

Limestone Road, Burniston
Scarborough


Preliminary Ecological Appraisal



July 2022

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Prepared by	Toby Fisher MCIEEM CEnv
Approved by	Andrew Westgarth MCIEEM CEnv
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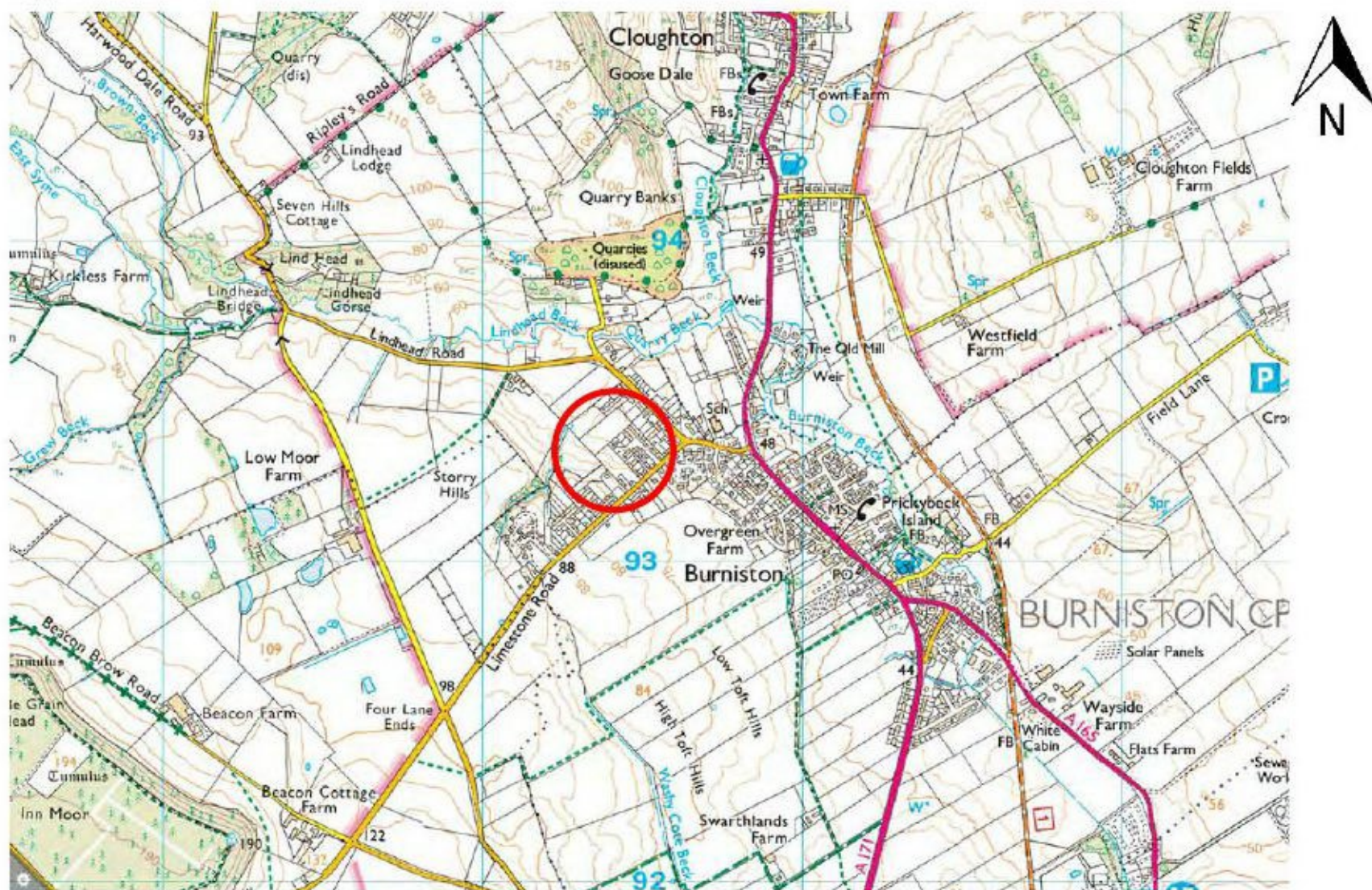
1 Introduction

- 1.1.1.1 This report presents the results of a Preliminary Ecological Appraisal undertaken at land adjacent to 38 Limestone Road, Burniston, Scarborough YO13 0DG. The site is located on the north-western edge of the settlement of Burniston at grid reference TA00379334 (see Figures 1 and 2 below). The site extends to approximately 1.78 ha.
- 1.1.1.2 Outline planning permission was granted at appeal (Appeal Ref: APP/H2733/W/18/3205993; Decision date: 8 January 2019) for residential development (access and drainage to be considered) in accordance with the terms of the application, Ref 18/00505/OL, dated 16 February 2018, subject to conditions.
- 1.1.1.3 The aims of this assessment were to identify the habitat types present on the site, to assess the potential for protected / notable species to occur and to make any recommendations for further surveys or assessments which may be required to inform a planning application for residential development at the site.
- 1.1.1.4 A Preliminary Ecological Appraisal survey was conducted on 24th March 2022 by Toby Fisher MCIEEM CEnv. A desk-based study was also undertaken to obtain existing ecological records for the site and the surrounding area. Relevant information from previous ecological surveys and reports at the site is also reproduced in this report.
- 1.1.1.5 This document should be read in conjunction with the following report which provides comprehensive information on Great Crested Newts at the site:
 - Quants Environmental Ltd. (2022). Limestone Road, Burniston, Scarborough. Revised Great Crested Newt Survey and Mitigation Strategy, February 2022. Ref 1061g.

Figure 1. Site Location outlined in red (aerial imagery dated 2018)



Figure 2. Site Location



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2 Methodology

2.1 Desk Study

- 2.1.1.1 North and East Yorkshire Ecological Data Centre (NEYEDC) was contacted for searches of protected sites and records of protected species within a 2 km radius of the site.
- 2.1.1.2 In addition, the following data sources were searched for statutorily protected sites and additional ecological data of relevance to the assessment such as off-site waterbodies:
- Multi Agency Geographic Information for the Countryside (MAGIC).
 - Ordnance Survey 1:10,000 mapping.
 - Aerial imagery (dated 2018).

2.2 Personnel

- 2.2.1.1 The Preliminary Ecological Appraisal survey was undertaken by Toby Fisher CEnv MCIEEM^{1 2}.

2.3 Preliminary Ecological Field Survey

- 2.3.1.1 A Preliminary Ecological Appraisal of the site was conducted on 24th March 2022 by Toby Fisher CEnv MCIEEM in accordance with the standard survey methodology^{3 4}.
- 2.3.1.2 The habitats on the site were assessed and categorised in order to provide baseline information and subsequent interpretation of the ecological value of the site. In addition, the site was searched for evidence of protected / notable species and assessed in terms of its potential to support protected / notable species such as [REDACTED] Great Crested Newt, Water Vole, reptiles and bat species. The buildings within the site were inspected externally and internally for evidence of bats and assessed in terms of their potential to support bats. The trees were inspected from ground level for evidence of bats and for potential bat roost features, using close-focussing binoculars.

2.4 Limitations

- 2.4.1.1 The survey was undertaken outside the optimum season for Phase 1 habitat surveys (May to September/October). During the survey it was possible to identify broad habitat types and a significant proportion of plant species; however a survey during the optimal period would likely reveal additional plant species, potentially including invasive weeds listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Due to the water levels in Pond 1, it was not possible to access the north-eastern part of the site beyond Pond 1. There were no other access constraints within the site. Overall, there were no significant limitations, given the aims of the assessment.

¹ Natural England Class Licence Registration No. 2015-10756-CLS-CLS - CL18 Level 2 (Bats).

² Natural England Class Licence Registration No. WML- CL08:2015-16681-CLS-CLS (Great Crested Newts).

³ JNCC, (2010), Handbook for Phase 1 habitat survey - a technique for environmental audit, ISBN 0 86139 636 7.

⁴ Chartered Institute of Ecology and Environmental Management (CIEEM). (2017). Guidelines for Preliminary Ecological Appraisal, Second Edition. December 2017. CIEEM, Winchester.

3 Results

3.1 Desk Study

3.1.1.1 Information provided by NEYEDC is included at Appendix 3.

3.1.2 Internationally Protected Sites

3.1.2.1 A search on MAGIC confirmed the presence of the following internationally protected sites within 10 km of the site:

- **Beast Cliff-Whitby (Robin Hood's Bay) SAC** (Special Area of Conservation) located approximately 5.25 km north of the site. The qualifying features of the SAC are listed as follows:
 - H1230. Vegetated sea cliffs of the Atlantic and Baltic coasts.
- **North York Moors SAC** located approximately 6.20 km north-north-west of the site. The qualifying features of the SAC are listed as follows:
 - H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
 - H4030. European dry heaths
 - H7130. Blanket bogs.
- **North York Moors SPA** (Special Protection Area) located approximately 6.20 km north-north-west of the site. The qualifying features of the SPA are listed as follows:
 - A098 *Falco columbarius*; Merlin (Breeding)
 - A140 *Pluvialis apricaria*; European golden plover (Breeding).

3.1.3 Nationally Protected Sites

3.1.3.1 NEYEDC confirmed the presence of one nationally protected site within 2 km of the site: North York Moors National Park.

3.1.4 Locally Designated Sites

3.1.4.1 NEYEDC confirmed the presence of three Sites of Importance for Nature Conservation (SINCs) and two Deleted SINCs within 2 km of the site:

- Town Farm Ponds, Cloughton Deleted SINC located approximately 1.25 km north-east of the site.
- Goose Dale & Quarry Ponds SINC located approximately 0.36 km north-north-east of the site.
- Cloughton Beck Marsh SINC located approximately 0.41 km north-east of the site.
- Burniston Beck/Cow Wath Beck Deleted SINC located approximately 0.45 km east of the site.
- Scarborough to Whitby Disused Railway SINC located approximately 1.36 km south-east of the site.

3.1.5 Habitats

3.1.5.1 NEYEDC identified three Priority Habitat Types within 2 km of the site: Lowland Fens, Deciduous Woodland and Purple Moor Grass and Rush Pastures. There are numerous areas of Priority Habitat Types within 2 km of the site, including several within 1 km of the site. The nearest such area is an area of Deciduous Woodland located approximately 140 metres south-west of the site.

3.1.6 Species Records

Great Crested Newt

3.1.6.1 NEYEDC provided three records of Great Crested Newt within 2 km of the site. One of the Great Crested Newt records is from the site itself: a record of 1 female and 2 males dated 27/03/2017 from the north-eastern part of the site (grid reference TA004934). The two other Great Crested Newt

records from NEYEDC both relate to a location approximately 1.1 km north-east of the site in Cloughton (grid reference TA009945).

3.1.6.2 Previous surveys and assessments for the site have identified the following previous observations of Great Crested Newt at the site and in the vicinity of the site:

- 2015: Local residents suggested that Great Crested Newts could be found on the proposed development site.
- 2017: Three Great Crested Newts were found at the electricity substation on The Limes adjacent to the north-eastern part of the site in Spring 2017 by an Ecologist working for Northern Powergrid.
- 2018: Landowner to north of the site reports that Great Crested Newts are in his ponds (no access granted for Quants Ecologist to survey ponds on this private land).
- 2018: Positive eDNA result for Great Crested Newt in Pond P5 ~160 metres north-east of the site (grid reference TA00429354) (Pond P5 has since been completely and permanently filled-in by the owners).
- 2018: One adult male Great Crested Newt was found by Quants Ecologist during terrestrial habitat survey in the north-eastern part of the site in July 2018 (grid reference TA004934).
- 2021: One adult male Great Crested Newt was found within the waterbody in the north-eastern part of the site (grid reference TA004934) on 13th May 2021 during GCN Population Size Class surveys. Max count of GCN = 1 (i.e. a small population of GCN).

3.1.6.3 A search on MAGIC identified the results of Great Crested Newt Pond Surveys 2017 – 2019 from three ponds within 2 km of the site:

- GCN Absent in pond at grid reference TA00769379 approximately 0.46 km north-east of the site.
- GCN Present in pond at grid reference TA01129439 approximately 1.15 km north-east of the site.
- GCN Present in pond at grid reference TA02119427 approximately 1.85 km east-north-east of the site.

3.1.6.4 A search on MAGIC identified no Granted European Protected Species Applications for amphibians within 2 km of the site.

Other Amphibians

3.1.6.5 NEYEDC provided three records of Common Frog (two from the north-eastern part of the site at grid reference TA004934 dated 2017 and 2018; and one from ~450 metres north-east of the site dated 1998).

3.1.6.6 NEYEDC provided six records of Smooth Newt (two from the north-eastern part of the site at grid reference TA004934 dated 2017 and 2018 and four from ~1.1 km north-east of the site dated 2010 and 2011).

3.1.6.7 NEYEDC provided records of Common Toad and Palmate Newt from the north-eastern part of the site (grid reference TA004934) dated 2017 and 2018 respectively.

Reptiles

3.1.6.8 NEYEDC provided no records of reptiles within 2 km of the site.

Birds

3.1.6.9 NEYEDC provided 27 records of birds (Mallard, Swift, Goldeneye, Greenfinch, Rook, House Martin, Moorhen, Herring Gull, House Sparrow, Willow Warbler, Dunnock, Collared Dove, Starling, Green Sandpiper and Song Thrush) within 2 km of the site but none from the site itself. No records of Barn Owl.

Crustaceans

3.1.6.10 NEYEDC provided no records of crustaceans within 2 km of the site.

Water Vole

3.1.6.11 NEYEDC provided 19 records of Water Vole within 2 km. The following records are from within 1 km of the site:

- Water Vole from Quarry Beck (grid reference TA0045293695) approximately 210 metres north of the site, dated 20/09/2006.
- Water Vole from grid reference TA0085293774 approximately 500 metres east-north-east of the site, dated 20/09/2006.
- Water Vole from grid reference TA0094293740 approximately 570 metres east-north-east of the site, dated 20/09/2006.
- Multiple records of Water Vole from Old Mill, Cloughton (grid reference TA009937) approximately 570 metres east-north-east of the site, dated 1973, 1975 and 1996.

Otter

3.1.6.12 NEYEDC provided 27 records of Otter within 2 km. The following records are from within 1 km of the site:

- Otter from grid reference TA0083893770 approximately 500 metres north-east of the site, dated 20/09/2006.
- Otter from grid reference TA0094293740 approximately 570 metres east-north-east of the site, dated 20/09/2006.
- Multiple records of Otter from Old Mill, Cloughton (grid reference TA009937) approximately 570 metres east-north-east of the site, dated 1992 to 1999.
- Otter records from grid references TA0127593190 and TA0131093131 approximately 780 metres east of the site, dated 20/09/2006.
- Otter record from grid reference SE994938 approximately 900 metres west-north-west of the site, dated 19/03/2003.
- Otter record from grid reference TA0142192998 approximately 950 metres south-east of the site, dated 20/09/2006.

Hedgehog

3.1.6.13 NEYEDC provided no records of Hedgehog within 2 km of the site.

Brown Hare

3.1.6.14 NEYEDC provided no records of Brown Hare within 2 km of the site.

Harvest Mouse

3.1.6.15 NEYEDC provided no records of Harvest Mouse within 2 km of the site.

Bats

3.1.6.16 NEYEDC provided eight records of bats comprising of the following species: Common Pipistrelle and Pipistrelle. One of these records is within 1 km of the site: one count of Pipistrelle at Barnhill Wood covering Leeds-Liverpool Canal (grid ref. SE002472), approximately 750 metres east-north-east of the site.

3.1.6.17 A search on MAGIC identified one Granted European Protected Species Applications for bats within 2 km of the site

- Licence EPSM2011-3398 for Common Pipistrelle, Whiskered and Brandt's at grid reference SE98509382 approximately 1.87 km west-north-west of the site (Licence Start Date 15/09/2011; Licence End Date 31/12/2012).

3.2 Preliminary Ecological Field Survey

3.2.1.1 Please also refer to Figure 3 and photos included in Appendix 2. The site extends to approximately 1.78 hectares. The landform of the site slopes down from approximately 70 metres above sea level in the south-western part of the site to approximately 50 metres above sea level in the north-eastern part. The site is located in a rural fringe area on the north-western edge of the settlement of Burniston approximately 5.5 km north-north-west of Scarborough town centre and approximately 2.3 km west of the coast. The site is bordered to the north by a large mature private garden containing trees and at least two ponds; to the west by a combination of permanent grassland and a mature garden; to the east by existing residential development with a mix of small and moderately sized gardens; and to the south by Limestone Road with existing residential beyond.

3.2.2 Habitats

Semi-Improved Neutral Grassland

3.2.2.1 The grassland at the site appeared to have been left un-grazed for at least 1-2 years at the time of the survey. The sward appeared to be fairly species-poor at the time of the survey; however it is noted that the survey was undertaken at a suboptimal time of year for detecting grassland plant species. Species present include False Oat-Grass *Arrhenatherum elatius*, Common Bent *Agrostis capillaris*, Creeping Bent *Agrostis stolonifera*, Yorkshire Fog *Holcus lanatus*, Cock's-Foot *Dactylis glomerata*, Perennial Rye-Grass *Lolium perenne*, Meadow Foxtail *Alopecurus pratensis*, Tufted Hair-Grass *Deschampsia cespitosa*, Hardheads *Centaurea nigra*, Hogweed *Heracleum sphondylium*, Broad-Leaved Dock *Rumex obtusifolius*, Lesser Celandine *Ficaria verna*, Common Nettle *Urtica dioica*, Creeping Buttercup *Ranunculus repens*, Meadow Buttercup *Ranunculus acris*, Creeping Thistle *Cirsium arvense*, Cow Parsley *Anthriscus sylvestris*, Ribwort Plantain *Plantago lanceolata*, Self-Heal *Prunella vulgaris*, Pignut *Conopodium majus* and Pendulous Sedge *Carex pendula*.

Marshy Grassland

3.2.2.2 An area of marshy grassland in the northern part of the site comprises Soft Rush *Juncus effusus*, Hard Rush *Juncus inflexus*, Bittersweet *Solanum dulcamara*, Tufted Hair-Grass, Creeping Buttercup, Yorkshire Fog, Floating Sweet-Grass *Glyceria fluitans* and Greater Bird's-Foot Trefoil *Lotus pedunculatus*.

Open Water

3.2.2.3 An area of standing water (referred to as Pond 1) appears to have become established on an area of former grassland in the north-eastern part of the site over recent years due to a change in the drainage regime. The open water extended to approximately 4000 square metres at the time of the survey. Marginal aquatic vegetation included Soft Rush, Water Mint *Mentha aquatica*, Tufted Hair-Grass, Creeping Buttercup and Floating Sweet-Grass.

Trees

3.2.2.4 There are a small number of mature and young-mature broad-leaved and coniferous trees at the site margins. No ancient or veteran trees were identified at the site. Species present include Ash *Fraxinus excelsior*, Monterey Cypress *Cupressus macrocarpa*, Scot's Pine *Pinus sylvestris*, Alder *Alnus glutinosa*, Holly *Ilex aquifolium*, Crack Willow *Salix fragilis*, Black Pine *Pinus nigra*, European Larch *Larix decidua* and Leyland Cypress x *Cupressocyparis leylandii*.

Scrub

- 3.2.2.5 Scrub in the central/northern part of the site comprises Hawthorn *Crataegus monogyna*, Grey Willow *Salix cinerea* and Bramble *Rubus fruticosus* agg.

Hedgerow

- 3.2.2.6 An outgrown native hedgerow on the site's south-western boundary is dominated by Hawthorn. Additional species present include Ivy *Hedera helix*, Common Nettle, Bramble, Red Campion *Silene dioica*, Cleavers *Galium aparine* and Lesser Celandine. The hedge was outgrown to approximately 3 metres tall and 2 metres wide. There are no standard trees or associated ditch.

Buildings, Hard Standing and Walls

- 3.2.2.7 The buildings, hard standing and walls at the site were largely devoid of vegetation except for some colonising vegetation including Perennial Rye-Grass, Bramble, Holly, Cleavers and Butterfly Bush *Buddleja davidii*.

Invasive Weeds

- 3.2.2.8 No evidence of invasive weeds listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) have been identified at the site. However, it is noted that the survey was undertaken at a suboptimal time of year for detecting such species.

3.2.3 *Birds*

- 3.2.3.1 A range of birds was observed during the survey. Species observed within and adjacent to the site included Tufted Duck, Coot, Moorhen, Mallard, Teal, Magpie, Blue Tit, Goldfinch, Wren, Woodpigeon, Goldcrest, Pheasant, House Sparrow, Blue Tit, Dunnock, Greenfinch, Chiffchaff and Robin. Two Species of Principal Importance for the conservation of biodiversity in England⁵ were recorded at the site; House Sparrow and Dunnock.
- 3.2.3.2 Within Building 1, on 24th March 2022, 18x Barn Owl pellets were found along with a significant amount of Barn Owl droppings (white splashing) within the northern part of Building 1. Barn Owl could potentially nest within Building 1. Barn Owl receives special protection whilst nesting through their inclusion on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).
- 3.2.3.3 A range of birds are likely to nest in trees, scrub, hedgerow, buildings, marshy grassland, open water and possibly in semi-improved grassland at the site.

3.2.4 *Bats*

- 3.2.4.1 No evidence of bats was identified at the site.
- 3.2.4.2 Building 1 is a derelict red-brick single-storey barn extending to approximately 26 x 5 metres and apparently dating from the early to mid-20th century. The gable roof is covered with single-skin corrugated material. There are potential direct bat flyways to the interior of the building via the doorway on the south gable. Potential bat roost features were identified behind barge boards, beneath the ridge, at eaves and at internal wall-tops. A dusk emergence bat survey undertaken at Building 1 in 2018 identified no bat roosts. Based on all available information, Building 1 is assessed as having low bat roost potential.
- 3.2.4.3 Building 2 is a derelict red-brick former house extending to approximately 9 x 9 metres and apparently dating from the early to mid-20th century. The roof covering has been completely removed except over a ground floor bay window on the south elevation where retained clay tiles provide suboptimal potential bat roost features. Building 2 is assessed as having low bat roost potential.

⁵ Species and Habitats listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance for the conservation of biodiversity in England.

3.2.4.4 Three mature Monterey Cypress trees on the site's southern boundary adjacent to Limestone Road were assessed as having low bat roost potential due to suitable roost features such as cracks and crevices.

3.2.4.5 In terms of foraging and commuting habitats, the trees, open water, hedgerow and marshy grassland could all form important foraging areas and flyways for bats due to the likely abundance of invertebrate prey, structural diversity, low disturbance levels and good connectivity to habitats in the wider area.

3.2.5 *Great Crested Newt*

3.2.5.1 Comprehensive background information on Great Crested Newt (GCN) is provided in Section 3.1.6 above and in the following document which should be read in conjunction with this document:

- Quants Environmental Ltd. (2022). Limestone Road, Burniston, Scarborough. Revised Great Crested Newt Survey and Mitigation Strategy, February 2022. Ref 1061g.

3.2.5.2 Surveys in 2021 confirmed the presence of a small population of GCN in Pond 1 within the site.

3.2.5.3 Given the relatively high number of ponds within 500 metres of the site (several of which are located on private land and were not accessible for survey), the generally average-to-good HIS (Habitat Suitability Index) scores and the absence of major barriers to GCN dispersal, it is considered likely that there is an extant meta-population of GCN in the immediate vicinity of the site and that several of the nine identified ponds within 500 metres of the site may be used by GCN for breeding purposes on a regular basis. Therefore, GCN may use the site itself for foraging, resting or sheltering during their terrestrial phase.

3.2.6 *Otter*

3.2.6.1 No evidence of Otter was observed at the site. Given the relatively recent origin of the on-site Pond 1 (meaning a likely absence of large fish) and the location of the site in relation to watercourses, lakes and large ponds, it is considered unlikely that Otters will occur at the site.

3.2.7 *Water Vole*

3.2.7.1 No evidence of Water Vole was observed at the site, although it is noted that the survey was undertaken at a suboptimal time of year for Water Vole survey. Water Vole could potentially occur within the on-site Pond 1.

3.2.9 *Other Fauna*

3.2.9.1 Hedgehog and Brown Hare (both Species of Principal Importance in England⁵) could potentially occur within the site. Based on the nature of the habitats within and adjacent to the site, it is considered unlikely that reptiles will occur at the site, although the potential for small numbers of Grass Snake to occur in the vicinity of Pond 1 cannot be ruled out.

Figure 3. Phase 1 Habitat Map



Key:

- | | |
|---|---|
| Study Area | SI Semi-Improved Neutral Grassland |
| 2 Buildings | Wall |
| Hedgerow | Scrub |
| Trees | Marshy Grassland |
| Open Water | ★ Location of Barn Owl pellets |
| ★ Trees with bat roost potential | |

4 Conclusions and Recommendations

4.1 *Internationally Protected Sites*

4.1.1.1 A search on MAGIC confirmed the presence of the following internationally protected sites within 10 km of the site:

- **Beast Cliff-Whitby (Robin Hood's Bay) SAC** (Special Area of Conservation) located approximately 5.25 km north of the site. The qualifying features of the SAC are listed as follows:
 - H1230. Vegetated sea cliffs of the Atlantic and Baltic coasts.
- **North York Moors SAC** located approximately 6.20 km north-north-west of the site. The qualifying features of the SAC are listed as follows:
 - H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
 - H4030. European dry heaths
 - H7130. Blanket bogs.
- **North York Moors SPA** (Special Protection Area) located approximately 6.20 km north-north-west of the site. The qualifying features of the SPA are listed as follows:
 - A098 *Falco columbarius*; Merlin (Breeding)
 - A140 *Pluvialis apricaria*; European golden plover (Breeding).

Recommendations

4.1.1.2 It is recommended that the local planning authority should be consulted in relation to their current stance on potential disturbance effects from people associated with additional housing within 10 km of the above-listed internationally designated sites.

4.2 *Locally and Nationally Protected Sites*

4.2.1.1 NEYEDC confirmed the presence of one nationally protected site within 2 km of the site: North York Moors National Park. NEYEDC confirmed the presence of three Sites of Importance for Nature Conservation (SINCs) and two Deleted SINCs within 2 km of the site. Based on the nature of the protected sites and distance from the site, no significant impacts are predicted.

4.3 *Habitats*

4.3.1.1 The site contains the following habitat types: Semi-Improved Neutral Grassland; Marshy Grassland; Open Water; Trees; Scrub; Hedgerow; Buildings; Hard Standing; and Walls. The pond within the northern part of the site could potentially qualify as the Habitat of Principal Importance in England⁵; Ponds. Aside from the pond (Open Water) all other habitats at the site are assessed as being of value at the site level.

Recommendations

4.3.1.2 It is recommended that the pond (Open Water) in the northern part of the site should be retained in situ as a biodiversity feature. It is also recommended that the following habitats should be retained within the site and along the site boundaries; Marshy Grassland; Trees; Scrub; and Hedgerow. Where possible, all retained habitats should be maintained / enhanced through a Biodiversity Enhancement and Management Plan.

4.4 *Birds*

4.4.1.1 18x Barn Owl pellets and a significant amount of Barn Owl droppings (white splashing) were found in the northern part of Building 1. Barn Owl could potentially nest within Building 1.

4.4.1.2 A range of birds are likely to nest in trees, scrub, hedgerow, buildings, marshy grassland, open water and possibly in semi-improved grassland at the site.

Recommendations

- 4.4.1.3 Barn Owl receives special protection whilst nesting through their inclusion on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). Barn Owls can nest outside the main bird nesting period typical of most species in the UK, i.e. Barn Owl nests can be occupied between March and October and occasionally even later in the year.
- 4.4.1.4 It is recommended that, where possible, any works affecting Building 1 should be undertaken outside the main Barn Owl nesting period of March to October inclusive. If this is not possible, any such works undertaken during this period (April to September inclusive) should be preceded by a Barn Owl nesting survey. If an active Barn Owl nest is present, it must be retained in situ undisturbed until the nest is no longer in active use. A nest is classed as active when it contains eggs or chicks and when it is being built.
- 4.4.1.5 It is recommended that, where possible, any works affecting potential bird nesting areas should be undertaken outside the main bird nesting period of March to August inclusive (note: some species such as Barn Owl can nest outside this period). If this is not possible, any such works undertaken within the main bird nesting period (March to August inclusive) should be supervised by a suitably qualified ecologist. The supervising ecologist should advise all site personnel of the potential presence of nesting birds, their legal protection and the need to minimise disturbance of nesting birds. If active nests are present, they must be retained in situ undisturbed until the nests are no longer in active use. A nest is classed as active when it contains eggs or chicks and when it is being built.
- 4.4.1.6 It is recommended that permanent nesting provision for Barn Owls should be provided in a suitable location within the site, e.g. attached to a pole in the north-western corner of the site adjacent to suitable habitat within and adjacent to the northern part of the site.
- 4.4.1.7 It is recommended that permanent nesting provision for other bird species should be provided within the site, e.g. a minimum of 6no. Universal Swift Bricks attached to new buildings at the site.

4.5 Bats

- 4.5.1.1 No evidence of bats was identified at the site. A dusk emergence bat survey undertaken at Building 1 in 2018 identified no bat roosts; it is concluded that Building 1 has low bat roost potential. Building 2 is assessed as having low bat roost potential.
- 4.5.1.2 Three mature Monterey Cypress trees on the site's southern boundary adjacent to Limestone Road were assessed as having low bat roost potential due.
- 4.5.1.3 In terms of foraging and commuting habitats, the trees, open water, hedgerow and marshy grassland could all form important foraging areas and flyways for bats.

Recommendations

- 4.5.1.4 It is recommended that update dusk emergence bat surveys should be undertaken at Buildings 1 and 2 to confirm the presence/absence of bat roosts. It is recommended that all mature trees should be retained in situ if possible. If felling/surgery to the Monterey Cypress trees is necessary, it is recommended that dusk emergence bat surveys should be undertaken. Dusk emergence surveys should be undertaken during the optimal survey period of 1st May to 31st August inclusive.
- 4.5.1.5 It is recommended that the following should be retained as habitat features for foraging/commuting bats: trees, open water, hedgerow and marshy grassland.
- 4.5.1.6 It is recommended that permanent bat roosting provision should be provided within the site, e.g. a minimum of 3no. Bat Boxes attached to new buildings at the site.

4.6 Great Crested Newt

4.6.1.1 Surveys in 2021 confirmed the presence of a small population of GCN in Pond 1 within the site.

4.6.1.2 Given the relatively high number of ponds within 500 metres of the site (several of which are located on private land and were not accessible for survey), the generally average-to-good HIS (Habitat Suitability Index) scores and the absence of major barriers to GCN dispersal, it is considered likely that there is an extant meta-population of GCN in the immediate vicinity of the site and that several of the nine identified ponds within 500 metres of the site may be used by GCN for breeding purposes on a regular basis. Therefore, GCN may use the site itself for foraging, resting or sheltering during their terrestrial phase.

Recommendations

4.6.1.3 It is recommended that the Great Crested Newt Mitigation Strategy should be strictly adhered to (and updated if necessary):

- Quants Environmental Ltd. (2022). Limestone Road, Burniston, Scarborough. Revised Great Crested Newt Survey and Mitigation Strategy, February 2022. Ref 1061g.

4.7 Otter

4.7.1.1 No evidence of Otter was observed at the site. Given the relatively recent origin of the on-site Pond 1 (meaning a likely absence of large fish) and the location of the site in relation to watercourses, lakes and large ponds, it is considered unlikely that Otters will occur at the site and no further surveys or mitigation measures are considered necessary.

4.8 Water Vole

4.8.1.1 No evidence of Water Vole was observed at the site, although it is noted that the survey was undertaken at a suboptimal time of year for Water Vole survey. Water Vole could potentially occur within the on-site Pond 1.

Recommendations

4.8.1.2 It is recommended that the pond in the northern part of the site should be retained in situ along with a buffer of at least 5 metres from the water's edge. If this is not possible, it will be necessary to undertake detailed surveys for Water Vole between April and September and provide mitigation measures if Water Voles are found to be present.

4.10 Other Fauna

4.10.1.1 Hedgehog and Brown Hare (both Species of Principal Importance in England⁵) could potentially occur within the site. Based on the nature of the habitats within and adjacent to the site, it is considered unlikely that reptiles will occur at the site, although the potential for small numbers of Grass Snake to occur in the vicinity of Pond 1 cannot be ruled out.

Recommendations

- 4.10.1.2 It is recommended that, in order to avoid harming Grass Snakes, no ground works should be undertaken within the immediate vicinity of the retained Pond 1 in the northern part of the site.
- 4.10.1.3 It is recommended that a minimum of one 'Hedgehog Gap' should be installed at the base of all new fences/walls at the site in order to enable Hedgehogs to move freely within and beyond the site and thereby maintain viable home territories across several garden and adjacent habitats.

Appendix 1. Legislation and Conservation Context

European Protected Species (GCN, Otter, all Bats)

Great Crested Newt (GCN), otter and all British bat species are fully protected through The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 as European Protected Species (EPS). They also receive some protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Under the legislation, it is an offence to deliberately capture, injure or kill a GCN, otter or bat. It is an offence to damage or destroy a breeding site or resting place of a GCN, otter or bat. It is also an offence to intentionally or recklessly disturb a GCN, otter or bat while it is occupying a structure or place which it uses for shelter or protection; or obstruct access to any structure or place which it uses for that purpose. It is also an offence to deliberately disturb a GCN, otter or bat; in particular any disturbance which is likely (a) to impair their ability - (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or (b) to affect significantly the local distribution or abundance of the species to which they belong.

The 'appropriate authority' (Natural England in England) has powers to issue licences for various purposes including - (a) scientific or educational purposes... and (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. The appropriate authority shall not grant a licence under this regulation unless they are satisfied - (a) that there is no satisfactory alternative, and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. It is an offence for any person authorised by virtue of a licence to which this paragraph applies to contravene or fail to comply with any condition which the licence requires him to comply with.

Nesting Birds

All wild birds in the UK are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy the nest (whilst being built or in use) or its eggs. Bird species listed in Schedule 1 of the 1981 Act, e.g. Barn Owl, receive further protection which makes it an offence to intentionally or recklessly disturb these species while building a nest or in, on or near a nest containing eggs or young; or to disturb dependent young of such a bird.

Water Vole

Water Vole is fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to intentionally kill, injure or take water voles; intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection; intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose. Licences are available from Natural England to allow activities that would otherwise be an offence for specific purposes including conservation or scientific/educational purposes. However, there are no licensing purposes that explicitly cover development activities. The Act provides a legal defence where the action is the incidental result of an otherwise lawful operation and could not reasonably have been avoided. Water vole is listed on Section 41 of the NERC Act 2006 as a Species of Principal Importance for the conservation of biodiversity in England and is capable of being a material consideration in the planning process.

Invasive Weeds

Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera* and several other species are listed in Schedule 9, Part II of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant these species or otherwise cause them to grow in the wild. Any material containing Japanese knotweed or giant hogweed is also identified as 'controlled waste' under the Environment Protection Act 1990 and must be disposed of properly at landfill.

Appendix 2. Photographs

Photo 1. Looking north-west onto the site from Limestone Road



Photo 2. Looking west to Building 1



Photo 3. Building 1 interior



Photo 4. Barn Owl droppings and pellets within Building 1



Photo 5. Looking north-east towards Building 2 (Limestone Road on right)



Photo 6. Looking south-west to Building 2



Photo 7. Looking north-west towards trees on site's northern boundary



Photo 8. Looking north-west towards north-west corner of the site



Photo 9. Looking south-east from north-west corner of the site



Photo 10. Looking east-north-east towards Pond 1



Photo 11. Looking north-east across northern side of Pond 1



Photo 12. Looking south-south-east from north-west corner of Pond 1



Photo 13. Looking east along southern edge of Pond 1



Photo 14. Looking south-east across south-eastern part of the site



Photo 15. Looking south across fence in central part of the site



Appendix 3. Information provided by NEYEDC



Our Ref: E06328
Your Ref: 1061
On behalf of: Quants Environmental
Date: 22/03/2022
Search area: 2km from TA00379335

NEYEDC Site Data Search

Internationally Designated Sites

The following internationally designated site boundaries were searched:

- Ramsar sites published May 2017, revised October 2020
- Special Areas of Conservation published July 2017, revised May 2021
- Special Protection Areas published March 2016, revised July 2019

There are no internationally designated sites in or partly within the search area.

Nationally Designated Sites

The following nationally designated site boundaries were searched:

- Areas of Outstanding Natural Beauty published January 2017, revised August 2020
- National Nature Reserves published April 2017, revised June 2021
- National Parks published August 2016, revised February 2019
- Sites of Special Scientific Interest published April 2017, revised June 2021

The following nationally designated sites are in or partly within the search area, and are shown on the accompanying map.

Designation	Name or location of site	Grid reference in relation to the search area
National Parks	North York Moors	See attached map.

We do not hold full details or citations of national designated sites. For further information please see the relevant section of the .gov.uk website

<https://www.gov.uk/topic/planning-development/protected-sites-species>

or go to JNCC's UK Protected Areas webpage: <https://jncc.gov.uk/our-work/uk-protected-areas/>

Locally Designated Sites

The following locally designated site boundaries were searched:

Local Nature Reserves

published April 2017, revised June 2021

There are no Local Nature Reserves in or partly within the search area.

North Yorkshire SINC (Site of Importance for Nature Conservation)

Version: North Yorkshire SINC v9.8, June 2021



Our Ref: E06328
 Your Ref: 1061
 On behalf of: Quants Environmental
 Date: 22/03/2022
 Search area: 2km from TA00379335

The following North Yorkshire SINC's are in or partly within the search area, and are shown on the accompanying map.

Site Name	Site Ref	Grid Reference	Status
Town Farm Ponds, Cloughton	TA09-05	TA011944	Deleted SINC
Goose Dale & Quarry Ponds	TA09-04	TA005940	SINC
Cloughton Beck Marsh	TA09-03	TA007938	SINC
Burniston Beck/Cow Wath Beck	TA09-07	TA020919	Deleted SINC
Scarborough to Whitby Disused Railway	TA09-01	TA017917	SINC

A leaflet explaining about North Yorkshire SINC's is available to download from the NEYEDC web site: <https://www.neyedc.org.uk/ecologists> under the heading Local Wildlife Site data.

Deleted SINC's

North Yorkshire SINC's that have been deleted by the North Yorkshire and York SINC Panel have been surveyed and assessed against the SINC selection guidelines and found not to qualify. These sites are still listed in this report. In many cases just because a site has not met the high criteria for designation as a SINC it does not mean that it has no added value for wildlife. The SINC assessment is usually based on a botanical survey of the habitat and does rarely includes surveys for other taxa, including protected species, which the site may support. It may also be important for connectivity or as part of a wider habitat network. It may be possible to enhance the value of the site for wildlife with certain types of management, which could bring the site up to the standard required for designation as a SINC.

Citations

Citations, where available, are at an additional cost of £25 per site and include a habitat map, site description, botanical species list and scores/evaluation against the SINC criteria. The additional cost for citations is passed back to and used by the North Yorkshire and York SINC Panel to maintain the SINC system, including the survey and re-survey of sites. If citations are required, please email info@neyedc.co.uk and list the sites using the reference and name listed above.

Yorkshire Wildlife Trust Reserves

published January 2019

There are no Yorkshire Wildlife Trust Reserves in or partly within the search area.

Priority Habitats

The following site-based habitat boundaries were searched:



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Ancient Woodland Inventory

published July 2013, revised January 2020

There are no woodlands identified on the Ancient Woodland Inventory in or partly within the search area.

Priority Habitat Inventory

published August 2017

The following areas of priority habitat are in or partly within the search area and are shown on the accompanying map

Habitat type	Location description
Lowland fens	Polygons around Cloughton, adjacent to woodland and at TA011944.
Deciduous woodland	Several polygons throughout the search area, the majority of which are near Cloughton.
Purple moor grass and rush pastures	One polygon near Cloughton at TA007939.



Our Ref: E06328
Your Ref: 1061
On behalf of: Quants Environmental
Date: 22/03/2022
Search area: 2km from TA00379335

NEYEDC Species Data Search

Enclosed is a spreadsheet of species records found within the search area. For protected, priority and invasive species an abbreviation of the relevant designation(s) is listed in the 'Species Records' worksheet, with the full designation title on the second worksheet 'Designations'.

Please note that NEYEDC is not a definitive resource of species records; a lack of survey information for any particular area or lack of species records for a taxonomic group does not necessarily mean that there is no nature conservation interest present. It is always recommended that a site survey is carried out in order to assess any ecological interest that might be present before proceeding with any development.

By default, the species search returns data for the past 50 years, but if older records are required these may be obtained from NEYEDC upon request.

Bats

In addition to the records shown on the enclosed spreadsheet there are known to be records within the search area held by the North Yorkshire Bat Group, but which NEYEDC are currently unable to pass on. For further information on these records please contact the North Yorkshire Bat Group directly, see below.

Local Bat Group contact details:

North Yorkshire: Nick Whelan, Recorder
records@nybats.org.uk
www.nybats.org.uk

East Yorkshire: Roger Curtis, Recorder
rogercurtis196@btinternet.com
<https://eastyorkshirebatgroup.wordpress.com/>

Nationally Designated Sites

Client: Quants Environmental

Client ref: 1061


Our ref: E06328

Search area: 2Km from
500370 ,493350

Map created on: 2022-03-22

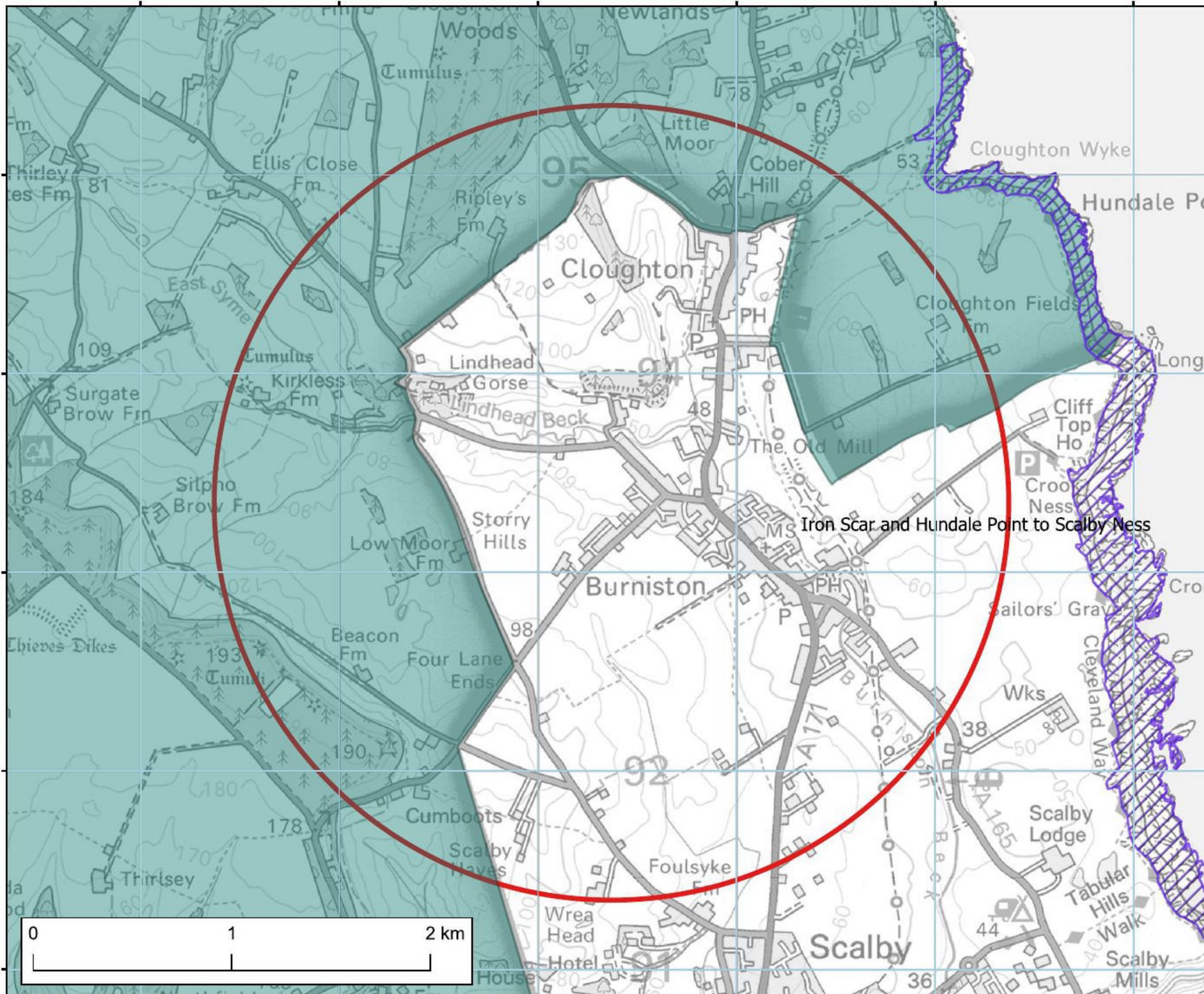
Legend

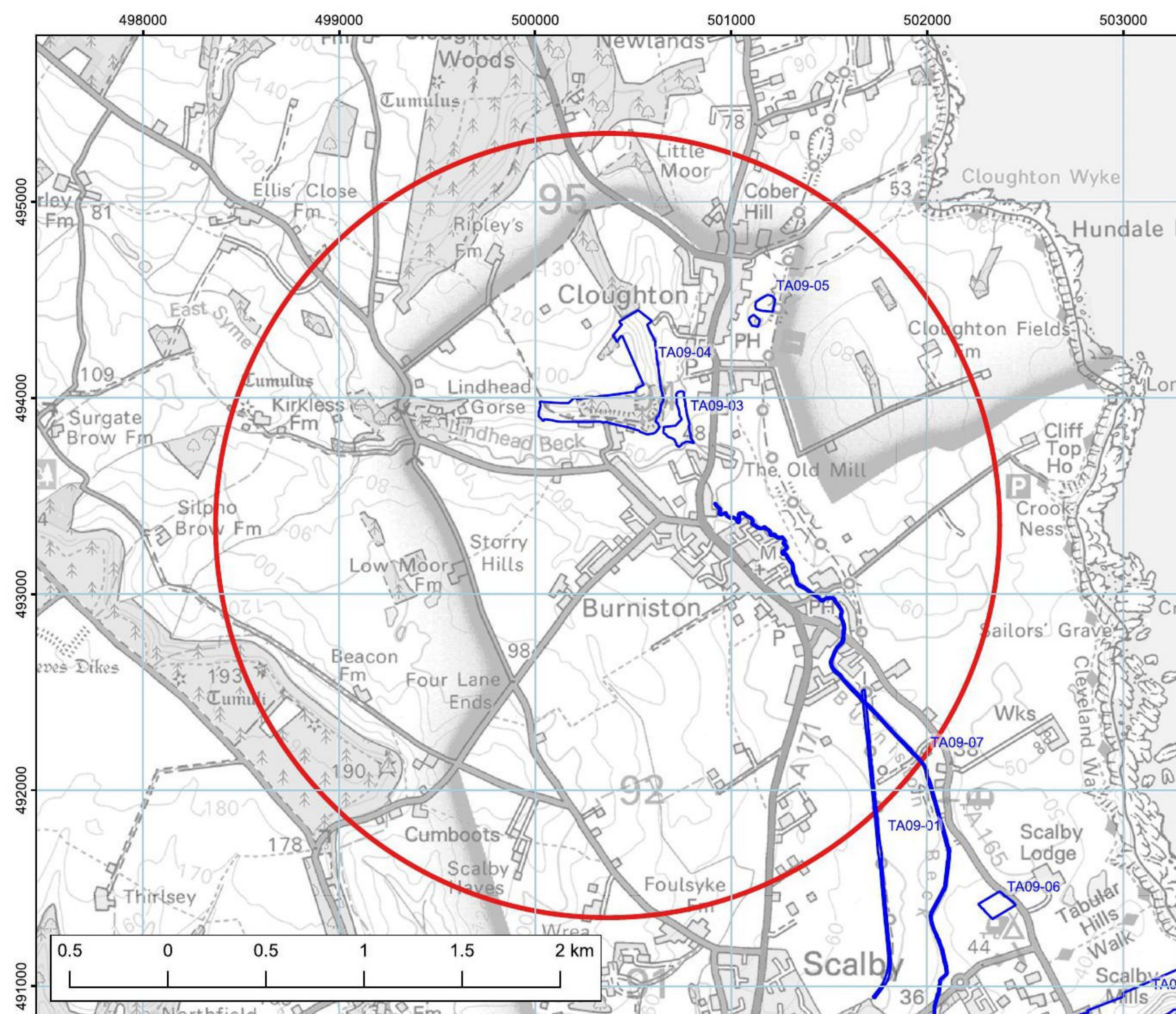
National Designated Sites

 National Parks

 Search Area

Iron Scar and Hundale Point to Scalby Ness





Local Sites

Client: Quants Environmental


Client ref: 1061

Our ref: E06328

Search area: 2Km from
500370,493350

Map created on: 2022-03-22

Legend

-  North Yorkshire SINC
-  Search Area



Priority Habitats

Client: Quants Environmental

Client ref: 1061

Our ref: E06328

Search area: 2Km from
500370,493350

Map created on: 2022-03-22

Legend

Habitats

PHI

-  Deciduous woodland
-  Lowland fens
-  Purple moor grass and rush pastures
-  Search Area