

Preliminary Ecological Appraisal: South Ormsby Lake Weir and Adjacent Land, South Ormsby, Louth, Lincolnshire

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EXECUTIVE SUMMARY

Site Address	South Ormsby Lake Weir and Adjacent Land, South Ormsby, Louth, Lincolnshire, LN11 8QS
Grid Reference	TF 36931 75643 (approximate site centre)
Site Area	>0.25 ha
Current Site Use	Red brick and concrete lake weir, associated reed beds and drainage channel, and adjacent cattle grazed pasture
Proposed Development	An application for a replacement weir, construction of associated race way, additional drainage channel and hydroelectric installation; to be submitted to East Lindsey District Council
Results	There is no current requirement to obtain a Natural England European Protected Species Licence for any species should planning permission be granted. planning has been obtained.
Conclusions and Recommendations	Appropriate mitigation and recommended conservation measures have been outlined within the report to ensure legal compliance should planning permission be granted and works proceed.

CONTENTS

EXECUTIVE SUMMARY	3
1 INTRODUCTION	6
1.1 Accurate lifespan of ecological data	6
2 SITE DESCRIPTION	6
2.1 Site location	6
2.2 Site communities and habitats	7
2.2.1 Weir	7
2.2.2 Grassland	8
2.3 Surrounding habitats	10
2.4 Associated buildings	10
2.5 Proposed work	10
3 METHODS	10
3.1 Data search	11
3.2 Amphibians	11
3.3 Bats	12
3.3.1 Tree survey	12
3.5 Water Vole	13
3.6 Common species of birds	13
3.7 Schedule 1 species of birds (Barn Owls)	13
3.8 Other statutorily protected species	13
3.9 Invasive species	13
3.10 Survey Constraints	14
4 RESULTS	14
4.1 Data search	14
4.1.1 Historical land use	14
4.1.2 Statutory sites	14
4.1.3 Non statutory sites	14
4.1.4 Priority habitats	14
4.1.5 Protected species	15
4.2 Site survey	15
4.2.1 Habitats and plant species	15
4.2.2 Amphibians	15
4.2.3 Bats	16
4.2.4 Badger	16
4.2.5 Water Vole	16
4.2.6 Birds	16
4.2.7 Schedule 1	17
4.3 Other statutorily protected species	17
4.4 Invasive species	17
5 DISCUSSION AND RECOMMENDATIONS	17
5.1 Habitats and plant species	17
5.1.1 Biodiversity enhancement measure – Weir	18
5.1.2 Biodiversity enhancement measure – Drainage channel	18
5.1.3 Biodiversity enhancement measure - Native Trees	18
5.2 Amphibians	18
5.2.1 Legal protection	18
5.2.2 Discussion	19
5.3 Bats	19
5.3.1 Legal protection	19
5.3.2 Discussion	20

5.5	Water vole	21
5.5.1	Legal protection	21
5.5.2	Recommendations	21
5.6	Birds	21
5.6.1	Legal protection	21
5.6.2	Recommendations	22
5.6.1	Recommended conservation measures – Schedule 1 Birds	22
5.7	Additional species – Hedgehogs	22
5.7.1	Legal protection	22
5.7.2	Overview	22
5.7.3	Recommended conservation measures	23
5.8	Biodiversity and Government Policy	23
5.8.1	Core Strategy	23
5.8.2	The Environment Act 2021	23
5.8.3	Delivery of a 10% Biodiversity Net Gain	24
6	REFERENCES	25
	APPENDIX 1	28
	Figure 2: Detailed site location plan	28

PHOTOGRAPHS

Photograph 1: Representative images showing view of weir, south eastern aspect (left) and north eastern aspect (right).	9
Photograph 2: Representative images of the channel bed (left) and view from the highway culvert westwards, showing grassland to the left (right)	9
Photograph 3: Representative images of silt bed to the west of the weir (left) and eastern 'foot' of the weir (right).	9

Preliminary Ecological Appraisal: South Ormsby Lake Weir and Adjacent Land, South Ormsby, Louth, Lincolnshire

1 INTRODUCTION

Ecology and Forestry Ltd was commissioned by Cragg Management Services Ltd to undertake an ecological appraisal of South Ormsby Lake Weir and Adjacent Land, South Ormsby, Louth, Lincolnshire, LN11 8QS. The site is subject to a planning application to East Lindsey District Council.

This report details the methods used, describes the habitats and species found on the site, discusses the results and makes recommendations for further work. Annotated photographs are given in the text.

1.1 Accurate lifespan of ecological data

The majority of ecological data remains valid for only short periods of time due to the inherently transient nature of the subject. Where the species/group being surveyed for is present within the site, the data is considered to be accurate for two years. However, an update may be needed in order to obtain a European Protected Species licence, if such a licence is required. Where absent, although the data is considered accurate for two years, an update may be required if the habitats surrounding the site are of a quality that are likely to encourage the species to move into the site in the interim.

2 SITE DESCRIPTION

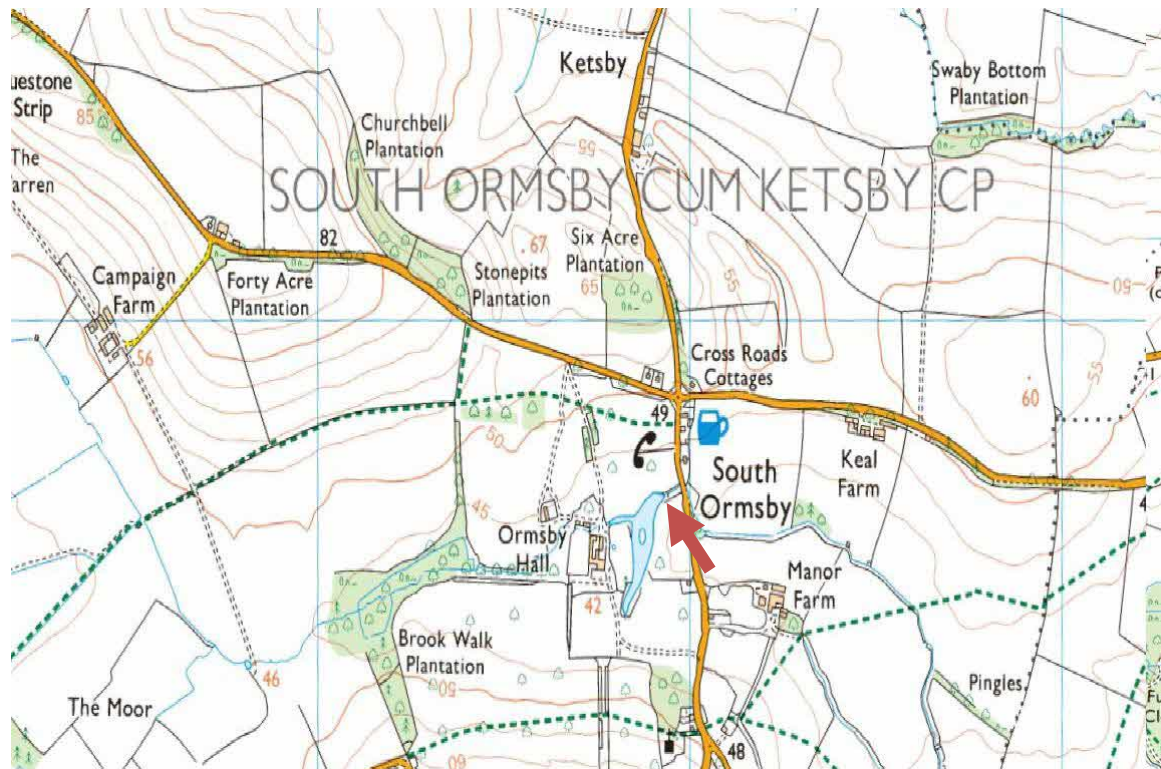
2.1 Site location

The site footprint is located at NGR: TF 36931 75643 (approximate centre), immediately west of a minor road known as Park View, which defines the eastern site boundary and immediately east of South Ormsby Hall lake, which defines the western boundary. The site is on the southern edge of South Ormsby village. The northern site boundary of the surveyed site is bordered by a small parcel of semi-mature woodland plantation, which also contains two large, over-mature specimen horse-chestnut *Aesculus hippocastanum* trees. The southern/south eastern site boundary is not physically defined and the site footprint forms part of a large parcel of historic cattle grazed parkland associated with South Ormsby Hall. Contained within the parkland are a significant number of open grown, over-mature specimen trees and a number of young and semi-mature replacement trees and small parcels of semi-mature woodland. The site footprint is comprised of the existing concrete, stone and red brick lake weir, (or dam wall), associated reed beds to the west and short section, (circa 40 m), of drainage channel to the east, with a section of cattle grazed parkland to the south. The open drainage channel, is a tributary of Calceby Beck, and flows eastwards through a culvert under

Park View road, through the northern end of a secondary woodland parcel, before heading south away from site. Open countryside extends to the south, east and west. South Ormsby village extends northwards.

Approximate site location is shown below in Figure 1, (indicated by a red marker). A detailed site location plan is given as Figure 2 in Appendix 1.

Figure 1:



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2.2 Site communities and habitats

2.2.1 Weir

The weir is largely constructed from cemented red brick, stone and concrete and contains remnants of ironwork. It is a functioning, ornamental dam wall associated with the South Ormsby Hall Lake. Ivy *Hedera helix* growth is present.

The east side of the weir is comprised of very shallow water, sat above an accumulated silt bed which is succumbing to the process of natural succession and is currently dominated by dense reed sweet-grass *Glyceria maxima* and bulrush *Typha latifolia*. Coarse common grasses are encroaching onto the silt bed from adjacent pasture. Reed canary-grass *Phalaris arundinacea* and willow herb *Epilobium* sp is occasionally present and white water-lilys *Nymphaea alba* are present in the open lake waters beyond, off the site footprint. Very young, self-set goat willow *Salix caprea* was also noted.

The west side of the weir falls away, (circa 1.5 metres), into a steep sided drainage channel in which the water flows easterly, (approximately 5cms deep at the time of survey), through a culvert under the adjacent highway. At the eastern base of the weir is a small quantity of bricks and associated rubbles. The banks of the channel are steep, (circa 30°), earthen and vegetated. A number of semi-mature examples of hawthorn *Crataegus monogyna*, sycamore *Acer pseudoplatanus*, (often supporting ivy growth), elder *Sambucus nigra*, wych elm *Ulmus glabra* and yew *Taxus baccata*. Dog-rose *Rosa canina*, bramble *Rubus fruticosus* and horse-chestnut saplings are also present. Two large specimen horse-chestnut trees and semi-mature woodland plantings are present to the north which further shade the channel. Bankside vegetation is sparse and is essentially comprised of ivy, coarse common grasses, bare soils and creeping buttercup *Ranunculus repens*, common nettle *Urtica dioica*, herb-robert *Geranium robertianum* and hedge bindweed *Calystegia sepium*. The channel of the water course did not support any aquatic or marginal vegetation. The channel bed was comprised largely of silts, but with some areas of gravels present.

2.2.2 Grassland

This area site is slightly undulating and low lying and has been down to permanent pasture for an extended period of time. Post the 1950's the grassland is likely to have been conventionally farmed, (utilising artificial fertilisers and pesticides), but in the last decade has undergone organic conversion and is currently exclusively cattle grazed. Recent de-silting works undertaken on the adjacent lake has seen part of the site footprint subjected to travel by plant machinery. As such, areas of bare soil, (to be receded with an organic species rich seed mix), are present. The grass sward present is considered moderately long but not rank and 'tussocky'. It is comprised of coarse and common grass species and some ruderal vegetation adjacent to field boundaries.

Botanical species recorded, to include field margins, comprised of:

annual meadow-grass	<i>Poa annua</i>
bramble	<i>Rubus fruticosus</i>
broad-leaved dock	<i>Rumex obtusifolius</i>
cleavers	<i>Galium aparine</i>
cock's-foot	<i>Dactylis glomerata</i>
common nettle	<i>Urtica dioica</i>
common ragwort	<i>Senecio jacobaea</i>
creeping buttercup	<i>Ranunculus repens</i>
creeping thistle	<i>Cirsium arvense</i>
dandelion	<i>Taraxacum</i> sp
dead-nettle	<i>Lamium</i> sp
false oat-grass	<i>Arrhenatherum elatius</i>
hogweed	<i>Heracleum sphondylium</i>
moss	<i>Bryophyta</i> sp
prickly sow-thistle	<i>Sonchus asper</i>
red fescue	<i>Festuca rubra</i>
rye-grass species	<i>Lolium</i> sp

small nettle	<i>Urtica urens</i>
spear thistle	<i>Cirsium vulgare</i>
timothy	<i>Phleum pratense</i>
white clover	<i>Trifolium repens</i>
white dead-nettle	<i>Lamium album</i>



Photograph 1: Representative images showing view of weir, south eastern aspect (left) and north eastern aspect (right).



Photograph 2: Representative images of the channel bed (left) and view from the highway culvert westwards, showing grassland to the left (right)



Photograph 3: Representative images of silt bed to the west of the weir (left) and eastern 'foot' of the weir (right).

2.3 Surrounding habitats

The wider countryside is defined by undulating, predominantly arable farmland with field boundaries being dominated by hawthorn dominated hedgerows and open drainage ditches. Small parcels of predominantly deciduous woodland and cattle grazed permanent pasture are locally present.

2.4 Associated buildings

There are no further associated buildings on or immediately adjacent to site.

2.5 Proposed work

The work entails a proposed application to be submitted to East Lindsey District Council. for a replacement weir, construction of associated race way, additional drainage channel and hydroelectric installation; to be submitted to East Lindsey District Council.

3 METHODS

The site was surveyed on 31 October 2023 by Rod Strawson who has worked in ecological consultancy for 20 years, formerly for 6 years with a leading ecological consultancy firm, and is appropriately licensed to undertake this type of survey work, holding: (Natural England bat licence number 2016-11496-CLS-CLS and great crested newt licence number 2016-19648-CLS-CLS).

An Ecological Appraisal (Extended - Phase I) was carried out to Joint Nature Conservation Committee (JNCC) and Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. The perimeter of the site was walked then the area was walked in a zig-zag fashion, so that as much wildlife information could be recorded about the site. The immediate area (30m) around the proposed development site was also surveyed for signs of wildlife and how they may influence the proposed development. Three hours were spent on and adjacent to the site looking for signs of wildlife and how it might currently utilise the proposed development site. All habitats and plant communities within and adjacent to the site were recorded and mapped. Representative photographs were taken.

During the initial appraisals of the site the protected species considered likely to occur on site were identified. These were:

Amphibians

Bats



Water vole

Common species of birds
Schedule 1 birds

The methods used to survey for these species are detailed below.

3.1 Data search

On line satellite imagery, OS maps and historic online maps were utilised to gain further insight into the site and locality.

Previous ecological survey reports were referenced:

‘Ecological Appraisal: South Ormsby – Hall Lake’, undertaken by Aspect Ecology, dated January 2020, for the wider land holding including site.

‘Condition 5 – N/160/00284/21: South Ormsby Hall Lake Restoration’ Ecology & Forestry Ltd, dated February 2023, for the adjacent lake.

‘PEA - Land Adjacent To 3-6 Park View Cottages, South Ormsby’ Ecology & Forestry Ltd, dated August 2023, for land immediately east of site. A professional data search for a 1km radius of site centre purchased from the Greater Lincolnshire Nature Partnership contained within this report was also referenced.

3.2 Amphibians

All habitats on site were assessed for their potential to support amphibians as either breeding or terrestrial habitat. Where access allowed, habitats on adjacent land were also assessed. Any potential refugia/habitat piles on site which were considered suitable for use as shelter for amphibians were identified. Hand searching was also undertaken.

The great crested newt Habitat Suitability Index (HSI) is a quantitative measure of the habitat quality and evaluates the suitability of the water body and surrounding land to support great crested newts. The HSI is a number between 0 and 1 which is derived from an assessment of ten habitat variables known to influence the presence of newts. These variables include quality of the terrestrial habitat, water quality in the pond, presence of fish, and aquatic macrophyte cover. An HSI of 1 is optimal habitat (high probability of supporting great crested newts) and 0 is very poor quality with a minimal chance of occurrence. A HSI assessment was undertaken for any ponds located within 500 metres of site not separated from site by infrastructure and fast flowing water courses.

3.3 Bats

3.3.1 Tree survey

Trees on and immediately adjacent to the proposed development site were assessed for potential suitability for bat roosts by means of a walkover survey. All trees were inspected to assess their potential to hold bat roosts; the following signs were looked for:

- Holes, frost cracks, splits in branches/trunk
- Fissures, hollow sections of trunk, branches and roots
- Broken Limbs and loose bark
- Dense ivy
- Urine staining, droppings, fur rubbing and scratch marks
- Audible squeaking, strong smell of ammonia and flies around potential access points

The trees were inspected with the aid of close focusing binoculars (Minox BL 10 X 42 BR). Bat surveys of trees can be undertaken throughout the year.

Any trees were categorised for their bat roosting potential (Collins, 2016) as described in Table 1 below:

TABLE 1. BAT ROOSTING POTENTIAL ASSESSMENT – TREES (COLLINS, 2016).

CATEGORY	DESCRIPTION
Negligible	A tree with no potential bat roosting features. (Usually young trees without any deadwood or holes).
Low	A tree of sufficient size and age to contain potential roost features, but with none seen from the ground or features seen with only very limited roosting potential.
Moderate	A tree with one or more potential roosting features, which could support bats, but is of a suitability meaning that it would be unlikely to support a roost of high-conservation status. (Such as holes, cracks and crevices and loose bark suitable for roosting bats but no obvious roost signs such as staining and droppings at entrances).
High	A tree with several potential roosting features which would be able to support a large number of bats on a regular basis and for longer periods of time. (Trees within this category will contain all the obvious roost features such as holes, cracks and crevices and loose bark and will also contain staining and droppings at the roost entrance or have been identified as a roost via a visual sighting of an exiting bat).

3.3.2 Bat Activity survey

No bat activity survey was undertaken.

3.5 Water Vole

All ditches adjacent to the site were assessed for their potential to support water voles. The ditch banks were surveyed from within the channel (where access allowed) for signs of use by water voles including burrows, latrines and individual droppings, feeding stations, runs and prints.

3.6 Common species of birds

All habitats were assessed for their potential to support nesting birds. All bird species seen or heard were noted. All disused and active nests were recorded.

The site was also assessed for its ability to support winter flock roosting and foraging.

3.7 Schedule 1 species of birds (Barn Owls)

An inspection was made of the buildings for the presence of barn owls and the signs indicative of their past or present use. These signs include:

- Regurgitated pellets
- Faecal deposits
- Feathers
- Discarded prey items

The places that could potentially be used as breeding locations, including roof voids and horizontal surfaces at first floor level, were also checked for any signs of current or former nesting attempts. These signs included brooding adult birds, concentrations of accumulated flattened pellet nest debris, faecal encrustation, eggs or eggshell remains, surplus prey items, bodily remains of chicks or infant down feathers.

3.8 Other statutorily protected species

As part of the extended walkover of the site and its environs, a search for signs of use by any other statutorily protected species was also undertaken. Consideration was given to the potential utilisation of site by reptiles.

3.9 Invasive species

The presence of any invasive species designated under Schedule 9 of the Wildlife and Countryside Act, 1981 as amended was also recorded if seen.

3.10 Survey Constraints

It should be noted that the absence of protected or rare species within the survey does not rule out them being present on site. There is always a risk of protected or rare species being over-looked, either owing to the timing of the survey or the scarcity of the species at the site.

The survey undertaken was a preliminary ecological appraisal, therefore species lists recorded would not be complete for the site; although sufficient information was gathered to determine the character of the habitat types present and species lists were compiled for each of the habitat types present.

There were no further constraints to the survey, with full access available to the site and adjacent land.

4 RESULTS

4.1 Data search

4.1.1 Historical land use

The Ordnance Survey, one-inch to the mile, 7th Series dated 1888 - 1913 does not records all land immediately north and south of site as parkland and records the lake as a 'Fish Pond'.

4.1.2 Statutory sites

There are no statutorily protected wildlife sites within 1km of site. The site is located within the Lincolnshire Wolds AONB.

4.1.3 Non statutory sites

There were three non-statutorily protected Local Wildlife Sites, (LWS), recorded within 1km of site. These are all Local Wildlife Sites, located within the periphery and partially within the 1km radius of site:

- Bluestone Heath Road Verges, Stonepits Plantation
- Ketsby Beck, Ketsby to Calceby
- Ormsby Wood

4.1.4 Priority habitats

Ancient Woodland - Ancient & Semi-Natural Woodland -Ormsby Wood is recorded within 1km of site, at the southern periphery of the search area. The following Priority Habitat Inventory habitats are recorded as being present within the search area:

Lowland calcareous grassland
Lowland meadows
Lowland mixed deciduous woodland
Rivers
Priority Habitat Traditional orchards
Wet woodland
Wood-pasture and parkland

4.1.5 Protected species

Known protected species records for a 1km radius of site include records for:

34 taxa of birds.

3 protected mammal species – badger *Meles meles*, water vole *Arvicola amphibious*, otter *Lutra lutra* and 9 species of bat.

Water vole, otter and bat species are also considered ‘Priority’ or ‘Local priority’ species

European hedgehog *Erinaceus europaeus* is also recorded and considered a ‘Priority’ species.

No records of great crested newts *Triturus cristatus* or other amphibians or reptile species were found.

4.2 Site survey

4.2.1 Habitats and plant species

The habitats and plant species recorded on the site are common and widespread in the local area and in the country. None of the plant species recorded on the site are listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended), there are no species that are listed in the Vascular Plant Red Data List for Great Britain and no invasive plant species listed on Schedule 9 were recorded.

Any hedgerow elements on site do not meet the required criteria to qualify as important under the Hedgerow Regulations 1997 and the site does not qualify as a Local Wildlife Site.

4.2.2 Amphibians

No ponds or potential ephemeral areas were recorded on site. Potential hibernacula were found on site and land bordering site boundaries was considered to offer potential for utilisation by amphibians during the terrestrial lifecycle stages.

Two water bodies were located within 500 metres of site, not separated from site by major roads and fast flowing water. South Ormsby Hall Lake, immediately west of site at NGR: TF368755 and a further pond associated with the grounds of South Ormsby Hall, located approximately 350 metres south west of site at NGR: TF366754.

The ecological appraisal 'South Ormsby – Hall Lake', undertaken by Aspect Ecology, dated January 2020, recorded the HSI score of these two water bodies as being 'Below Average' in relation to suitability for potential occupation by great crested newts and e-DNA water sample test results, undertaken in 2019 returned negative results.

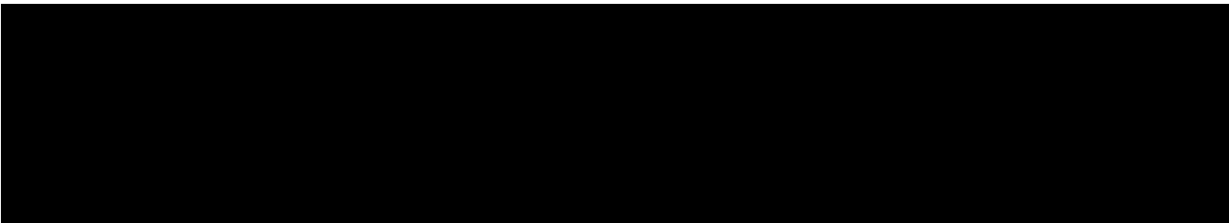
4.2.3 Bats

4.2.3.1 Tree survey

No trees are present on the development footprint with the necessary features or age to support features likely to be associated with potential occupation by bats. A number of trees in relative proximity of site do support features which could provide temporary roosting opportunities for bats. In particular, two over-mature horse-chestnut trees located immediately north of the site footprint.

The site itself was considered to offer potentially suitable foraging habitat for bats and boundaries were considered to potentially act as bat flight corridors, as part of the wider landscape.

Over-mature parkland trees and local properties off site were thought to offer excellent potential bat roosting opportunities.



4.2.5 Water Vole

No water voles or field signs associated with water vole activity were recorded on or adjacent to site. The open drainage channel on site was regarded as entirely sub-optimal habitat for water voles due to woodland shading and an associated lack of suitable bankside vegetation.

4.2.6 Birds

A typical assemblage of common British birds was recorded on the site and in the immediate environs of the site. A total of 8 species were noted; these are listed below in

table 3.

Mature hedgerows found on site, and trees and woodland adjacent to the site, provide suitable nesting and foraging habitat for breeding birds.

Table 2.

English Name	Latin Name	Birds of conservation concern status - 4
Blackbird	<i>Turdus merula</i>	Green list
Rook	<i>Corvus frugilegus</i>	Amber List
Chaffinch	<i>Fringilla coelebs</i>	Green list
Ring-necked Pheasant	<i>Phasianus colchicus</i>	Green list
Woodpigeon	<i>Columba palumbus</i>	Green list
Canada	<i>Branta canadensis</i>	Introduced
Coot	<i>Fulica atra</i>	Green list
Mallard	<i>Anas platyrhynchos</i>	Amber list

Red and Amber list species are compiled by the Royal Society for the Protection of Birds (RSPB, 2015) to identify species that have experienced a significant decline in range or population over the past 25 years. Typically Red list species have declined by more than 50% in the past 25 years, and Amber list species by more than 25%.

4.2.7 Schedule 1

No evidence of Schedule 1 species was recorded on site.

4.3 Other statutorily protected species

Consideration was given to the potential utilisation of site by other statutorily protected species, reptiles and otter *Lutra lutra* in particular. The potential for other statutorily protected species likely to be affected by the development is considered to be very low and no further work is recommended.

4.4 Invasive species

The presence of any invasive species designated under Schedule 9 of the Wildlife and Countryside Act, 1981 as amended was not recorded and no further work is recommended.

5 DISCUSSION AND RECOMMENDATIONS

5.1 Habitats and plant species

The plants and habitats present on site are common and widespread throughout Lincolnshire and have no designated status.

5.1.1 Biodiversity enhancement measure – Weir

A fish/eel pass is proposed within current weir replacement plans. This is to be encouraged as a fish survey of the Hall Lake, undertaken by the applicant in 2023, recorded the presence of eels. Eels have experienced a dramatic decline and are a Priority Species under the UK Post-2010 Biodiversity Framework. They are listed as Critically Endangered on the global IUCN Red List of Threatened Species.

5.1.2 Biodiversity enhancement measure – Drainage channel

The ongoing management of the drainage channel is will be undertaken as part of a wider estate management plan in conjunction with specialist advice provided by the Lincolnshire Chalk Streams Project, delivered by the Lincolnshire Wolds Countryside Service. In the short to medium term the following measures are recommended:

1. Gravels within the channel bed east of the weir should be ‘cleaned’ by a method involving their disturbance by use of a mechanical excavator which allows the existing current to wash the silt further downstream. This should be undertaken before the proposed installation of the ‘rock walk’.
2. Trees and shrubs felled should have their root structure removed to prevent re-growth or be managed on a short rotation by coppicing (cutting back the tree at the base and allowing it to regrow), to allow light into the channel and promote growth of native aquatic species.
3. Consideration should be given to the planting of desirable native aquatic species to include common water-crowfoot common water-starwort *Callitriche stagnalis* *Ranunculus aquatilis*, water starwort and water-cress *Rorippa nasturtium-aquaticum*.

5.1.3 Biodiversity enhancement measure - Native Trees

The planting of further native trees of high biodiversity value on adjacent land under the ownership/control of the applicant is recommended should planning approval be granted. It is however believed that a wider estate arboricultural plan been adopted by the applicant.

5.2 Amphibians

5.2.1 Legal protection

In England, Scotland and Wales, great crested newts are fully protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CRoW) Act 2000. They are also protected under European legislation, being included on Schedule 2 of The Conservation of Habitats and Species Regulations 2010. Taken together, this legislation makes it illegal, inter alia to:

Intentionally or recklessly kill, injure or capture a great crested newt

Damage or destroy habitat which a great crested newt uses for shelter or protection

Deliberately disturb a great crested newt when it is occupying a place it uses for shelter and protection.

These provisions apply to all life-stages of protected animals, and in the case of amphibians, to both their terrestrial and aquatic habitats.

5.2.2 Discussion

For this site, given the lack of potential suitability of local water bodies, negative 2019 e-DNA test results and an absence of records for the locality, it is considered possible to undertake the proposed work without the risk of a breach in the legislation protecting great crested newts.

5.3 Bats

5.3.1 Legal protection

In England, Scotland and Wales, all bats are strictly protected under the Wildlife and Countryside Act 1981 (and as amended); in England and Wales this legislation has been amended and strengthened by the Countryside and Rights of Way (CRoW) Act 2000.

Bats are also protected by European legislation; the EC Habitats Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 – often referred to as 'The Habitat Regs'. Taken together, all this legislation makes it an offence to:

Deliberately capture (or take), injure or kill a bat

Intentionally or recklessly disturb a group of bats where the disturbance is likely to significantly affect the ability of the animals to survive, breed, or nurture their young or likely to significantly affect the local distribution or abundance of the species whether in a roost or not

Damage or destroy the breeding or resting place of a bat

Possess a bat (alive or dead) or any part of a bat

Intentionally or recklessly obstruct access to a bat roost

Sell (or offer for sale) or exchange bats (alive or dead) or parts of bats

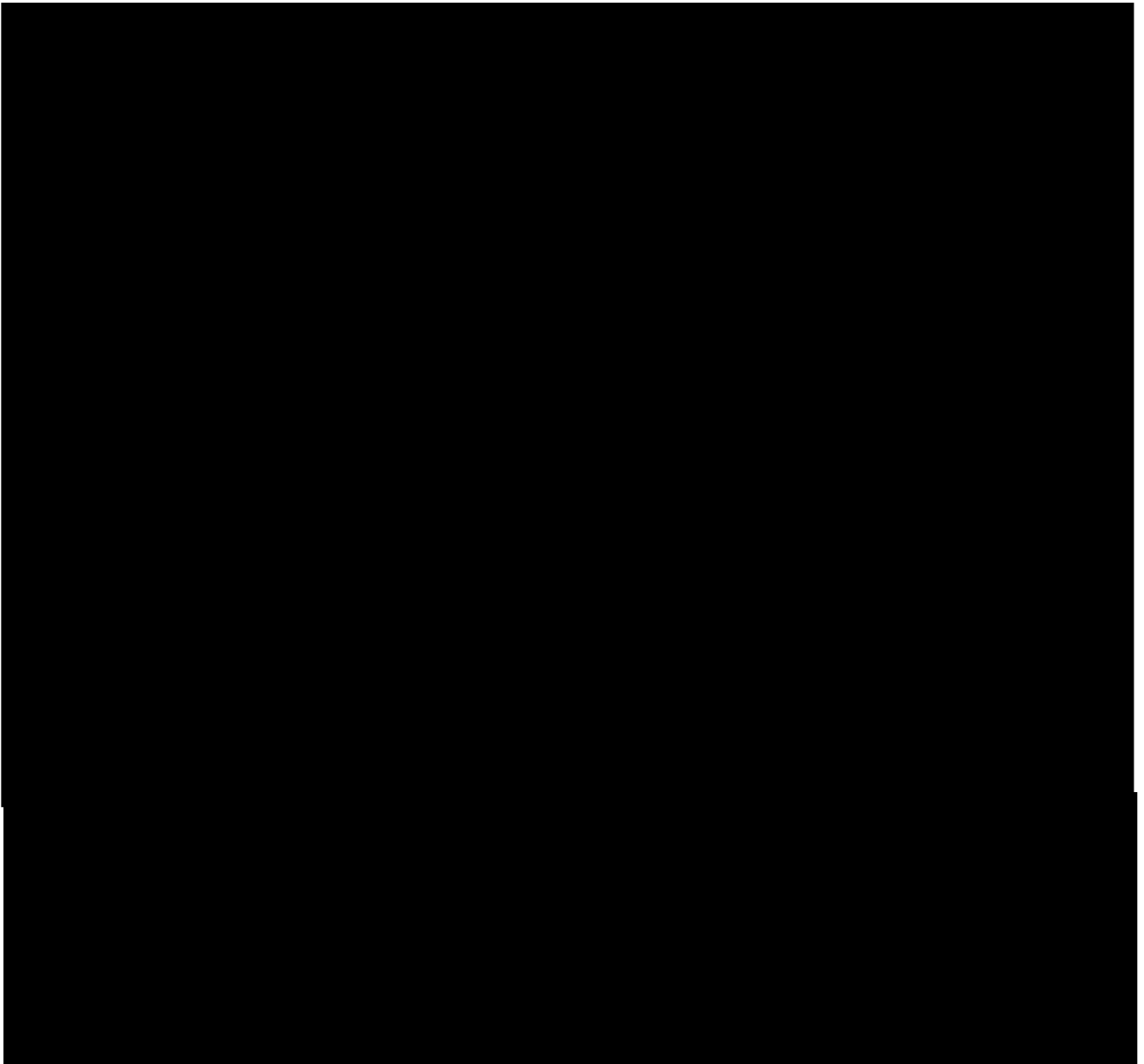
A roost is defined as being 'any structure or place that is used for shelter or protection', and since bats regularly move roost site throughout the year, a roost retains such

designation whether or not bats are present at the time.

5.3.2 Discussion

No trees or suitable buildings are present on site, or to be directly impacted upon by proposals. The site is not used as an established place of shelter for bats and is not key to the overall conservation status of bats in the local area and the development of the site would not alter the ability of bats to survive and reproduce; therefore there is no constraint on the redevelopment of site and no legal requirements for any mitigation or further survey work. The 'ecological functionality' of bats in the local area will not be adversely affected by the development of the site.

It is therefore considered possible to undertake the proposed work without the risk of a breach in the legislation protecting bats.





5.5 Water vole

5.5.1 Legal protection

Water vole is a mammal species which in the United Kingdom typically inhabits well vegetated banks of slow flowing rivers, ditches, dykes and other water bodies such as ponds and lakes. They feed on fringe vegetation and live in extensive burrow systems in banks and densely matted vegetation along the margins of such water bodies.

In recent years water voles have undergone a substantial decline in their numbers in many parts of the United Kingdom as a result of habitat degradation, pollution and predation by introduced American mink *Mustela vison*.

The protection to water vole under the Wildlife & Countryside Act 1981 (as amended) has been extended since 6 April 2008. This means that water vole is now fully protected under section 9 of the WCA. This legal protection makes it an offence to:

- intentionally kill, injure or take (capture) a water vole;
- possess or control a live or dead water vole, or any part of a water vole;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection or disturb water voles while they are using such a place;
- sell, offer for sale or advertise for live or dead water voles.

5.5.2 Recommendations

No evidence of occupation by water voles was recorded on or adjacent to site.

No mitigation is required in relation to this species.

5.6 Birds

5.6.1 Legal protection

All common wild birds are protected under The Wildlife and Countryside Act 1981 (and as amended). Under this legislation it is an offence to:

Kill, injure or take any wild bird

Take, damage or destroy the nest of any wild bird while it is in use or being built

Take or destroy the egg of any wild bird

Certain rare breeding birds are listed on Schedule 1 of The Wildlife and Countryside Act 1981 (and as amended). Under this legislation they are afforded the same protection as common wild birds and are also protected against disturbance whilst building a nest or on or near a nest containing eggs/unfledged young.

5.6.2 Recommendations

To minimise any potential impact or disturbance to protected breeding birds, any site clearance or works should be undertaken outside the bird breeding season, i.e. from late-August and be completed by late February.

If work is to be carried out in the breeding season then an ecologist should be consulted and it is likely that work will have to stop if breeding birds are found in the trees reeds and bankside scrub present. It may be necessary to undertake further more detailed breeding bird surveys immediately prior to the work to search for nests.

5.6.1 Recommended conservation measures – Schedule 1 Birds

No Schedule 1 birds were recorded on site and any mitigation will not be a legal requirement.

5.7 Additional species – Hedgehogs

5.7.1 Legal protection

Hedgehogs are listed on schedule 6 of the Wildlife and Countryside Act (1981) and Wild Mammals Protection Act (1996). Taken together, this legislation makes it illegal, inter alia to:

to kill or capture wild hedgehogs, with certain methods listed

They are also a species of 'principal importance' under the NERC Act, which is meant to confer a 'duty of responsibility' to public bodies.

5.7.2 Overview

Hedgehogs are shy and nocturnal and as such are an under recorded species. At least a quarter of the UK population has been lost in the last decade (Roos *et al*, 2012). Hedgehogs require the ability to move freely through their home ranges landscape, have unmanaged areas in which to nest for breeding, resting and periods of hibernation during

winter (November – mid March). In recent years unsympathetic use of garden fencing has restricted hedgehog movement and provision of unmanaged areas in new developments has not been forthcoming.

5.7.3 Recommended conservation measures

Any rough areas on or adjacent to the survey site should be retained where possible.

5.8 Biodiversity and Government Policy

In addition to the relevant protected species legislation, which is in place to safeguard species such as bats (and their roosts) and barn owls, there is also legislation and policy which imposes duties to take account of statutorily protected species such as bats and also to undertake action to prevent loss of biodiversity and species/habitats which have been identified as priorities for the UK. In England and Wales, the Natural Environment and Rural Communities (NERC) Act 2006, imposes a duty on all public bodies (including Local Authorities and statutory bodies) to conserving biodiversity – including the restoration and/or enhancement of a population or habitat. In addition, government planning policy guidance throughout the UK, provided in OPDM Circular 06/2005, states that Protected Species are a 'material consideration' when assessing development proposals and requires that local planning authorities must take account of protected species issues prior to determining planning applications. Section 15 of the NPPF further supports this: section 174. d) states that *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*; and section 180. D) further states that *'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'*.

5.8.1 Core Strategy

The East Lindsey Local Plan Core Strategy, (adopted July 2018), under 'Strategic Policy 24 (SP24) - Biodiversity and Geodiversity' states:

1. *Development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats.*

5.8.2 The Environment Act 2021

Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet

unconfirmed date, expected to be in January 2024. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. This sits alongside:

a strengthened legal duty for public bodies to conserve and enhance biodiversity,

new biodiversity reporting requirements for local authorities,

and

mandatory spatial strategies for nature: Local Nature Recovery Strategies or 'LNRS'.

(Local Government Association 2023)

5.8.3 Delivery of a 10% Biodiversity Net Gain

At the time of survey and production of the associated report, delivery of a 10% Biodiversity Net Gain is not yet a mandatory requirement. Should East Lindsey District Council require delivery of a 10% net gain, it should be recognised that land surrounding the application site on the South Ormsby Estate, (which is under the ownership/control of the applicant), may be utilised for tree and hedgerow planting and the creation of water bodies, which are proposed under current and developing estate management biodiversity enhancement plans.

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[Strategy/pdf/Core Strategy adopted version for web.pdf](#)

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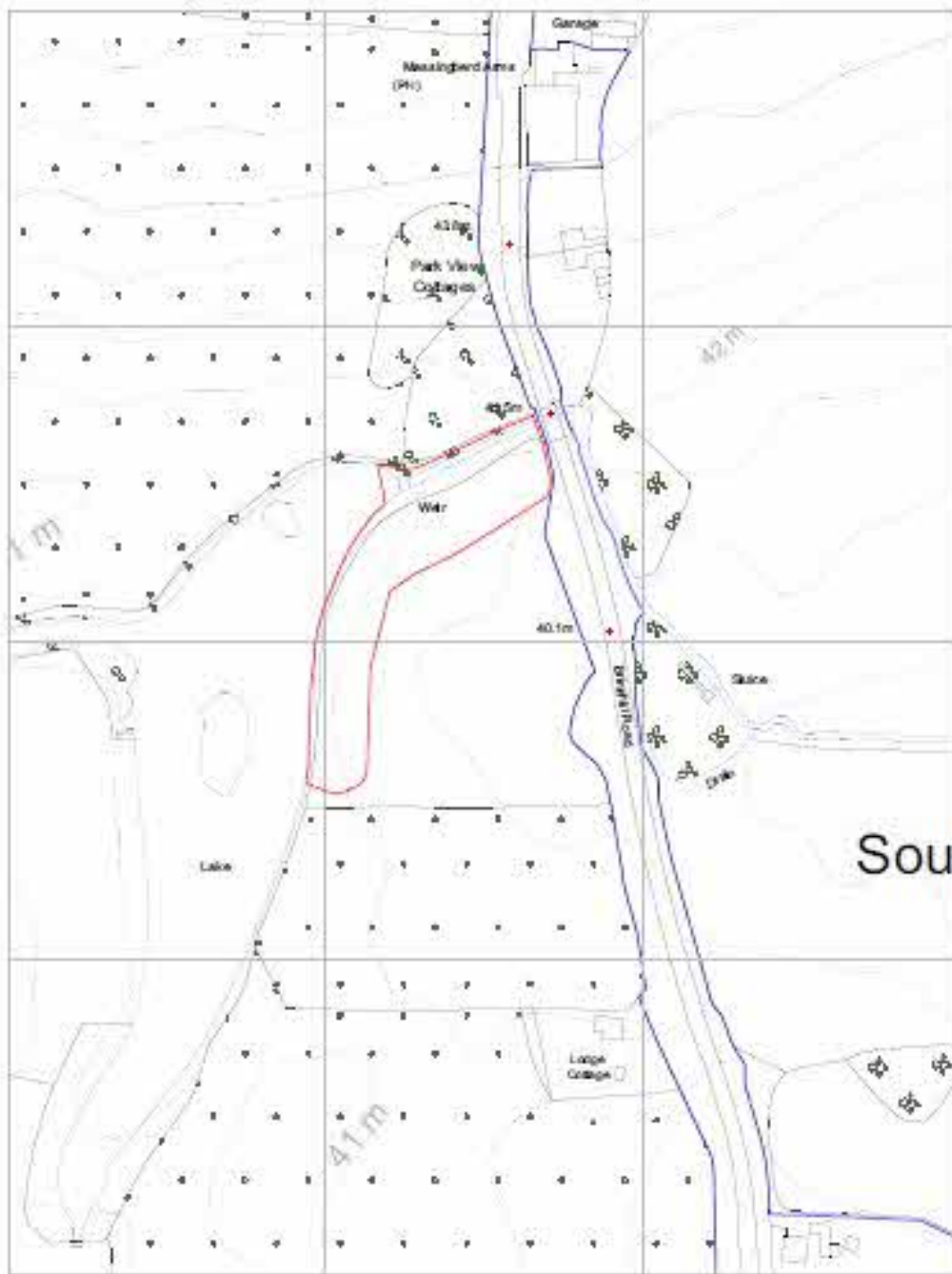
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APPENDIX 1
Figure 2: Detailed site location plan



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