



Preliminary Ecological Appraisal and Preliminary Roost Assessment

The Grange, Bewholme, East Riding of Yorkshire, YO25 8ED

TONY LYON

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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.

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 TONY LYON to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at The Grange, Bewholme, East Riding of Yorkshire, YO25 8ED (hereafter referred to as “the site”). The survey was required to inform a planning application for the conversion of two barns into holiday lets, (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	<p>Habitats on site comprise of residential and storage buildings, a garden including a lawn, introduced shrubs and scattered trees.</p> <p>The site contains trees adjoined to woodland which are of good quality and could be of value to local wildlife populations (as detailed in subsequent sections of this table). The remaining habitats are common and widespread and have low ecological value.</p> <p>Pockets of priority habitat index deciduous woodland is located within a 2km radius, with the closest being 30m south from the site.</p> <p>Cotoneaster sp. was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>	<p>No impacts to any notable habitats are anticipated as the works are to remain localised to buildings A and B, the only vegetation that will be directly impacted is the ivy on both buildings that will be removed.</p> <p>Due to the proximity of the development area to the woodland pockets to the north and south, indirect effects such as pollution or tree damage could occur during construction.</p> <p>Construction could result in the spread of cotoneaster sp. if the development is in close contact to the species.</p>	<p>Best practice measures to minimise the possibility of pollution must be implemented during construction.</p> <p>Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p> <p>Cotoneaster sp. should be dug up if the plant is close to the development, including roots, and disposed of in line with appropriate controlled waste measures.</p>
Roosting bats (Building B)	<p>Building B has a confirmed roost present, due to the results from the 2019 surveys finding four common pipistrelle day roosts, and the presence of droppings and feeding remains present internally.</p> <p>The building is unsuitable for void dwelling species due to the lack of access points into the</p>	<p>The proposed development is to convert the barn into a holiday let, which would involve the renovation of the internal area and the renovation of the roof. This would destroy the confirmed roosts established in 2019, located under the eaves on the southern elevation, under the roof tile and in the brickwork on the northern elevation,</p>	<p>Three bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to characterise the roosts present. At least three of the surveys should be completed during the optimal survey period mid-May to August inclusive.</p>

	first floor, and the ground floor is too draughty and regularly disturbed to be used by void dwelling bats.	and therefore could cause disturbance, death or injury to bats.	Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart.
Roosting bats (Building A)	<p>Building A is deemed moderate value for roosting bats.</p> <p>There are gaps and features present that could support smaller and larger numbers of crevice dwelling bats, such as the lined sections of the building could support higher numbers of bats.</p> <p>The building is unsuitable for void dwelling bats due to the open doorways allowing in consistent bright and draughty conditions, and the cluttered nature of the interior would limit internal flight.</p>	The proposed development is to convert the barn into a holiday let, which would involve the renovation of the internal area and the renovation of the roof. This would destroy the any suitable roosting features for bats including gaps under the roof and ridge tiles and gaps under the eaves. This could cause disturbance, death or injury to bats if present within building A.	Two bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive. Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart.
Foraging and commuting bats	Trees and shrubs could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	<p>The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.</p> <p>The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.</p>	A low impact lighting strategy will be adopted within the proposed development. This should be designed in accordance with Guidance Note GN08/23 Bats and Artificial Lighting at Night (Institution of Lighting Professionals, 2023).
Birds	<p>Three swallow nests were found within building A, and droppings were found within the first floor of building B. An owl box is installed on the eastern elevation of building B.</p> <p>The trees and ivy would provide suitable nesting habitat for birds.</p> <p>As the site is regularly managed and not regularly turned, it is unsuitable for overwintering, wading and ground nesting birds.</p>	Buildings A and B will be converted into holiday lets, which will remove the nest locations and roosting spaces for birds, and will remove the ivy from the buildings. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and 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.	The removal of the owl box, the ivy and the conversion of building A and B should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings 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.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by TONY LYON to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at The Grange, Bewholme, East Riding of Yorkshire, YO25 8ED (hereafter referred to as “the site”). The survey was required to inform a planning application for the conversion of two barns into holiday lets, (hereafter referred to as “the proposed development”). 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.

A combined Daytime Visual Inspection and Activity Survey Report (titled: Bat Survey, August 2019), was completed by Wold Ecology Ltd in August 2019. In January 2019, both buildings were found to be unsuitable for hibernating bats due to the lack of bats present. During the activity surveys, no bat roosting activity was recorded from outbuilding A. Three common pipistrelle day roosts were identified within outbuilding B, located in a gap above the eaves on the southern elevation, in a gap in the external brickwork on the northern elevation and one located within the building which was accessed via a gap above the doorway on the easter gable end.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference TA 16508 50886 and has an area of approximately 0.19ha comprising of residential and agricultural barns, grassland, and ornamental garden and scattered trees. It is surrounded by arable fields with Bridlington Bay to the east and the A165 to the west. The wider landscape comprises of predominantly arable fields, with two small pockets of deciduous woodland to the north and south of the site. There are hedgerows and small pockets of woodland in the wider area, all of which could provide foraging and commuting habitat for bats and for a range of terrestrial species. 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 review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Sally Hall BSc (Hons), (accredited on Natural England Class 2 Bat Licence 2022-10404-CL18-BAT) on 24th October 2023.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in *UK Habitat Classification User Manual* (UK Habitat Classification Working Group, 2018). 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. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

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 two built structures 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.

Suitability Assessment

Built structures 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 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

<i>Classification</i>	<i>Feature of building and its context</i>
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.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use 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 largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
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.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

No clear view of the northern elevation of B2 could be viewed due to the dense vegetation coverage on the building.

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

3.0 Results and Evaluation

3.1 Designated Sites

No statutory designated sites were identified within 2km of the site. The presence of non-statutory designated sites within 2km cannot be established without biological records data from North and East Yorkshire Ecological Data Centre. However, it is considered unlikely that such sites would be present in the immediate vicinity due to the arable, regularly managed nature of the surrounding habitat.

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 2.

Table 2: Weather conditions during the survey

Date:	24/10/2023
Temperature	12°C
Humidity	88%
Cloud Cover	100%
Wind	10mph
Rain	Heavy rain

Habitats and Flora



The following habitats are present within and adjacent to the site:

- Buildings – u1b5
- Suburban mosaic of developed and natural surfaces with a vegetated garden, introduced shrubs and scattered trees – u1d, 828, 847, 32
- Walls – u1e

A description and photographs of each habitat are provided in Table 3.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site.

Table 3: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Buildings – u1b5	<p>There are four buildings on site. The residential dwelling which will not be impacted by the development, and outbuilding that will not be impacted, and the two outbuildings (A & B) which will be impacted. The buildings are described in further detail in Table 4.</p>	
Suburban mosaic of developed and natural surfaces with a vegetated garden, introduced shrubs and scattered trees – u1d, 828, 847, 32	<p>The site consists of an ornamental garden with introduced shrubs, a regularly managed grass lawn, scattered trees to the north and hardstanding pathways around the site. The grassland is kept at a sward height of 5cm and consists of species such as perennial ryegrass (D), creeping buttercup (F), white clover (F), common ragwort (O) and geranium sp. (O).</p> <p>English ivy covers the northern elevation of building A and the southeastern corner of building B.</p> <p>The introduced shrubs are scattered around the site, some of which are potted as shown in the photo (right). The introduced shrubs species include dog rose (O), rhubarb (O), buddleia (F), common snowberry (F) and Japanese barberry (F).</p> <p>The trees along the northern boundary are part of a small woodland pocket, and consists of mature wild cherry (F), hazel (F), ash (O), willow sp. (O), holly (F) and sycamore (F).</p>	

<p>Walls – u1e</p>	<p>The site has brick walls around the southern (marked with arrow) and western elevations that connect to the residential dwelling and outbuilding B. The southern, eastern and western boundaries are all enclosed with the brick walls or with buildings.</p>	
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Fauna

Bats

The results of the PRA are provided in Table 4. Approximately 50 droppings were scattered around the whole of the first floor of outbuilding B. A cluster of another 20 (approximate) droppings were located on the windowsill and in cobwebs in the window frame on the southern elevation, which is likely to be the location of the internal roost identified in 2019. About 20 butterfly wings were also scattered around the first floor indicating the building being used for foraging.

Table 4: Assessment of the suitability of the site for bats



Feature	Description	Photographs
Historical records	No EPSLs for bats were identified within a 2km radius of the site.	



<p>Bat foraging and commuting habitat</p>	<p>There are residential dwellings nearby, with pockets of woodland and hedgerows in the immediate vicinity of the site which could provide foraging and commuting habitat for bats. The wider landscape is predominantly arable fields and therefore light and noise pollution is likely to be limited.</p>	
<p>Building A - overview</p>	<p>Building A is a single-storey outbuilding that is attached to the residential dwelling on the southern elevation, with a cross-pitched and gabled roof, all clad in curved interlocking clay tile. The roof appears to be in poor condition as there are numerous gaps between the tiles, and there are gaps all along the roof verge where the interior of the building can be seen. There are several missing ridge tiles in particular on the southern section of the building. The brickwork appears to be in poor condition, as there are sections in particular on the western elevation where bricks and mortar have come away, creating small gaps. There are purpose-built gaps in the brickwork for ventilation on the western and eastern elevations. There is dense ivy located on the northern gable end. The doors and window frames are constructed of wood and appear to be in poor condition, as the wood appears to be weathered and there are gaps around some of the frames. Several of the doors do not close properly, exposing the interior to consistent daylight and draughty conditions.</p>	

Building A –
eastern
elevation

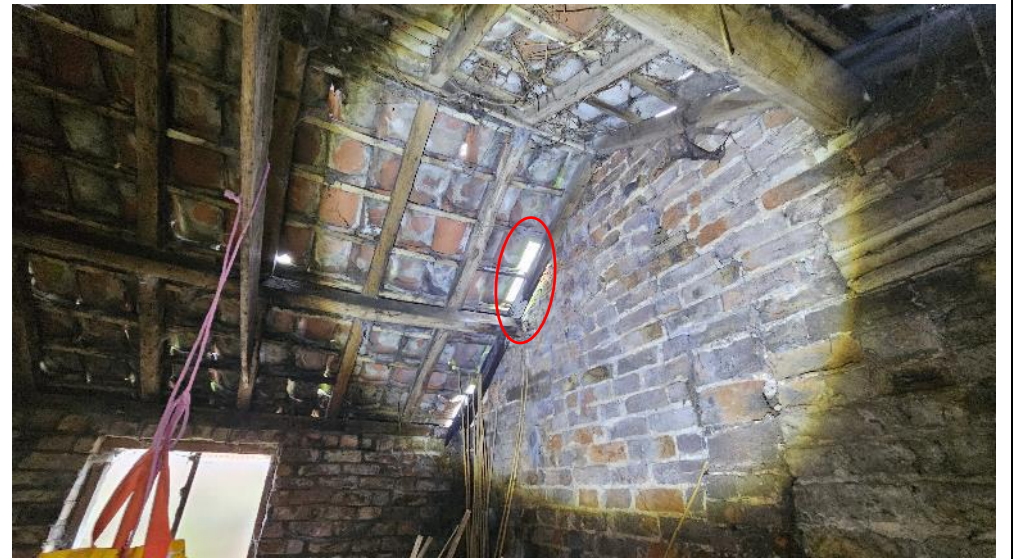
There are several missing tiles on the eastern elevation that is in close proximity to the residential dwelling. There are gaps underneath the roof tiles on the verge where bats could roost or access the interior space. There are three wooden doors on this elevation, two of which do not close which would allow access into the interior.






<p>Building A – northern elevation</p>	<p>The northern gable end is densely covered in ivy which could be obscuring suitable roosting features for bats, in particular on the roof on the western elevation. The ivy itself is unlikely to be a roosting feature as the vines are too thin and not intertwined enough to create a roosting feature suitable for bats.</p>	
<p>Building A – western elevation</p>	<p>There are gaps underneath the roof tiles on the verge where bats could roost or access the interior space. There are three wooden doors on this elevation, two of which do not close which would allow access into the interior. Ventilation gaps are also present on the walls of this elevation. There is some moss present on around 20% of the roof tiles.</p>	

		
Building A – interior	<p>The interior of building A consists of three rooms that are separated by internal brick walls. The roof is constructed of timber beams including the ridge beam, and is partially lined with bitumen felt lining, and is partially not lined, exposing the underside of the external roof tiles.</p> <p>The roof lining appears to be in poor condition as there are several tears in the lining and daylight enters through these gaps. The lined section of the building could support crevice dwelling bats as there are a number of gaps under the tiles and gaps in the lining where bats could roost.</p> <p>There are gaps where daylight enters the room through the roof where tiles have slipped (circled), through the gaps along the roof verges and through the open doorways. Most of the interior of building A is consistently lit and exposed to draughty conditions due to the open doorways, reducing the suitability of the building for void dwelling bats.</p> <p>The building is partially used for storage and so the personal belongings reduces the space to fly internally, further reducing the suitability for void dwelling bats. The disused sections are heavily covered in ivy vines, which creates a cluttered internal environment</p>	

which could be difficult to navigate, further reducing space for internal flight.
There are a large number of cobwebs on the ridge beam which could indicate a lack of recent activity of bats roosting along the ridge.





		
<p>Building A – suitability assessment</p>	<p>Building A is deemed moderate for roosting bats, as there are numerous features on the building that could be utilised by crevice dwelling species. The lined sections of the roof could support large numbers of crevice dwelling species, however the building is unsuitable for void dwelling bats, due to the limited internal flight space and the consistent lit and draughty conditions of the interior. The trees surrounding the site would provide commuting and foraging habitat for small numbers of bats. No evidence of roosting bats was found internally or externally during the survey.</p>	
<p>Building A – nesting birds and other incidental observations</p>	<p>Three disused nests were located on the timber beams and all appear to be from swallows due to the construction of the nests.</p>	

	<p>A group of pheasant feathers were also found within the building, however this could be from a cat or fox that has caught a pheasant from nearby.</p>	
<p>Building B - overview</p>	<p>Building B is a two-storey detached barn currently used for storage, with a pitch and gabled roof and a mono-pitch roof on the southern elevation, all clad in curved interlocking clay tile.</p> <p>The roof appears to be in poor condition as there are numerous gaps between the tiles, and there are gaps all along the roof verge where the interior of the building can be seen. There is also a gap underneath the ridge tile on the southern elevation.</p> <p>The mortar on the gable ends for the most part, appears to be in good condition, however there is one section on the southwestern section where the mortar has come away, creating a gap underneath the roof tiles.</p> <p>The brickwork appears to be in poor condition, as there are sections in particular on the western and northern elevations where bricks and mortar have come away, creating small gaps near the top of the wall. There is a missing brick that leads into the ground floor storage area on the western elevation.</p> <p>The doors and window frames are constructed of wood and appear to be in poor condition, although the wood appears to be weathered and there appears to be small gaps around several of the frames, in particular on the northern elevation. Two windows on the northern elevation have been boarded up using timber boards, and the remaining doors and windows appear to be intact.</p> <p>The ground floor has consistently open doorways on the northern elevation and is used as a workshop. There is a large gap above one of these doorways where the mortar has come away from the walls.</p>	

Building B – southern elevation

There are gaps underneath the roof tiles on the verge where bats could roost or access the interior space, along the mono-pitch roof and the pitched roof. There are numerous gaps under the roof tiles and the ridge tile on this elevation. One of the previous common pipistrelle roosts was located underneath the eaves (circled in yellow) and one was located under the roof tile (circled in yellow).



<p>Building B – eastern elevation</p>	<p>There are no roosting features on this elevation. There is an owl box on the building that is not being used. This elevation is densely covered in ivy which could be obscuring suitable roosting features for bats. The ivy itself is unlikely to be a roosting feature as the vines are too thin and not intertwined enough to create a roosting feature suitable for bats.</p>	
<p>Building B – northern elevation</p>	<p>There are gaps underneath the roof tiles and underneath the roof verges on this elevation and gaps under one of the window frames that could be used by roosting bats. The doorways are permanently open on this elevation which could allow access into the interior space, although the ground floor is a regularly used workshop which is likely to create disturbance that would be suboptimal for roosting bats. A common pipistrelle day roost was previously identified here (circled in yellow) in a large gap in the brickwork where the mortar had come away.</p>	

Building B –
western
elevation

There is a gap around the wooden panel above the window frame and missing mortar which could be used by crevice dwelling bats.



Building B –
interior

The interior of building B has one large room on the first floor, and an open workshop on the ground floor and what appears to be used previously as a garden room.

The ground floor is an open workshop with a flat roof, which is constructed of timber boards from the floor above, and wooden timber beams supporting the floor. There is no lining or insulation on the ceiling, the walls or the floor. The ground floor is regularly disturbed as it is used as a workshop and is well lit and draughty due to the northern elevation doorways being open, therefore the space is unlikely to be suitable for roosting void dwelling species.

The beams are well sealed and there are no cracks in the beams or between the beams and the floorboards for crevice dwelling bats to use.

The garden room is part of the mono-pitch section of building B and is constructed of timber beams and is lined with polystyrene boards and clear uPVC sheeting. The polystyrene appears to be in poor condition as there are breaks and gaps in the boards.

The walls and floors are constructed of brick and stone and are not insulated. There are a few gaps to allow bats into the section of the building via gaps in the roof and the polystyrene boards, however due to the windows and uPVC sheeting on the roof, consistent daylight enters the room which would deter bats from roosting here. There may be gaps suitable between the polystyrene and the roof tiles suitable for crevice dwelling species, however there are no roosting features within the room.



The first floor is a large room that is constructed of timber beams including the ridge beam and is lined with bitumen felt lining. The lining appears to be in fair condition, as for the most part the lining is intact. There is a small tear in the lining on the northern elevation, however no daylight enters through this gap.

The walls and floor are not insulated, therefore the brickwork and floorboards are exposed.

There are no cracks in the beams which could be used by crevice dwelling bats and there are no gaps between the beams and the lining that could be used.

There are nine windows on the northern, southern and western elevation allowing consistent daylight into the room, which would deter bats from roosting here. Although the beams and size of the room would allow space for internal flight for void dwelling bats, there are no entry points large enough for void dwelling bats, and the daylight would deter them from roosting here.



Around 50 droppings and around 20 butterfly wings were scattered around the whole of the first floor, and the droppings were located on the floor, on top of items and on the internal southern and western walls.

There is a gap above the southwestern most window frame, where around 20 droppings were seen located below this gap, resting on the cobwebs below. On the 2019 survey, an internal roost was identified but the exact location was not determined. The droppings suggest that this gap above the frame is the internal roost location previously identified.



Building B – suitability assessment

Building B is deemed high value for roosting bats. Four common pipistrelle day roosts were previously identified in 2019 under the eaves, inside the building and in the brickwork. During this survey, around 70 droppings were found scattered around the first floor and underneath a window frame, and butterfly wings are also present, indicating the building is used as a foraging spot and a day roost, due to the low number of droppings present. There are numerous gaps on the exterior including the gaps in the mortar, gaps in the brickwork and gaps under the roof tiles, and as the first floor is lined, this could support larger numbers of crevice dwelling bats. The building is unlikely to support void dwelling bats as there are no access points into the first floor.

The surrounding habitat includes trees and two small pockets of woodland, although beyond this the foraging habitat is limited due to being surrounded by arable fields.

Building B - nesting birds and other incidental observations

A collection of bird droppings was located underneath a window on the northern elevation that is boarded up, and droppings were seen on the timber beams. These are likely to be historic as the window appears to have been the access point into the building that has since been boarded up.



Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 5.

Table 5: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	<p>There are no EPSLs or pond survey data within a 2km radius of the site. One class license return was identified within a 2km radius, located 1,050m north from the site. Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton <i>et al.</i> 2001), therefore, this population of great crested newts is considered isolated from the site.</p> <p>There are twelve ponds within a 500m radius of the site, with the closest located 35m south from the site. Alongside this pond, four other ponds are located south of the site and are connected via arable fields and hedgerows. The remaining ponds are located to the west and north and are isolated from the site via tarmac roads.</p> <p>The southern and eastern boundaries of the site are walled and are therefore isolated from the ponds in the surrounding area, however there is a pathway near to the northwestern corner of the site where amphibians could commute, and there is a pocket of woodland to the north which could be suitable for amphibians. Despite this, the habitats on site would be considered suboptimal due to the regularly managed grassland, hardstanding ground and the majority of the introduced shrubs on site being potted, the foraging habitat and shelter is limited. The client also owns several dogs which could deter amphibians from commuting to the site.</p>
Reptiles	<p>As the site is surrounded by regularly managed arable fields and the site is isolated from suitable habitat for reptiles, there is limited connectivity to the site. There are pockets of woodland to the north and south of the site where reptiles could utilise the woodland edge, however these pockets of woodland are isolated from a wider connected landscape. There is a brick wall between the southern boundary of the site and the nearby woodland which would limit connectivity. There is no suitable habitat on site for basking, foraging or hibernating reptiles as the grassland is regularly managed and the majority of the site hardstanding ground and introduced shrubs. The client also owns several dogs and ducks which could deter reptiles from commuting to the site.</p>
Badgers	<p>The topography of the site is broadly flat and therefore there is no suitable habitat for sett excavation. There are tarmac roads and a neighbouring residential dwelling to the east of the site, and there is a brick wall between the southern boundary of the site and the nearby woodland which would limit connectivity. There are arable fields to the west of the site which badgers may commute through and due to the wall being present to the south, it is likely that badgers would commute around the western side of the site between the small pockets of woodland to the north and south of the site. Due to the limited foraging and commuting habitat on site for badgers, it's unlikely that badgers would commute to the site for foraging opportunities. No evidence was found of badgers on site or within 30m of the site.</p>
Hazel Dormouse	<p>North Yorkshire is within the natural range for hazel dormice, and several re-introduction projects have been carried out in the North Yorkshire Dales to increase hazel dormice populations. However, there is no suitable habitat for hazel dormice on site as hazel dormice need densely vegetated woodland that is connected to the wider landscape to thrive, which is not available on site or adjacent to the site, therefore it is unlikely that hazel dormice will be present on site.</p>

Hedgehog	Hedgehogs are known for using urban gardens and arable fields to forage and commute; therefore hedgehogs may be present on site. The immediate habitat surrounding the site includes a neighbouring residential property and arable fields and there is a brick wall between the southern boundary of the site and the nearby woodland which would limit connectivity. However, there are hedgerows and small pockets of woodland near to the site which could be used by hedgehogs for foraging, commuting, shelter and hibernation. As the grassland on site is kept at a short sward, hedgehogs may avoid commuting across as this increases exposure to predation, and are likely to remain near to the trees to the north.
Riparian mammals	There are no watercourses on or nearby to the site that would support otters or water voles, therefore these species are unlikely to be present on site.
Birds	There are numerous shrubs and trees on site which may provide nesting and foraging habitat for birds. The grassland may provide some foraging habitat for passerine birds. The land on site is not regularly turned and therefore would be unsuitable for overwintering and wading birds, and the vegetation is regularly managed and would therefore be unsuitable for ground nesting birds. The client also owns several dogs which could deter ground nesting birds from nesting on site, and could deter birds from foraging on the grassland on site. Three disused birds' nests were located within building A, and bird droppings were located within building B. The ivy on the buildings could also be used by nesting birds.
Invertebrates	The grassland on site is regularly managed and kept at a short sward which would be suboptimal habitat for a range of common invertebrates, due to the lack of variation in vegetation height. The shrubs and trees may provide some habitat for terrestrial invertebrates, and there are sections of woodland to the north and south of the site which could also provide habitat for decomposer species.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

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 6 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 of the conversion of two barns into holiday lets.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Designated sites	<p>There are no statutory designated sites within 2km of the site.</p> <p>The presence of non-statutory designated sites within 2km cannot be established without biological records data from North and East</p>	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known).	None.	None.

¹The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	<p>Yorkshire Ecological Data Centre. However, it is considered unlikely that such sites would be present in the immediate vicinity due to the arable, regularly managed nature of the surrounding habitat.</p>			
<p>Habitats and flora</p>	<p>Habitats on site comprise of residential and storage buildings, a garden including a lawn, introduced shrubs and scattered trees.</p> <p>The site contains trees adjoined to woodland which are of good quality and could be of value to local wildlife populations (as detailed in subsequent sections of this table). The remaining habitats are common and widespread and have low ecological value.</p> <p>Pockets of priority habitat index deciduous woodland is located within a 2km radius, with the</p>	<p>No impacts to any notable habitats are anticipated as the works are to remain localised to buildings A and B, the only vegetation that will be directly impacted is the ivy on both buildings that will be removed. Due to the proximity of the development area to the woodland pockets to the north and south, indirect effects such as pollution or tree damage could occur during construction.</p> <p>Construction could result in the spread of cotoneaster sp. if the development is in close contact to the species.</p>	<p>Best practice measures to minimise the possibility of pollution must be implemented during construction.</p> <p>Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p> <p>Cotoneaster sp. should be dug up if the plant is close to the development, including roots, and disposed of in line with appropriate controlled waste measures.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development:</p> <ul style="list-style-type: none"> Planting of native shrubs and hedgerows where possible <p>Species-specific enhancement opportunities are detailed later in this table.</p>

	<p>closest being 30m south from the site.</p> <p>Cotoneaster sp. was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>			
Amphibians	<p>In a 2km radius of the site, there is one class license return located 1,050m north of the site, and there are twelve ponds within a 500m radius of the site. The closest pond is 30m south of the site, and although the southern boundary is blocked by walls, there is entry to the site via a pathway to the northwest. The habitats on site are suboptimal for amphibians due to the grassland being a short sward, and the clients have several dogs which could predate on amphibians.</p>	<p>No impacts are anticipated on great crested newt and common amphibians as a result of the proposed development will remain within the footprint of the two buildings and will not be impacting habitat or nearby habitat suitable for amphibians.</p>	None.	None.
Reptiles	<p>Although the woodland edges could be suitable for reptiles, the small</p>	<p>No impacts are anticipated on reptiles as a result of the proposed development. The development will remain within the footprint</p>	None.	None.

	<p>pockets of woodland have limited connectivity to the wider landscape which could reduce the likelihood of reptiles being present on site.</p> <p>The client also owns several dogs which could deter reptiles being present on site.</p>	<p>of the two buildings and will not be impacting habitat or nearby habitat suitable for reptiles.</p>		
<p>Roosting bats (Building B)</p>	<p>Building B has a confirmed roost present, due to the results from the 2019 surveys finding four common pipistrelle day roosts, and the presence of droppings and feeding remains present internally.</p> <p>The building is unsuitable for void dwelling species due to the lack of access points into the first floor, and the ground floor is too draughty and regularly disturbed to be used by void dwelling bats.</p>	<p>The proposed development is to convert the barn into a holiday let, which would involve the renovation of the internal area and the renovation of the roof. This would destroy the confirmed roosts established in 2019, located under the eaves on the southern elevation, under the roof tile and in the brickwork on the northern elevation, and therefore could cause disturbance, death or injury to bats.</p>	<p>Three bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to characterise the roosts present. At least two of the surveys should be completed during the optimal survey period mid-May to August inclusive.</p> <p>Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart.</p> <p>Two surveyors are required to provide full coverage of the building.</p> <p>An EPSL application to Natural England will be required. The EPSL application requires that 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>A Material Changes Check will be required within three months of the EPSL submission, if no survey work has been undertaken within that period. If bat droppings were found during the PRA, a</p>	<p>To be confirmed upon completion of the surveys.</p>

			sample will need to be sent off for DNA analysis to confirm the bat species present, to inform the EPSL application. Biological records data will also need to be obtained to inform the application.	
Roosting bats (Building A)	<p>Building A is deemed moderate value for roosting bats.</p> <p>There are gaps and features present that could support smaller and larger numbers of crevice dwelling bats, such as the lined sections of the building could support higher numbers of bats.</p> <p>The building is unsuitable for void dwelling bats due to the open doorways allowing in consistent bright and draughty conditions, and the cluttered nature of the interior would limit internal flight.</p>	<p>The proposed development is to convert the barn into a holiday let, which would involve the renovation of the internal area and the renovation of the roof. This would destroy the any suitable roosting features for bats including gaps under the roof and ridge tiles and gaps under the eaves. This could cause disturbance, death or injury to bats if present within building A.</p>	<p>Two bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive.</p> <p>Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart.</p> <p>Two surveyors are required to provide full coverage of the building.</p> <p>If bat roosts are confirmed in the building one additional survey may be required to characterise the roost and to inform an EPSL application to Natural England. The EPSL application requires that 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>To be confirmed upon completion of the surveys.</p>
Foraging and commuting bats	<p>Trees and shrubs could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.</p>	<p>The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.</p> <p>The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.</p>	<p>A low impact lighting strategy will be adopted within the proposed development. This should be designed in accordance with Guidance Note GN08/23 Bats and Artificial Lighting at Night (Institution of Lighting Professionals, 2023).</p> <ul style="list-style-type: none"> Avoidance of light spill on to key habitats or features which bats 	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats:</p> <ul style="list-style-type: none"> Planting of native tree, shrub and hedgerows to increase foraging opportunities.

			may use for roosting, foraging or commuting, via an appropriately sized buffer insofar as possible. A luminaire specification which reduces the effects of light spill on bats should be chosen where feasible. The installation of physical screening features, glazing treatments and the use of dimming or part night lighting could also be considered, where appropriate.	
Badger	There is limited habitat on site for foraging badgers, and the topography of the site is flat and unsuitable for sett excavation. There is limited connectivity through the site as the southern, eastern and partially the western boundaries are isolated, preventing easily commutable routes through the site.	No impacts are anticipated on badgers as a result of the proposed development. The development will remain within the footprint of the two buildings and will not be impacting habitat or nearby habitat suitable for badgers.	None.	None.
Hazel dormouse	Although North Yorkshire is within the natural range of hazel dormice, there is no suitable, connected habitat on site for hazel dormice to utilise.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.

<p>Hedgehog</p>	<p>Hedgehogs are known to use urban gardens and arable fields for foraging and shelter, however as there is limited connectivity to the site, and the habitat on site is considered suboptimal due to the short grass sward, it is unlikely that hedgehogs would be present on site. The client also owns several dogs which could deter hedgehogs being present on site.</p>	<p>No impacts are anticipated on hedgehogs as a result of the proposed development. The development will remain within the footprint of the two buildings and will not be impacting habitat or nearby habitat suitable for hedgehogs.</p>	<p>None.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs:</p> <ul style="list-style-type: none"> The installation of a hedgehog house or brash pile at the far edge of the woodland facing away from the site, to provide shelter and to encourage commuting away from the site to prevent dog attacks.
<p>Riparian mammals</p>	<p>There are no watercourses on or nearby to the site that would support otters or water voles, therefore these species are unlikely to be present on site.</p>	<p>No impacts are anticipated on otters or water voles as a result of the proposed development.</p>	<p>None.</p>	<p>None.</p>
<p>Birds</p>	<p>Three swallow nests were found within building A, and droppings were found within the first floor of building B. An owl box is installed on the eastern elevation of building B. The trees and ivy would provide suitable nesting habitat for birds.</p>	<p>Buildings A and B will be converted into holiday lets, which will remove the nest locations and roosting spaces for birds, and will remove the ivy from the buildings. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and 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>The removal of the ivy and the conversion of building A and B should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings 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> <p>If the owl box is proposed to be removed, it must be checked for any evidence of</p>	<p>The installation of two bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on mature trees to the north of the site, or under the eaves of building B, which could include brands such as: Vivara Pro Estella House Sparrow Nest Box (buildings) Vivara Pro Madrid Swift Nest Box (buildings) Schwegler 1B Nest Boxes (trees) Schwegler 2H Robin Boxes (trees)</p>

	<p>As the site is regularly managed and not regularly turned, it is unsuitable for overwintering, wading and ground nesting birds.</p>		<p>nesting, and then removed outside of 1st March to 31st August (barn owl nesting season), in anticipation of the works on the building. The box can then be re-installed on the building or on a pole nearby to the site.</p>	<p>Woodstone Nest Box (buildings or trees) Or similar alternative brand. 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. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction. Species-specific bird boxes should be installed in line with manufacturers specifications.</p>
<p>Invertebrates</p>	<p>The grassland on site is regularly managed and kept at a short sward which would be suboptimal habitat for a range of common invertebrates, due to the lack of variation in vegetation height.</p>	<p>No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.</p>	<p>None.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates:</p> <ul style="list-style-type: none"> • The planting of native, pollinator friendly wildflowers to increase foraging opportunities for invertebrates • Installation of a bug hotel close to the wildflowers to create more hibernation habitat for invertebrates

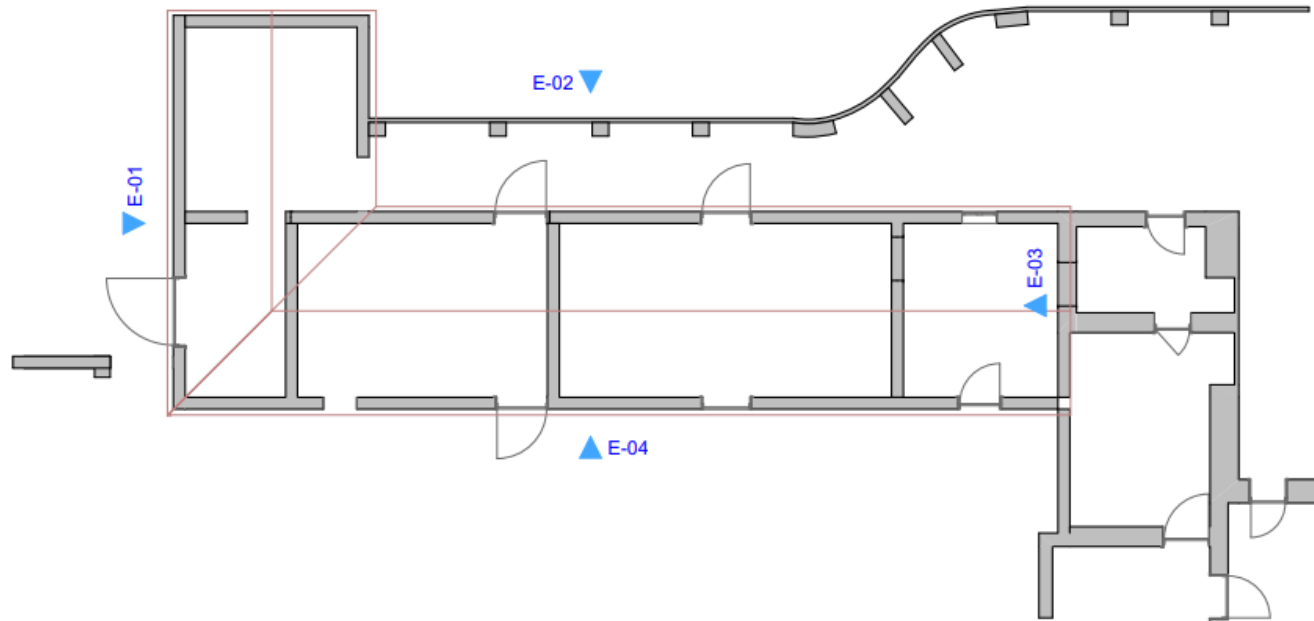
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Appendix 1: Proposed Development Plan



Existing Ground Floor Plan

1:100



Rev	Change	Date

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287.01.04 - Building A Existing Ground

Subject to Planning / Building Control Approval
Floor Plan

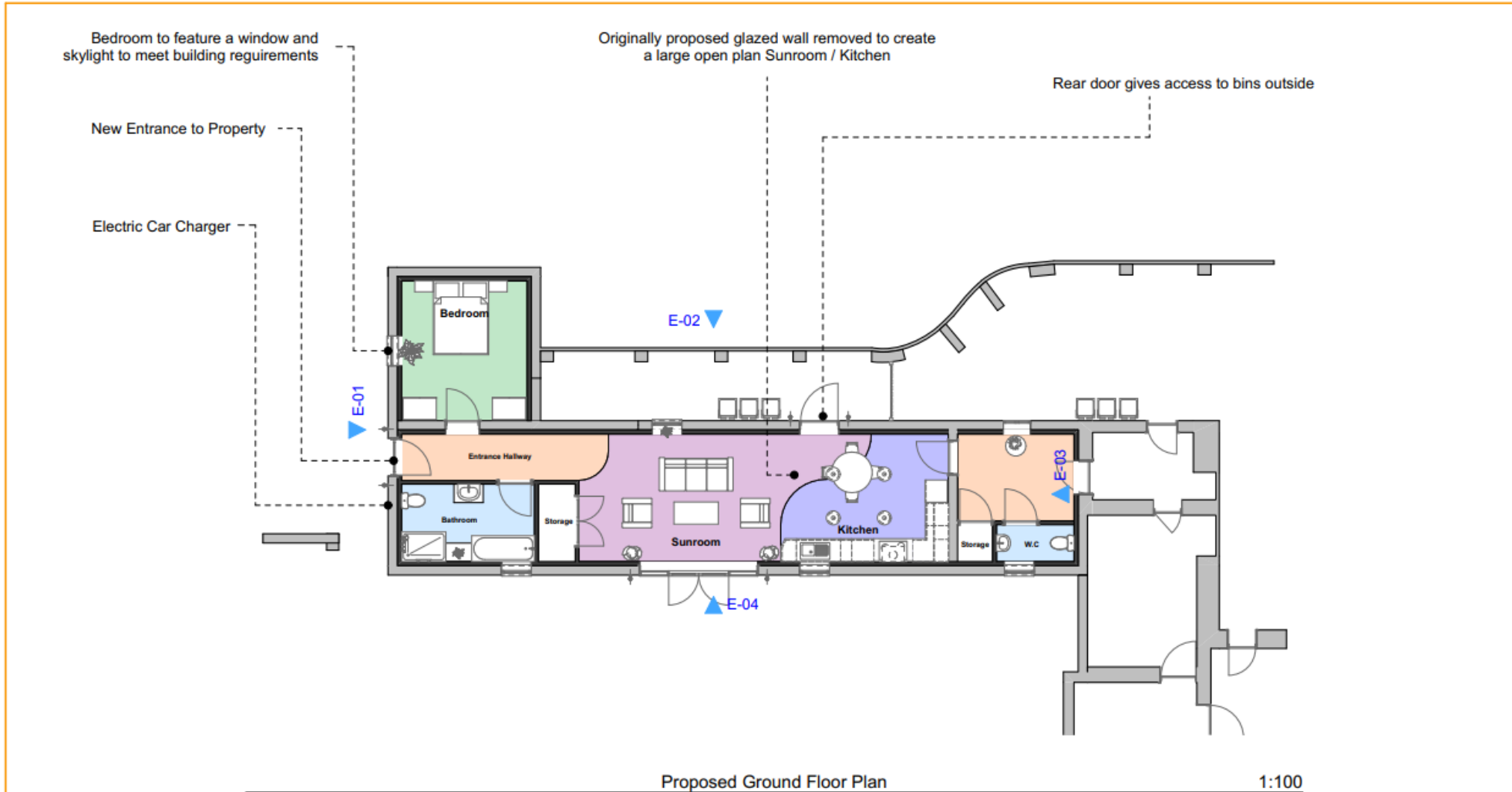
All Dimensions subject to verification on site.
Do Not Scale From Paper Drawings.
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PROJECT NO.	287	DRAWING NO.	287.01.04
PROJECT ADDRESS	The Grange, Bewholme YO25 8ED	LAYOUT TITLE	Building A Existing Ground Floor Plan
PROJECT NAME	Building Refurb	SCALE	1:100 @ A3



No.	Change	Date



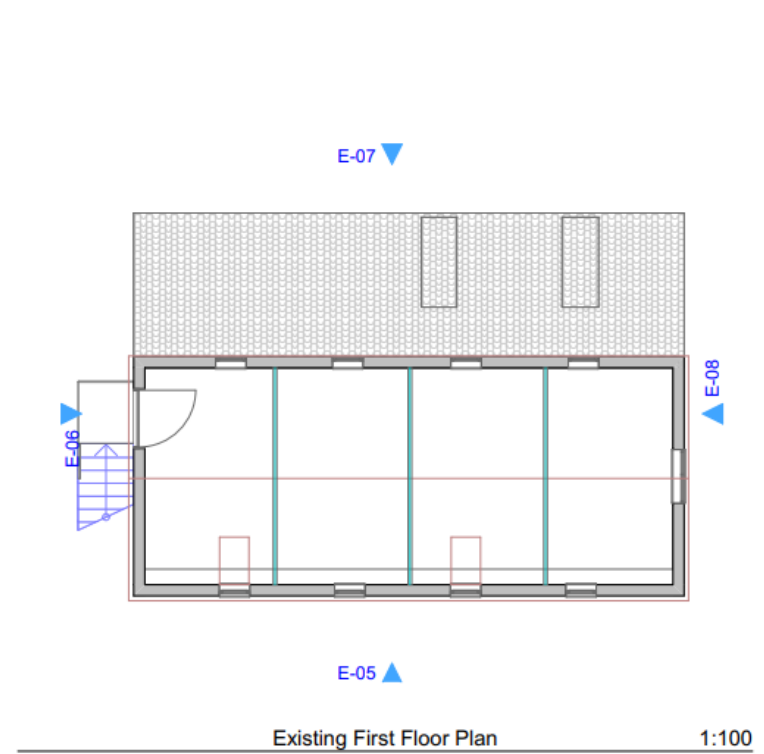
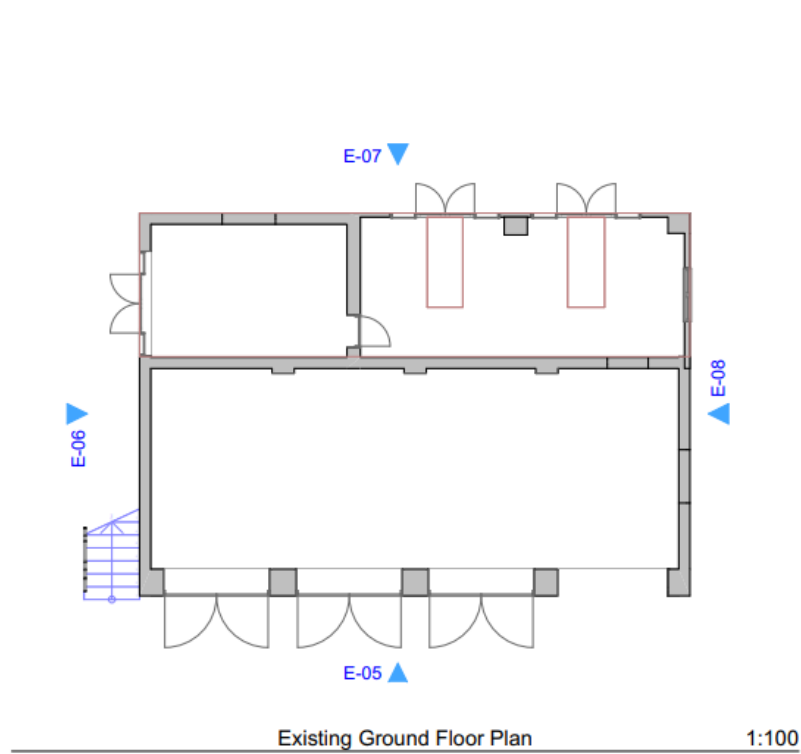
287.01.05 - Building A Proposed Ground Floor Plan
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PROJECT NO. 287
PROJECT ADDRESS. The Grange, Bewholme YO25 8ED

DRAWING NO. 287.01.05
LAYOUT TITLE. Building A Proposed Ground Floor Plan



Change	Date

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287.01.06 - Building B Existing Floor Plan
Subject to Planning / Building Control Approval

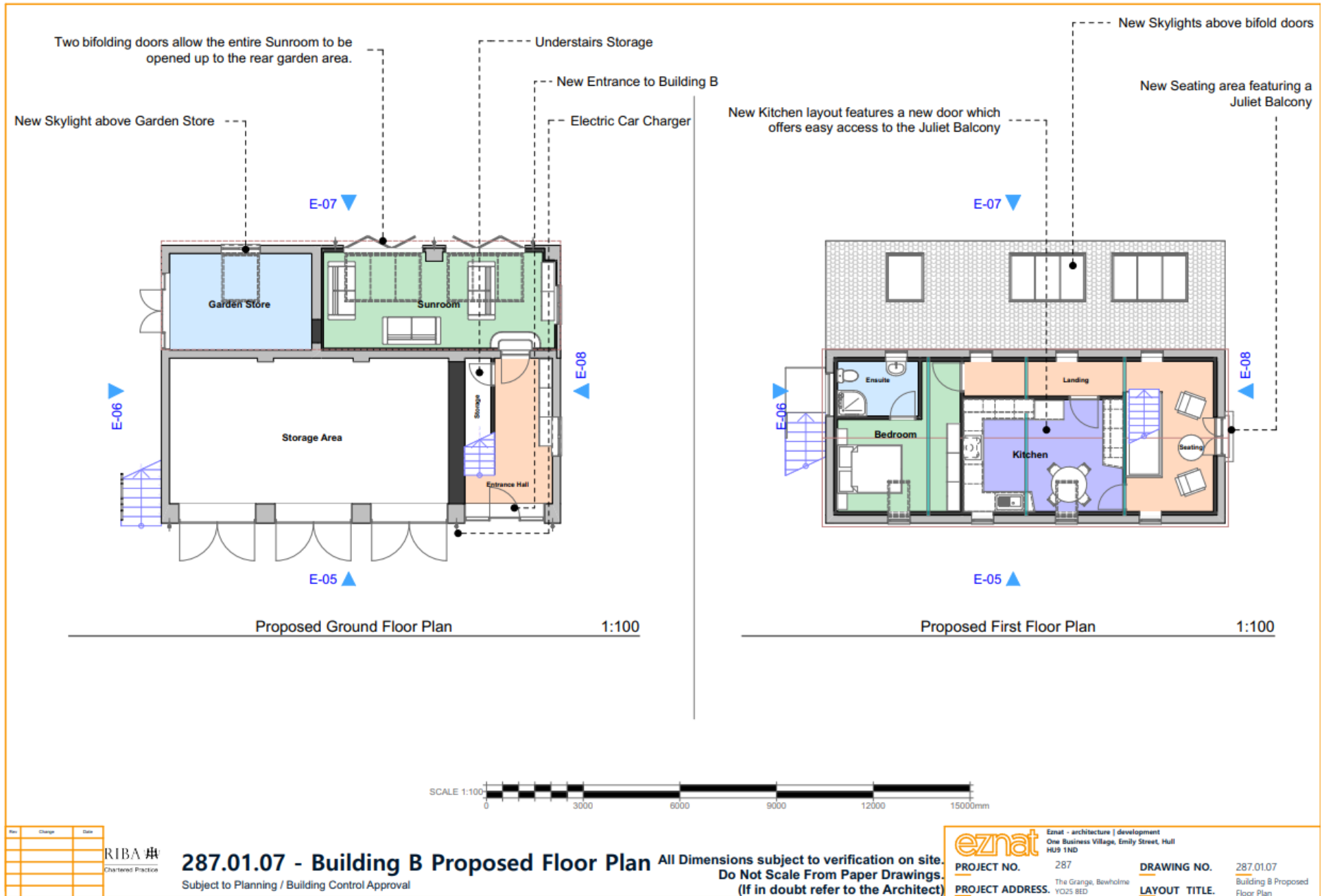
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(If in doubt refer to the Architect)

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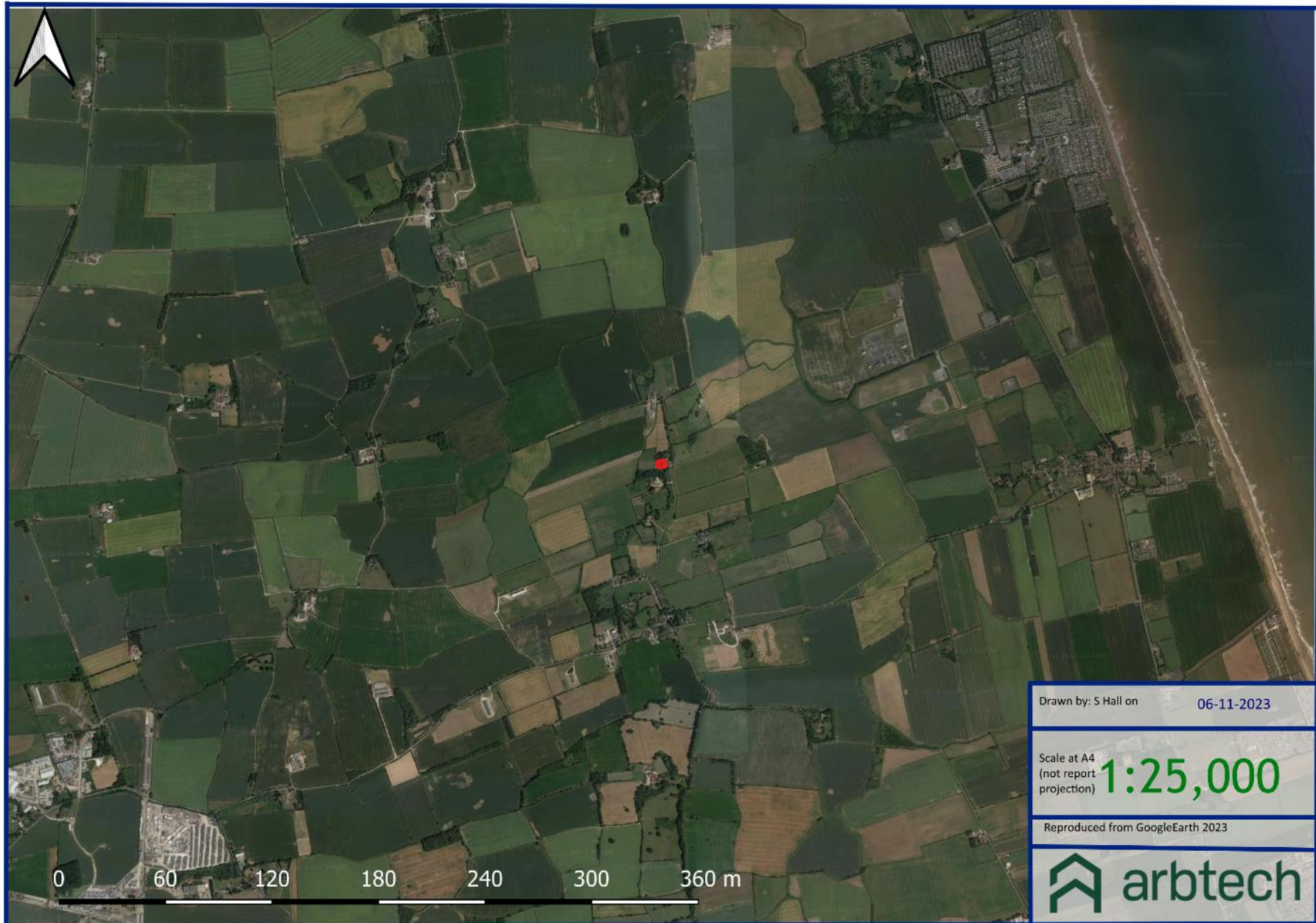
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One Business Village, Emily Street, Hull
HU9 1ND

PROJECT NO. 287
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YO25 8ED

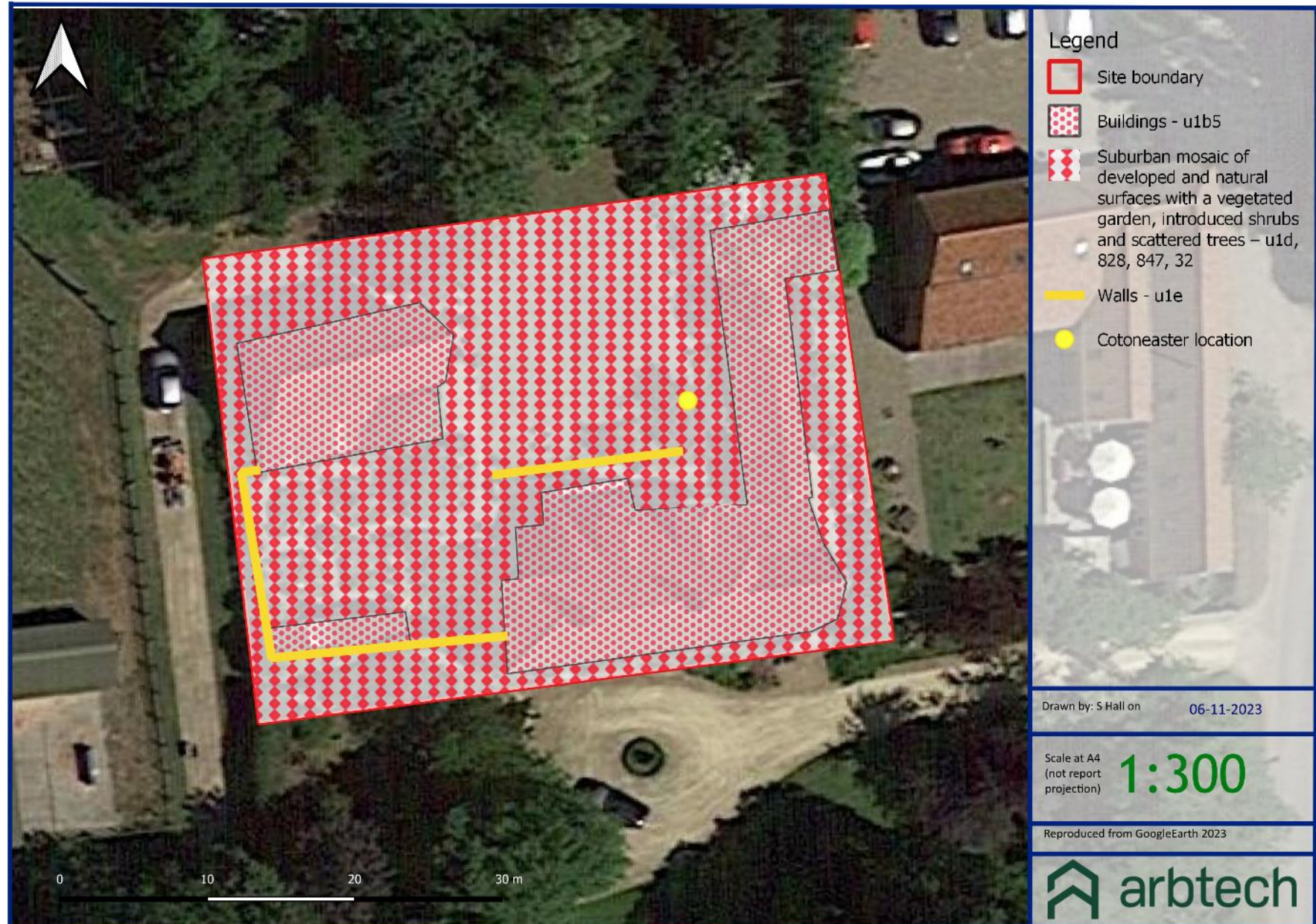
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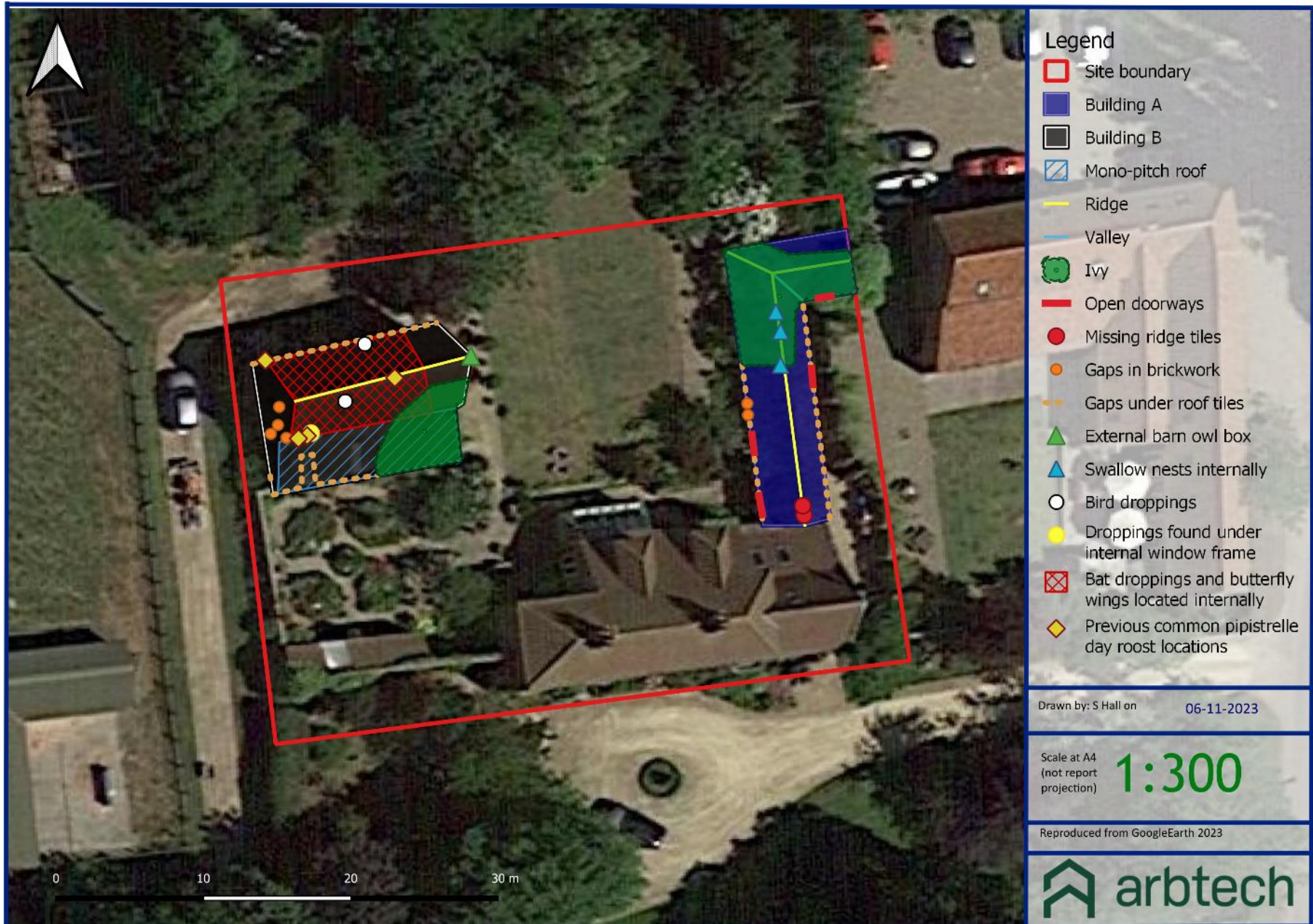
Appendix 2: Site Location Plan



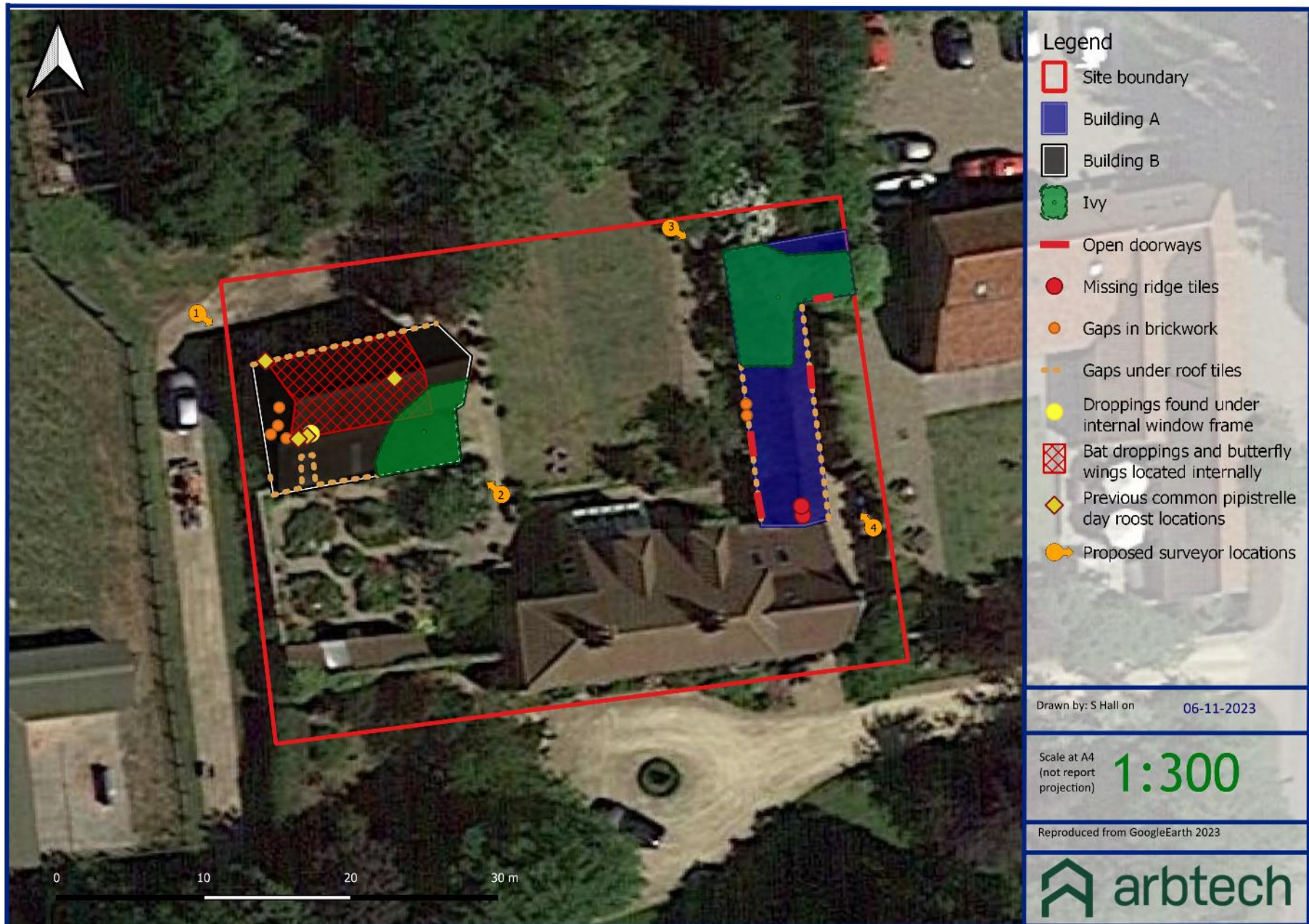
Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



Appendix 3c: Proposed BERS Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

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 (the Wild Birds Directive) 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 1000 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, both within and outside Natura 2000 sites.

Annex V species (over 90): 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.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles 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 Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) 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 kill, injure or take any wild bird
- Intentionally take, damage or destroy 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.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA 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

EFFECT OF LEGISLATION AND POLICY 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.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) 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 EPSL. 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

EFFECT OF LEGISLATION AND POLICY 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). 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) 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 picking, uprooting or destruction of any wild Schedule 8 species
- 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.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of plants listed on Schedule 5 of the Conservation of 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 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*

EFFECT OF LEGISLATION AND POLICY 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*

EFFECT OF LEGISLATION AND POLICY 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

Environment Act 2021

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

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

East Riding Local Plan Strategy Document (April 2016)

The local plan can be viewed here: <https://downloads.eastriding.org.uk/corporate/pages/east-riding-local-plan/Strategy%20Document%20-%20Adopted%20April%202016%20lo.pdf>

The following planning policies have implications in relation to biodiversity and the proposed development:

- ENV1 – Integrating high quality design: Incorporating, where possible, nature conservation and biodiversity enhancement into the development.
- ENV4 – Conserving and enhancing biodiversity and geodiversity - Proposals should further the aims of the East Riding of Yorkshire Biodiversity Action Plan (ERYBAP), designated Nature Improvement Areas (NIAs) and other landscape scale biodiversity initiatives. To optimise opportunities to enhance biodiversity, proposals should seek to achieve a net gain in biodiversity where possible.

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.