



# Preliminary Ecological Appraisal and Preliminary Roost Assessment

Maltings, Weybourne, Holt, Norfolk, NR25 7SY

Mr Peter Romaniuk (Big Brown Dog Ltd)

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## Industry Guidelines and Standards

This report has been written with due consideration to:

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

Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.

British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

## Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

## Executive Summary

Arbtech Consulting Limited was instructed by Mr Peter Romaniuk (Big Brown Dog Ltd) to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Maltings, Weybourne, Holt, Norfolk, NR25 7SY (hereafter referred to as “the site”). The survey was required to inform a planning application for the alterations, extensions and refurbishment including additional roof extensions, to form additional guest bedrooms and staff bedrooms, new commercial kitchen, staff areas, new car park and hard and soft landscaping (hereafter referred to as “the proposed development”).

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 9 of this report.

Feature	Foreseen impacts	Recommendations Measures required to adhere to guidance, legislation and planning policies.
Evidence of roosting bats within buildings B1 and B3 comprising a small number of bat droppings and feeding remains within loft spaces.	<p>The proposed development will result in renovation to these buildings. albeit all proposed works within building B1 are internally within the living areas only.</p> <p>The proposed development will not affect any of the features that could be used by roosting bats which were noted on building B1 during the survey and therefore no impacts to bat roosts are anticipated. However, the proposed development could result in disturbance to any bats present in the building at the time of the works due to noise, vibration or lighting.</p> <p>Renovations to building B3 are more substantial and could result in damage to any bat roosts present, and could cause disturbance, death, or injury to bats.</p>	<p>Three bat emergence and re-entry surveys are required during the active bat season (May – September) to characterise any roosts present. At least two of the surveys should be completed during the optimal survey period mid-May to August inclusive.</p> <p>One of these surveys must be a dawn re-entry survey.</p> <p>B1: Three surveyors are required to provide full coverage of the building. B3: Two surveyors are required to provide full coverage of the building.</p> <p>Surveys will be undertaken prior to works commencing on building B3. Works proposed for building B1 are concentrated to the living spaces only and are well removed from any potential bat roosting features, such that any bats present are unlikely to be affected by the works. However, bat survey work will be undertaken in respect of building B1 prior to works commencing in proximity of the loft space and roof to ensure that any bats present remain undisturbed during works, whilst internal renovations on the lower floors are considered unlikely to cause a disturbance to roosting bats.</p>
Suitability to support roosting bats with no evidence found within buildings B4, B5, B6 and B7.	The proposed development will result in the demolition/renovation to these buildings. This could result in damage/destruction of any bat roosts present and could cause disturbance, death, or injury to bats.	Further survey work required on buildings subject to substantial development / renovation works which could result in disturbance of bats. Internal renovation of living spaces determined unlikely to disturb bats, if present, if a precautionary methodology to safeguard bats is undertaken.

		<p>Two bat emergence or re-entry surveys are required during the active bat season (May – September) to confirm presence or likely-absence of a bat roost in the building.</p> <p>The surveys can be either dusk emergence or dawn re-entry surveys.</p> <p>B4: Two surveyors are required to provide full coverage of the building.          B5: Two surveyors are required to provide full coverage of the building.          B6: One surveyor is required to provide full coverage of the building.          B7: One surveyor is required to provide full coverage of the building.</p> <p>Detailed survey work will be undertaken prior to the commencement of development works affecting features of value to roosting bats, including the roof extension proposed for building B4 and demolition of building B7. However, in the unlikely event that roosting bats are present, internal renovation of buildings B6 and B7 are considered unlikely result in a disturbance. As such, it is considered that renovation works well separated from features of value to roosting bats (i.e., away from the roof and any voids) can continue following a precautionary approach prior to the completion of detailed emergence and re-entry survey work.</p> <p>If bat roosts are confirmed in the building one additional survey will be required to inform an EPSL application to Natural England. The EPSL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.</p> <p>In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice</p>
<p>Unmanaged grassland at the north of the site may provide limited suitability to support reptiles.</p>	<p>Unmanaged grassland may be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.</p>	<p>Given the size and possible impacts of the proposed development, further surveys are considered disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <p>Site clearance will be undertaken outside of the reptile hibernation season (November to February) insofar as is possible. A toolbox talk will be given to contractors regarding the possible presence of reptiles at the site.</p>

		<p>Fencing will be erected around the working area to prevent encroachment into areas where reptiles could be present.                  A pre-commencement inspection of the site will be undertaken for reptiles.                  A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any reptiles to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter reptiles from the working area.                  Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent reptiles from utilising these areas.                  Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p> <p>In the unlikely event that a reptile is identified, works must cease and advise must be sought from a suitably qualified ecologist</p>
<p>Limited foraging habitat for badger and hedgehog is present at the northern extent of the site within the grassland and scrub, with nearby suitability offsite within the woodland block.</p>	<p>Badgers and hedgehogs are dynamic animals and levels of badger activity can change within a site rapidly. Should a badger enter the site during construction works, it may be at risk of injury or death.</p>	<p>A precautionary working method will be implemented during construction, including the following measures:</p> <p>A toolbox talk will be given to contractors regarding the possible presence of badgers at the site.                  A pre-commencement inspection of the site will be undertaken for any new badger activity.                  Fencing will be erected around the working area to prevent encroachment into areas where badger setts could be present.                  Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.                  The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use.                  Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p> <p>In the unlikely event that a badger sett is identified, works must cease and advise must be sought from a suitably qualified ecologist.</p>

<p>Scrub and introduced shrub at the site provide a suitable nesting resource for common and widespread bird species.</p>	<p>Scrub and ornamental shrubs may be removed or subject to management during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.</p>	<p>Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.</p>
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## 1.0 Introduction and Context

### 1.1 Background

Arbtech Consulting Limited was instructed by Mr Peter Romaniuk (Big Brown Dog Ltd) to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Maltings, Weybourne, Holt, Norfolk, NR25 7SY (hereafter referred to as “the site”). The survey was required to inform a planning application for the alterations, extensions and refurbishment of the existing buildings including additional roof extensions, to form additional guest bedrooms and staff bedrooms, new commercial kitchen, staff areas, new car park and hard and soft landscaping (hereafter referred to as “the proposed development”), for which a planning application has been submitted to North Norfolk District Council (planning application ref: PF/21/2591) in September 2021. A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

### 1.2 Site Context

The site is located at National Grid Reference TG 10912 43052 and has an area of approximately 0.5ha comprising a total of 7 existing buildings, hardstanding and introduced shrub associated with the historic use of the site as a hotel complex. An overgrown grassland field is present at the northern extent of the site. It is surrounded by deciduous woodland to the north, whilst the village of Weybourne extends to the east, south and west. Open arable fields are present beyond the deciduous woodland to the north and the existing development to the south and west.

A site location plan is provided in Appendix 2.

### 1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

A desk study has been carried out.

A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.

Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.

Potential impacts on features of value, as a result of the proposed development, have been identified.

Recommendations for further surveys and mitigation have been made.

Opportunities for the enhancement of the site for biodiversity have been set out.

## 2.0 Methodology

### 2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites and notable habitats as well as a 2km radius review of granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps. Existing biological records including notable species and non-statutory designated sites within a 2km radius were obtained from Norfolk Biodiversity Information Service (NBIS).

### 2.2 Field Survey

The survey was undertaken by Josh Courtley (Natural England Bat Licence Number: 2021-55141-CLS-CLS) on 15<sup>th</sup> November 2021.

#### Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in Phase 1 Habitat Survey Methodology (JNCC, 2010). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure, and management. The condition of each habitat type was assessed based upon the relevant condition assessments set out in The Biodiversity Metric 3.0 Technical Supplement (Panks et al, 2021).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

#### Preliminary Roost Assessment

The PRA focussed on 6 built structures and a number of mature trees which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging, and commuting habitat.

#### For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the buildings for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the buildings was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space. An endoscope was used to complete a close-up inspection of any accessible features, where appropriate.

#### For any surveyed trees:

A visual inspection was undertaken from ground level using binoculars and, where accessible and safe to do so, an internal inspection of any features which bats could use for roosting was completed using an endoscope, torch, and ladders.

#### Suitability Assessment

Built structures and trees were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 for buildings and Table 2 for trees below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats.

Classification	Feature of building and its context
Moderate to high	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A small number of possible roost sites or features, used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but isolated in the landscape. Or an isolated site not connected by prominent linear features. Few features suitable for roosting, minor foraging or commuting.
Negligible	Unsuitable for use by bats.

Table 2: Features of a tree that are correlated with use by bats

Classification	Feature of tree and its context
Moderate to high	A tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. Trees with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential to be used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators.
Negligible	Unsuitable for use by bats.

### 2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

The survey was completed during the sub-optimal survey period limiting the identification of ground flora species. Additionally, due to access restrictions, the adjacent deciduous woodland to the north of the site was not subject to survey, albeit this is unlikely to be affected by the proposed scheme.

These limitations have been considered during the evaluation of the site and requirement for further surveys and mitigation.

### 3.0 Results and Evaluation

#### 3.1 Desk Study Results

A summary of desk study results is provided below. Full details are provided in Appendix 3.

The data search contains confidential information that is not suitable for public release and has been analysed and summarised for presentation in this report. Full records data can be provided upon request.

#### Designated Sites

Details of any statutory and non-statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 3 below.

The site lies within the impact risk zone for Weybourne Town Pit SSSI, Weybourne Cliffs SSSI and North Norfolk Coast SSSI. The impact risk zones in respect of these designations cover all planning applications except householder applications, and as such the proposed development will be highlighted as a risk to the designations, albeit a significant detrimental impact is considered unlikely to occur.

Table 3: Statutory and non-statutory designated sites within 2km radius of the site

Designated site name	Distance from site (approx.)	Reasons for notification from Natural England
Statutory Sites		
Weybourne Town Pit Site of Special Scientific Interest (SSSI)	415m east	Weybourne Town Pit SSSI is designated based on the presence of a chalk-rich glacial till of supposed Anglian age. The designation is of geological significance and has no relevance to ecology.
Weybourne Cliffs SSSI	540m north-east	Weybourne Cliffs SSSI is designated largely on the basis of its geological and paleontological significance, affording the best Pleistocene sections showing the pre-Cromerian deposits of the Cromer Forest bed. Additional biological interest is provided by colonies of sand martins in the cliff face and of fulmars on the cliff edges.
Kelling Heath SSSI	680m south-west	Kelling Heath SSSI is formed by outwash plains dating from different halt stages of the same glaciation, providing perhaps the best example of a glacial outwash plain in England. The extensive areas of dry, acid heathland present within the SSSI are dominated by heather <i>Calluna vulgaris</i> with frequent bell heather <i>Erica cinerea</i> and western gorse <i>Ulex gallii</i> . Small areas of acidic grassland form a mosaic with the heath in places, with young silver birch <i>Betula pendula</i> and scots pine <i>Pinus sylvestris</i> are thinly scattered over the entire heath. A band of secondary woodland dominated by pedunculate oak <i>Quercus robur</i> is present at the eastern site margin. Nightjars <i>Caprimulgus europaeus</i> breed on the site and other typical heathland species, including whitethroat <i>Sylvia communis</i> , nightingale <i>Luscinia megarhynchos</i> and linnet <i>Acanthis cannabina</i> , are also present.

Designated site name	Distance from site (approx.)	Reasons for notification from Natural England
North Norfolk Coast Special Area of Conservation (SAC), Special Protection Area (SPA), SSSI and RAMSAR	1.5km north-west	North Norfolk Coast SSSI and Ramsar is formed primarily of intertidal sands and muds, saltmarshes, shingle banks and sand dunes. There are extensive areas of brackish lagoons, reedbeds and grazing marshes. A wide range of coastal plant communities is represented and many rare or local species occur. The coast is of great ornithological interest, with nationally rare and internationally important breeding colonies of several species. North Norfolk Coast SSSI also forms part of the larger Special Area of Conservation (SAC) and Special Protection Area (SPA) European designations.

Designated site name	Distance from site (approx.)	Reasons for notification
Non-statutory Sites		
Kelling Heath Park and 100 Acre Wood County Wildlife Site (CWS)	680m south-west	This is a large site comprising semi-natural broad-leaved woodland, and dry heath with associated scrub. The primary use of this site is as a caravan park. Hundred Acre Wood, in the east, is an extensive area of continuous broad-leaved woodland. The canopy is sycamore ( <i>Acer pseudoplatanus</i> ), oak ( <i>Quercus robur</i> ) and silver birch ( <i>Betula pendula</i> ), less frequent beech ( <i>Fagus sylvatica</i> ) and sweet chestnut ( <i>Castanea sativa</i> ) are present with derelict coppiced hazel ( <i>Corylus avellana</i> ) and goat willow ( <i>Salix caprea</i> ). A sparse field layer has locally dense bracken ( <i>Pteridium aquilinum</i> ) interspersed with bare leaf litter with bramble ( <i>Rubus fruticosus</i> agg.) and honeysuckle ( <i>Lonicera periclymenum</i> ). Occasionally heather ( <i>Calluna vulgaris</i> ) persists in the field layer, an indication as to the previous nature of the site. Along the northern boundary, wooded slopes support a canopy of fairly mature oak (including occasional pollards) and sycamore, with elder ( <i>Sambucus nigra</i> ) with a rowan ( <i>Sorbus aucuparia</i> ) understorey. Typical bracken - bramble field layer includes less dense areas where there is a local cover of bryophytes ( <i>Atrichum undulatum</i> , <i>Mnium hornum</i> and <i>Eurhynchium praelongum</i> ) with frequent male-fern ( <i>Dryopteris filix-mas</i> ). At the foot of the slopes bluebell ( <i>Hyacinthoides non-scripta</i> ), herb-Robert ( <i>Geranium robertianum</i> ), and wood avens ( <i>Geum urbanum</i> ) are frequent with occasional wood sorrel ( <i>Oxalis acetosella</i> ). A small steep-sided, shallow fishpond in the damp valley bottom is surrounded by coppiced goat willow and ash ( <i>Fraxinus excelsior</i> ) with a small area of managed alder ( <i>Alnus glutinosa</i> ) to the south. The pond, fed by small streams, contains large bittercress ( <i>Cardamine amara</i> ), opposite-leaved golden saxifrage ( <i>Chrysosplenium oppositifolium</i> ) and toad rush ( <i>Juncus bufonius</i> ), with lady-fern ( <i>Athyrium filix-femina</i> ) on the banks. Occasional remnant hazel coppice and holly ( <i>Ilex aquifolium</i> ) occur on the drier ridge slopes with broad-buckler fern ( <i>Dryopteris dilatata</i> ). As the land flattens out to the west, birch dominated secondary woodland grades to heathland on the Kelling Heath Caravan Park. The heathland in the centre of the caravan site comprises mature heather containing occasional invasive gorse ( <i>Ulex europaeus</i> ) and also bramble and birch seedlings with occasional broom ( <i>Cytisus scoparius</i> ). Heath vegetation is also found bordering the many sandy tracks where regular mowing allows a greater number of species to flourish, such as sheep's sorrel ( <i>Rumex acetosella</i> ), heath bedstraw ( <i>Galium saxatile</i> ), bird's-foot trefoil ( <i>Lotus corniculatus</i> ), bell heather ( <i>Erica cinerea</i> ), common bent ( <i>Agrostis capillaris</i> ), early hair-grass ( <i>Aira praecox</i> ), wavy hair-grass ( <i>Deshampsia flexuosa</i> ), sheep's fescue ( <i>Festuca ovina</i> ), pill sedge ( <i>Carex pilulifera</i> ), and heath wood-rush ( <i>Luzula multiflora</i> ). Well trampled paths also support short acrocarpous bryophytes and <i>Cladonia</i> lichens.

Kelling Hard CWS	680m south-west	<p>This site is an area of reed bed occupying a shallow silty pool situated just inland from the shingle sea defences at Weybourne Hope. The pool is brackish towards the north but is fed by a small freshwater stream entering from the east. Reed swamp occupies a large part of the site. The stand is dominated by uniform common reed (<i>Phragmites communis</i>) and has evidently not been cut for some time. A small patch of bulrush (<i>Typha latifolia</i>) is present towards the centre of the site. Occasional willow (<i>Salix</i> sp.) also occurs, becoming dense in a slightly raised, drier patch adjacent to Beach Lane, where great willowherb (<i>Epilobium hirsutum</i>) is also present. In the west, the common reed is gradually extending around the boundary of the adjacent sewage works. Open brackish water occurs at the northern extreme of the site below a wall supporting the base of the sea defences and extending some way along the eastern boundary. This is generally clear, showing the shingle substrate which rapidly becomes more silty into the reed bed. <i>Enteromorpha</i> spp. is abundant in the deeper water. To the south reed grades into a drier tall herb community around the level of the small inflowing stream. This is characterised by Alexander's (<i>Smyrnium olusatrum</i>) and fennel (<i>Foeniculum vulgare</i>), with rosebay willowherb (<i>Chamerion angustifolium</i>) replacing great willowherb. The sward is generally tall, including frequent coarse grasses such as false oat grass (<i>Arrhenatherum elatius</i>) and cock's foot (<i>Dactylis glomerata</i>), with locally abundant wall barley (<i>Hordeum murinum</i>). Other herbaceous species present include common mallow (<i>Malva sylvestris</i>), mugwort (<i>Artemisia vulgaris</i>), perennial sow thistle (<i>Sonchus arvensis</i>), broad-leaved dock (<i>Rumex obtusifolius</i>), creeping thistle (<i>Cirsium arvense</i>), great plantain (<i>Plantago major</i>), and spear-leaved orache (<i>Atriplex prostrata</i>), with silverweed (<i>Potentilla anserina</i>), amphibious bistort (<i>Polygonum amphibium</i>), and sea club-rush (<i>Scirpus maritimus</i>) in damper areas. There is also a little hawthorn (<i>Crataegus monogyna</i>) scrub and a defunct elder (<i>Sambucus nigra</i>). The freshwater stream is very overgrown but supports a small amount of water cress (<i>Nasturtium officinale</i>) and brooklime (<i>Veronica beccabunga</i>).</p>
Muckleburgh Hill CWS	700m west	<p>This large, 21.6 ha remnant heathland, falls within the North Norfolk AONB and predominantly comprises an acid grassland - semi-natural broadleaved woodland mosaic. There are three low hilltops, the highest summits at around 68m. The site lies less than a kilometer from the north Norfolk coast, close to the Peddar's Way and within a short distance of three SSSIs, including Kelling Heath to the south. Due to its vantage point, the hill has been the site of numerous and multi-period archaeological finds from Mesolithic flints and barrows to WWII trenches, pits and a pillbox. There are large patches of bracken (<i>Pteridium aquilinum</i>) across the site along with other tall ruderals, often invading into grassland zones. Within the acid grassland species include wavy hair grass (<i>Deschampsia flexuosa</i>), sheep's sorrel (<i>Rumex acetosella</i>), common mouseear (<i>Cerastium fontanum</i>), lady's bedstraw (<i>Galium verum</i>), Yorkshire fog (<i>Holcus lanatus</i>) and bell heather (<i>Erica cinerea</i>). A small area of dwarf shrub heath towards the southeast corner supports common heather (<i>Calluna vulgaris</i>) and pill sedge (<i>Carex pilulifera</i>). The central compartments are grazed by cattle and a pond in the vicinity supports soft rush (<i>Juncus effuses</i>), broad-buckler fern (<i>Dryopteris dilatata</i>) and brooklime (<i>Veronica beccabunga</i>). A little to the south is the exposed summit of Muckleburgh Hill on which are found low-lying vegetation including English stonecrop (<i>Sedum anglica</i>), common mouseear, wall speedwell (<i>Veronica arvensis</i>) and procumbent pearlwort (<i>Sagina procumbens</i>). There are a number of wooded areas within the site, most notably in the west which support English oak (<i>Quercus robur</i>), sycamore (<i>Acer pseudoplatanus</i>), holly (<i>Ilex auifolium</i>), ash (<i>Fraxinus excelsior</i>), rowan (<i>Sorbus aucuparia</i>), birch (<i>Betula pendula</i>), blackthorn (<i>Prunus spinosa</i>) and honeysuckle (<i>Lonicera periclymenum</i>) and tracts to the east which comprise predominantly sycamore and oak (often mature), along with, hawthorn (<i>Crataegus monogyna</i>), blackthorn and occasional ash. Boundaries to the site mainly consist of blackthorn and hawthorn hedge or scrub, as well as a new mixed species hedge along the eastern boundary. There is a variable alkaline influence, especially on the roadside and the banks of the road cutting, with spurge laurel (<i>Daphne laureola</i>) defining the chalkiest areas along with a few early purple orchids (<i>Orchis mascula</i>) earlier in the year, as well as bergamot (<i>Monarda didyma</i>) and sanicle (<i>Sanicula europea</i>).</p>

## Landscape

A review of aerial photographs (Google Earth) the magic.gov.uk database and OS maps has been undertaken. Collated together, the value of the landscape for bats is described below:

The site is set within a rural context in north Norfolk at the western extent of the village of Weybourne. The surrounding landscape is dominated by open countryside largely comprising arable fields and scattered woodland. A number of hedgerows and treelines are present in the wider surrounds which may provide commuting potential to a range of faunal species. A small deciduous

woodland is present offsite to the north, whilst other priority habitat is also present within 1km of the site including coastal vegetated shingle and maritime cliffs and slopes at the north Norfolk coast to the north of the site, lowland dry acid grassland to the west associated with Muckleburgh Hill, and lowland heathland to the south-west associated with Kelling Heath.

#### Notable Habitats

Notable habitats within or connecting to the site are listed in Table 4.

Table 4: Notable habitats within or connecting to the site

Habitat	Closest distance from site
Deciduous Woodland	~40m north
Lowland Dry Acid Grassland	~500m west
Coastal Vegetated Shingle	~560m north
Maritime Cliffs and Slopes	~560m north
Lowland Heathland	~680m south-west

#### 3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 5.

Table 5: Weather conditions during the survey

Date: 15/11/2021	
Temperature	Temperature
Relative Humidity	Relative Humidity
Cloud Cover	Cloud Cover
Wind	Wind
Rain	Rain

#### Habitats and Flora



The following habitats are present within the site:



- B6 Poor Semi-improved Grassland
- J1.2 Amenity Grassland
- C3.1 Tall Ruderal
- J1.4 Introduced Shrub
- J3.6 Buildings; and
- Hardstanding




A description, including condition and area covered, and photograph of each habitat is provided in Table 6.

Table 6: Description and photographs of habitats within and adjacent to the site

Habitat Type	Habitat area (ha)	Habitat description	Photograph
B6 Poor Semi-improved Grassland	0.14ha	<p>An area of poor semi-improved grassland is present at the northern extent of the site to the rear of the hotel structures, dominated by perennial ryegrass <i>Lolium perenne</i>, Yorkshire fog <i>Holcus lanatus</i>, cock's-foot <i>Dactylis glomerata</i> and soft brome <i>Bromus hordeaceus</i>. The grassland appears to have previously comprised an amenity lawn that has been left unmanaged following the closure of the hotel, resulting in a relatively rough sward measuring a maximum sward height of approximately 20cm.</p> <p>Herbaceous species are common in parts of the field, with substantial dove's-foot cranesbill <i>Geranium mole</i> to the north. Other species present include rubwort plantain <i>Plantago lanceolata</i>, broad-leaved dock <i>Rumex obtusifolius</i>, dandelion <i>Taraxacum officinale</i>, bristly oxtongue <i>Helminthotheca echioides</i>, germander speedwell <i>Veronica chamaedrys</i>, common nettle <i>Urtica dioica</i>, greater willowherb <i>Epilobium hirsutum</i>, cow parsley <i>Anthriscus sylvestris</i>, creeping buttercup <i>Ranunculus repens</i>, white clover <i>Trifolium repens</i>, dead-nettle <i>Lamium</i> spp., common vetch <i>Vicia sativa</i>, ivy-leaved toadflax <i>Cymbalaria muralis</i>, ground ivy <i>Glechoma hederacea</i> and spear thistle <i>Cirsium vulgare</i>.</p>	
J1.2 Amenity Grassland	0.3ha	<p>Small areas of overgrown amenity grassland are present at the south-west and east of the site associated with the driveway and an area of introduced shrub planting (described below). The amenity grassland was found to be species poor, dominated by common grasses including perennial rye-grass and Yorkshire fog with only a small number of herbaceous and ruderal species noted within the sward. A substantial area was noted to be overshadowed by a mature hornbeam <i>Carpinus betulus</i>.</p>	

<p>C3.1 Tall Ruderal</p>	<p>0.02ha</p>	<p>Tall ruderal vegetation is present at the site margins at the north and north-west of the site, dominated by common nettle. The tall ruderal vegetation forms the understory of the scattered trees at the margins of the poor semi-improved grassland field. Other species present include ruderal species found within the grassland itself such as bracken <i>Pteridium</i> spp., spear thistle, greater willowherb and common ivy.</p>	
<p>J1.4 Introduced Shrub</p>	<p>0.1ha</p>	<p>Sections of introduced shrub are scattered throughout the site, largely associated with building frontages as ornamental sections. The species present include <i>Rhododendron</i> spp. and willow-leaved cotoneaster <i>Cotoneaster salicifolius</i>.</p>	

<p><b>J3.6 Buildings</b></p>	<p>0.15ha</p>	<p>The southern extent of the site is dominated by a number of buildings comprising brick-built structures with a mixture of pitched and hipped slate and clay tiled roofs with flint and mortar render. An external description of each building within the site is provided below.</p> <p><b>B1</b> ('Main building') is a multi-faceted 2-storey building with a number of hipped roofs formed by a mixture of clay and slate tiles. The building previously served as the primary structure of the hotel, containing the reception area, public bar, and numerous guest rooms. The structure is associated with several doors and windows, with the eastern portion appearing to be a more recent extension of the originally structure which is believed to be Victorian in origin. The south-eastern frontage is painted. The external features of the building were recorded to be in largely good condition, with no obvious cracks to the render and only a few small gaps at the soffits. The roof was associated with some lifted tiles, concentrated on the northern extent of the building. The windows were noted to be in good condition and well-sealed, with no visible gaps at the edges or corners.</p>	 <p>The top photograph shows a wide view of a two-story building with a hipped roof, constructed from brick and flint. The building has several windows and a chimney. A car is parked in the foreground. The bottom photograph is a closer view of the same building, showing the texture of the brick and flint walls and the details of the windows and roofline.</p>
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B1 (cont.)



**B2** ('Barn') is a 2-storey converted barn faced with flint and mortar render with a hipped clay tile roof and a number of large single glazed windows and doors to the eastern face, with windows formed by metal frames. The doors and windows were noted to be in good condition with no visible gaps or crevices present. The building appeared to be in a generally good condition, with no obvious slipped or lifted tiles or gaps in the render.






B3 ('Stables') is a single-storey building faced with flint and mortar with a pitched clay tile roof with three doors and a number of small single-glazed windows on the southern face. The walls were recorded to be in good condition with no cracks or gaps visible on the render, albeit the roof features numerous lifted tiles and gaps at the apex.



B4 ('Rear Wing') is formed by a single-storey terrace of properties historically used as staff accommodation for the main hotel. The building comprises flint and mortar rendering with a pitched clay tile roof and a single chimney at the northern extent. The building also supports a tiled canopy supported by pillars to the north and western faces of the building. The building was recorded to be in generally good condition, with minimal lifted tiles associated with the building roof and canopy.



		<p>B5 ('Pump House') is a 2-storey building comprising brick supports with flint and mortar rendering and a pitched clay tile roof. Two windows and a door are present on the western face and a low flint wall is connected to the north face, continuing north into the site. The walls were recorded to be in good condition, whilst a small number of lifted tiles were noted on the northern roof face.</p>	
		<p>B6 ('Side Cottage') is a 2-storey of brick, flint and mortar construction with a pitched clay tile roof connected to a flint and mortar wall to the west. The building supports a number of windows to the north, east and south. No obvious cracks or crevices were recorded on the external walls, whilst a small number of lifted tiles were present on the roof.</p>	
		<p>B7 is a small, derelict single storey building of brick construction to the east of B1, supporting a pitched clay tile roof. A number of gaps and lifted tiles were noted on the roof which appear to leave the internal of the structure open to the elements.</p>	<p>No photo available.</p>

<p>Hardstanding</p>	<p>0.09ha</p>	<p>Significant portions of land surrounding the buildings at the southern extent of the site is comprised by hardstanding, formed by lightly vegetated concrete and loose gravel. A small number of common and widespread grasses, herbs and ruderal species including perennial rye grass, ribwort plantain, common nettle and germander speedwell.</p>	
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No protected plant species were identified on the site. Several Cotoneaster shrubs were recorded across the site, associated with the introduced shrubs at the building frontages and at the margins of the northern grassland.



Fauna

Bats


The results of the PRA are provided in Table 7. A small number of bat droppings and feeding remains were recorded within buildings B1 and B3.



Table 7: Assessment of the suitability of the site for bats



Feature Ref	Description	Photographs
<p>B1 (interior)</p>	<p>B1 is associated with a large, continuous void that had previously been converted into living space formed by a series of bedrooms at the centre, with traditional loft void space at the eastern extent of the main structure. The south-eastern extent of the building is formed by a historic extension, comprising a dining area below and large open void above.</p> <p>The central area of B1 is formed by timber beams on felt that was recorded to be in largely good condition. A small number of gaps at the eaves were recorded at the eastern extent, whilst centrally the void is formed by abandoned living space. The void was noted to be cluttered and heavily cobwebbed at the centre, whilst the eastern extent was generally open with a dense coverage of cobwebs. A light scattering of bat droppings (&lt; 30) was recorded at the far eastern extent of B1 under the central ridge beam but were noted to be historic with no fresh droppings present.</p>	

	<p>The south-eastern extent of B1 was also formed by timber beams over felt with a few visible ventilation grills present on the southern wall. The space is large and open, with dense cobwebs on all sides. The western wall is formed by flint and mortar providing good roosting opportunities for bats in the space, albeit no evidence of roosting bats was found.</p> <p>The presence of a small number of historic bat droppings suggests that the space has previously been used as a transitional roost by an individual or pair of bats, but the structure does not form a roost of conservation significance for local bat populations.</p>	
<p>B2 (interior)</p>	<p>B2 is formed by a converted barn with a large, open and bright space with large windows to the northern, eastern and southern walls. The space supports high ceilings with timber beams which back directly on to tile. Numerous large gaps are present in the tile layer allowing further light into the space and a strong breeze is present in the roof space. Historic evidence of nesting wood pigeon was identified throughout the space with numerous deceased individuals and a dense coverage of bird droppings covering the floor. The open and airy conditions and bright light which bathes the entire space, as well as the lack of evidence, suggests that B2 is of negligible value to roosting bats.</p>	



<p>B3 (interior)</p>	<p>B3 is a disused stable building with a void above the full extent of the structure, connected to building B2 at the western gable end. The void supports old timber beams which back directly on to the roof tiles in most places, with some straw backing in some areas. The void is largely open and uncluttered with a dense covering of cobwebs along the timber and in the centre of the space. A small number of droppings (&lt; 50) and feeding remains (moth wings) were recorded at the eastern extent of the void below the central ridge beam.</p> <p>Generally, the space provides good conditions for roosting bats, and the presence of droppings and feeding remains suggest that the void has been historically used as an intermittent or feeding roost for a small number of bats, although no recent activity was present. As such, the building is not considered to be of conservation significance for local bat populations.</p>	
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<p>B4 (interior)</p>	<p>B4, previously utilised as staff accommodation, is formed by a terrace of small residential properties with a segmented void above. The accessible void space was recorded to be relatively small above, formed by timber beams and felt backing on to roof tiles. Timber beams crossed most of the space leaving the area cluttered with little room for bats to freely fly. The timber fittings were well-sealed throughout. No gaps in the roof were recorded internally, with the space remaining dark. The void was recorded to be relatively cold due to the limited coverage of insulation present. The void was also noted to have a dense coverage of cobwebs throughout.</p> <p>B4 is identified to have some suitability to support roosting bats, albeit no access points were noted internally, and the lack of insulation suggests a fluctuating temperature, heavily dependent on the weather. No evidence of roosting bats was recorded in building B4, albeit the conditions of the space may provide suitable conditions for a small number of intermittent visitors at optimal times of the year. B4 is therefore considered to provide low suitability for roosting bats.</p>	
<p>B5 (interior)</p>	<p>The internal space of B5 was inaccessible at the time of survey due to the presence of a locked metal gate. Large gaps are present at the eaves and gable end which provide a limited view into the space and hint at the internal conditions of the void. A small void is present across the full extent of the structure, supported by timber beams and a small amount of straw lining. The substantial gaps suggest a fluctuating internal environment, allowing wind and rain to enter the space. As such, whilst the structure does appear to support potential for roosting bats, it is considered that, given the open nature of the void, B5 would only be of use to bats on an infrequent basis under optimal seasonal conditions and is therefore unlikely to be of elevated conservation value.</p> <p>Building B5 is considered to provide low suitability to support roosting bats.</p>	

<p>B6 (interior)</p>	<p>The internal space of B6 was inaccessible during survey due to being locked with no key for entry. The roof, gable end and eaves appeared to be in good condition with no obvious substantial gaps or crevices apparent, whilst a small number of minor gaps under roof tiles were noted. It is unclear whether a void is present, albeit windows are present close to the apex of the roof and as such any voids, if present, would be subject to regular exposure to daylight, limiting the potential roosting suitability of the internal of B6.</p> <p>Building B6 lacks substantial external features and appears to either lack an enclosed void space or a well-lit void if present. Due to the inability to undertake a thorough survey of the interior of B6 and small number of external potential roosting features (i.e., lifted tiles), building B6 is considered to support low potential for roosting bats.</p>	
<p>B7 (interior)</p>	<p>B7 is formed by a small, derelict structure to the east of building B1 previously used as accommodation. A void is present in the structure, with timber beams supporting plasterboard over straw insulation. The plasterboard was broken and cracked in numerous places exposing large areas of straw insulation throughout the roof. A number of holes were also present in the straw and tiles letting substantial daylight into the void. A dense covering of cobwebs were noted throughout the void and a strong breeze was entering the space through the numerous holes in the roof. No evidence of roosting bats was recorded.</p> <p>Given the extremely poor condition of the structure, airy and light nature of the void and lack of evidence, B6 is considered to be of poor suitability to support roosting bats, albeit individual, crevice-dwelling bats may utilise spaces under roof tiles. As such, building B6 is considered to support low potential for roosting bats.</p>	

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 8.

Table 8: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	No records of amphibian species were returned from the BRD, and no ponds are located within 250m of the site boundary. A cluster of ponds is present within 500m north-east of the site, albeit these are separated from the site by existing development, roads and intensely managed arable fields. Some suitable terrestrial habitat for amphibians is present within the northern extent of the site, associated with the unmanaged poor semi-

	improved grassland field, however given the lack of connectivity to suitable ponds within the site and surrounds it is considered that amphibians, including great crested newt <i>Triturus cristatus</i> , are unlikely to be present and do not form a constraint to the proposed development.
Reptiles	No records of reptile species were returned from the BRD. The site provides low suitability for this group within the unmanaged grassland field at the northern extent of the site, albeit this is largely disconnected from further suitable habitat to the east, south and west due to the presence of existing built development and open arable fields. A section of deciduous woodland to north of the site may provide possible shelter and foraging opportunities for the group albeit the woodland appears to support a closed canopy and as such the basking suitability is limited. Given the low suitability of the site and limited opportunities in the wider surrounds, reptiles are not considered to form an important ecological feature and are not considered to form a constraint to the proposals. In the unlikely event that reptiles are present within the site, precautionary safeguards are set out in Table 9 below.
Bats	<p>A number of records of bats were returned from NBIS including western barbastelle <i>Barbastella barbastellus</i>, serotine <i>Eptesicus serotinus</i>, whiskered/Brandt's bat <i>Myotis mystacinus/brandti</i>, Daubenton's bat <i>Myotis daubentonii</i>, Natterer's bat <i>Myotis nattereri</i>, Leisler's bat <i>Nyctalus leisleri</i>, noctule <i>Nyctalus noctula</i>, pipistrelle bat <i>Pipistrellus sp.</i>, common pipistrelle <i>Pipistrellus pipistrellus</i>, soprano pipistrelle <i>Pipistrellus pygmaeus</i>, brown long-eared <i>Plecotus auritus</i> and parti-coloured bat <i>Vespertilio murinus</i>.</p> <p>Foraging habitat in the site is limited to the grassland, scrub and ruderal vegetation at the north of the site and at the boundaries, whilst the offsite area of deciduous woodland to the north of the site is likely to provide good foraging opportunities for this group. Additionally, the site is somewhat connected to the wider surrounds by the presence of mature hedgerows and treelines beyond the site boundary which connect to offsite woodland, heathland and grassland to the west. Additionally, the buildings within the site provide a number of roosting opportunities for bat species and indeed historic evidence of bats was found within buildings B1 and B3 in the form of a small number of droppings and feeding remains.</p> <p>The site is therefore considered to be of value to this group, however given the limited evidence identified during the survey work undertaken and more suitable foraging, commuting and roosting opportunities available in the surrounding area, the proposals are considered unlikely to significantly impact on the conservation status of local bat populations.</p>
Badgers	No records of badger from within or immediately adjacent to the site were returned from NBIS. The nearest record relating to badger is located approximately 1.5km to the south of the site. No evidence of badger was recorded during the survey work undertaken in November 2021. Whilst the grassland at the northern extent of the site is considered to be somewhat suitable foraging habitat for the species, offsite habitat to the north of the site including deciduous woodland and arable margins may provide good opportunities for badger. Therefore, whilst no evidence of badger was identified within the site itself, precautionary safeguards are recommended to ensure this species is fully protected during works.
Hazel Dormouse <i>Muscardinus avellanarius</i>	No records of hazel dormouse were returned from the data search. The site provides negligible potential for the species due to the lack of suitable habitat including established hedgerow networks and woodland, whilst habitats in the wider surrounds of the site also limit opportunities for this species. Some suitability for dormouse is present approximately 500m offsite to the west, albeit the connectivity to this area is extremely limited such that dormouse are unlikely to be present in proximity to the site itself. Hazel dormouse is therefore not considered to form a constraint to the proposals.
Hedgehog <i>Erinaceus europaeus</i>	A number of records relating to hedgehog were returned from NBIS, the closest of which relating to the southern extent of the village of Weybourne approximately 400m south of the site. No records of hedgehog were identified from within or immediately adjacent to the site, albeit suitable foraging habitat is present associated with the unmanaged grassland and scrub at the north of the site itself. Additionally, connectivity for the species is present at the northern site boundary, and suitable habitat for hedgehog, including shelter, foraging and hibernation areas, are present in the surrounds of the site including within the deciduous woodland to the north. It is therefore considered that, although no evidence of hedgehog was

	recorded during the survey work undertaken, precautionary safeguards should be maintained during development to ensure this species is fully protected during works.
Otter <i>Lutra lutra</i>	Three records of otter were returned from the BRD search, the closest of which located approximately 700m to the east of the site and dated 2014. No suitable habitat for otter, such as watercourses and rivers, is located within or immediately adjacent to the site. As such, it is considered that otter does not form a constraint to proposals.
Water Vole <i>Arvicola amphibius</i>	Three records of water vole were returned from the BRD search, the closest of which located approximately 350m to the north of the site. No suitable habitat for water vole such as watercourses or drainage ditches are present within or adjacent to the site, such that the site provides negligible opportunities for this species and is therefore not considered a constraint to the proposals.
Birds	A number of records of birds were returned from the data search including some featured on Schedule 1 of the Wildlife and Countryside Act (1981) as amended and the IUCN Redlist, including Greenland greater white-fronted goose <i>ansaeus albifrons flavirostris</i> , Scaup <i>Aythya marila</i> , long-tailed duck <i>Clangula hyemalis</i> , common scoter <i>Melanitta nigra</i> , velvet scoter <i>Melanitta fusca</i> , slavonian grebe <i>Podiceps auritus</i> , white-tailed eagle <i>Haliaeetus albicilla</i> , hen harrier <i>Circus cyaneus</i> , merlin <i>Falco columbarius</i> , peregrine <i>Falco peregrinus</i> , dotterel <i>Charadrius morinellus</i> , whimbrel <i>Numenius phaeopus</i> , ruff <i>Calidris pugnax</i> , black-tailed godwit <i>Limosa limosa</i> , red-necked phalarope <i>Phalaropus ochrurus</i> , fieldfare <i>Turdus pilaris</i> , redwing <i>Turdus iliacus</i> , golden oriole <i>Oriolus oriolus</i> and red-backed shrike <i>Lanius collurio</i> , none of which were located within or immediately adjacent to the site. Only common and widespread species including robin <i>Erithacus rubecula</i> , blue tit <i>Cyanistes caeruleus</i> and magpie <i>Pica pica</i> were recorded during the survey work, and the site itself is not considered to provide any elevated opportunities for foraging or nesting for rarer species. Historic evidence of nesting wood pigeon <i>Columba palumbus</i> was identified within building B2 in the form of deceased individuals and substantial droppings. Given the size of the site and habitats present, the site is not considered to be of any particular value to nesting and foraging birds, whilst more suitable habitat is abundant in the wider surrounds. As such, birds are not considered to form a constraint to the proposals, however precautionary safeguards are recommended to ensure the conservation status of local bird populations.
Invertebrates	The data received from NBIS included a number of Priority species of invertebrate including such species as ghost moth <i>Hepialus humuli</i> , dusky brocade <i>Apamea remissa</i> , latticed heath <i>Chiasmia clathrate</i> . The habitats on site do not appear to support a significant invertebrate assemblage, albeit the survey work was undertaken outside of the optimal season (April to September inclusive). Given the habitat present is largely comprised of buildings, hardstanding and amenity grassland, the site is not considered likely to provide elevated opportunities for this group, such that invertebrates are not considered to form a constraint to the proposals.

## 4.0 Conclusions, Impacts and Recommendations

### 4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 5.

#### Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e., the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

### 4.2 Evaluation

Taking the desk study and field survey results into account, Table 9 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the alterations, extensions and refurbishment including additional roof extensions, to form additional guest bedrooms and staff bedrooms, new commercial kitchen, staff areas, new car park and hard and soft landscaping.

Table 9: Evaluation of the site and any ecological constraints

Ref	Summary of Survey Findings	Foreseen Impacts	Recommendations Measures required to adhere to guidance, legislation and planning policies.	Biodiversity Enhancements The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).
Designated sites	<p>The site lies within the impact risk zone for Weybourne Town Pit SSSI, Kelling Heath SSSI and North Norfolk Coast SSSI and proposed development type is listed as a possible high risk for this designation due to the proximity to the designated sites.</p> <p>There are 3 non-statutory sites within 2km of the site, the closest being Kelling Heath CWS located 680m south-west of the site.</p>	<p>No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to North Norfolk Coast SSSI/SPA/SAC/Ramsar and the nature of the proposed development could result in increased recreational pressure to nearby areas.</p>	<p>The Local Planning Authority (LPA) may be required to undertake a Habitat Regulations Assessment (HRA) to determine whether there could be any effect on nearby European sites as a result of the proposed development. Additionally, the Local Planning Authority (LPA) may be required to consult with Natural England regarding potential impacts to Weybourne Town Pit SSSI, Weybourne Cliffs SSSI and Kelling Heath SSSI.</p>	<p>None.</p>
Habitats and flora	<p>There are no notable habitats within the site but the priority habitats deciduous woodland, coastal vegetated shingle, maritime cliffs and slopes, lowland dry acid grassland and lowland heath are present within 2km</p>	<p>No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to deciduous woodland, coastal vegetated shingle, and maritime cliffs and slopes indirect effects such as pollution or damage could occur during construction. Construction could also result in the spread of cotoneaster. However, given the extent of the proposed development, which largely comprises renovation to existing structures with no substantial</p>	<p>None.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development:</p> <ul style="list-style-type: none"> <li>Native tree, hedgerow and shrub planting.</li> <li>Creation of wildflower grassland.</li> </ul>

	<p>of the site, the closest being deciduous woodland located 50m from the site.</p> <p>Additionally, several examples of cotoneaster were identified on the site which may be listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>	groundwork proposed, damage to nearby priority habitat is considered unlikely to occur.		A green roof on new buildings.
Amphibians	No records or evidence of amphibian species within or near to the site, and no ponds identified within 250m of the site boundary.	No impacts are anticipated on amphibians as a result of the proposed development.	None.	None.
Reptiles	No records or evidence of reptiles within or adjacent to the site, whilst some suitability is present at the northern extent within the unmanaged grassland.	Unmanaged grassland may be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	<p>Given the size and possible impacts of the proposed development, further surveys are considered disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <p>Site clearance will be undertaken outside of the reptile hibernation season (November to February) insofar as is possible.</p> <p>A toolbox talk will be given to contractors regarding the possible presence of reptiles at the site.</p> <p>Fencing will be erected around the working area to prevent encroachment into areas where reptiles could be present.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <p>Creation of reptile refugia and hibernacula using debris and brash from site clearance.</p>



			<p>A pre-commencement inspection of the site will be undertaken for reptiles.</p> <p>A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any reptiles to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter reptiles from the working area.</p> <p>Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent reptiles from utilising these areas.</p> <p>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p> <p>In the unlikely event that a reptile is identified, works must cease and advice must be sought from a suitably qualified ecologist.</p>	<p>Planting of native scrub and grassland to increase foraging opportunities.</p> <p>The creation of basking areas such as rock piles or areas of cleared ground with shelter nearby.</p>
Roosting bats (B1 & B3)	<p>Buildings B1 and B3 have confirmed roosts, as identified by bat droppings and feeding remains. These are likely to be a historic transitional or feeding roost for an individual or small number of brown long-eared bats.</p> <p>Buildings B1 is formed by a multi-faceted structure with loft conversions undertaken in some areas. At the eastern extent, the void remains unchanged and historic bat</p>	<p>The proposed development will result in renovation to these buildings. albeit all proposed works within building B1 are internally within the living areas only.</p> <p>The proposed development will not affect any of the features that could be used by roosting bats which were noted on building B1 during the survey and therefore no impacts to bat roosts are anticipated. However, the proposed development could result in disturbance to any bats present in the building at the time of the works due to noise, vibration or lighting.</p> <p>Renovations to building B3 are more substantial and could result in damage to any bat roosts present, and could cause disturbance, death or injury to bats.</p>	<p>Three bat emergence and re-entry surveys are required during the active bat season (May – September) to characterise any roosts present. At least two of the surveys should be completed during the optimal survey period mid-May to August inclusive.</p> <p>One of these surveys must be a dawn re-entry survey.</p> <p>B1: Three surveyors are required to provide full coverage of the building.</p> <p>B3: Two surveyors are required to provide full coverage of the building.</p> <p>Surveys will be undertaken prior to works commencing on building B3. Works proposed for building B1 are concentrated to the living spaces only and are well removed from any potential bat roosting features, such that any bats present are unlikely to be affected by the works. However, bat survey work will be undertaken in respect of building B1 prior to works commencing in proximity of the loft space and roof to ensure that any bats present remain undisturbed</p>	<p>To be confirmed upon completion of the surveys.</p>

	<p>droppings were identified below the central ridge beam. Minor gaps at the eaves provide an entry point for bats, although limited in number and size, with possible crevices present below the roof tiles.</p> <p>Building B3 is a disused stable structure connected to B2 at the west. The eastern extent of the void above B3 is dark and well removed from the light and airy nature of B2, making it suitable to support roosting bats. A small number of droppings were identified at the eastern extent of the void below the central ridge beam, albeit the droppings appeared to be &gt; 1 year old at the time of survey, suggesting that the building had not be recently utilised by roosting bats. A scattering of feeding remains were also found close to the droppings, limited to</p>		<p>during works, whilst internal renovations on the lower floors are considered unlikely to cause a disturbance to roosting bats.</p>	
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	<p>a small number of moth wings, suggesting the space was previously used as a feeding perch/roost.</p>			
<p>Roosting bats (B4, B5, B6 &amp; B7)</p>	<p>Buildings B4, B5, B6 and B7 have low value for roosting bats.</p>	<p>The proposed development will result in the demolition/renovation to these buildings. This could result in damage/destruction of any bat roosts present and could cause disturbance, death, or injury to bats.</p>	<p>Further survey work required on buildings subject to substantial development / renovation works which could result in disturbance of bats. Internal renovation of living spaces determined unlikely to disturb bats, if present, if a precautionary methodology to safeguard bats is undertaken.</p> <p>Two bat emergence or re-entry surveys are required during the active bat season (May – September) to confirm presence or likely-absence of a bat roost in the building.</p> <p>The surveys can be either dusk emergence or dawn re-entry surveys.</p> <p>B4: Two surveyors are required to provide full coverage of the building.                      B5: Two surveyors are required to provide full coverage of the building.                      B6: One surveyor is required to provide full coverage of the building.                      B7: One surveyor is required to provide full coverage of the building.</p> <p>Detailed survey work will be undertaken prior to the commencement of development works affecting features of value to roosting bats, including the roof extension proposed for building B4 and demolition of building B7. However, in the unlikely event that roosting bats are present, internal renovation of buildings B6 and B7 are considered unlikely result in a disturbance. As such, it is considered that renovation works well separated from features of value to roosting bats (i.e., away from the roof and any voids) can continue following a precautionary approach prior to the completion of detailed emergence and re-entry survey work.</p>	<p>A precautionary safeguarding approach is to be undertaken for internal works within buildings B5 and B6, including a sensitive lighting strategy whereby lighting is directed only where needed, with excessive lights spill kept to a minimum. Additionally, vibration and noise will be minimised where possible, particularly in areas in proximity to those which may support roosting bats, such as the upper storeys and ceilings, to ensure that any bats present are undisturbed.</p> <p>Redevelopment and renovations works required within the void spaces will not commence prior to the completion of detailed survey work to establish the presence / likely absence of roosting bats.</p>

			<p>If bat roosts are confirmed in the building one additional survey will be required to inform an EPSL application to Natural England. The EPSL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.</p> <p>In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice</p>	
Roosting bats (B2)	B2 has negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on bats in this location as a result of the proposed development.	None.	Due to the proximity of building B2 to building B3, a precautionary safeguarding approach is to be undertaken during works to this structure in line with that given for buildings B5 and B6 above. In addition, the removal of the roof of B2, if required, will be undertaken during favourable weather conditions (e.g. not during heavy rain or high winds), and will be undertaken by hand under a watching brief. In the unlikely event that a bat is encountered, works shall stop immediately and Arbtech contacted so that a suitable mitigation strategy can be agreed prior to works recommencing.
Foraging and commuting bats	Unmanaged grassland and scrub could be used by local bat populations for foraging and commuting. These could also be used by	The proposed development will result in the loss of small areas of grassland but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats:

	bats dispersing from nearby roosts outside of the site.			The creation of a wildlife pond. Planting of native tree, shrub and hedgerows to increase foraging opportunities.
Badger	No records of badger identified within or adjacent to the site, with the closest record being located approximately 1.5km from the site boundary. Limited suitable habitat within the site aside from foraging habitat associated with the unmanaged grassland.	No impacts are anticipated on badgers as a result of the proposed development.	A precautionary working method will be implemented during construction, including the following measures: A toolbox talk will be given to contractors regarding the possible presence of badgers at the site. A pre-commencement inspection of the site will be undertaken for any new badger activity. Fencing will be erected around the working area to prevent encroachment into areas where badger setts could be present. Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for badgers: Planting fruit bearing trees and species-rich grassland to increase foraging opportunities.
Hazel dormouse	No records of hazel dormouse in the BRD search and no suitable habitat located within or adjacent to the site.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	A number of records of hedgehog were returned from NBIS, the closest located	Unmanaged grassland may be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations	A precautionary working method will be implemented during construction, including the following measures: A toolbox talk will be given to contractors regarding the possible presence of hedgehogs at the site.	The following habitat creation and enhancement opportunities could be incorporated into the

	approximately 400m from the site. Some suitable habitat for the species within the site, largely foraging habitat in the northern grassland. Connectivity to suitable habitat offsite.	owing to the presence of more extensive habitat locally.	<p>A pre-commencement inspection of the site will be undertaken for hedgehogs.</p> <p>Fencing will be erected around the working area to prevent encroachment into areas where hedgehogs could be present.</p> <p>If any hedgehogs are found in the working area these should be moved by hand to a vegetated area along the site boundaries or in retained habitats away from disturbance.</p> <p>Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</p> <p>The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use.</p> <p>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p>	<p>proposed development which would be beneficial for hedgehogs:</p> <p>Planting fruit bearing trees and species-rich grassland to increase foraging opportunities.</p> <p>Creation of brash piles or installation of hedgehog houses in shady areas.</p> <p>Installation of gaps under boundary fencing to enable hedgehogs to move freely through the site.</p>
Otter	No records within or adjacent to the site, with no suitable habitat nearby.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Water vole	No records within or adjacent to the site, with no suitable habitat nearby.	No impacts are anticipated on water vole as a result of the proposed development.	None.	None.
Birds	Number of records relating to priority and redlist species from within the search area, none of which relating to the site or immediate surrounds. Suitable habitat for common and widespread species to nest at the boundaries, but higher quality	Scrub and ornamental shrubs may be removed or subject to management during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of a minimum of two bird boxes on mature trees around the site boundaries or on retained buildings will provide additional nesting habitat for birds e.g. Schwegler 1B Nest Boxes (trees) Schwegler 2H Robin Boxes (trees) Or a similar alternative brand.

	examples common and widespread locally.			Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.
Invertebrates	No evidence of rare, notable or protected invertebrate species was recorded on site, whilst the habitats present on site are considered unlikely to be of elevated value to this group.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	None.

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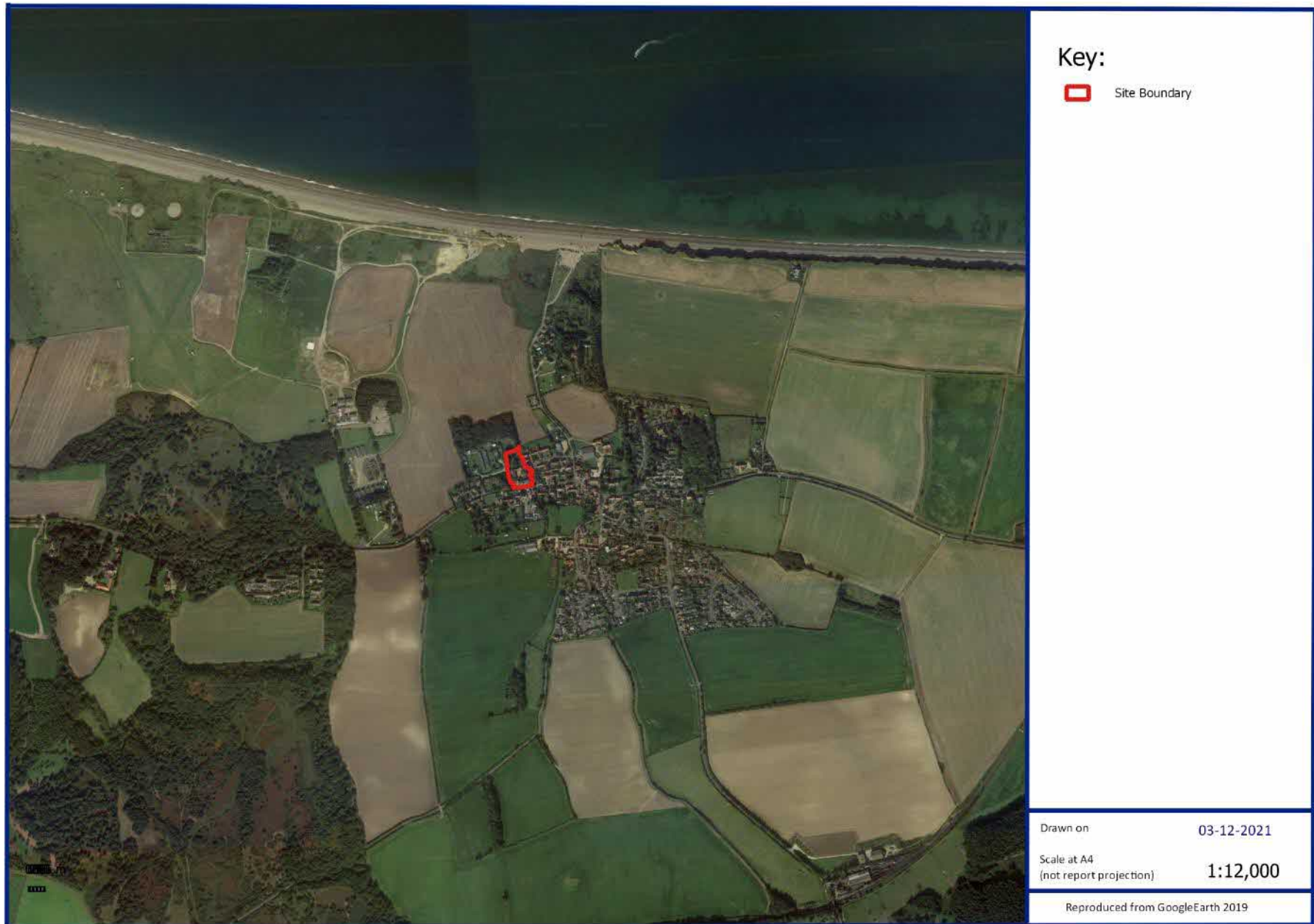
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Appendix 1: Proposed Development Plan



### Appendix 2: Site Location Plan



### Appendix 3: Habitat Survey Plan



## Appendix 5: Legislation and Planning Policy

### LEGAL PROTECTION

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 came into force when Britain left the European Union on 31st January 2020. It covered amendments relevant to this survey to:

- Wildlife and Countryside Act 1981: England and Wales (x1 amendment)
- Conservation of Habitats and Species Regulations 2017 (x29 amendments)

### National and European Legislation Afforded to Habitats

#### International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1,000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many annex II species): a strict protection regime must be applied across their entire natural range within the EU, both within and outside Natura 2000 sites.

Annex V species (over 90): Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

SACs and SPAs up to 12 nautical miles from the coast (i.e. 'territorial waters') are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2017 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994.

The Conservation of Offshore Marine Habitats and Species Regulations 2017 consolidate and update the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007. The 2017 Regulations introduce amendments which transfer responsibility for European nature conservation in the Welsh offshore region to Welsh Ministers. This gives Welsh Ministers similar powers in Welsh offshore waters to those currently exercised by Scottish Ministers in Scottish offshore waters. These regulations transpose into national law Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), and elements of Council Directive 2009/147/EC on the conservation of wild birds (Wild Birds Directive) in the

UK offshore area. They came into force on 30th November 2017. These regulations apply to the UK's offshore marine area which covers waters beyond 12 nautical miles, within British Fishery Limits and the seabed within the UK Continental Shelf Designated Area. The Conservation of Habitats and Species Regulations 2017 form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12nm in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland. Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as "areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres". However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

#### National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

#### Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

#### Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

#### The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

#### National and European Legislation Afforded to Species

##### The Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). This has been amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations (2019) which continue the same provision for European protected species, licensing requirements and protected sites after the UK leaves the EU.

The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Licence (EPSL), the application must demonstrate that it meets all of the following three 'tests':

The action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;

There is no satisfactory alternative; and

The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.



The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as "Schedule 1" birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

#### Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
  - To impair their ability to hibernate or migrate
  - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

#### Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

Intentionally kill, injure or take (capture) 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 while they are occupying a structure or place used for shelter or protection

Effects on development works:

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

#### Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

Deliberate killing, injuring or capturing of Schedule 2 species

Deliberate disturbance of species in such a way as:

To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

To impair their ability to hibernate or migrate

To affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)

Deliberate disturbance of bat species in such a way as:

To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

To impair their ability to hibernate or migrate

To affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

## Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
  - To impair their ability to hibernate or migrate
  - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales (NB: Hazel Dormouse are entirely absent from Scotland)). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

## White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

It is also classified as Endangered in the IUCN Red List of Endangered Species. As a result of this and other relevant crayfish legislation such as the Prohibition of Keeping of Live Fish (Crayfish) Order 1996, a series of licences are needed for working with White-clawed and non-native crayfish. These are:

- A licence to handle crayfish (therefore survey work) in England
  - A licence for the keeping of crayfish in England and Wales with an exemption for Signal crayfish (England).
- People in the post-code areas listed with crayfish present prior to 1996 do not need to apply for consent for crayfish already established. It does not, however, allow any new stocking of non-native crayfish into waterbodies. Consent for trapping of non-native crayfish for control or consumption is most likely to be granted in Thames and Anglian regions in the areas with "go area" postcodes.
- Harvesting of crayfish is prohibited in much of England and in any part of Scotland and Wales.

#### Effects on development works:

The relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

#### Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

#### Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)

- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof

In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species

- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

#### Effects on development works:

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

### Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

### Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

### Effects on development works:

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

### NATIONAL PLANNING POLICY (ENGLAND)

#### National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

#### LOCAL PLANNING POLICY

North Norfolk Local Development Framework, September 2008

Policy SS 4 – Environment

All development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

Renewable energy proposals will be supported where impacts on amenity, wildlife and landscape are acceptable. Opportunities to improve river water quality and minimise air, land and water pollution will be taken where possible.

Open spaces and areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a variety of measures such as:

- maximising opportunities for creation of new green infrastructure and networks in sites allocated for development;

- creating green networks to link urban areas to the countryside; the designation of Local Nature Reserves and County Wildlife Sites;

- appropriate management of valuable areas, such as County Wildlife Sites;

- minimising the fragmentation of habitats, creation of new habitats and connection of existing areas to create an ecological network as identified in the North Norfolk ecological network report; progress towards Biodiversity Action Plan targets;

- and conservation and enhancement of Sites of Special Scientific Interest (SSSI) in accordance with the Wildlife and Countryside Act New development will incorporate open space and high-quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces.



Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged and all proposals should seek to increase public access to the countryside.

The Built Environment and designated Public Realm areas will be conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, the encouragement of high-quality maintenance and repair and enhancement of public spaces. Innovative and locally distinctive design will be encouraged in all new development.

The Council will minimise exposure of people and property to the risks of coastal erosion and flooding and will plan for a sustainable shoreline in the long-term, that balances the natural coastal processes with the environmental, social, and economic needs of the area. Sustainable Drainage Systems will be encouraged, to reduce flood risk, promote groundwater recharge and improve water quality, enhance biodiversity, and provide amenity benefit.

#### EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;

Policy 2; provides greater flexibility in the location of compensatory habitat;

Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,

Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.