

CurtisEcology



Preliminary Ecological Appraisal Report

At

Sun Inn
Church Lane
Skirlaugh
East Riding of Yorkshire
HU11 5EU

For

Mr T. Litten

Date: 8th January 2019

Reference no CE 0552

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EXECUTIVE SUMMARY

Curtis Ecology was instructed by Mr T. Litten to undertake a Preliminary Ecological Appraisal on land and buildings found within the curtilage of The Sun Inn, Church Lane, Skirlaugh, East riding of Yorkshire HU11 EU. The survey is required to inform a proposed planning application, which is to be lodged with the local planning authority, in this case the East Riding of Yorkshire Council for the erection of 5 dwellings with associated hard and soft landscaping, following the demolition of the Public House.

The Preliminary Ecological Appraisal was undertaken on the 4th January 2019 in suitable weather conditions and at a suitable time of year for this type of survey, given the habitats present on the application site. A desk study was undertaken with records being obtained from the following third party repositories the North & East Yorkshire Ecological Data Centre, East Yorkshire Bat Group, with a review of Multi-Agency Geographical Information of Conservation (MAGIC) and Google Earth.

The following species were considered within this Preliminary Ecological Appraisal:

- Bats
- Nesting birds

Recommendations include:

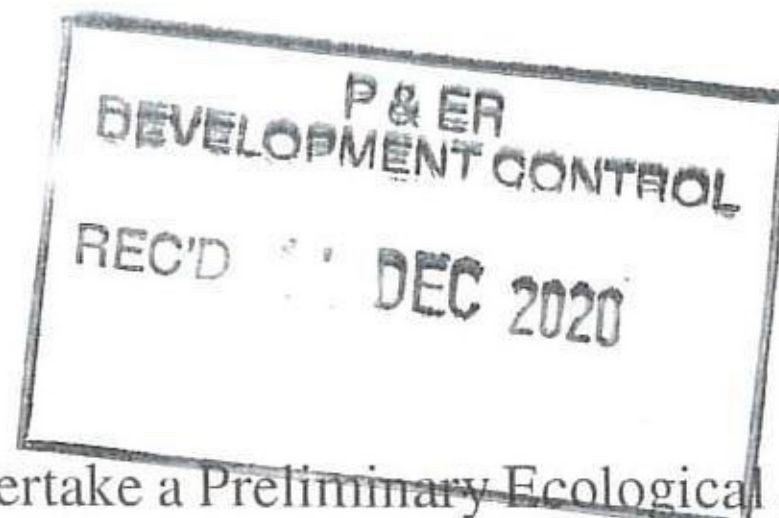
Bats: – Nocturnal surveys are to be undertaken on the public house between May and mid-September 2019

Nesting birds: – No further survey work required.
Precautionary mitigation recommended
Habitat enhancement measures proposed

All the results and full recommendations can be found within Sections 3.0 and 4.0 of this report

The application site as a whole was considered to be of Low Ecological Value.





1.0 INTRODUCTION

Curtis Ecology was instructed by Mr T. Litten to undertake a Preliminary Ecological Appraisal on land and buildings found within the curtilage of The Sun Inn, Church Lane, Skirlaugh, East riding of Yorkshire HU11 EU. The survey is required to inform a proposed planning application, which is to be lodged with the local planning authority, in this case the East Riding of Yorkshire Council for the erection of 5 dwellings with associated hard and soft landscaping, following the demolition of the Public House.

This Preliminary Ecological Appraisal was undertaken to identify the presence or potential presence of notable and or protected species or habitats within or adjacent to the application site and to highlight any ecological issues that may be a constraint on the proposed development of the application site.

This Ecological Appraisal was undertaken on the 4th January 2019 in suitable weather conditions for this type of appraisal.

1.1 Site Description

The application site is centred on Grid Reference TA1418 3957 which is found in the centre of Skirlaugh village. The site is dominated by the public house and the tarmac car park, along with a small area of amenity grassland to the immediate north of the pub. The surrounding habitat is dominated by residential dwellings some with large gardens, the village shop and post office which is located to the immediate west of the car park.

Figure 1 Arial view with application site illustrated within the wider landscape.



©Google Earth 2019

1.2 Proposed Works

It is understood that the development proposal is for erection of 5 dwellings with associated hard and soft landscaping, following the demolition of the existing Public House.

1.3 Survey Objectives

The aim of the Preliminary Ecological Appraisal was to:

- Perform a desk study and records searches from a number of sources including third party repositories to enable the identification of any designated sites, along with existing records for any protected and notable species within and around the study site.
- Examine the potential for protected and notable species within the application site and the immediate surrounding area during the field survey and discuss the current legislation relevant to these species.
- Produce a map to identify, classify existing habitats and features within the site
- Prepare a report on the findings from information collated from the data/records searches and the field survey to identify any potential constraints and opportunities for the site including the need for further surveys if required.

2.0 SURVEY METHODOLOGY

2.1 Desk Study

A desk study was undertaken with records being obtained from the following third party repositories the North & East Yorkshire Ecological Data Centre with reference to the East Yorkshire Bat Group, and a review of MAGIC and Google Earth. The search area was a 2km radius from the centre of the application site located at Grid reference TA1418 3957.

2.2 Field Survey

2.2.1 Ecological Appraisal Survey

The survey was undertaken on the 4th January 2019 with the weather conditions at the time of the survey being illustrated below in Table 2. Using a modified standard Phase 1 Habitat assessment methodology JNCC (2010), the application site was walked over to identify, classify and map the habitat types present marking any features on a base field map. Target notes (T) where applicable will be used to identify any potential for protected / notable species or habitats present and to give more detail on any points of interest.





2.3 Protected/ Notable Species

During the survey observations are made for any field signs or suitable habitats for protected/notable species.

An assessment was made for the suitability of the site for the following protected species:

- Bats
- Nesting birds

2.3.1 Bats

Assessments are made during the initial field survey for potential roosting features and foraging areas within the site footprint and immediate surrounding area. These will include buildings, woodland, individual trees, hedgerows and any aquatic features.

Visual assessments for trees would include the following signs: trunk diameter, rot holes, splits, loose bark, staining of the bark below or around a feature and a covering of ivy.

2.3.2 Nesting Birds

Birds may use a variety of features for nesting both natural and artificial. Typical features would include buildings, hedgerows, trees, scrub and grassland. During the field survey observations are made for sightings and calls of birds, evidence of previous and active nesting and evidence of roosting places.

2.4 Survey Limitations

The roof void over the eastern wing of the public house could not be fully accessed due to the small pop hole. The remainder of the public house and application site was fully accessible on the day of the field survey. However it should be noted that whilst the survey was appropriately intensive and we feel that no significant matters have been overlooked there is always potential for some species to be overlooked due to the time of year and mobility of these species.

2.5 Weather conditions.

Table 2. Weather conditions at the time of the survey

Survey date	4 th January 2019
Wind speed	5 mph W
Cloud cover	100%
Rainfall	None
Temperature	5°C
Humidity	84%

2.6 Survey personnel.

The site survey was undertaken by the following personnel:

Roger Curtis FdSc who has 11 years survey experience and holds the follow Natural England licences; -

Bats – WML-CL18 class licence 2015-12148-CLS-CLS

Bats - Personal licence for possession licence no 20131261

Great crested newts – WML-CL08 class licence, 2015-17362-CLS-CLS

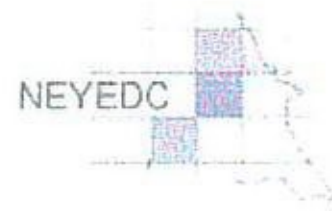
Roger is also a committee member of the East Yorkshire Bat Group and County Bat Recorder.



3.0 SURVEY RESULTS

3.1 Desk Study

Figure 2. Pre-existing Site Designations



Our Ref: E03976
 Your Ref: CE0552
 Date: 03/01/2019
 Search area: 2km radius from TA141395

Site Data Search

Internationally designated sites:

The following sources were searched:

Special Areas of Conservation *published March 2016 - revised September 2017*
 Special Protection Areas *published March 2016 - revised September 2017*
 Ramsar sites *published March 2016 - revised September 2017*

There are no internationally designated sites within the search area.

Nationally designated sites:

The following sources were searched:

Sites of Special Scientific Interest *published 14/09/2017*
 National Parks *published 01/08/2016*
 Areas of Outstanding Natural Beauty *published 11/05/2015*
 National Nature Reserves *published March 2016 - revised September 2017*

There are no nationally designated sites within the search area.

Locally designated and non-Statutory sites:

The following sources were searched:

Local Nature Reserves *published 01/03/2016 - revised August 2017*

There are no LNR within the search area.

East Yorkshire LWS [Local Wildlife Sites]

Version: East Yorks LWS V7.0 (26/04/2017)

The following Local Wildlife Sites are in or partly within the search area, and are shown on the accompanying map:

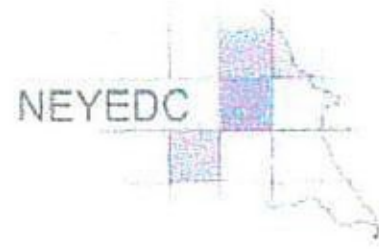
Site Code	Site Name	Grid Reference	LWS Status
TA1535-01	Bittern Boom Mere	TA157399	Deleted LWS
TA1540-03	Rise Park Estate	TA152414	Designated LWS
TA1035-02	Benningholme - Arnold Road	TA127400-TA127396	Designated LWS
TA1035-03	Skirlaugh	TA145394	Designated LWS

1.5 E
1.4 W
3.0 E

Deleted Local Wildlife Sites

Local Wildlife Site Status – The decision to delete LWS by the East Riding of Yorkshire LWS Panel is made based on one of the following situations;

- The site overlaps with a statutory designated site e.g. SSSI
- The site overlaps with another LWS or has been merged with another



Our Ref: E03976
 Your Ref: CE0552
 Date: 03/01/2019
 Search area: 2km radius from TA141395

- The site has been surveyed and does not meet the robust LWS Guidelines for designation on habitat grounds.

In many cases just because a site has not met the high criteria for designation as a LWS it does not mean that it has no value for wildlife. The assessment is based on a botanical survey of the habitat and does not include surveys for animals including protected species, which the site may support. It may also be important as a local habitat as part of wider habitat network(s). It may be possible to enhance the value of the site for wildlife with certain types of management, which could even bring the site up to the standard required for designation as a LWS. If the site has been surveyed the citation for the deleted site will provide a description, botanical species list and scores against the LWS criteria.

If proposed development directly impacts on a deleted LWS we would recommend evaluating the reasons for deletion and considering impacts on the site using this information and any other surveys required. Enhancements for biodiversity on site through development should build on the existing ecological interest. Citations are available at an additional cost of £25 per site.

Yorkshire Wildlife Trust Reserves

Version: YWT_ReserveBoundaries_NEYEDC (12/05/2017)

The following YWT reserve is in or partly within the search area, and is shown on the accompanying map:

There are no YWT reserves within the search area.

Site-based Habitat data:

Areas of habitats in or partly within the search area occurring in the Natural England Ancient Woodland Inventories and/or Priority Habitats are shown on the accompanying map, and are listed below:

Ancient Woodland Inventory

Version: Ancient Woodlands (01/07/2017)

Habitat type	Location or comments
Ancient and Semi-Natural Woodland	None within the search area.
Ancient Replanted Woodland	

Priority Habitat Inventory

Version: Priority Habitats Inventory (01/08/2017)

Habitat type	Location or comments
Deciduous woodland	Several parcels throughout search area
Good quality semi-improved grassland	S of Holyrood House
Traditional orchard	Skirlaugh

E03976 details





The relevant 2km Designation & Habitat maps are illustrated in Appendices 2 & 3 of this report.

3.1.1 Species records

Species records were obtained from the North & East Yorkshire Ecological Data Centre and East Yorkshire Bat Group.

In total 21 historical records for protected or notable species were obtained from the third party repositories, with no historical records relating to the application site itself.

Where relevant they are mentioned in Section 3.3 of this report and the full list can also be obtained from ourselves upon request.

3.2 Habitats

The following habitats were found within the study area:

Broad-leaved scattered trees A3.1

Two young Common ash *Fraxinus excelsior* are both found within the amenity grassland, with a single semi mature Cherry *Prunus spp* being found next to the lap fence line.

Coniferous scattered trees A3.2

A young Cypress spp is located towards the north east corner of the amenity grassland area. A single mature Bay tree *Laurus nobilis* grows next to the north elevation of the public house.

Amenity grassland J1.2

A small area of unmanaged amenity grassland is located to the north of the public house. Species present include Annual meadow-grass *Poa annua*, Red fescue *Festuca rubra*, Rygrass *Lolium spp* (dominant) and Yorkshire fog *Holcus lanatus* (occasional). Forbs include Chickweed *Stellaria media*, Common nettle *Urtica dioica* (rare), Dandelion *Taraxacum officinale*, Daisy *Bellis perennis*, Groundsel *Taraxacum officinale*, Red dead-nettle *Lamium purpureum*, Ribwort plantain *Plantago lanceolata* (occasional), Scentless mayweed *Tripleurospermum inodorum* and Perennial sow thistle *Sonchus arvensis* (rare).

Plate 1. Looking east towards the amenity grassland from the western site boundary

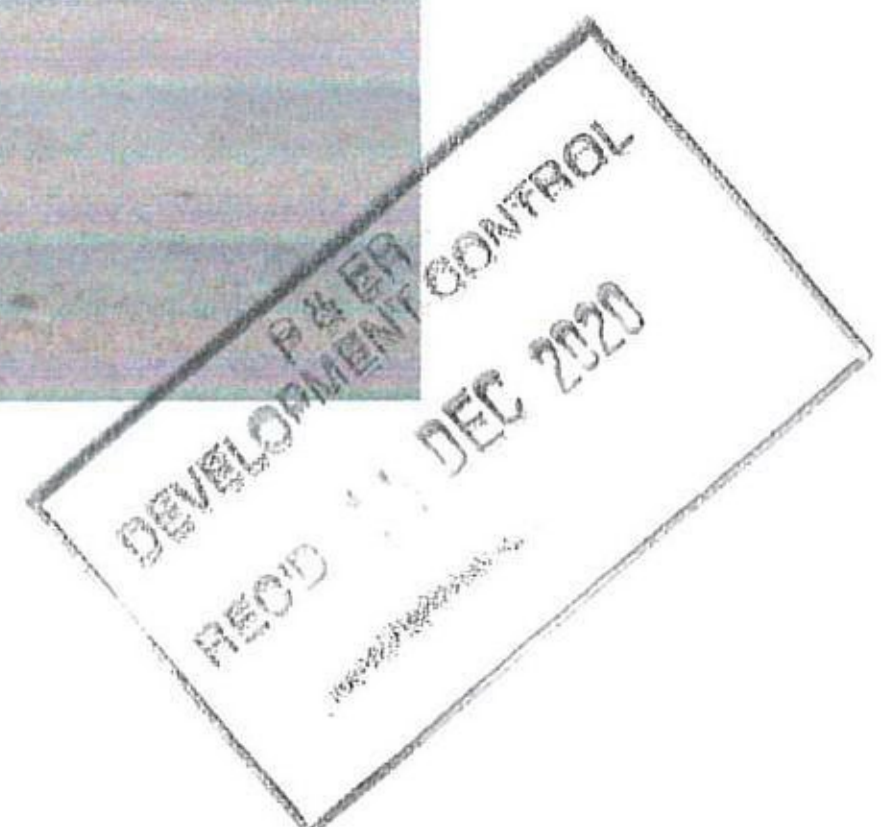




Plate 2. Looking towards the western boundary



Fence J2.4

A relatively new 1.8 m high timber boarded fence runs along the eastern boundary, as well as the length of the northern boundary line. A 1.5m high lap fence divides the paved area where the oil storage tank is stood and the area of amenity grassland. There is negligible ecological value associated with any of these fence lines.

Wall J2.5.

A solid brick wall 2m high defines part of the southern as well as a few metres of the eastern boundaries, running from the pub to the neighbouring property. A second solid brick wall 2m high is found at the northern end of the car park. Both walls are in reasonable condition with only occasional spoiling of the mortar. There is negligible ecological value associated with either of these walls.

Buildings J3.6

Descriptions of study buildings can be found within the Bat Section 3.3.1 of this report.

Bare ground J4

After the buildings this type of habitat dominates the application site, with a large car parking area of tarmac located to the west of the public house. There is negligible ecological value associated within this form of habitat.

Plate 3. Looking north over the existing car parking area



Plate 4. Looking south from the north west corner of the site.



P & EA
DEVELOPMENT CONTROL
REC'D 11 DEC 2020

3.3 Protected and Notable Species

3.3.1 Bats

There are 12 historical bat records within the 2km search area returned from the third party repository searches, with none of the records relating to the application site itself. The nearest roost record is located approximately 50m north of the application site, for a Common pipistrelle *Pipistrellus pipistrellus* maternity roost of 97 in 1993. A second maternity roost for 25 Common pipistrelle *Pipistrellus pipistrellus* was also located around 150m to the south west of the site.

As part of this Preliminary Ecological Appraisal a Preliminary Roost Assessment was undertaken upon the public house.

The public house has an L shaped footprint is two storeys in height with a single storey flat roof extension, as well as two small adjoining single storey mono-pitched out-houses.

Plate 5. Looking toward the public house from the North West corner of the site.



The external walls of the public house are built from solid brick, with the southern wing, which fronts Church Lane, having an external cement render/pebble dash finish. The single storey flat roofed extension has a cavity brick wall, with the external finish, again in cement render/pebble dash. All the cement rendered walls were generally in reasonable condition, although there were several holes/missing half bricks noted on the south elevation just below the eaves. There was also occasional spoiling of the brickwork on the eastern elevation, along with two holes in the mortar, noted on the eastern gable above the adjoining property. Several holes were also noted in the northern mono pitched outbuilding, along the fascia board.

The glazed windows and timber external doors were in reasonable condition, with the timber frames being a good fit to the surrounding brickwork, apart from the small first floor window in the north gable where there was a gap between the frame and surrounding brick work on the left hand side. The mineralised felt on the flat roof was in good condition and the fascia boards were a good fit to the external wall. The roof of the single storey mono pitched outbuilding attached to the eastern elevation of the public house was covered with concrete roof and ridge tiles which were all a good fit with no obvious lifted tiles noted. The roof structure of the other mono-pitched outbuilding attached to the north gable of the public house had been renewed recently and was constructed from timber rafters, with Breathable Roofing Membrane, roofing lathes all of which was covered in new Marley type pantiles. The roof covering was generally in good condition with no lifted tiles noted, and both the verges were pointed up.

The roof structure over the main body of the public house were constructed with a series of A framed trusses with timber purlings and rafters, with no central ridge board visible. All the roofs were underdrawn in traditional bitumastic roofing felt which was generally in reasonable condition. However the roof void in the two storey eastern wing could only be assessed from the small pop hole, as it was too small to enable entry into the whole of the void. The roof over the eastern wing was covered externally with Roman tiles some of which were lifted slightly or a poor fit, especially towards the ridge line. The ridge tile along this part of the building had several areas where the bedding mortar was also missing. The double Roman tiles on the southern part of the public house appeared to be well fitted with no obvious gaps noted, however missing bedding mortar was noted along the ridge line in several places. The verge on the northern gable had the occasional gap just below the tile in two locations and the lead flashing at the base of the western chimney stack was lifted on the northern roof aspect, as well as on the right side of the eastern stack. The brick built chimneys stacks themselves were in reasonable condition with no deep holes in the brickwork apparent.

Overall from the observations made the public house and adjoining outbuildings have combined together been assessed as having Moderate potential for bat habitation.



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REC'D 21 DEC 2020

Plate 6. The south elevation of the Public House viewed from Church Lane



Plate 7. Looking towards the two small outhouses on the north and east elevations.



Plate 8. The eastern elevation of the public house



Plate 9. Looking towards the western elevations and site entrance from Church Lane.



PL/24
DEVELOPMENT CONTROL
REC'D 11 DEC 2020

Plate 10. The roof void over the southern part of the public house



Plate 11. The roof void over the eastern wing viewed from the small pop hole



3.3.2 Nesting birds

There was 1 historical bird records within the 2km search area, obtained from the third party repository searches. The single record was for a Mute Swan in 2010 at Bittern Boom Mere which is located approximately 1.5km south east of the study site.

The habitats present within the survey site offer limited foraging capacity in its current condition. During the assessment period no bird species were seen within the application site or in close proximity to it, and there were no historical nests observed within the study buildings.

4.0 ASSESSMENT AND RECOMMENDATIONS

4.1 Designated sites

There are no Statutory site located within the 2km search area.

There are four Non-Statutory sites within the search area, the nearest of which is a Designated Local Wildlife Site, located approximately 0.3km to the east of the application site. The remaining three sites are all found between 1.4 and 2km from the application site.

Therefore from the information collated it is considered that if the proposed development were to proceed it would be highly unlikely to have any negative influence on any of the non-statutory sites found within the 2km search area.

4.2 Habitats

The application site does not support any Priority habitats, nor is it within close proximity to any.

The application site is dominated by buildings, large areas of bare ground and amenity grassland.

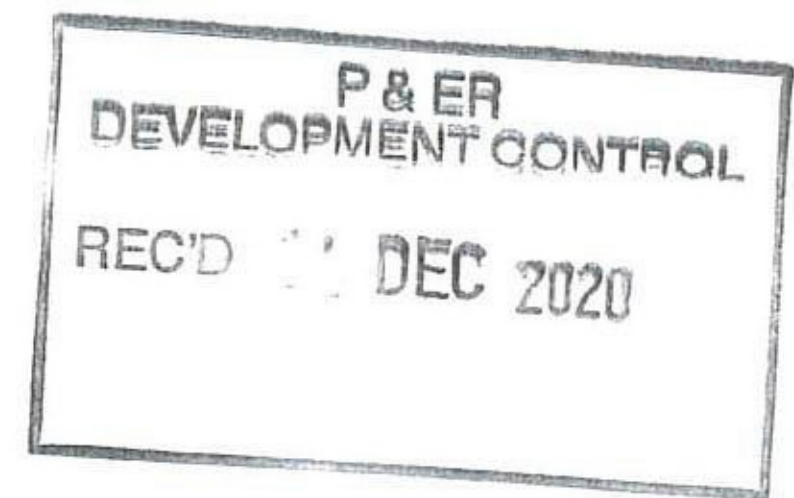
There was no evidence notable/protected plant species or any non-native invasive species listed as Schedule 9 plant species within the application site.

In its present condition the application site as a whole has been assessed as having Low Ecological Value.

Recommendations:-

1. No further survey work is require





4.3 Protected and Notable Species.

4.3.1 Bats

There are features found to varying degrees within the public house which have the potential to provide roosting opportunities, especially for crevice dwelling bat species, bearing in mind that a Pipistrelle species can easily squeeze into a 15 -20mm gap.

There are 12 historical bat records within the 2km search area returned from the third party repository searches, with none of the records relating to the application site itself. The nearest roost record is located approximately 50m north of the application site, for a Common pipistrelle *Pipistrellus pipistrellus* maternity roost of 97 in 1993. A second maternity roost for 25 Common pipistrelle *Pipistrellus pipistrellus* was also located around 150m to the south west of the site. As a result of the observations made during the Preliminary Roost Assessment, at this stage the buildings combined together have been assessed as having Moderate potential for bat habitation.

Recommendations.

Any potential negative impacts on bat species, which could result from the proposed development could not be fully assessed from the findings of the Preliminary Roost Assessment alone. Therefore to make a full assessment and to determine the level of mitigation which may be required, along with any possible requirements for a European Protected Species Mitigation Licence, further nocturnal surveys in the form of a dusk /emergence and a dawn /re-entry surveys should be undertaken on the Public House during the bat activity survey season May-August 2019. With these surveys being undertaken following the guidelines as set out within the Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd Edition 2016.

4.3.2 Nesting birds

During the site survey no bird species were either seen or heard within the application site or around the immediate surrounding area. No historical bird nest were seen during the survey period.

As a matter of good practice and to meet obligations as set out in the National Planning Policy Framework (2012) relating to the net gain in biodiversity associated with a development, recommendations have been made below.

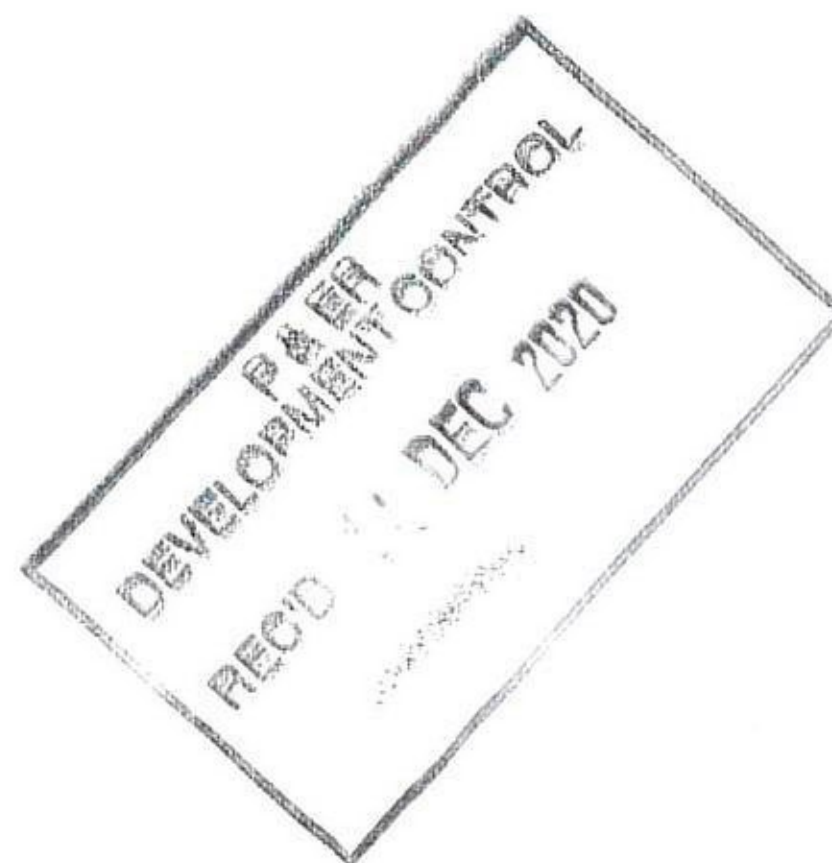
Recommendations.

1. No further Breeding bird survey work is required.
2. Site clearance/demolition works should preferably be undertaken outside the bird nesting period 1st March – 31st August inclusive. However if works to clear the site and /or demolish the buildings is undertaken during the bird nesting season, then the onsite buildings will need to be checked by a suitably qualified ecologist prior to any demolition work taking place. If any active nests are found they will be identified by a Red Flag with a 5m buffer and should be left untouched until either the young have fledged or the nest is naturally abandoned.

3. Upon completion of the development the following nest boxes are to be installed in suitable locations around the application site and remain in -situe thereafter.

- 2 x Schweglar 2 H Open Fronted nest boxes or woodcrete equivalents

All the Schweglar nest boxes can be obtained from NHBS at www.nhbs.com or any equivalent suitable supplier





5.0 LEGISLATION

5.1 Bats

All species of UK bats are statutorily protected under regulation 41 of The Conservation of Habitats and Species Regulations 2010 (formerly The Conservation (Natural Habitats, Etc.) Regulations 1994 (as amended), which implements the requirements of the EC Habitats Directive, plus under UK legislation through Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981. This combined legislation makes it an offence to: -

- Deliberately kill, injure or capture bats
- Deliberately disturb bats in such a way as to significantly effect:
 - a) the ability of that species to survive, breed, rear or nurture their young
 - b) the local distribution on the species
- Intentionally or recklessly disturb or obstruct access to the resting place of bats
- Damage or destroy breeding sites and resting places of bats even if bats are not occupying the roost at the time.
- Possess, transport, sell, barter or exchange any part of, or derived from a bat whether dead or alive.

5.2 Nesting birds

All wild birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), it is an offence to:-

- Deliberately kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird whilst in use or being built
- Take or destroy an egg or eggs of any such wild bird.

Certain bird species which includes the Barn owl *Typo alba* are listed under Schedule 1 of the Wildlife and Countryside Act receive special additional protection and as such it is an offence to intentionally or recklessly disturb them when nesting or rearing young.

A number of bird species are also listed under The Natural Environment and Rural Communities (NERC) Act 2006.

5.3 Plant species

Certain plant species in the UK are protected under the following legislation:

- Wildlife and Countryside Act 1981 (as amended) under Section 8
- Conservation of Habitats and Species Regulations 2010 and are listed under Schedule 4

Both pieces of legislation make it an offence to.

- Intentionally pick, uproot or destroy certain plants
- Possess, sell or exchange them.

Certain plant species UK Biodiversity Action Plan Priority Species and are listed under The Natural Environment and Rural Communities (NERC) Act 2006.

In addition to the above legislation there are injurious weeds and invasive species which are subject to the following legislation:

The Weed Act 1959 covers injurious weeds

The five species listed under this legislation are; Common Ragwort (*Senecio jacobea*), Creeping or field thistle (*Cirsium arvense*), Spear thistle (*Cristium vulgare*), Broad-leaved dock (*Rumex obtusifolius*) and Curled dock (*Rumex crispus*).

It is not an offence to have these plant species on your land but it is an offence to allow them to spread to agricultural land.

Invasive species are under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)

The following are possibly the most common invasive species encountered:

- Japanese knotweed (*Fallopia japonica*), Giant hogweed (*Heracleum mantegazzianum*), Himalayan balsam (*Impatiens glandulifera*), Rhododendron spp, New Zealand Pigmyweed (*Crassula helmsii*),

It is not an offence to have these plants growing on your land, but it is an offence to allow them to spread into the wild.





6.0 PLANNING POLICY

6.1 National Planning Policy Framework (March 2012) states:

109. The planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

118. When determining planning applications, local authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

6.2 The Natural Environment and Rural Communities Act (2006) states:

Section 40 (1) 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.

Section 41 lists habitats and species of principal importance to the conservation of biodiversity making these habitats and species a material consideration in the planning process

6.3 ODMP Circular 06/2005 Biodiversity and Geological Conservation

- The presence of a protected species is a 'material consideration' when a local planning authority is considering a development proposal. (*Paragraph 98 Circular 06/2005*), when a planning authority is considering a development proposal and as such where impacts upon a protected species are likely to occur from a proposed development, surveys must be undertaken and provided to support a planning application.
- Paragraph 99 Circular 06/2005 states;
'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted'.
- Where there is a reasonable likelihood of protected species being present and affected by a development the surveys should be completed and any necessary measure put in place, through conditions and / or planning obligations, before the permission is granted.

6.4 UK Biodiversity Action Plan

This action plan is a government initiative and contains a list of priority habitats and species of conservation concern in the UK which are the same as those listed within Section 41 of The Natural Environment and Rural Communities (NERC) Act 2006. The plan also outlines biodiversity initiatives designed to enhance their conservation status.

The UKBAP requires conservation of biodiversity to be addressed at a county level via a Local BAP and are usually targeted towards species of conservation concern within each separate area.





7.0 REFERENCES AND BIBLIOGRAPHY

Collins, J. (Ed) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London

Countryside and Rights of Way Act 2000 – HMSO

Conservation (Natural Habitats etc.) Regulations 1994 as amended 2010

Google Earth 2018

JNCC (2010). *Handbook for Phase 1 Habitat Surveys*. Joint Nature Conservation Committee

Michell-Jones, A.J. and McLeish A.P. (Eds). (2004). *Bat Worker's Manual* (3rd Edition). Joint Nature Conservation Committee, Peterborough, UK

Michell-Jones, A.J. (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough, UK

National Planning Policy Framework (March 2012) Department of Communities and Local Government

East Yorkshire Bat Group

North & East Yorkshire Ecological Data Centre

UK Post -2010 Biodiversity Framework (2012) <http://www.jncc.defra.gov.uk/page6189> accessed October 201

Wildlife and Countryside Act 1981 –HMS

8.0 APPENDICES

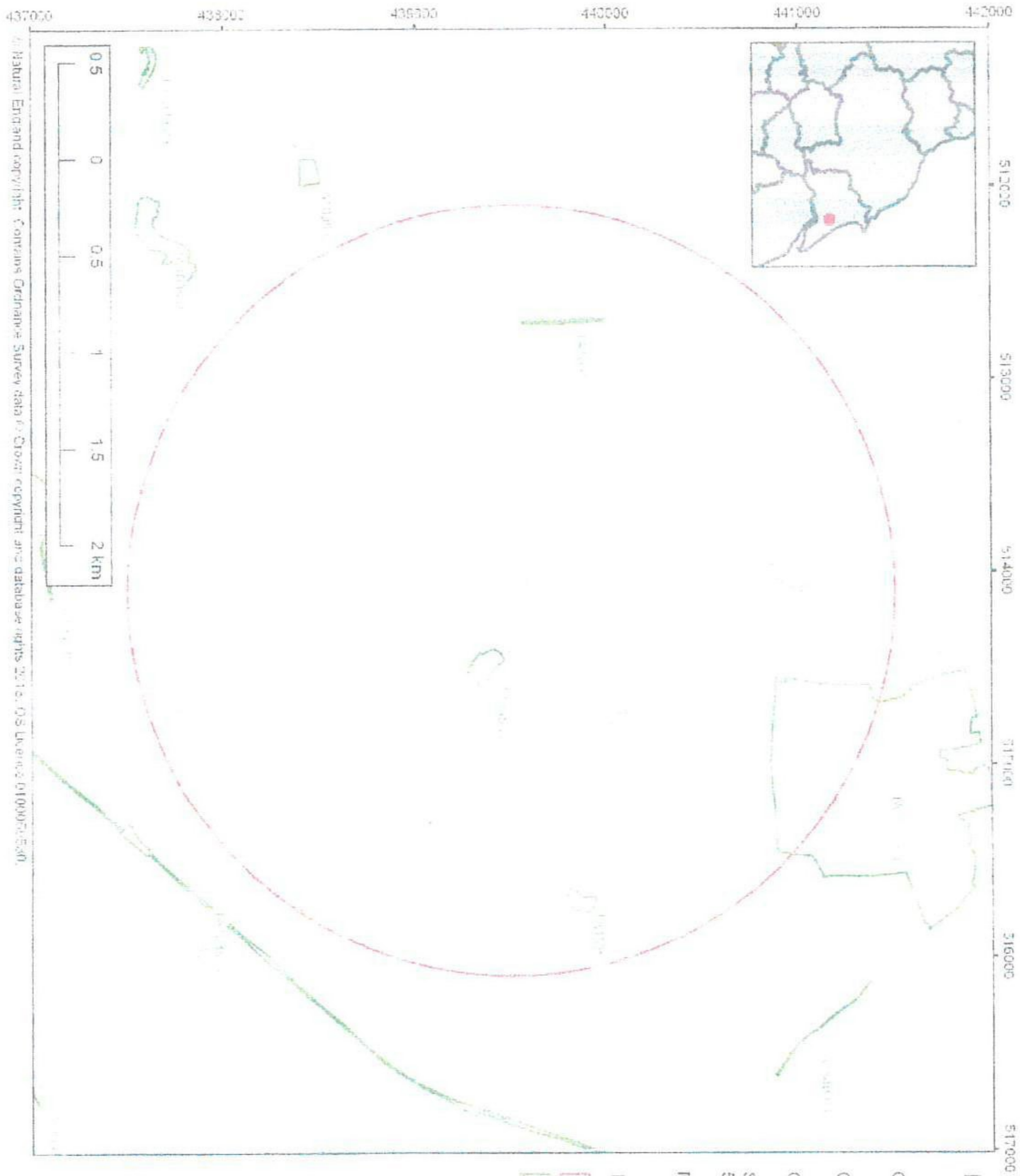
Appendix 1 Species List

Plants

Annual meadow-grass *Poa annua*
Bay tree *Laurus nobilis*
Cherry *Prunus spp*
Chickweed *Stellaria media*
Common ash *Fraxinus excelsior*
Cypress spp
Daisy *Bellis perennis*
Dandelion *Taraxacum officinale*
Groundsel *Taraxacum officinale*
Red dead-nettle *Lamium purpureum*
Red fescue *Festuca rubra*
Ribwort plantain *Plantago lanceolata*
Rygrass *Lolium spp*
Scentless mayweed *Tripleurospermum inodorum*
Perennial sow thistle *Sonchus arvensis*
Yorkshire fog *Holcus lanatus*



Appendix 2. Local Designated Sites found within the 2km search radius



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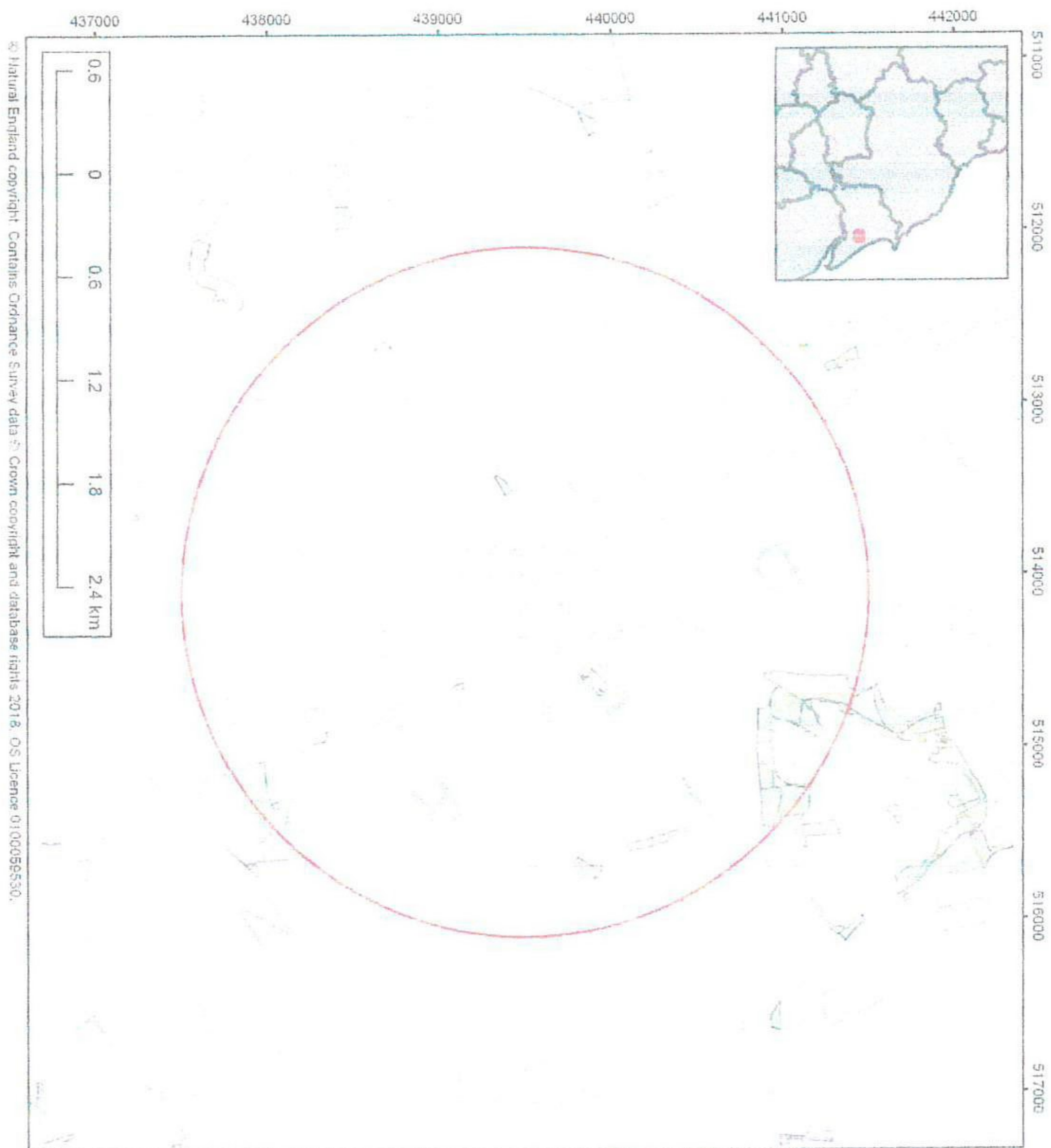
Map showing search area
 Client: Curtis Ecology
 Client Ref: 646-2018
 Our ref: E03976
 Search area: 2km from 514100, 439500
 Map created on: 2019-01-03

Legend
 Search area
 East Yorks LWS



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 REC'D DEC 2020

Appendix 3. Priority Habitats found with 2km search area indicate by the red circle



Priority Habitats

Client: Curtis Ecology

Client ref: CE0552

Our ref: E03976

Search area: 2km from
514100,439500

Map created on: 2019-01-03

Legend

Search area

PHI

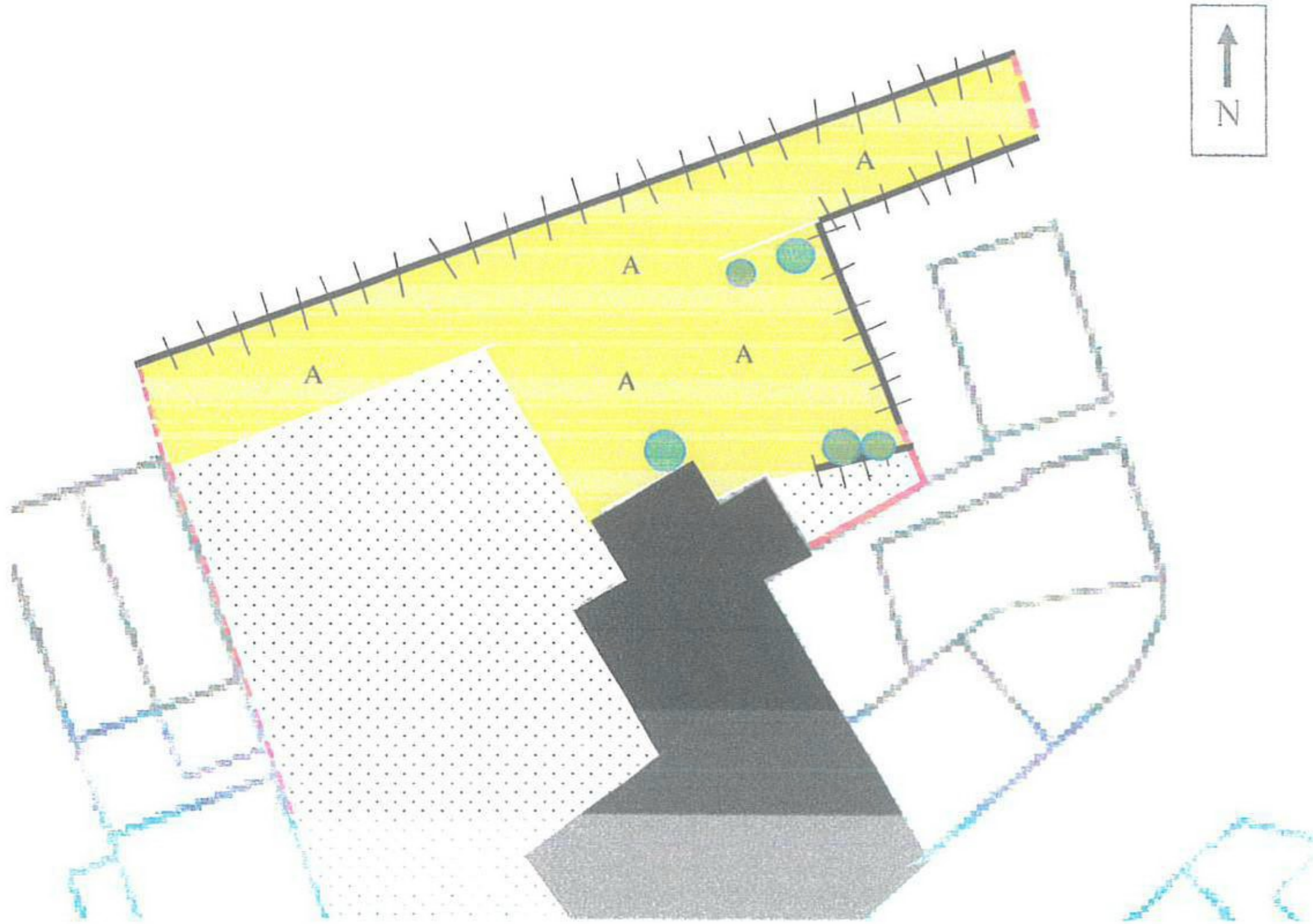
Deciduous woodland

Good quality semi-improved grassland

Traditional orchard



Appendix 4. Phase 1 Habitat Map



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REC'D 17 DEC 2020

