



# RUGBY BOROUGH COUNCIL LOCAL DEVELOPMENT FRAMEWORK

# HABITAT AND BIODIVERSITY BASELINE REPORT

JULY 2008



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# RUGBY BOROUGH COUNCIL LOCAL DEVELOPMENT FRAMEWORK

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## **Introduction**

### **1. Purpose of the Baseline Report**

The Natural Environment and Rural Communities (NERC) Act came into force on 1st Oct 2006. This legislation means that, from 1 October 2006, all local authorities and other public authorities in England and Wales have a duty to promote and enhance biodiversity in all of their functions. The act aims to raise the profile of biodiversity and to make sure that it is considered in all local authority decisions and policies.

The official wording of the legislation, in section 40 of the Act, states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The purpose of this report is to identify important biodiversity and nature conservations sites in order to ensure they are properly considered within the Council's emerging Local Development Framework (LDF).

#### Designated Sites in Rugby Borough

There are no sites of international importance within Rugby Borough. However the Borough contains many environmental sites with national and local designations as set out below:

- 7 Sites of Special Scientific Interest,
- 4 Local Nature Reserves,
- 2 Regionally Important Geological Sites;
- and many important nature conservation sites

### **2. Planning Policy Context**

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) sets out planning policies on protection of biodiversity and geological conservation through the planning system. "Working with the grain of nature: a biodiversity strategy for England" sets out the Government's vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

The key principles of PPS9 are:

- (i) Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.

(ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

(iii) Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology, and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources.

(iv) Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

(v) Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted.

(vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

Within Local Development Frameworks, PPS9 requires that Local authorities should take an integrated approach to planning for biodiversity and geodiversity when preparing local development documents. They should ensure that policies in local development documents reflect, and are consistent with, national, regional and local biodiversity priorities and objectives (including those agreed by local biodiversity partnerships).

Local development frameworks should:

(i) indicate the location of designated sites of importance for biodiversity and geodiversity, making clear distinctions between the hierarchy of international, national, regional and locally designated sites; and

(ii) identify any areas or sites for the restoration or creation of new priority habitats which contribute to regional targets, and support this restoration or creation through appropriate policies.

The West Midlands Regional Spatial Strategy (RSS) contains a range of policies directly relevant to issues of biodiversity and geological conservation. The key policies and a summary of the key messages are set out below. It should be noted that this is not intended to be a comprehensive assessment or analysis of all environmental or Green Infrastructure issues within the RSS.

**QE1:** Conserving and Enhancing the Environment

**QE2:** Restoring degraded areas and managing and creating high quality new environments

**QE6:** The conservation, enhancement and restoration of the Region's landscape

**QE7:** Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources

**QE8:** Forestry and Woodlands

The RSS states that certain environmental assets in the wider landscape, including features of historic value and particular habitats of nature conservation interest, cannot be replaced. Their protection should have a high priority. However, where there are over-riding social or economic reasons for development, some reduction of less sensitive assets may be justified providing wherever possible appropriate measures are taken to mitigate and/or compensate for the loss.

The RSS identifies specific regionally and sub-regionally significant assets and areas for improvement and enhancement. These are outlined in section 10 of this report. The RSS requires local development plans to identify locally significant environmental assets and assess their contribution to the broader quality of life in the area; this report is the first stage of this process for the Rugby Borough LDF. Local authorities should identify those assets considered to be irreplaceable and provide appropriate protection. In other cases development plans should provide guidance on where mitigation and/or compensation will be required.

The RSS sets out a range of protections for designations that are not present in Rugby Borough it also goes on to state that the character and distinctiveness of the wider countryside must also be respected beyond these designations and that opportunities to enhance and restore the quality of existing landscapes should be actively pursued. In this context the RSS and PPS7 recognise urban fringes as being subject to particular pressures because of the value of such areas to large populations and the inevitable pressures for further developments in these locations. The RSS sets a range of approaches for protecting, managing and enhancing biodiversity and nature conservation resources. These include assets for enhancement that are regionally significant and regional priority habitat targets. These are covered in section 10.

RSS Policy QE7 sets the requirements for local development documents specifically in relation to designated sites and sites identified in all levels of Biodiversity Action Plans. Policy QE8 sets the framework for encouraging an overall increase in tree cover and preventing the loss of all woodland and in particular any ancient or semi-natural woodlands.

## **Designated sites in Rugby Borough**

### **3. Internationally Designated Sites**

In 1992 the European Community adopted Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). Annex I of the Directive lists 189 habitats and Annex II lists 788 species listed that are to be protected by means of a network of sites. Each Member State is required to prepare and propose a national list of sites for evaluation in order to form a European network of Sites of Community Importance (SCIs). Once adopted, these are designated by Member States as Special Areas of Conservation (SACs), and along with Special Protection Areas (SPAs) classified under the EC Birds Directive, form a network of protected areas known as Natura 2000.

There are no SAC's in Rugby Borough. Ensor's Pool, located in Nuneaton and Bedworth Borough, has three statutory designations as a Special Area of Conservation (SAC), a Local Nature Reserve (LNR) and Site of Special Scientific Interest (SSSI). Ensor's Pool is designated as part of the Natura 2000 network because of the presence of the white clawed-crayfish (see Annex II of the Habitats Directive).

Habitat Regulations Assessment (HRA) aims to assess the effects of a land use plan against the conservation objectives of any sites designated for their nature conservation importance as part of the Natura 2000 network of European sites. Under regulation 85(B) of the Habitats Regulations, a Habitat Regulations Assessment must be undertaken to determine whether or not a land use plan will adversely affect the integrity of the European site(s) concerned. Where negative affects are identified, the process should consider alternatives to the proposed actions and explore mitigation opportunities. Best practice guidance on Habitats Regulations Assessment suggests that all European sites within the area of coverage of a plan, together with all those within a 10km buffer zone should be considered in the first instance as potential receptors for negative effects.

Ensor's Pool SAC is present in the 10km search area around the borders of Rugby. As a result a HRA of the Rugby Borough Core Strategy will be required.

### **5. Sites of Special Scientific Interest (SSSI)**

Sites of Special Scientific Interest (SSSIs) give legal protection to the best sites for wildlife and geology in England. The first SSSIs were identified in 1949 when the then Nature Conservancy notified local authorities of SSSIs, so their conservation interest could be taken into account during the development planning process. Natural England now has responsibility for identifying and protecting the SSSIs in England under the Wildlife and Countryside Act 1981 (as amended).

Natural England has a duty to identify SSSIs when it is of the opinion that an area of land is of special interest by reason of its flora, fauna or geological or physiographical features. This opinion is based on the exercise of specialist judgement which is informed by scientific guidelines.



The extent of the SSSIs within Rugby Borough (including appropriate buffer zone) are shown in Appendix 2. All of the SSSIs are located on the western side of the Borough away from the town of Rugby and will be a consideration in the selection of Development Strategy Options and the capability of rural settlements to accommodate development.

#### **4. Regionally Important Geological and Geomorphological Sites (RIGS)**

Regionally Important Geological and Geomorphological Sites (RIGS), designated by locally developed criteria, are currently the most important places for geology and geomorphology outside statutorily protected land such as Sites of Special Scientific Interest (SSSI). The designation of RIGS is one way of recognising and protecting important Earth science and landscape features.

The concept of RIGS was first initiated by the Nature Conservancy Councils (NCC) publication *Earth Science Conservation in Great Britain – A Strategy* (1990).

RIGS sites started life as SSSIs denotified after the Geological Conservation Review (1977-1990). The statutory agencies wished to secure their conservation in another form. RIGS sites are those which, whilst not benefiting from national statutory protection, are nevertheless regionally or locally representative sites where '.... consider-ation of their importance becomes integral to the planning process' according to the *Earth Science Conservation Strategy (ESCS)*.

The locations of the two RIGS within the Borough are shown in Appendix 3. The RIGS are each on the edge of the town of Rugby and, as such, should inform the choice of locations for development. The sites themselves should be protected and any proposed development in proximity to the RIGS should consider how the sites need to be protected.

#### **6. Local Nature Reserves (LNR)**

A Local Nature Reserve or LNR is a statutory designation made under Section 21 of the *National Parks and Access to the Countryside Act 1949* by principal local authorities. An LNR may be given protection against damaging operations. It also has certain protection against development on and around it. This protection is usually given via the *Local Plan*, (produced by the planning authority), and often supplemented by local by-laws. However there is no national legal protection specifically for LNR. LNR are for both people and wildlife. They are places with wildlife or geological features that are of special interest locally.

There are 22 designated LNR in Warwickshire and 4 in Rugby Borough. The four designated LNR within the Borough are shown in Appendix 4. Because of the intention of public access, the LNR in Rugby Borough are located around the town of Rugby; as such they do not prevent development nearby or adjacent to them but through protection and expansion within the LDF they can be a positive benefit to a location for development.

## **Other important sites in Rugby Borough**

### **7. Ancient Woodlands**

Ancient Woodland in England is defined as an area that has been wooded continuously since at least 1600 AD. Ancient woodland is listed under Section 41 of the NERC Act as being of principal importance for the purpose of conserving biodiversity in England. Many rare and threatened species are associated with this habitat. Furthermore relatively undisturbed woodland often contains features of historical, archaeological and landscape importance.

Although Ancient Woodland does not have a statutory designation, it is specifically cited in PPS9 and Policy QE8 of the Regional Spatial Strategy. Natural England recommends policy guidance contained in PPS9 is used as a powerful tool for encouraging the strictest protection of ancient woodland.

There are approximately 20 areas of woodland in the Borough that contain areas of Ancient Woodland. These are mapped in Appendix 5.

### **8. Important Habitats and Species Without Designation**

Section 41 (S41) of the NERC Act 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. The list has been drawn up in consultation with Natural England, as required by the NERC Act.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

#### Habitats of Principal Importance

Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They include terrestrial habitats such as upland hay meadows to lowland mixed deciduous woodland, and freshwater and marine habitats such as ponds and sub-tidal sands and gravels.

#### Species of Principal Importance

There are 943 species of principal importance included on the S41 list. These are the species found in England which have been identified as requiring action under the UK BAP.

In accordance with Section 41(4) the Secretary of State will, in consultation with Natural England, keep this list under review and will publish a revised list if necessary.

The significance of these lists for Rugby Borough is informed by the priorities of regional and local strategies as set out below.

## **9. West Midlands Regional Spatial Strategy (WMRSS) – Quality of the Environment**

The areas for biodiversity enhancement identified on the Quality of the Environment Areas of Enhancement diagram within the WMRSS offer some of the best prospects for retaining environments with a rich and resilient biodiversity resource. The plan of these areas is contained at Appendix 6. The RSS sets a range of criteria to be applied to these areas. There is no identified area of enhancement in Rugby Borough.

The RSS also identifies a range of Quality Environmental Assets. These regionally important assets are shown at Appendix 6. As per the areas of enhancement, there are no such identified assets in Rugby Borough.

The UK Biodiversity Action Plan's (UKBAP) targets have been developed, through a Regional Biodiversity Audit into the Regional Priority Habitat Targets set out in Annex B of the RSS.

Policy QE7 of the WMRSS also specifically cites biodiversity and nature conservation issues that cross local planning authority and regional boundaries. Issues relevant to the strategic river corridors present in the region and those identified in local Environment Agency plans are cited. Also, the priorities derived from English Nature's Natural Areas Framework and associated area profiles are also cited. Rugby Borough is located in two of the Natural Areas identified by English Nature; Trent Valley and Rises and Midland Clay Pastures. Mapping of the strategic river corridors present in the Borough and information regarding these Natural Areas is contained in Appendix 7 & 8.

## **10. Warwickshire, Coventry and Solihull Local Biodiversity Action Plan (LBAP)**

At the 1992 Rio Earth Summit, over 150 countries pledged to conserve their dwindling biodiversity. Britain has already published a UK Biodiversity Action Plan. It is now encouraging local people and local organisations to form partnerships that can produce and deliver Local Biodiversity Action Plans (LBAPs).

The LBAP provides a local response to the UK Government's National Action Plans for threatened habitats and species. The LBAP contributes to national targets wherever these are relevant to Warwickshire, Coventry and Solihull but also sets local targets. The LBAP contains action plans for all our local habitats (woodlands, wetlands, grasslands, etc.) and many of our threatened and declining local species (e.g. barn owl and otter).

The plans have clear measurable targets and assemble the local people and local organisations that are ideally placed to deliver the necessary action.

The Local Biodiversity Action Plan contains 26 Species Action Plans and 24 Habitat Action Plans. Details are available at Warwickshire County Councils website.. These

have been compiled by numerous local experts. They have then been widely consulted amongst local conservation experts and potential partners. Comments and amendments have been incorporated and the versions shown on the web-site have been adopted by the Biodiversity Steering Group (see [www.warwickshire.gov.uk/biodiversity](http://www.warwickshire.gov.uk/biodiversity)).

### **The Warwickshire, Coventry and Solihull Habitat Biodiversity Audit**

The Warwickshire, Coventry and Solihull Habitat Biodiversity Audit (HBA) was established in October 1995 through a funding partnership of all the local authorities in the area, English Nature, the Environment Agency and the Warwickshire Wildlife Trust, who act as project managers. The project is housed at the Warwickshire Museum Field Services within Warwickshire County Council and makes use of the Authority's geographic information system (GIS). The role of the project has evolved with time but basically runs along a central theme of providing accurate, up-to-date and readily accessible ecological data to all the project partners. This can be summarised in a number of stages that are neither mutually exclusive nor exhaustive.

Stage 1: Undertake a detailed Phase 1 survey of the study area and transfer all data onto GIS

Stage 2: Establish the Wildlife Sites Project and to identify potential Wildlife Sites/Sites of Interest for Nature Conservation (SINC). Undertake detailed habitat assessments and transfer boundaries onto GIS (update GIS where necessary)

Stage 3: Provide basis for local biodiversity action plan (i.e. the extent of broad and priority habitat types within study area) and a mechanism for setting targets as well as the means to monitor implementation.

Stage 4: Develop local community access to data sets (through community-based projects, library services, Internet etc.)

Stage 5: Monitor habitat and land use change. Introduce hedgerow survey and photographic assessment of particular features (veteran trees, reserves, wildlife sites etc.)

The dataset commonly referred to as the HBA is the digitised copy of a modified Phase 1 habitat survey of Warwickshire, Coventry and Solihull, hereafter referred to as the sub-region. It is based on aerial photography taken in 1991 with further field surveying being carried out between 1996 and 2000, and originally digitised by 2001 and referred to as the HBA 2001. This latest version was updated in 2006 and is referred to as HBA 2006

Stage 1 has resulted in the classification of every land parcel within the sub-region and this represents a total area of over 2,250 square kilometres. Every habitat feature has been described in some detail with almost 13,000 habitat descriptions and includes approximately a quarter of a million species records. Land parcels are classified using up to 4 hierarchical levels, the topmost level having 10 broad categories:

- A. Woodland and scrub
- B. Grassland and marsh
- C. Tall herb and fern
- D. Heathland
- E. Mire
- F. Swamp, marginal and inundation
- G. Open Water
- H. Coastland
- I. Rock exposure and waste
- J. Miscellaneous

Stage 2 of the HBA has identified Sites of Importance for Nature Conservation (SINCs). There are a number of SINCs in Warwickshire. SINCs are designated by a panel of local ecological professionals. This is a non-statutory designation, although SINCs are still afforded a high level of protection within the planning system. Development that negatively impacts on a SINC will only be permitted in exceptional circumstances and where mitigation can be proven from the beginning.

Some sites that have been highlighted as potentially being of SINC value but have not yet been fully surveyed are known as potential SINCs (pSINCs).

## **11. Rugby Borough**

3 Broad Habitat types are present in Rugby; Woodland, Grassland and Marsh and Open Water. Other miscellaneous habitat types are also present, notably amenity grassland. Mapping of these broad habitat types is in Appendix 9.

There are 14 Sites SINCS and 167 pSINCS in Rugby Borough. These are mapped in Appendix 10 & 10b..

## **12. Summary of Baseline Assessment**

Mapping of all biodiversity and nature conservation sites referred to above is contained in Appendix 11. This mapping demonstrates that the majority of sites protected through statutory designation are located to the west of the Borough, away from the urban area and edge.

There are no sites of international importance within Rugby Borough. As previously stated however, a Habitat Regulations Assessment of the Rugby Core Strategy will be required to determine what, if any, negative implications development in Rugby Borough will have for Ensor's Pool; a Special Area of Conservation located in Nuneaton and Bedworth, within 10km of the Rugby Borough boundary.

The broad habitat types identified in the Borough by the Habitat Biodiversity Audit are subject to Warwickshire Coventry and Solihull Local Biodiversity Habitat Action Plans and these must be considered as the Core Strategy is written. Species Action Plans must also be considered as the majority of species subject to an action plan are associated with habitats that are present in the Borough.

The draft WMRSS Phase 2 revision, that allocates growth to the Borough, allocates 90% of residential development expected in the Borough to the urban area and urban edge of Rugby town. The findings of this report support this target by demonstrating that development in the rural areas to the west of the Borough would impact upon the most important biodiversity and nature conservation sites in the Borough. Maps contained within the appendices to this report also demonstrate that there are no statutorily designated biodiversity or nature conservation sites located in the urban area or urban edge that will make this target unachievable.

In evaluating development options on the urban edge the presence of the two RIGS located within the Borough and the locally important SINC's and LNR's must be considered. Focus must be placed upon mitigating possible impacts upon these sites. Consideration must also be given to the targets set out in the Warwickshire, Coventry and Solihull LBAP as work on the Core Strategy progresses.

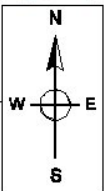
## **APPENDICES**



**Note: This Block Plan is produced by the Council for information only and does not form part of the application.**

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Planning Application Reference No. B/

Address **Appendix 1: Location of Ensor's Pool SAC**

Post code



Grid. Ref.      Date      Scale  
                   22/7/2009      1:50000

- Application Site
- Other Land in Applicants Ownership

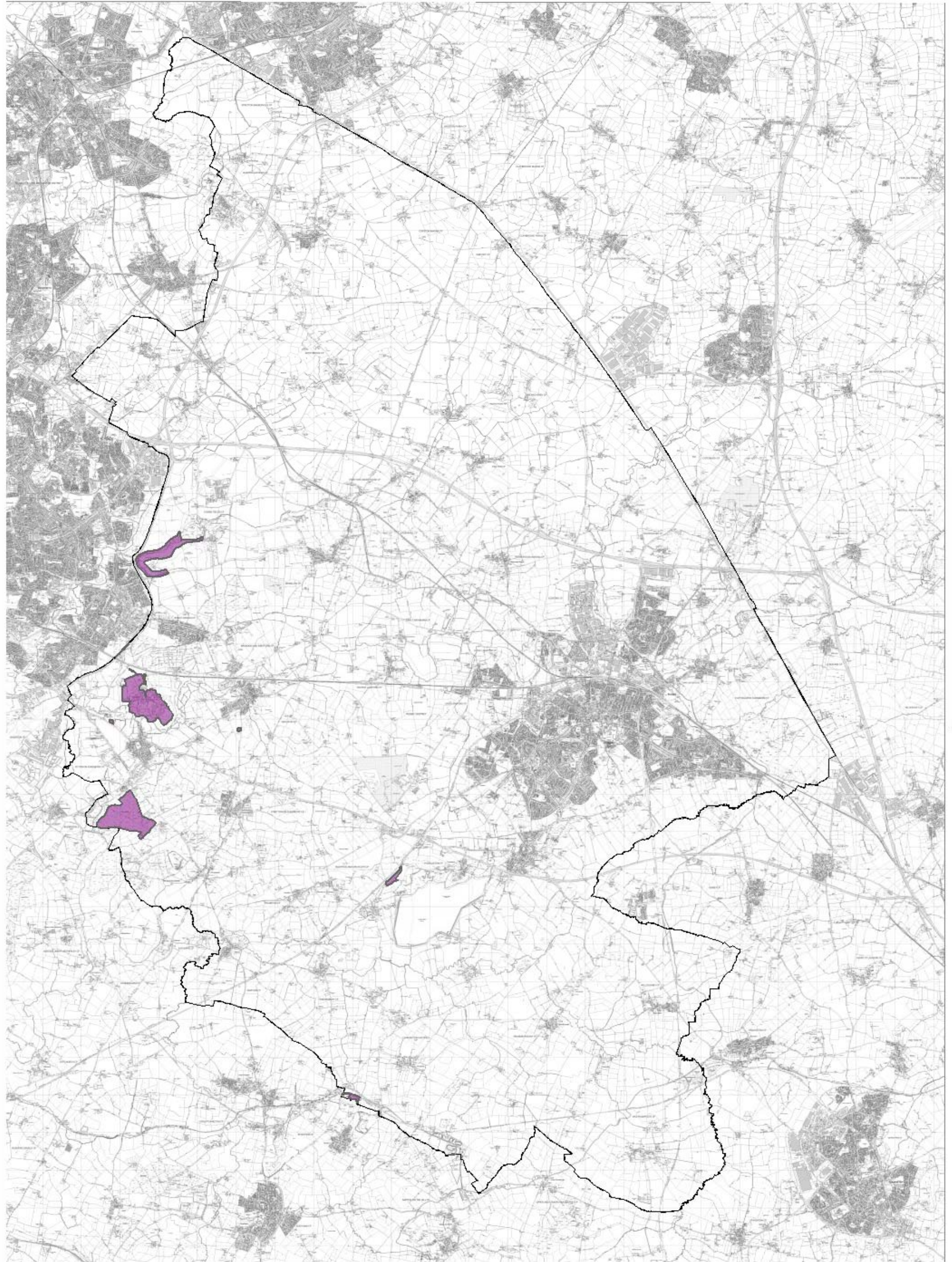
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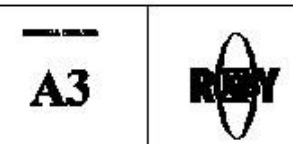
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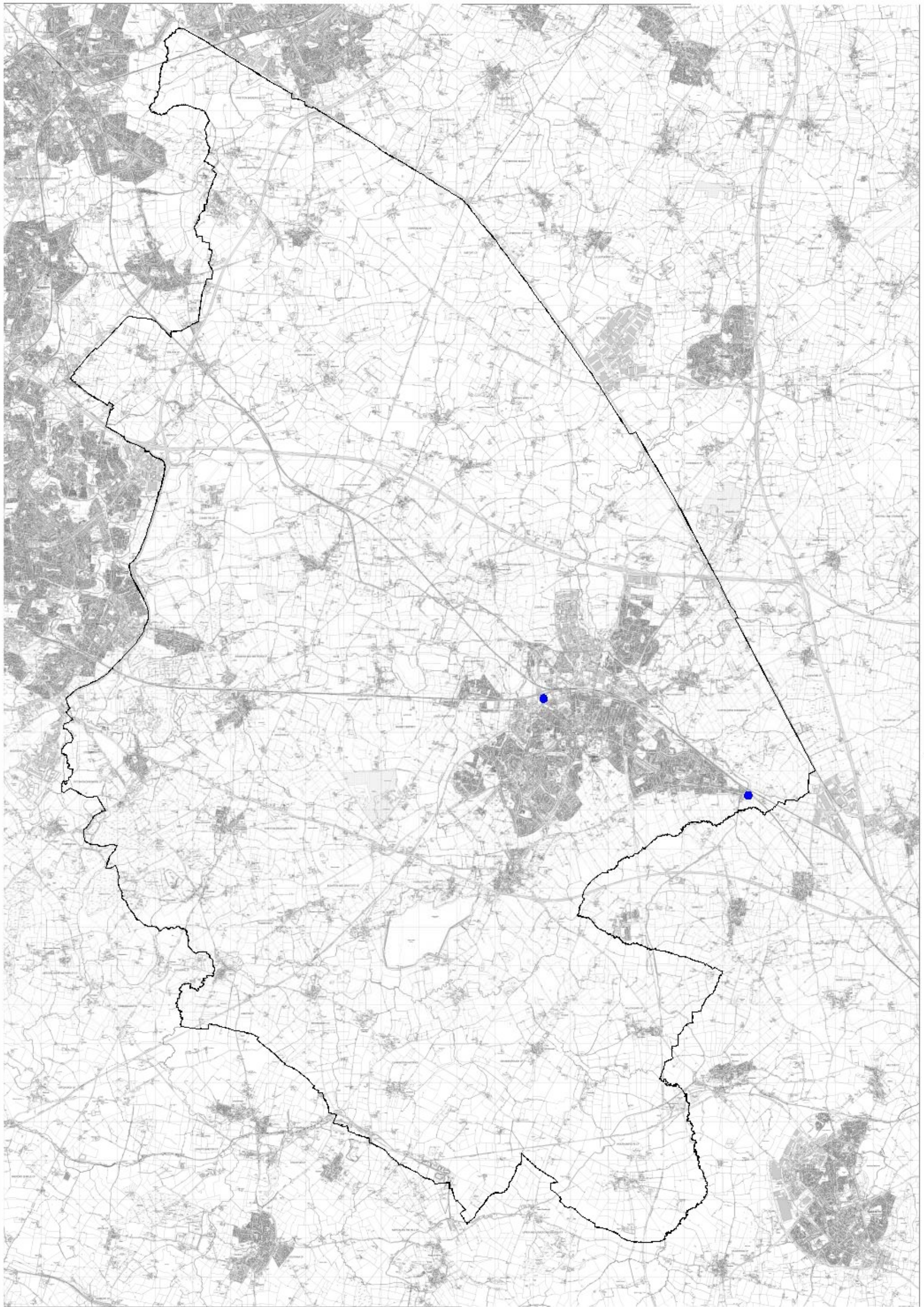
Address **Appendix 2: SSSIs in Rugby**

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Grid Ref	Date 22nd July 2009	Scale 1:100,000
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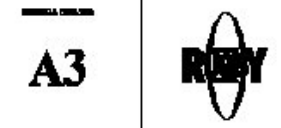
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Address

**Appendix 3: RIGS in Rugby**

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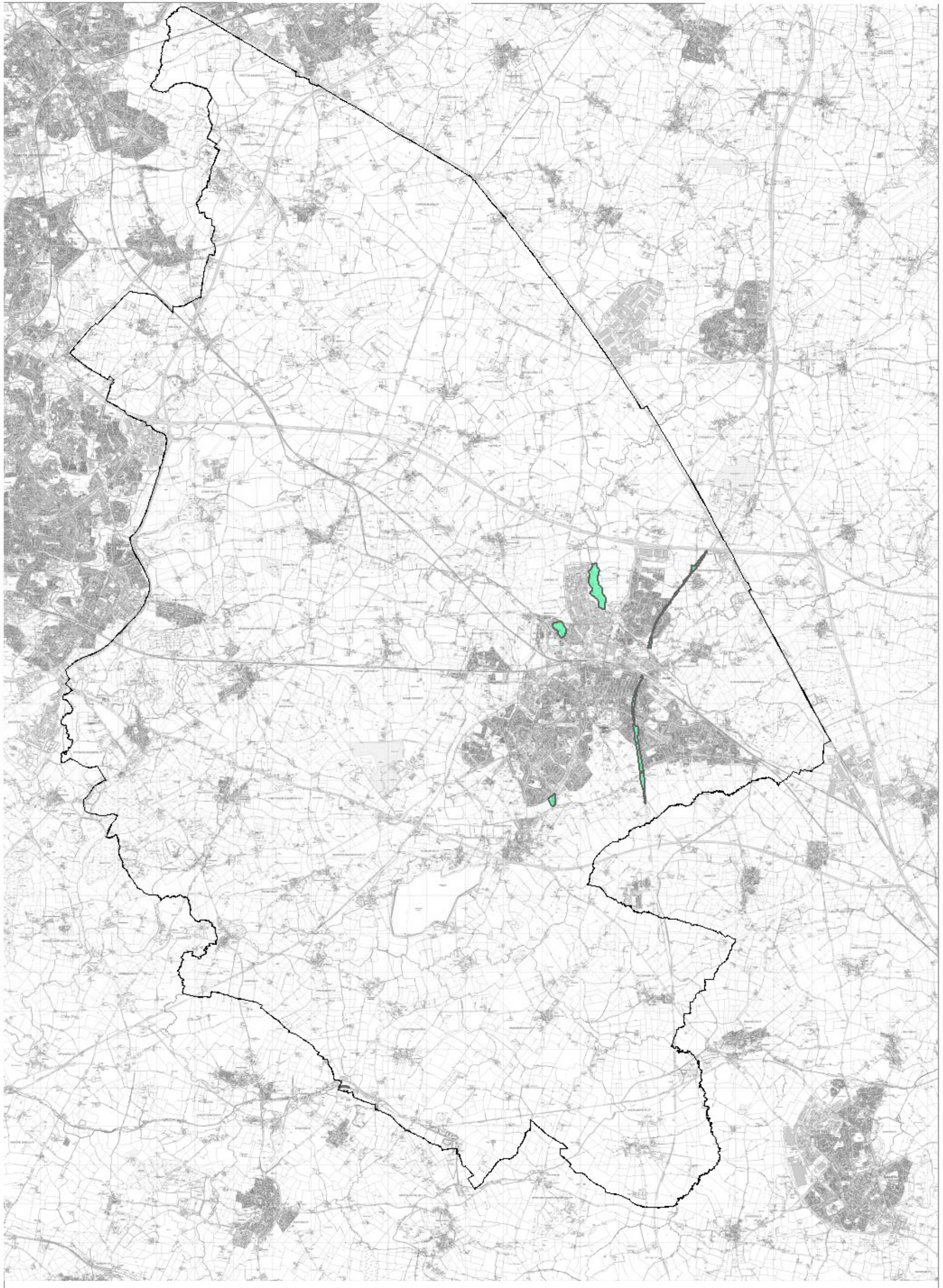
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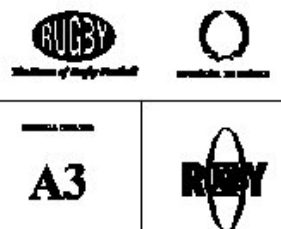
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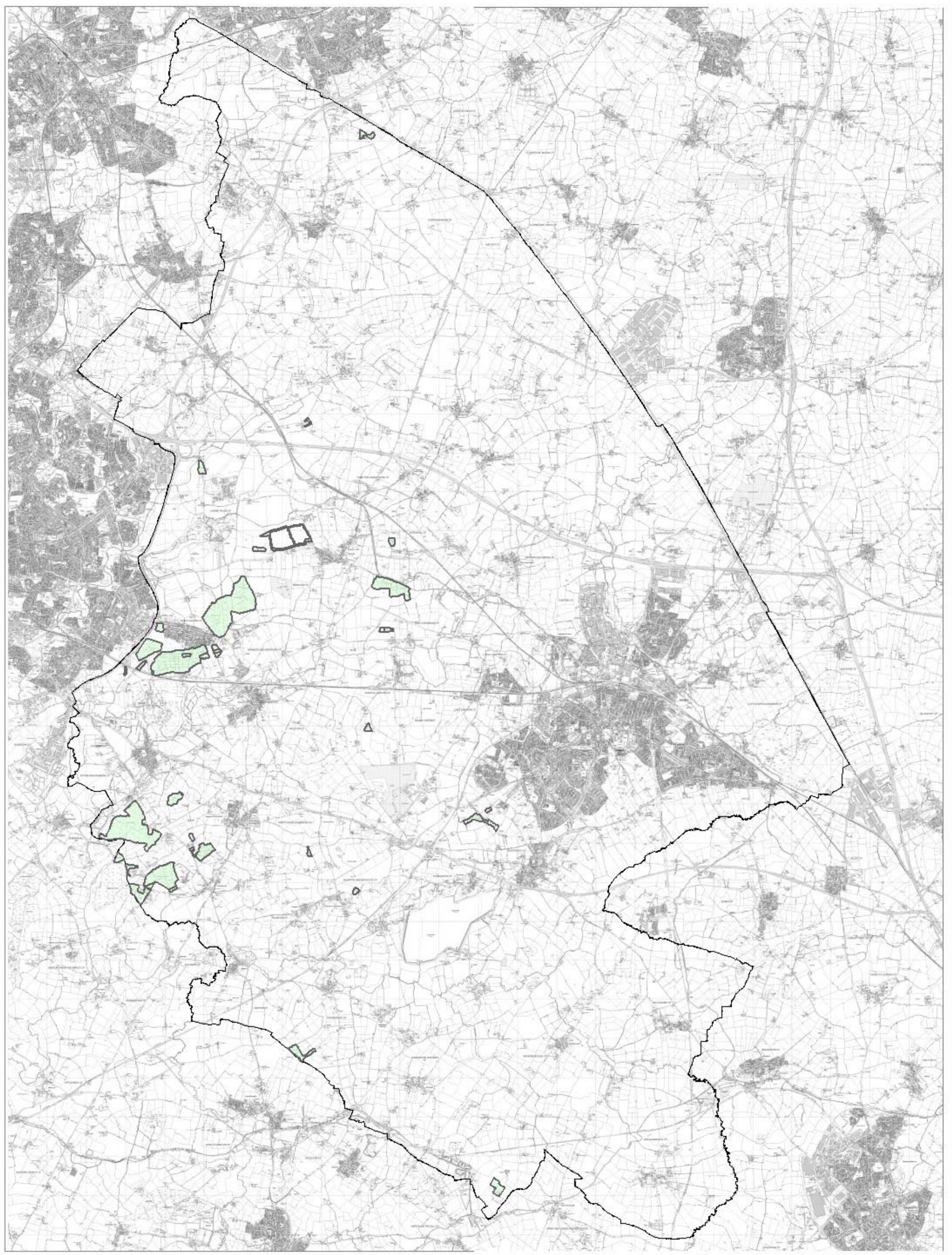
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**Appendix 4: LNRs in Rugby**

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**Appendix 5: Ancient Woodlands in Rugby**

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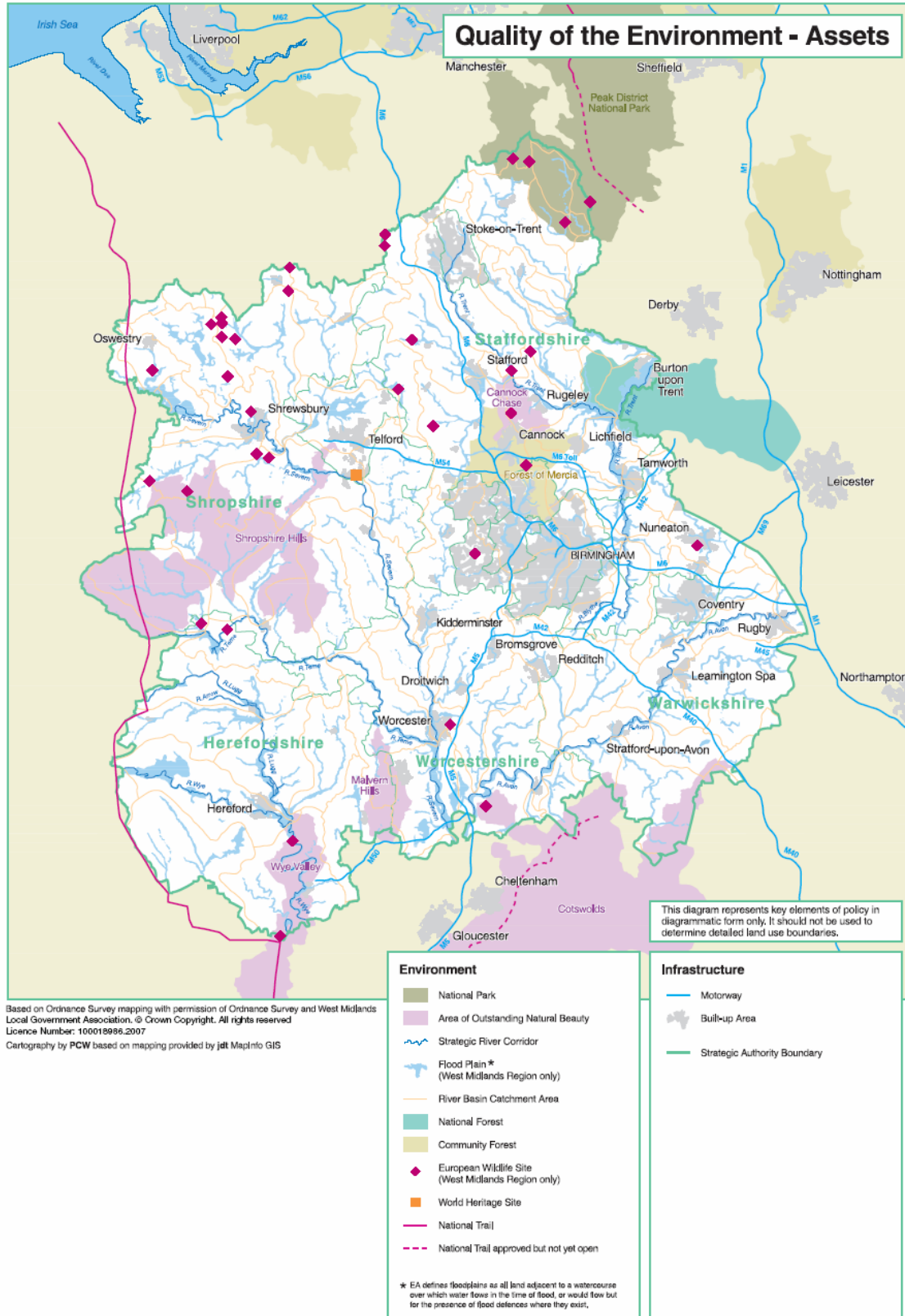


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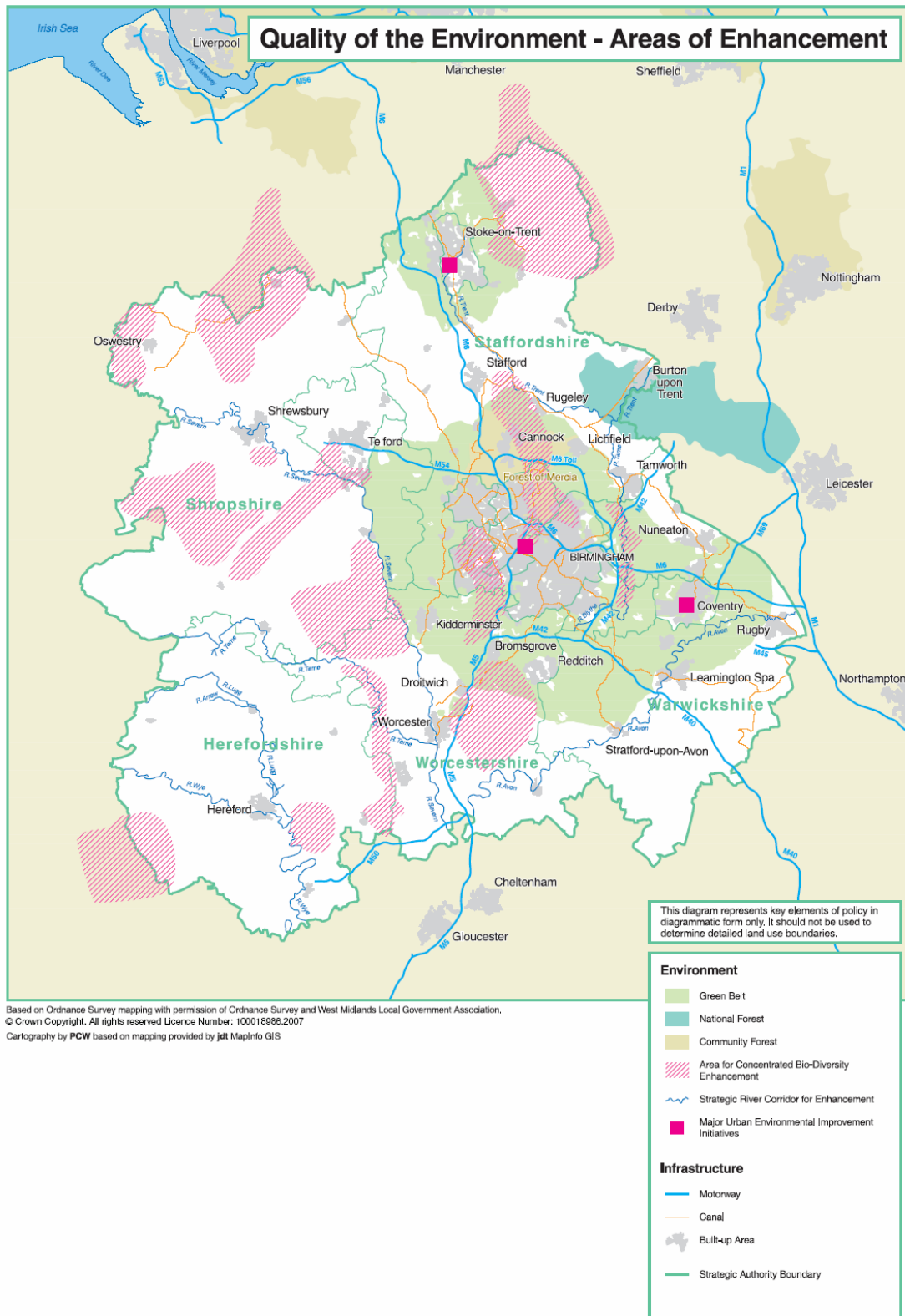


## Appendix 6: Targets for the protection, restoration and re-creation of habitats in West Midlands Region

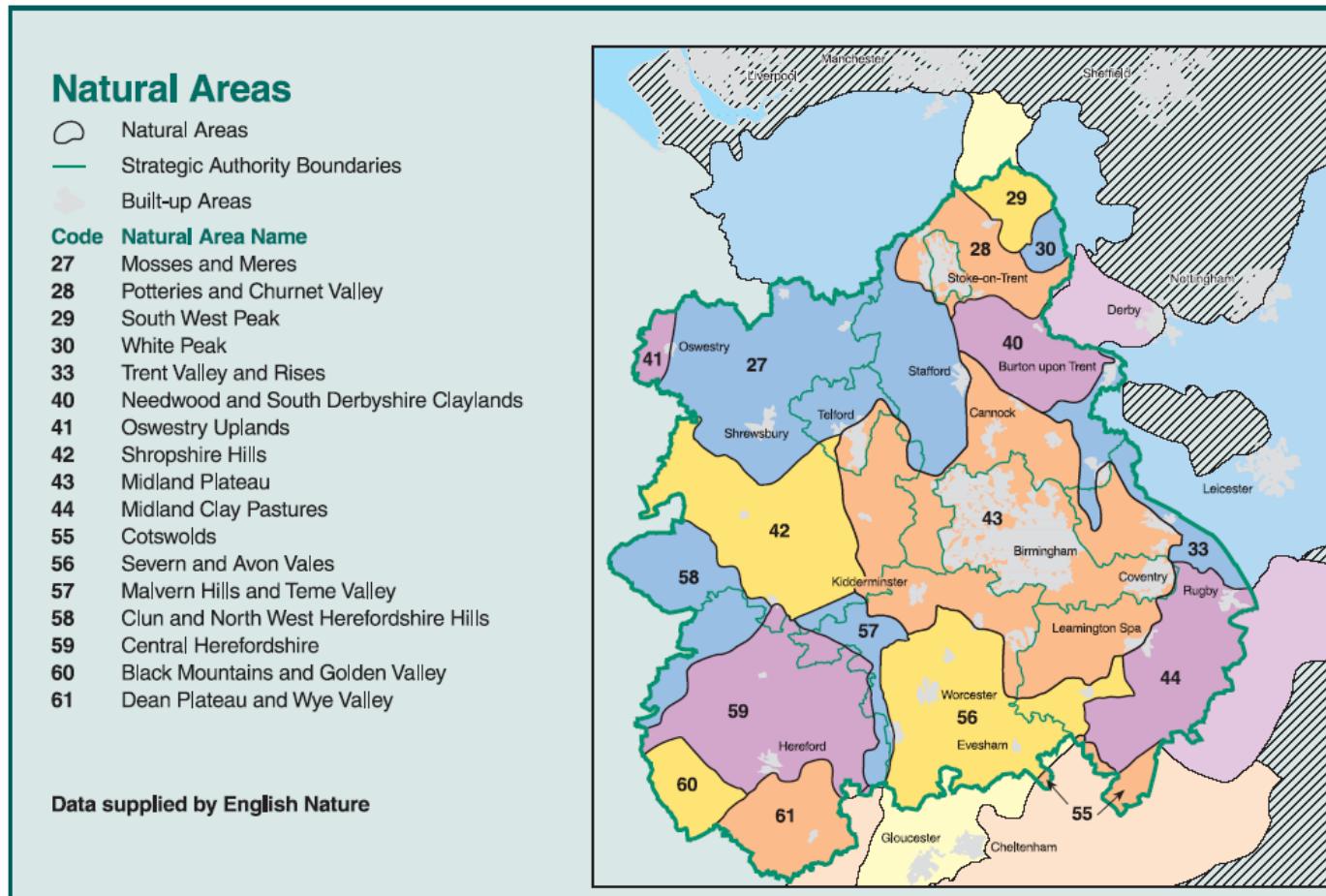
### West Midlands RSS: Quality of the Environment - Assets

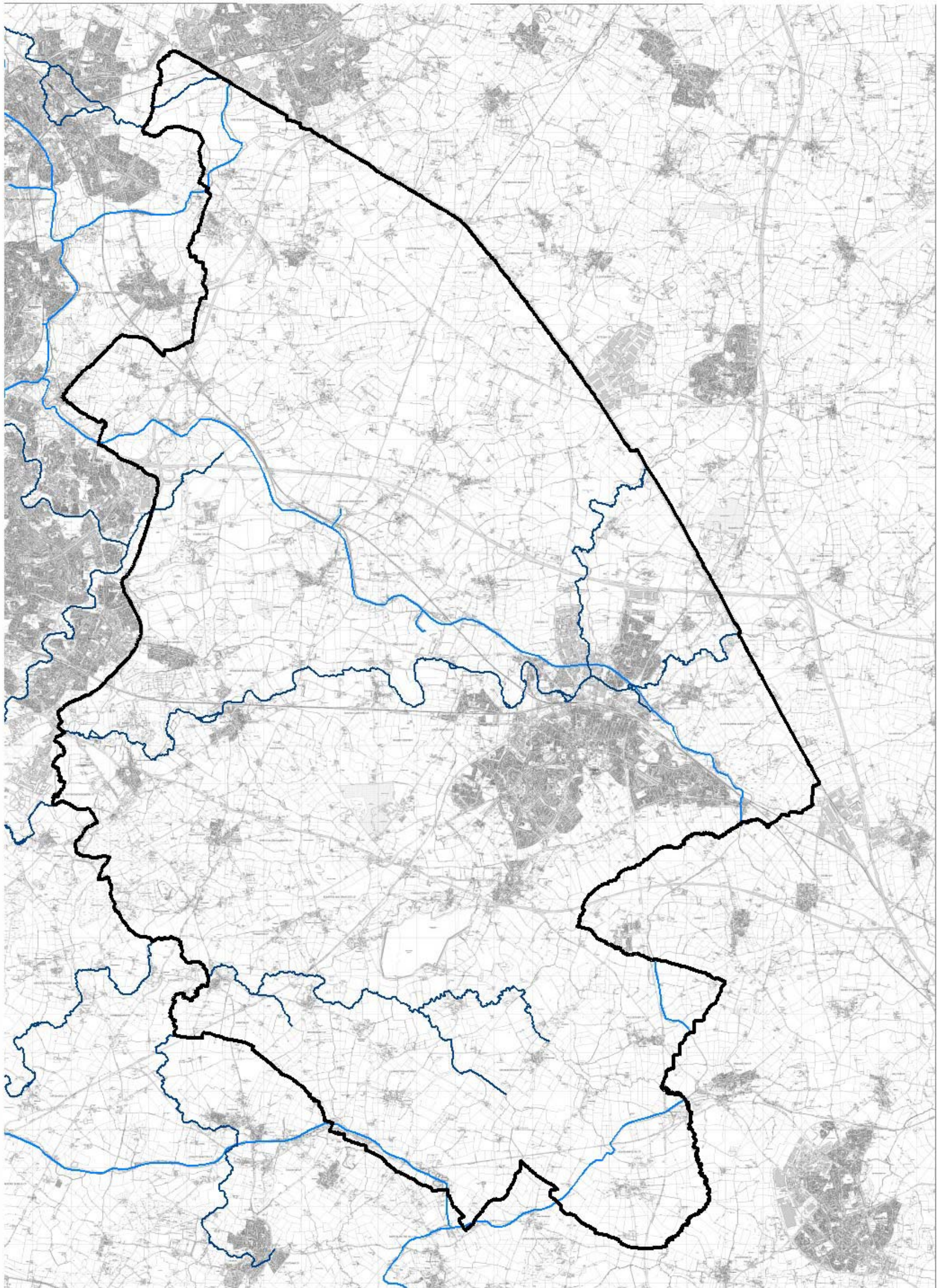


# Quality of the Environment – Areas of Enhancement



**Appendix 7: Natural England Natural Areas.**





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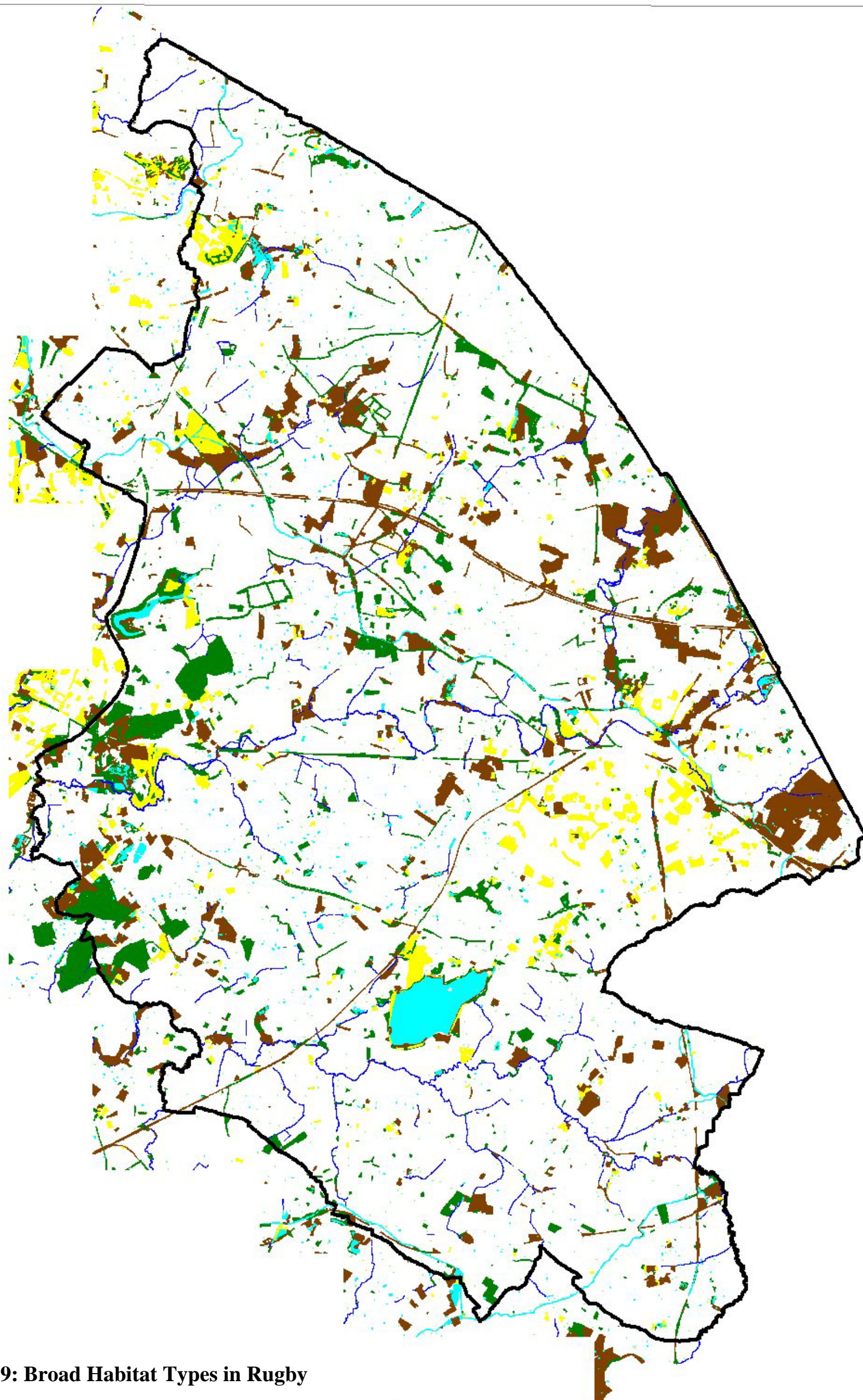
**Appendix 8: Strategic Watercourses in Rugby**

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	23rd July 2009	1:100,000





Appendix 9: Broad Habitat Types in Rugby

- Amenity Grassland
- Woodland
- River/running water
- Ponds/reservoirs
- Acid, calcareous and neutral grassland

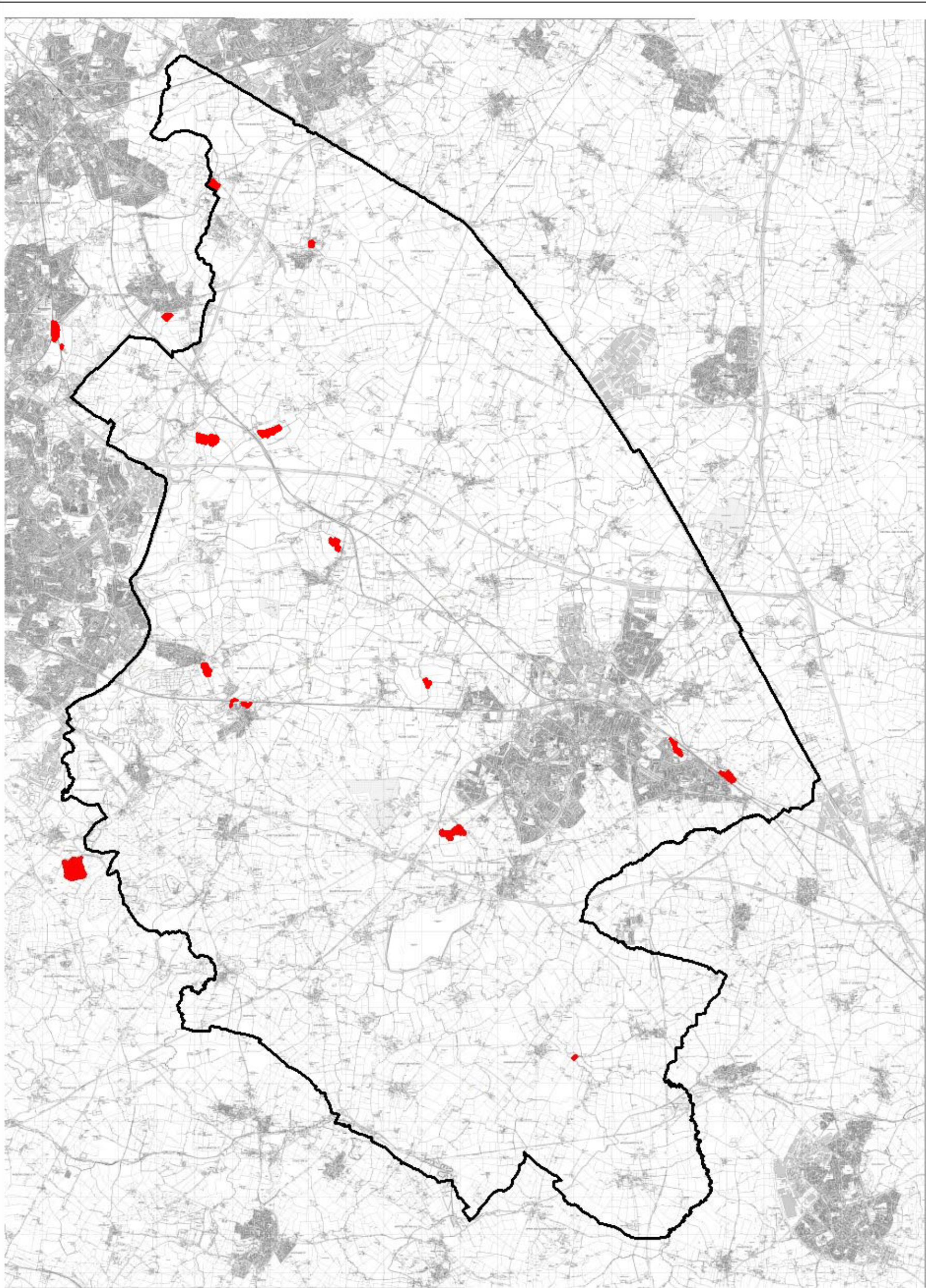
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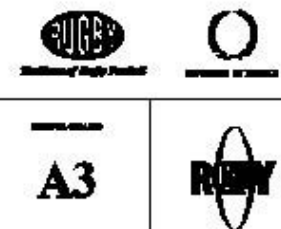
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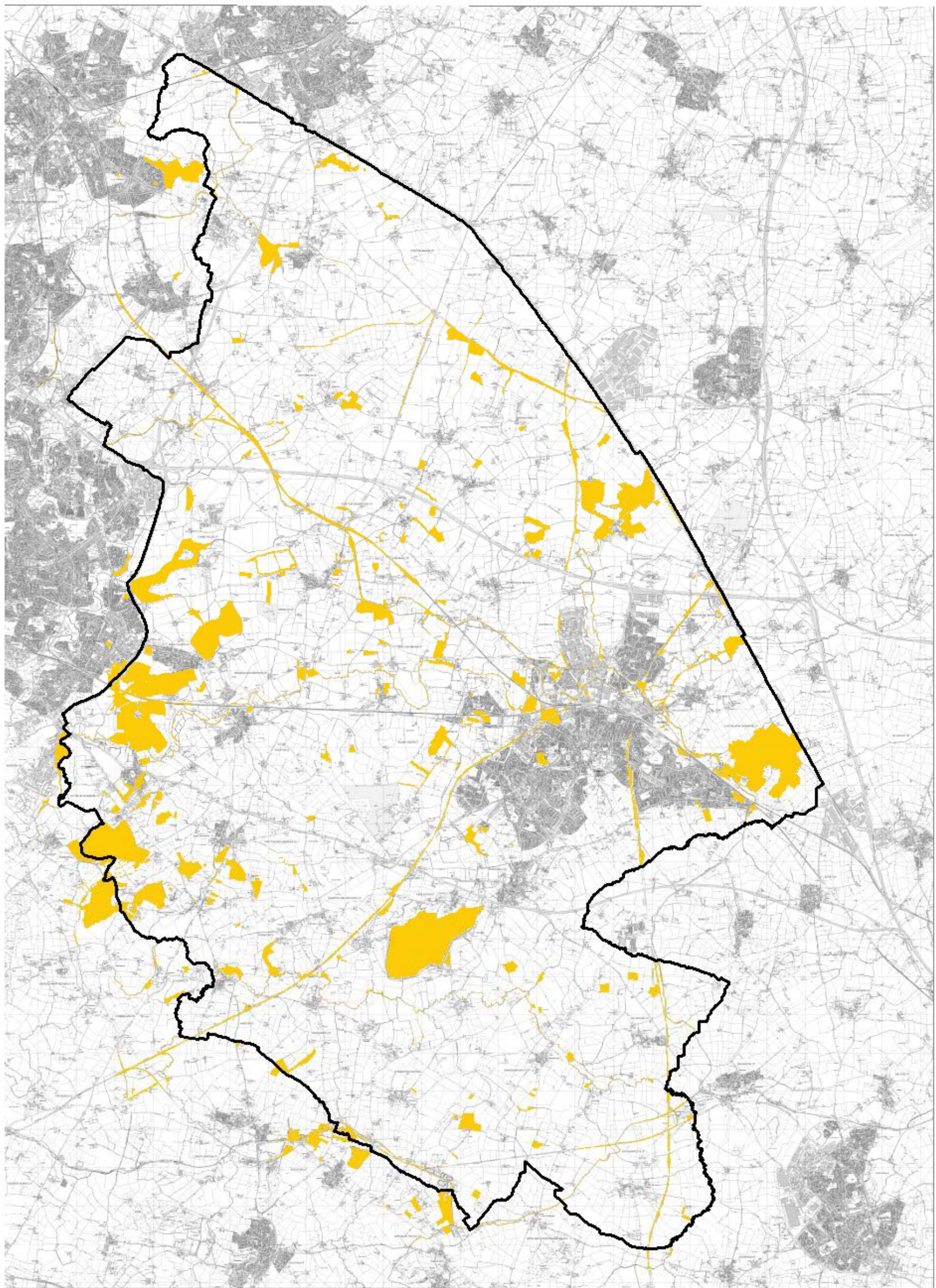
Planning Application Reference No. N/A

**Appendix 10: SINCs in Rugby**

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Grid Ref	Date	Scale
	23rd July 2009	1:100,000



**PLANNING AND CULTURE SERVICES**

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Tel. No. (01788) 533533 Fax. No. (01788) 533778

Planning Application Reference No. 0/

Address

**Appendix 10b: pSINCS in Rugby**

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**A3**



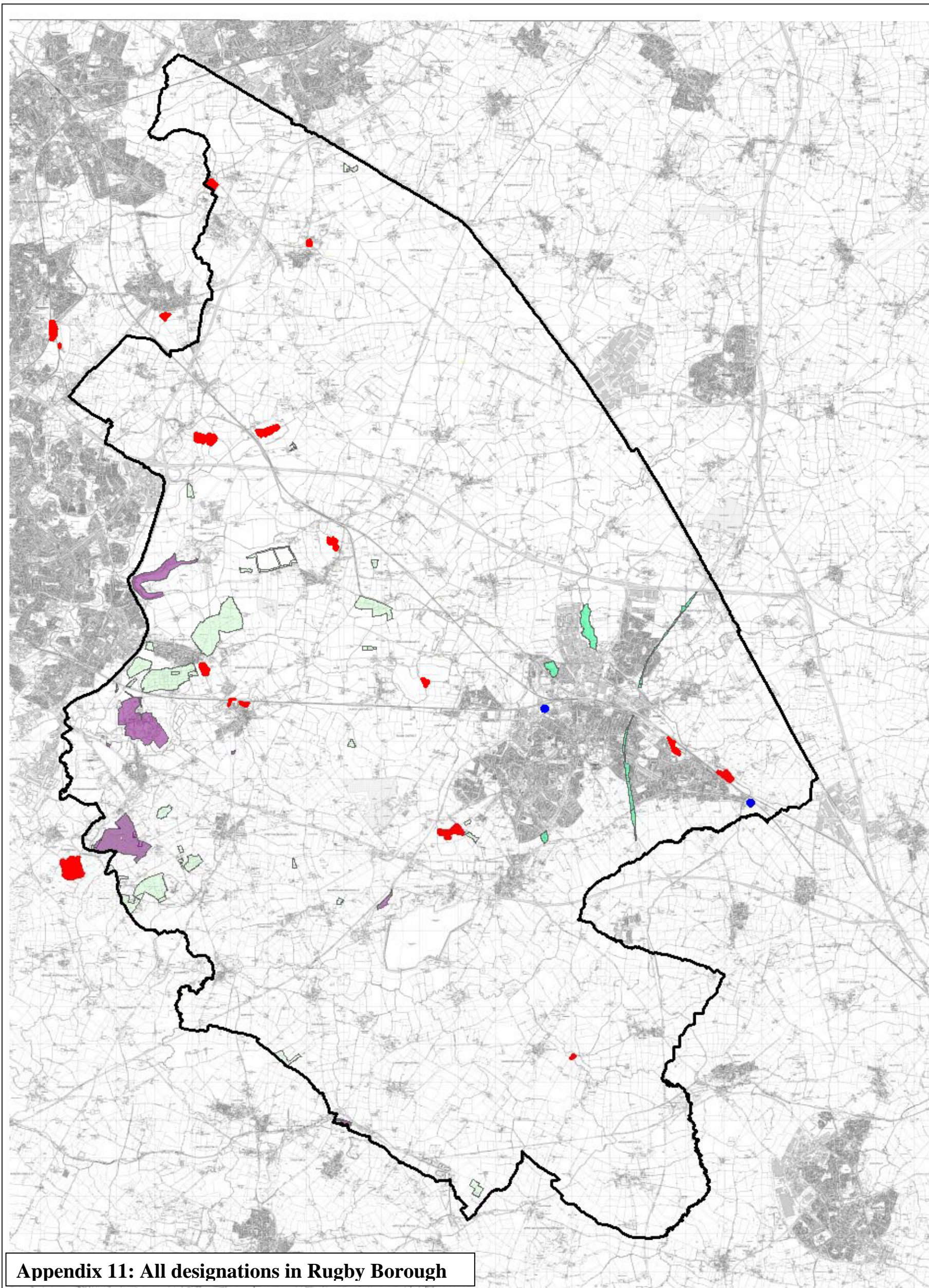
Grid Ref

Date

23rd July 2009

Scale

1:100,000



**Appendix 11: All designations in Rugby Borough**

- Ancient Woodland
- SSSIs
- RIGs
- LNRs
- SINCs

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