat foraging, commuting (including the railway and railway tunnel) and roosting areas such as adjacent buildings, habitat, trees and hedgerows. Lighting should be turned off when not in use and not left illuminated over night.**

- Should evidence of protected or notable species (i.e. hedgehogs, polecat, reptiles or newts) be discovered during works ECOLOCATION or the local office of Natural England should be contacted for advice.

The National Planning Policy Framework para 118 states that "Opportunities to incorporate biodiversity in and around developments should be encouraged". Therefore, additional recommendations for biodiversity enhancements across the Site are provided below, however these are not an obligation:

- **Infill planting of the existing hedgerows with native trees and shrubs** appropriate to the landscape character in order to improve their species diversity and to increase the potential of use by other wildlife associated with this habitat type offering a continued food source and dispersal route.

- **Nest boxes for tree sparrow as well as cups for house martins (recorded within a 1km radius)** could be provided on Site to enhance the existing breeding possibilities for various bird species. In addition to this, all such nesting facilities should be sited away from roads, erected on any suitable proposed buildings or existing trees on a north-east orientation, directed away from prevailing winds, and at a suitable height.

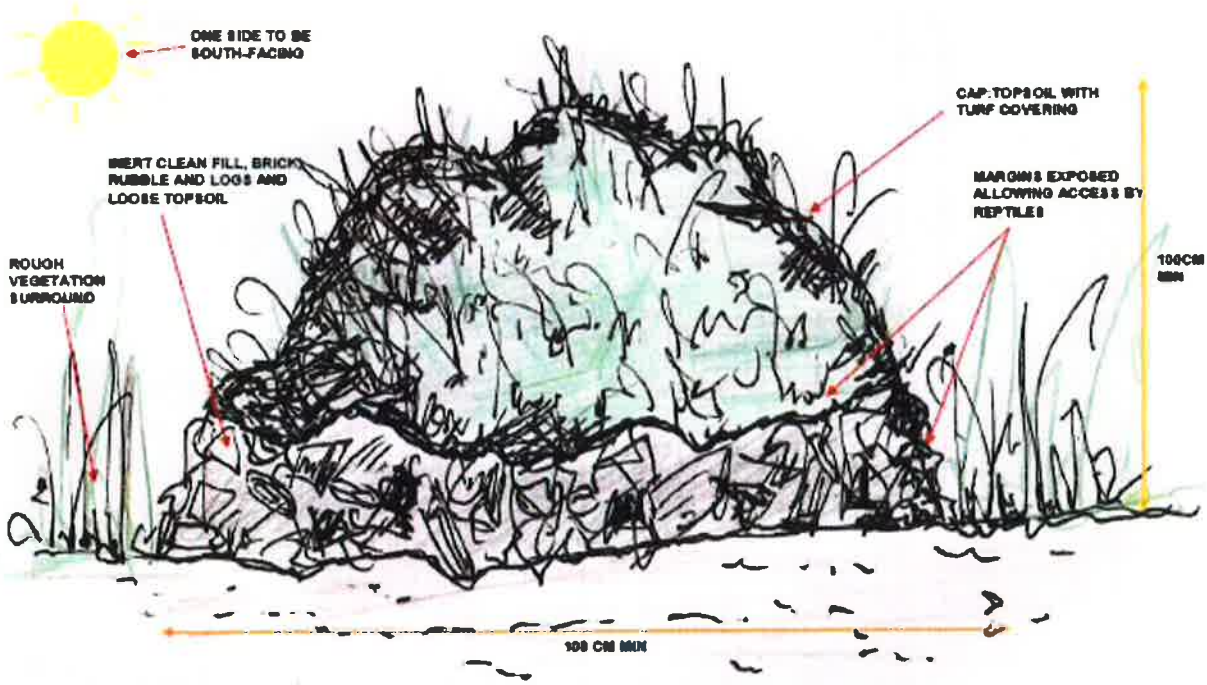
- **A small number of bat boxes, for species such as pipistrelle** (this species was recorded within a 1km radius of the Site) could be erected on retained trees and on proposed residential dwellings. ECOLOCATION can offer further advice on this if necessary.

- **If a waterbody is proposed within the Site, this could provide some biodiversity gain if designed with biodiversity in mind.** This should be planted with native aquatic and marginal species and excavated in such away to allow ease of access by species (such as small mammals, amphibians, reptiles and invertebrates) and a hibernacula should also be constructed adjacent to the pond. The pond should be located close enough to a hedgerow, or provide an area or rough grassland/tall ruderal vegetation, to allow species to move freely between the wider countryside and the pond.

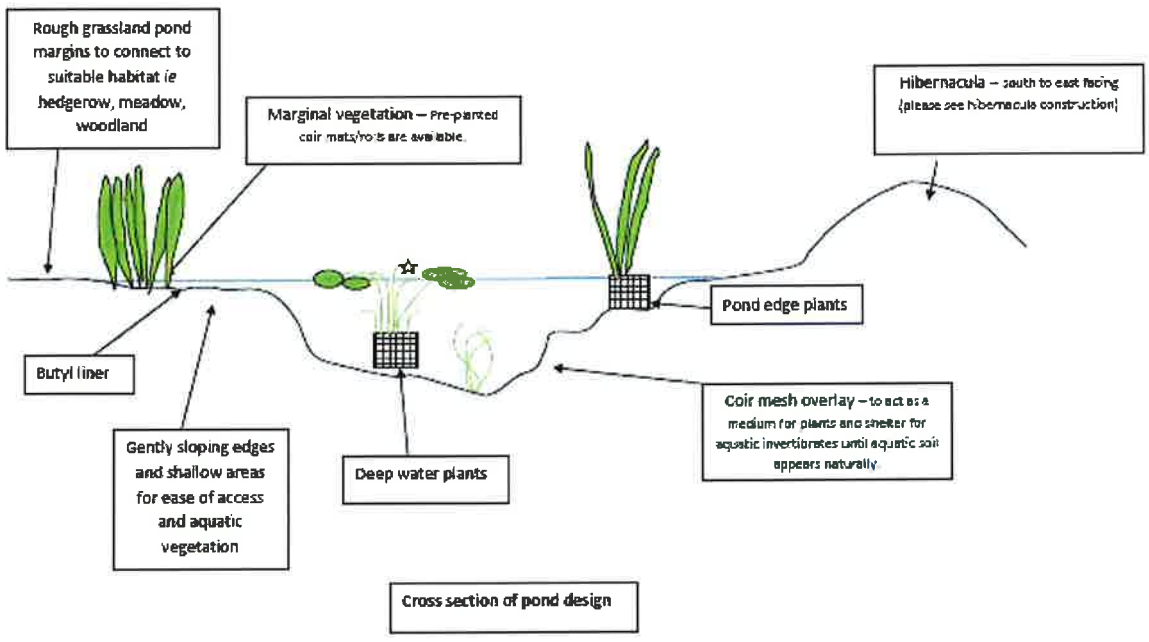
- **Grass clippings and leaf piles could be stored within the Site (in compost heaps) to offer shelter for species including reptiles and hedgehogs.**

- **Any open green space within the Site could be managed as meadow, with rough grassland margins adjacent to hedgerows** (favoured by yellowhammer and small mammals as well as great crested newts). Meadows typically involve an annual cut around late July and removal of grass clippings. To encourage biodiversity on Site, management should refrain from using pesticides and other chemicals within green spaces.

- **A small patch of unmanaged vegetation with species such as bramble and common nettle could encourage a number of species. The caterpillars of some butterfly species feed on these plants..**



CROSS SECTION OF HIBERNACULA DESIGN
This design is suitable for locating on a permeable substrate and needs excavation; on impermeable substrates no excavation is required other than to remove vegetation.



7.0 APPENDICES

7.1 REFERENCES

Bat Workers Manual, JNCC, 2004 3rd edition
BSI (2005) *Trees in Relation to Construction. BS 5837:2005*
The Conservation of Habitats and Species Regulations (2012)
JNCC (1993) *Handbook for Phase 1 Habitat Survey: A technique for environmental audit.* Joint Nature Conservation Committee, Peterborough.
IEA (1995) *Guidelines for Baseline Ecological Assessment.* Institute of Environmental Assessment, E & FN Spon.
National Planning Policy Framework 2012
Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System
RSPB www.rspb.org.uk
Birds of Conservation Concern 3: The Population Status of Birds in the UK, Channel Islands and the Isle of Man (Various, 2009)
Birds of Northern Europe (2010) Birdguides iPhone App
Stace, C (1997) *New flora of the British Isles.* Cambridge University Press
UK BAP www.ukbap.org.uk
Wildlife & Countryside Act (1981) HMSO
www.magic.gov.uk
Warwickshire Biological Record Centre
Rose, Francis (2006) The Wildflower Key – How to identify wild flowers trees and shrubs in Britain and Ireland

7.2

Species list

Apple	-	*Malus pumila O*
Willow	-	*Salix sp. R*
Hawthorn	-	*Crataegus monogyna F*
Cow parsley	-	*Anthriscus sylvetris F*
Dandelion	-	*Taraxacum sp. O*
Common nettle	-	*Urtica dioica F*
Creeping buttercup	-	*Ranunculus repens F*
White dead-nettle	-	*Lamium album O*
Ragwort, common	-	*Senecio jacobea O*
Red fescue	-	*Festuca rubra F*
Sweet vernal-grass	-	*Anthoxanthum odoratum O*
Timothy grass	-	*Phleum pratense F*
Ribwort plantain	-	*Plantago lancelata F*
Meadow buttercup	-	*Ranunculus acris F*
Lawn daisy	-	*Bellis perennis F*
Lesser Burdock	-	*Arctium minus F*
Sorrel, common	-	*Rumex acetosa O*
Broadleaved dock	-	*Rumex obtusifolius O*
Perennial rye-grass	-	*Lolium perenne A*
Red clover	-	*Trifolium pratense F*
Creeping thistle	-	*Cirsium arvense F*
Mouse ear, common	-	*Cerastium fontanum R*
Annual meadow grass	-	*Poa annua A*
Yorkshire fog	-	*Holcus lanatus A*
Blackthorn	-	*Prunus spinosa A*

Elder	-	*Sambucus nigra F*
Reed mace	-	*Typha latifolia F*
Cut-leaved bramble	-	*Rubus lancianatus A*

7.3

Great Crested Newt Habitat Suitability Index

Background

The Habitat Suitability Index (HSI) for the great crested newt was developed by Oldham *et al.* (2000). HSI scoring systems were originally developed by the US Fish and Wildlife Service as a means of evaluating habitat quality and quantity. An HSI is a numerical index, between 0 and 1. 0 indicates unsuitable habitat, 1 represents optimal habitat. The HSI for the great crested newt incorporates ten suitability indices, all of which are factors thought to affect great crested newts. These ten suitability indices are retained in this current Guidance Note.

The HSI system proposed by Oldham *et al.* (2000) is fairly easy to use. However, one suitability index (SI_9, terrestrial) involves a more lengthy measurement and calculation than the other factors. In using the HSI system with volunteer surveyors in Kent, Lee Brady substituted a simpler evaluation of terrestrial habitat quality, a four-point scale. Volunteers have found this modified HSI relatively easy to use.

Several other, local, surveys have utilised the HSI, but utilised their own variations on the original system. In 2007, a workshop was held at the Herpetofauna Workers' Meeting to evaluate the use of the HSI for the great crested newt, with the aims of:

- identifying components of the system that may need clarification or refinement
- agreeing on a standard that can be easily used by volunteers and professionals alike.

A conservative approach has been adopted in modifying the use of the original HSI suitability indices.

Use and limitations of HSI

The HSI for great crested newts is a measure of habitat suitability. It is not a substitute for newt surveys. In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores. However, the system is not sufficiently precise to allow the conclusion that any particular pond with a high score will support newts, or that any pond with a low score will not do so.

There is also a positive correlation between HSI scores and the numbers of great crested newts observed in ponds. So, in general, high HSI scores are likely to be associated with greater numbers of great crested newts. However, the relationship is not sufficiently strong to allow predictions to be made about the numbers of newts in any particular pond.

HSI scoring can be useful in:

- Evaluating the general suitability of a sample of ponds for great crested newts
- Comparing general suitability of ponds across different areas
- Evaluating the suitability of receptor ponds in a proposed mitigation scheme.

How to collect data and calculate HSI

The HSI is a geometric mean of ten suitability indices:

$$HSI = (SI_1 \times SI_2 \times SI_3 \times SI_4 \times SI_5 \times SI_6 \times SI_7 \times SI_8 \times SI_9 \times SI_{10})^{1/10}$$

- The ten Suitability Indices are scored for a pond, in the field and from map work.
- The ten field scores are then converted to SI scores, on a scale from 0.01 to 1 (0.01 is used as the bottom end of the range in stead of 0, because multiplying by 0 reduces all other SI scores to 0).
- The ten SI scores are then multiplied together.
- The tenth root of this number is then calculated $(X)^{1/10}$

The calculated HSI for a pond should score between 0 and 1.

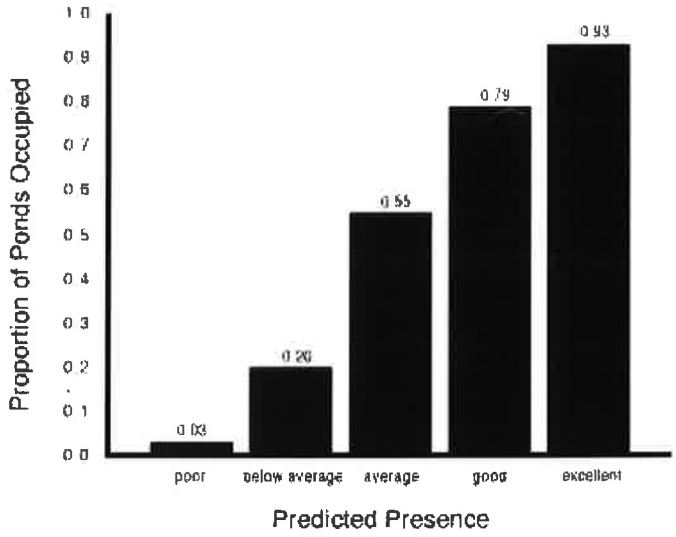
Some of the field scores are categorical, some are numerical. The numerical field scores are converted to SI scores by reading off the values from graphs produced by Oldham *et al.* (2000) reproduced in this Guidance Note.

The field scores are the data that should be collected by a surveyor. A summary of data to collect is given in *Summary of scoring system* below. More full details of the scoring system, including descriptions of the criteria used in the categorical scores are given in *Details of Suitability Indices and Definitions of Categories.* Two of the SI sores (SI_1 and SI_8) can be carried out as desktop/map exercises and so do not have to be completed in the field. The remaining SI scores should be recorded as field scores, and later converted to suitability indices, in some cases reading SI scores from the graphs provided in *Details of Suitability Indices and Definitions of Categories.*

Categorisation of HSI scores

Lee Brady has developed a system for using HSI scores to define pond suitability for great crested newts on a categorical scale:

HSI		Pond suitability
<0.5	=	poor
0.5 – 0.59	=	below average
0.6 – 0.69	=	average
0.7 – 0.79	=	good
> 0.8	=	excellent



Summary of scoring system

SI_1 Location

Field score	SI
A (optimal)	1
B (marginal)	0.5
C (unsuitable)	0.01

SI_2 Pond area

Field score	SI
Measure pond surface area (m^2) and round to nearest 50 m^2	Read off graph.

SI_3 Pond drying

Field score	SI	Criteria
Never	0.9	Never dries
Rarely	1.0	Dries no more than two years in ten or only in drought.
Sometimes	0.5	Dries between three years in ten to most years
Annually	0.1	Dries annually

SI_4 Water quality

Field score	SI	Criteria
Good	1.0	Abundant and diverse invertebrate community.
Moderate	0.67	Moderate invertebrate diversity
Poor	0.33	Low invertebrate diversity, few submerged plants
Bad	0.01	Clearly polluted, only pollution-tolerant invertebrates, no submerged plants.

SI_5 Shade

Field score	SI
Estimate percentage perimeter shaded to a least 1 m from shore.	Read off graph.

SI_6 Fowl

Field score	SI	Criteria
Absent	1	No evidence of water fowl (although moorhen may be present)
Minor	0.67	Waterfowl present, but little sign of impacts
Major	0.01	Severe impact of waterfowl

SI_7 Fish

Category	SI	Criteria
Absent	1	No records of fish stocking and no fish revealed during survey.
Possible	0.67	No evidence of fish, but local conditions suggest that they may be present.
Minor	0.33	Small numbers of crucian carp, goldfish or stickleback known to be present.
Major	0.01	Dense populations of fish known to be present.

SI_8 Ponds

Field score	SI
Count the number of ponds within 1 km of survey pond, not separated by major barriers, and divide by 3.14. This can be done from maps rather than in the field.	Read off graph.

SI_9 Terrestrial habitat

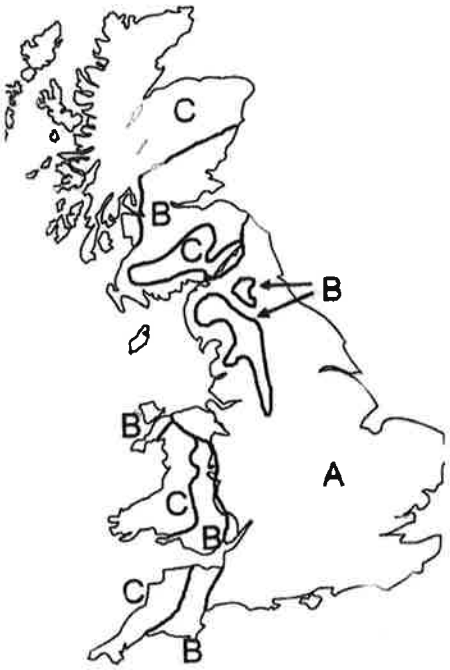
Field score	SI
Good	1
Moderate	0.67
Poor	0.33
None	0.01

SI_{10} Macrophytes

Field score	SI
Estimate the percentage of the pond surface area occupied by macrophyte cover (between May and the end of September)	Read off graph.

Details of Suitability Indices and Definitions of Categories

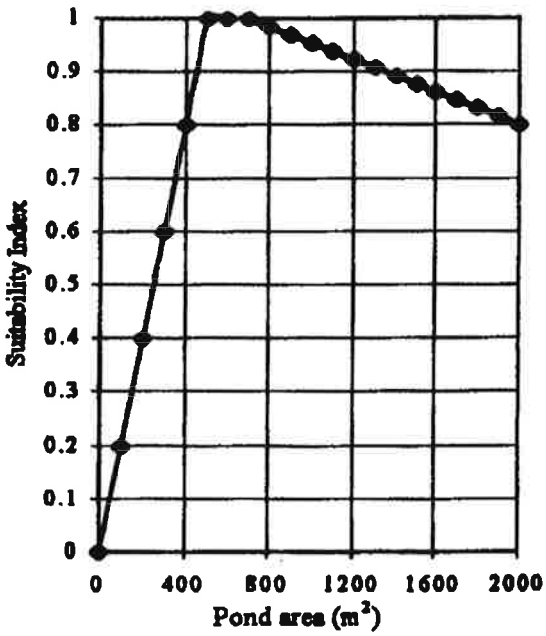
Factor 1. Geographic location (SI_1)



Sites should be scored according to the zone in which they occur. This scoring can be carried out either in the field, or as part of a desktop exercise.
Zone A, location is optimal, SI = 1
Zone B, location is marginal, SI = 0.5
Zone C, location is unsuitable, SI = 0.01.

Some sites will fall on boundary lines between zones. In such cases, select medium-value scores i.e. Zone B.

Factor 2. Pond area



Pond area is the surface area of the pond when water is at its highest level (excluding flooding events). This is usually in the spring. If the pond is being measured at another time of year, the springtime area should still be evident from vegetation types and evidence of a draw down zone around the pond.

Pond area should be measured as accurately as possible. There are several ways of doing this, for example by measuring axes of regularly shaped ponds, either by pacing out in the field, or using a map. Irregularly shaped ponds may have to be treated as a series of geometrical shapes, calculating the area for each and adding together.

Since it can be difficult reading off SI scores from graph, pond area should be rounded to nearest 50 m.

It can be particularly difficult to read off SI scores for very small ponds. For ponds smaller than 50 m^2a score of 0.05 should be used.

Factor 3. Permanence

Pond permanence should be deduced from local knowledge and on personal judgement. A landowner may know how often a pond dries. However, if not, the surveyor should make a judgement based on water level at the time of the survey, and taking seasonality into consideration. For example, a pond that is already dry by late spring is likely to dry out every year, etc.

Category	SI	Criteria
Never dries	0.9	Never dries.
Rarely dries	1.0	Dries no more than two years in ten or only in drought.
Sometimes dries	0.5	Dries between three years in ten to most years.
Dries annually	0.1	Dries annually.

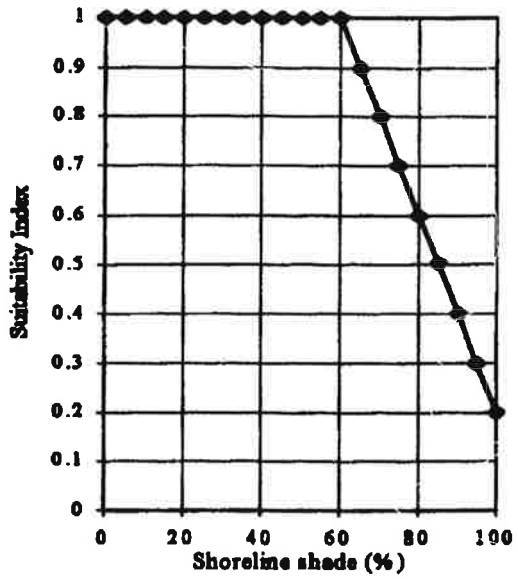
Factor 4. Water quality.

The assessment of water quality is subjective and should be based primarily on invertebrate diversity. Hence, water quality should not be confused with water clarity. Sometimes clear water can be devoid of invertebrates, and turbid ponds can support a wealth of invertebrates. There is no quick and simple invertebrate index of water quality. However, some species are indicators of water quality.

Category	SI	Criteria
Good	1.0	Water supports an abundant and diverse invertebrate community. Netting reveals handfuls of diverse invertebrates, including groups such as mayfly larvae and water shrimps.
Moderate	0.67	Moderate invertebrate diversity
Poor	0.33	Low invertebrate diversity (e.g. species such as midge and mosquito larvae. Few submerged plants.
Bad	0.01	Clearly polluted, only pollution-tolerant invertebrates (such as rat-tailed maggots), no submerged plants.

Other cues may also provide information about water quality. For example, ponds subject to agricultural inputs are likely to have poor water quality.

Factor 5. Shade



Estimate percentage pond perimeter shaded, to at least 1m from the shore. Shading is usually from trees, but can include buildings but should not include emergent pond vegetation. Estimate should be made during the period from May to the end of September.

Factor 6. Fowl

This factor is concerned with the impact of waterfowl upon a pond. At high densities, as created when waterfowl are encouraged to use a pond, by provision of food, the birds can remove all aquatic vegetation, pollute water and persistently stir sediments. Score as one of three categories.

Category	SI	Criteria
Absent	1	No evidence of waterfowl impact (moorhens may be present).
Minor	0.67	Waterfowl present, but little indication of impact on pond vegetation. Pond still supports submerged plants and banks are not denuded of vegetation.
Major	0.01	Severe impact of waterfowl. Little or no evidence of submerged plants, water turbid, pond banks showing patches where vegetation removed, evidence of provisioning waterfowl.

'Waterfowl' includes most water birds, such as ducks, geese and swans. Moorhens should be ignored because almost every pond has at least one or two.

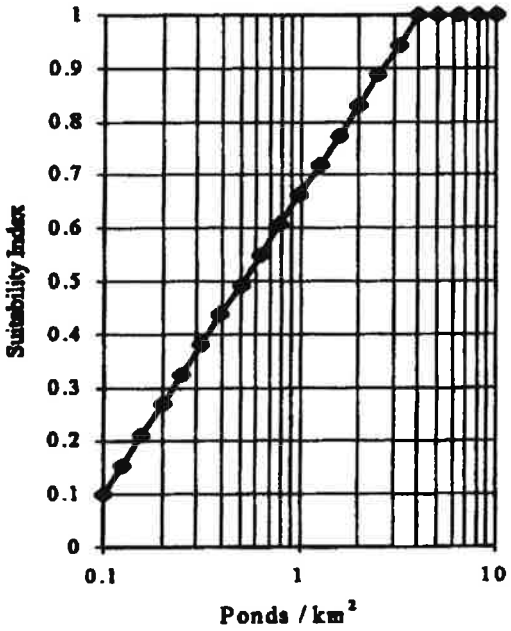
Factor 7. Fish

Information on fish should be gleaned from local knowledge and the surveyor's own observations. Pond owners will usually be aware of stocking with fish for commercial or aesthetic reasons. However, stickleback (which can be significant predators of great crested newt larvae, when present in large numbers) are unlikely to be

deliberately introduced to a pond, but may arrive through other means. Netting is useful in detecting smaller fish, such as sticklebacks, or the fry of larger species.

Category	SI	Criteria
Absent	1	No records of fish stocking and no fish revealed by netting or observed with torchlight.
Possible	0.67	No evidence of fish, but local conditions suggest that they may be present.
Minor	0.33	Small numbers of crucian carp, goldfish or stickleback known to be present.
Major	0.01	Dense populations of fish known to be present.

Factor 8. Pond count



This is the number of ponds occurring within 1 km of survey pond. Do not count the survey pond itself. Ponds on the far side of major barriers, such as main roads, should not be counted. Use 1:25,000 scale O.S. data, such as Explorer maps, GIS or web-based mapping sources. Pond counts can be carried out a by a survey coordinator and so do not necessarily have to be performed by surveyors.

Getamap	www.ordnancesurvey.co.uk/oswebsite/getamap/
Magic	www.magic.gov.uk/site_map.html
Digimap	edina.ac.uk/digimap/

Divide the number of ponds by Pi (3.14) to calculate the density of ponds per km^2, and read off graph.

Factor 9. Terrestrial

Scoring terrestrial habitat depends on the surveyor's understanding of newt habitat quality. Good terrestrial habitat offers cover and foraging opportunities and includes meadow, rough grassland, hedges, scrub and woodland. Terrestrial habitat should be considered only on the near side of any major barriers to dispersal (e.g. main roads or large expanses of bare habitat).

Category	SI	Criteria
Good	1	Extensive area of habitat that offers good opportunities for foraging and shelter completely surrounds pond (e.g. rough grassland, scrub or woodland).
Moderate	0.67	Habitat that offers opportunities for foraging and shelter, but may not be extensive in area and does not completely surround pond.
Poor	0.33	Habitat with poor structure that offers limited opportunities for foraging and shelter (e.g. amenity grassland).
None	0.01	Clearly no suitable habitat around pond (e.g. centre of large expanse of bare habitat).

Great crested newts do not have specific habitat requirements. However, good quality terrestrial habitat has structure. The presence of rabbit borrows, small mammal holes, proximity to old farm buildings, stone walls, piles of loose stone/rock all contribute towards 'good' terrestrial habitat. Note that it is rare to encounter a pond with a terrestrial habitat category of 'none'.

Factor 10. Macrophytes

Estimate the percentage of the pond surface area occupied by macrophyte cover. This includes emergents, floating plants (excluding duckweed) and submerged plants reaching the surface. Make estimate during the newt breeding season (March to May). Read off SI value from graph.

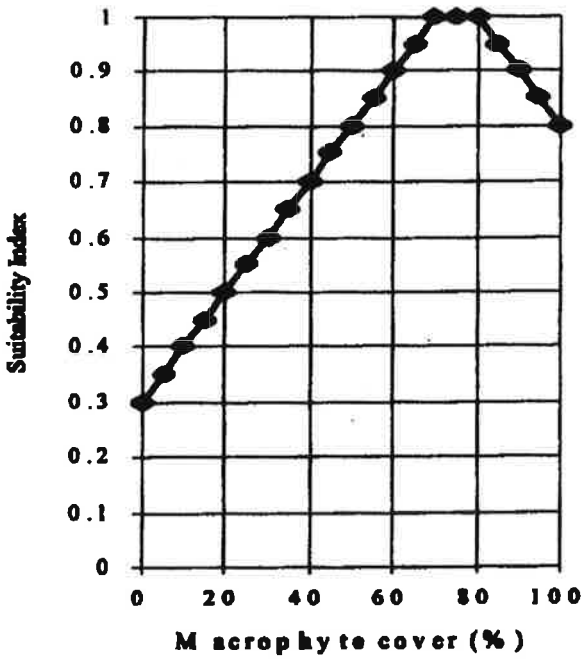
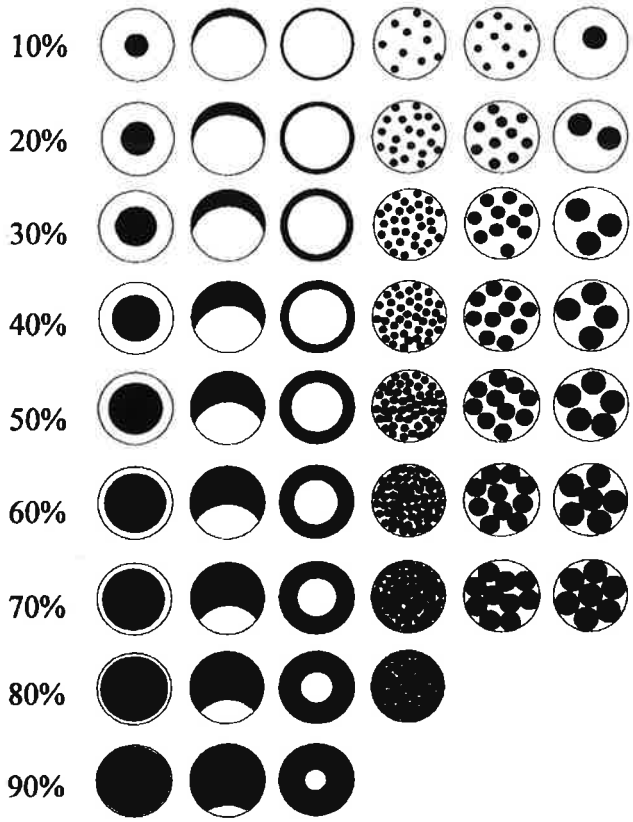
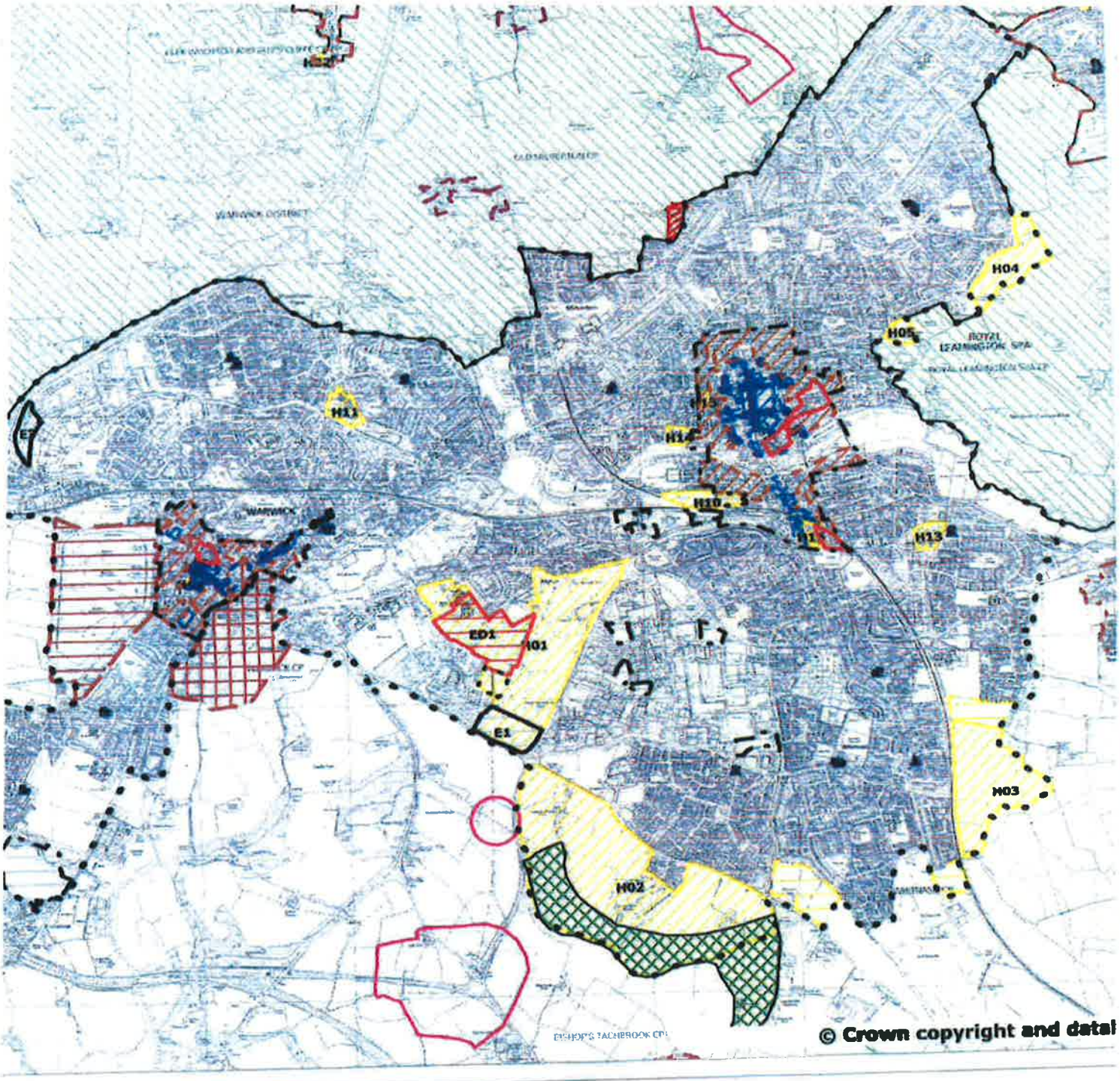


Fig. Guide for use in assessment of the proportions of vegetation cover in a pond. The areas of dark shading simulate a variety of vegetation dispersion patterns.



Reference

Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal 10 (4), 143-155.



Key

ons (DS11) WDLP - Major Housing Commitments (DS7) WDLP - Employment Allocations (DS9) Site Ref. WDLP - Major Employment Commitm

Community Hub (DS14) WDLP - Tachbrook Country Park (DS13) WDLP - Growth Village Envelopes (H10) WDLP - Infill Village B

DLP - Areas Primarily in Residential Use (TC13) WDLP - Retail Area (TC2) WDLP - Primary Retail Frontages (TC6) WDLP - Cafe

l Use Areas (TC11) WDLP - Town Centre Employment Area (TC12) WDLP - Local Shopping Centres (TC17) WDLP - Warwick Ca

WDLP - Park and Ride Area of Search (TR5) HS2 Safeguarding Directions (July 2013) WDLP - Town Centre Boundary (TC1)

Areas of Surface Interest

Limits of Safeguarding Direction

Council Boundary

Exclusion of land from the Green Belt - Bamburgh Grove, Leamington Spa.

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WARWICK DISTRICT COUNCIL

Publication Draft Representation Form 2014

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Person ID:
Rep ID:

This consultation stage is a formal process and represents the last opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) before it is submitted to the Secretary of State. All comments made at this stage of the process are required to follow certain guidelines as set out in the **Representation Form Guidance Notes** available separately. In particular the notes explain what is meant by legal compliance and the 'tests of soundness'.

This form has two parts:

- **Part A – Personal Details**
- **Part B – Your Representations**

If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: **www.warwickdc.gov.uk/newlocalplan**

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by **4.45pm on Friday 27 June 2014**

To return this form, please deliver by hand or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH**
or email: newlocalplan@warwickdc.gov.uk

Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at **www.warwickdc.gov.uk/newlocalplan** and at the following locations:

Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa
Leamington Town Hall, Parade, Royal Leamington Spa
Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa
Finham Community Library, Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title	MR	MR
First Name	DARYL	PETER
Last Name	HUNTER	FRAMPTON
Job Title (where relevant)		
Organisation (where relevant)		FRAMPTONS
Address Line 1	C/O FRAMPTONS	ORIEL HOUSE
Address Line 2		42 NORTH BAR
Address Line 3	REF: PJF/8586	BANBURY
Address Line 4		OXFORDSHIRE
Postcode		OX16 0TH
Telephone number		01295 672310
Email address		peter.frampton@framptons-planning.com

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes ✓	No
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes ✓	No
The adoption of the Local Plan.	Yes ✓	No

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Person ID:	Rep ID:

Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:	
Paragraph Number:	
Policy Number:	
Policies Map Number:	2: Leamington, Warwick + Whitnash

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes		No	
5.2 Complies with the Duty to Co-operate?	Yes		No	
5.3 Sound?	Yes		No	✓

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:	✓
Justified:	✓
Effective:	✓
Consistent with National Policy:	✓

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Person ID:	Rep ID:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Please see attached correspondence.

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached correspondence.

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination ☐

Yes, I wish to participate at the oral examination ✓

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the substance of these representations to be properly examined at the Examination

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed: T. Nuttall

Date : 26/06/2014

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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Person ID: Rep ID:

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WARWICK DISTRICT COUNCIL

Publication Draft Representation Form 2014

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If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: **www.warwickdc.gov.uk/newlocalplan**

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by **4.45pm on Friday 27 June 2014**

To return this form, please deliver by hand or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH**
or email: newlocalplan@warwickdc.gov.uk

Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at **www.warwickdc.gov.uk/newlocalplan** and at the following locations:

Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa
Leamington Town Hall, Parade, Royal Leamington Spa
Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa
Finham Community Library, Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title	MR	MR
First Name	DARYL	PETER
Last Name	HUNTER	FRAMPTON
Job Title (where relevant)		
Organisation (where relevant)	C/O	FRAMPTONS
Address Line 1	FRAMPTONS	ORIEL HOUSE
Address Line 2		42 NORTH BAR STREET
Address Line 3	Ref: PJF/8586	BANBURY
Address Line 4		OXFORDSHIRE
Postcode		OX16 0TH
Telephone number		01295 672310
Email address		peter.frampton@framptons-planning.com

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes ✓	No
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes ✓	No
The adoption of the Local Plan.	Yes ✓	No

For Official Use Only

Person ID: Rep ID:

Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:	
Paragraph Number:	
Policy Number:	DS11
Policies Map Number:	

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes		No	
5.2 Complies with the Duty to Co-operate?	Yes		No	
5.3 Sound?	Yes		No	✓

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:	✓
Justified:	✓
Effective:	✓
Consistent with National Policy:	✓

For Official Use Only	
Person ID:	Rep ID:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

See attached correspondence

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached Correspondence.

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

For Official Use Only	
Person ID:	Rep ID:

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination ☐

Yes, I wish to participate at the oral examination ✓

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the substance of these representations to be properly examined at the Examination.

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed: P.P. T. Mitchell

Date : 25-06-14

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

For Official Use Only

Person ID: Rep ID:

WARWICK DISTRICT LOCAL PLAN
REPRESENTATIONS MADE BY DARYL HUNTER

QUESTION 7

Paragraph 2.79 of the Local Plan Publication Draft states:

> *'The Warwickshire Green Belt covers a large part of the District and seeks to prevent urban sprawl that would prejudice the open nature and predominantly rural character of this area. National policy regards inappropriate development as, by definition, harmful to the Green Belt and advises that it should only be approved in very special circumstances. In addition, national policy identifies exceptions to what is deemed inappropriate. Other policies in this plan expand upon the meaning of those exceptions, including: Extensions to Dwellings in the Open Countryside; Limited Village Infill Housing Development in the Green Belt; Major Sites in the Green Belt and Directing Open Space, Sport and Recreation Facilities.*

As such, the Council recognises that the development needs of the District – particularly in the context of the provision of land for housing – cannot be fulfilled without releasing some land from the Green Belt. The Local Plan states that the adjustment to Green Belt boundaries is made in a 'measured way'. The release of land from the Green Belt in the principal urban area of Warwick / Leamington is only made at Campion Hills and Cubbington.

It is submitted that the land edged red on the accompanying plan should be released from the Green Belt to contribute towards the Council meeting the objectively assessed housing needs of the District. The exclusion of this area of land to provide for circa 35 – 40 dwellings would not harm the fundamental purpose of the Green Belt.

It is of course to be acknowledged that, in releasing land from the Green Belt in this and other locations within the District, there is inevitably some encroachment on the countryside.

The exclusion of this site from the Green Belt has been promoted throughout the plan preparation process. The area of land identified is not reliant upon any adjoining greenfield land for the provision of access or services. This site is capable of being accessed from Bamburgh Grove, as shown on the accompanying plans. Full legal rights of access onto Bamburgh Grove have been retained. The site is not of high environmental value as evident from the findings of the report prepared by Ecolocation dated 18th November 2013. The site can be brought forward readily to contribute towards housing supply needs of the District.

These submissions are accompanied by the following documents and plans:

- Ecolocation Report dated 18th November 2013
- Proposals Map
- Large Scale Plan
- DTA Plans x 2

QUESTION 8

The Urban Area Boundary should be amended to extend the boundary around the land hatched red on the accompanying plan.

WARWICK DISTRICT LOCAL PLAN
REPRESENTATIONS MADE BY DARYL HUNTER
POLICY DS11

QUESTION 7

These representations should be read in conjunction with the representations made on behalf of Mr D. Hunter concerning Urban Area Boundary for Leamington Spa. In summary form, it is submitted that the land edged red as shown on the attached plan should be excluded from the Green Belt. The land is readily available and deliverable for housing development. Access rights have been retained off Bamburgh Grove to serve the site for between 35 – 40 dwellings. Development of the site is not dependent upon any adjoining greenfield land. The site is enclosed by substantial hedgerows and housing development would not encroach onto the wider area of Green Belt to the west.

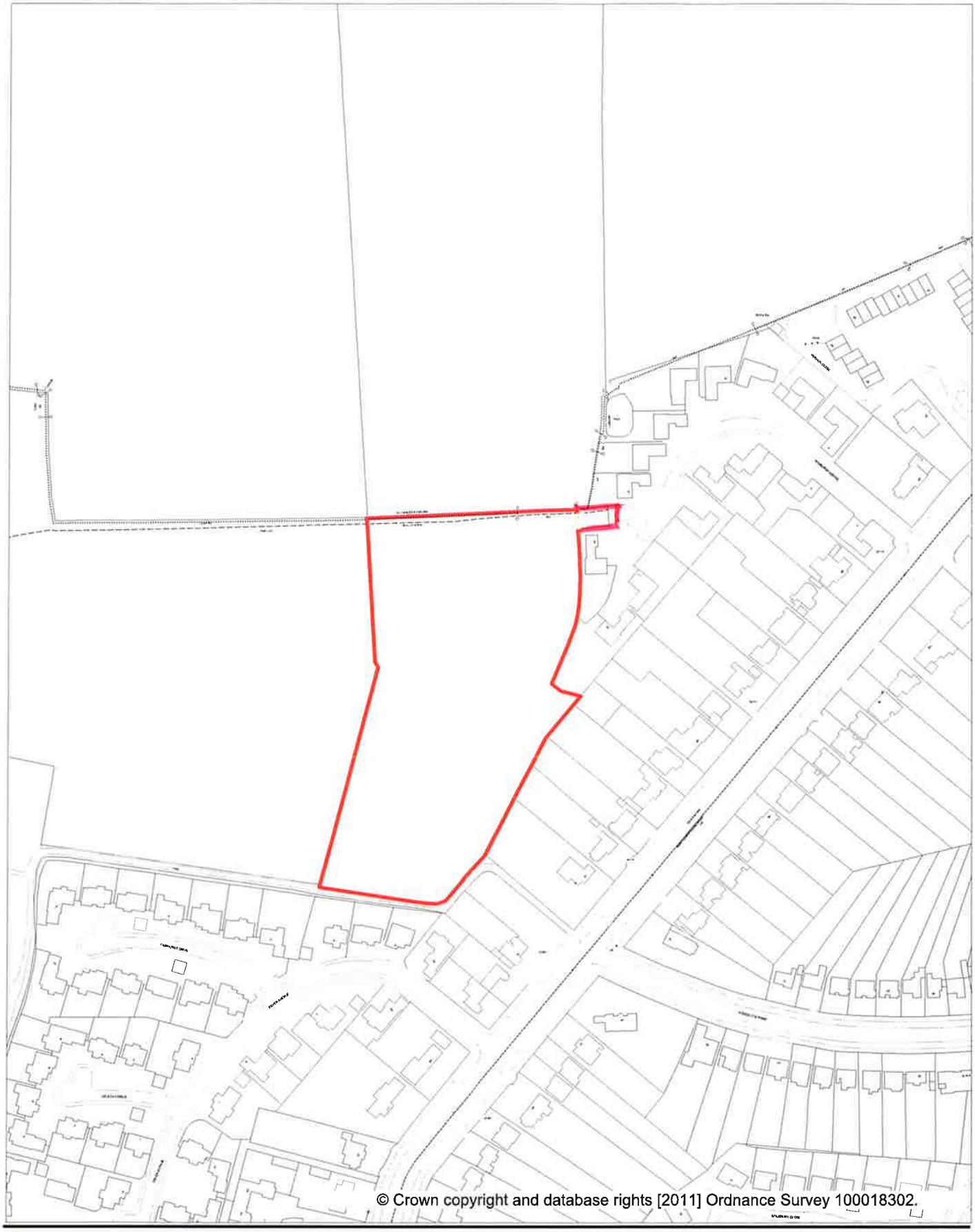
The site should be released from the Green Belt to contribute towards the full objectively assessed housing needs of the District. The accompanying SHLAA recognised that housing is 'achievable' subject to 'ability to secure suitable access to the site'. Access is available by reason of highway capacity, geometry and land ownership rights.

QUESTION 8

Include Land of Bamburgh Grove, Leamington Spa 30 – 35 dwellings, 1.79 hectres.

These representations are accompanied by:

- Site Location Plan



WARWICK DISTRICT COUNCIL

L03 Northumberland Road / Bamburgh Grove

LOCATION PLAN

Scale:	Drawn By:	Date:	Grid Reference:	North:
1:2500	CP	20 October 2011	431289 E, 267235 N	

Development Services: P.O. Box 2178, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5QH.
Telephone: (01926) 450000. Facsimile: (01926) 456542.