

# Westburn Grange, Market Weighton

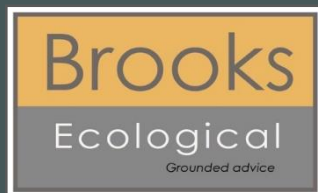


## Preliminary Ecological Appraisal Report

12/12/2023

Mr and Mrs Metcalfe c/o Persimmon Homes

Report Ref. ER-7054-01



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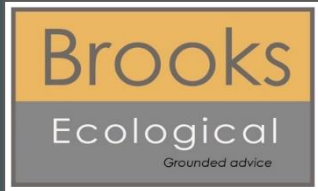


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## Summary

This report is produced to inform Mr and Mrs Metcalfe c/o Persimmon Homes of potential ecological constraints associated with their proposed development site and the need for further reporting or output to support a planning application.

This report is based on a desk study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey carried out in December 2023.

### Key Findings

The Site encompasses a small area of agricultural land to the southwest of Market Weighton. Habitats on-Site are generally of low ecological value. Beyond the recommended retention of established hedgerows/scrub and ditches, ecological constraints have not been identified at the Site.

### Biodiversity Net Gain

Details on measurement of the Site's biodiversity and the implications of complying with the requirement to provide a net gain for biodiversity are provided in our separate report ER-7054-02.

### Further surveys

Further surveys have not been recommended to establish the Site's baseline for planning.

Pre-commencement checks for nesting birds, water vole, and badger are recommended.

## Introduction

1. Brooks Ecological Ltd was commissioned by Mr and Mrs Metcalfe c/o Persimmon Homes to carry out a Preliminary Ecological Appraisal (PEA) of land at Westburn Grange, Market Weighton, grid ref. SE861406.
2. This report is produced with reference to British Standard BS:42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

### Purpose of a PEA

3. A PEA is an *initial assessment* of the baseline for a proposed development site and establishes whether the Site is likely to be constrained by ecology, and whether more information is needed to identify the ecological baseline.
4. The subsequent Preliminary Ecological Appraisal Report (PEAR) is intended to give guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary, the PEAR *may* be sufficient and suitable to support a planning application.
5. Biodiversity Accounting metrics are used separately to quantify the value of a Site in Biodiversity Units, which helps in the later stage of assessing the ecological impacts of the proposed development. This process is set out separately in the Biodiversity Gain Report which accompanies this PEAR.

### Proposals/Reason for PEA

6. The PEA has been commissioned to inform proposals to construct a series of new farm buildings.

## The Site

7. The application site 'the Site' encompasses an area of agricultural land to the southwest of Market Weighton.

**Figure 1** The Site (red line boundary).



## Desk Study

8. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

### Landscape

9. The Site lies within an intensive arable landscape to the southwest of Market Weighton in East Yorkshire.
10. Few areas of semi-natural habitat remain in the landscape, with waterbodies that have formed in historic quarries being the main feature.
11. Drainage ditches and field hedgerows provide further, albeit limited, habitat.
12. The Site overlies the Triassic mudstones of the Mercia Mudstone Group, likely to give rise to neutral, poorly draining soils.

### Wildlife Corridors

13. The Site is not linked to any obvious wildlife corridors, nor are any present in the local area.

**Figure 2** Analysis of local landscape in relation to the Site.



## Designations

### Statutory Designations

14. A search has been made to identify any nationally designated sites within a 2km radius of the Site, or internationally designated sites within a 10km radius.
15. There are no statutory sites within these search parameters.

### SSSI Impact Risk Zones (IRZs)

16. The Site lies within the IRZs for several SSSIs (Sites of Special Scientific Interest).
17. The only potentially applicable category into which the development might fall is Air Pollution 'Livestock & poultry units with floorspace >500m<sup>2</sup>, slurry lagoons & digestate stores >750m<sup>2</sup>, manure stores >3500t.'. Should the proposals fulfil this criterion, then the LPA will need to consult with Natural England on potential impacts.

### Nature Improvement Area

18. The Site is not within any Nature Improvement Area.

### Wildlife Habitat Network

19. The Site is not within any mapped Wildlife Habitat Network.

### Mapped Ancient Woodland

20. There is no ancient, or ancient replanted, woodland on-Site or within 15m of the Site boundary.

### Non-Statutory Designations

21. There are no Local Wildlife Sites (LWSs) in the search area.
22. Two Deleted LWSs are present within a 2km radius of the Site, these being Northgate Farm Ballast Pits (1.4km NE) and River Head Market Weighton Canal (1.3km SW). Direct and indirect impacts on these two Deleted LWSs, as a result of this development, are unlikely due to the Site's separation and distance.

### Granted EPSM Licences

23. A single granted European Protected Species Mitigation (EPSM) licence is shown on mapping within 1km of the Site; see Figure 3 below. This licence relates to the destruction of a great crested newt (GCN) breeding site and resting place. Two further GCN licences are present to the northeast along the edge of Market Weighton.

**Figure 3** Analysis of local landscape in relation to the Site.

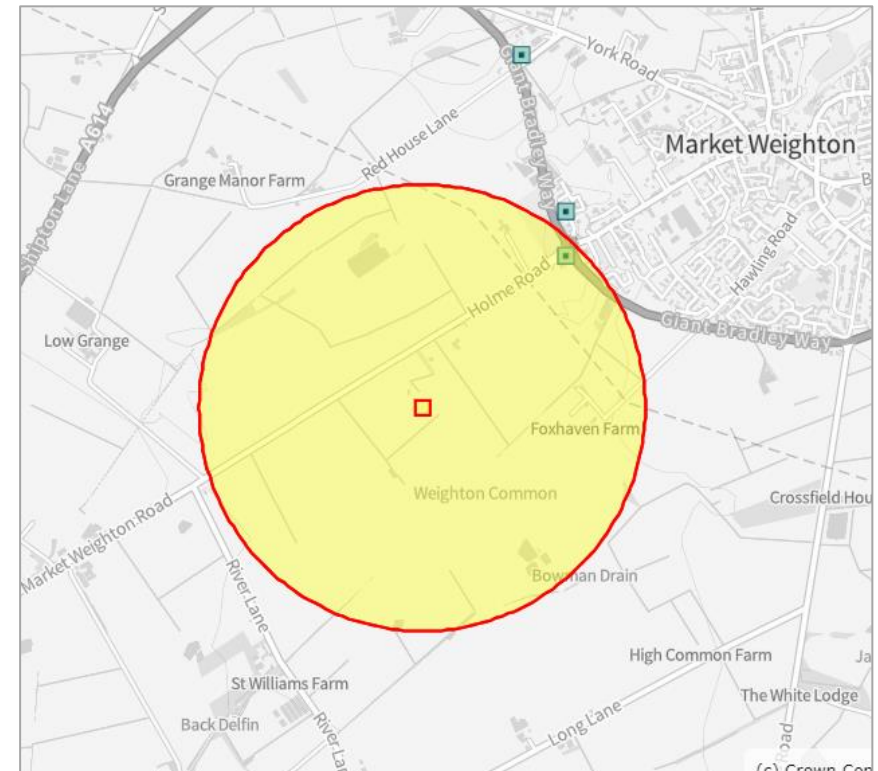
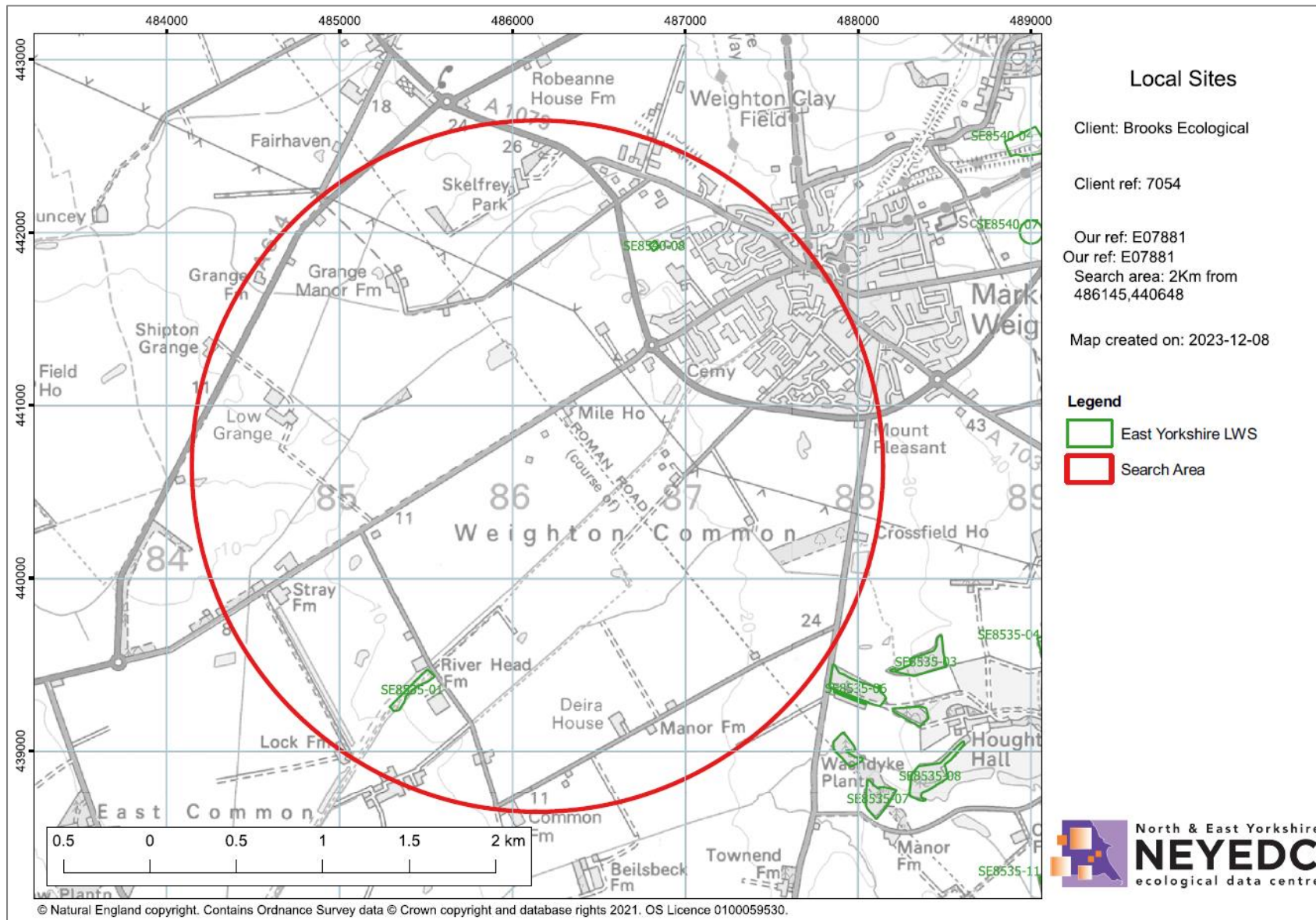


Figure 4 NEYEDC Locally designated sites.





## Survey

24. The survey was carried out during December 2023<sup>1</sup> and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
25. Although out of the main growth season, the nature of habitats present here and the expertise and training of the surveyor meant that it was still possible to confidently classify the type and condition of habitats present on this Site.
26. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.

## Habitat Appraisal

27. The Site's habitats are described in order on the following pages. In line with the requirement to provide information on Biodiversity Net Gain (BNG), habitats are named in accordance with the UK Habitats classification system. We have used the relevant UKHabs guidance in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories used in the calculations presented in the Biodiversity Gain Assessment, with more weight being afforded the more distinctive/important habitats.
28. Generally, the following apply to each tier of distinctiveness, although some authorities might highlight some lower distinctiveness habitats as having a higher importance locally. Where relevant we have highlighted these.

### Very Low Distinctiveness Habitats

29. Habitats of little or no habitat value, i.e., lacking any significant native vegetation, but could still provide supporting habitat for protected or notable fauna such as birds or bats. In the context of BNG, their areas are included in calculations, but mitigation or compensation is not required.

### Low Distinctiveness Habitats

30. Habitats which are ubiquitous, often which have been created or modified intentionally. They tend to lack diversity of species and structure. They are unlikely to support notable flora but could still provide supporting habitat for protected or notable fauna. In the context of BNG, they are included in calculations, but compensation/mitigation needs only to provide habitat of similar or higher distinctiveness.

### Medium Distinctiveness Habitats

31. Habitats which are common but provide a higher level of structural and species diversity. Though unlikely to support more notable assemblages, species of interest could be present here and they are more likely to be important supporting habitat to fauna. In the context of BNG, mitigation needs to provide habitat of the same broad habitat type, or that of higher distinctiveness.

### High Distinctiveness Habitats

32. Habitats which are more natural and contain more important assemblages of plants and potentially species which are rare in their own right. They will provide good habitat for fauna. These habitats are likely to be targeted as conservation priorities and will be the subject of additional policy guidance or legislation. In the context of BNG, whilst mitigation or compensation for loss or damage is possible, provision of more of the same type of habitat would be required, which (with a few exceptions) is likely to be difficult.

### Very High Distinctiveness Habitats

33. These are the UK's rarest/best habitats. They will be present in very particular locations and a range of rare or important plant and animal species will depend on the particular conditions they provide. These habitats will be the subject of restrictive policy guidance or legislation. Whilst the BNG metric does not preclude mitigation or compensation in respect of these habitats, creation of the same habitat type would be required, and this would range between very difficult/expensive and impossible.
34. Each habitat is mapped and an area for each type is provided in the format of the DEFRA Biodiversity Metric 4.0 - Calculation Tool. The areas can be used to quantify the impacts of development in an Ecological Impact Assessment if this is required by the Local Planning Authority.

### **Condition Assessment**

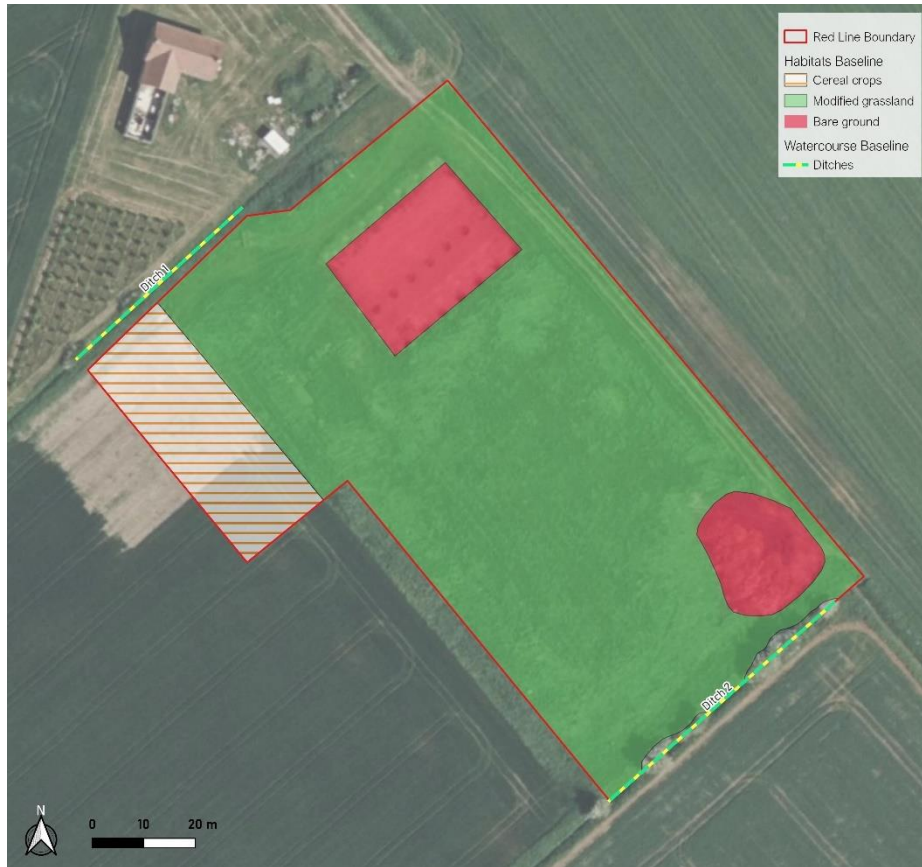
35. Our condition assessment for each habitat described references where available the criteria set out in DEFRA (2023) Biodiversity Metric 4.0 - Technical Annex 1. A completed version of this spreadsheet is provided digitally with the Biodiversity Gain Report which accompanies this report.

<sup>1</sup> This Report has been prepared during December 2023 following a visit to the Site in December 2023, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas

that were not reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

## Habitats of Low Distinctiveness

**Figure 5** Approximate location and extent of these habitats.



**Table 1** Summary - Habitats of Low/Very Low Distinctiveness.

UK Habitats	Label Ref	Summary Description
Modified grassland	N/A	The Site encompasses a small strip of sown, agricultural grassland, enclosed on three sides by intensive arable land. The grassland is dominated by a few common grasses, namely perennial ryegrass, creeping bent, false oat grass, and red fescue. Forbs are poorly represented within the sward, with only dandelion, ribwort plantain, broad-leaved dock, and creeping buttercup recorded in small amounts.
Bare ground	N/A	Two areas of bare ground are present on-Site. To the north, a rectangular area of grass has been removed, and three lines of shallow trenches have been dug – likely in anticipation of the foundations of a building. To the southeast, an area of waterlogged bare ground is present, where soils/vegetation/manure have previously been stored.
Cereal crop	N/A	The red line boundary takes in a small area of adjacent arable land, which is currently sown with a winter cereal crop.
Ditch	Ditch 1	The northern ditch is approximately 1-1.5m wide from the top of each bank, with a channel circa 0.3-0.5m wide and <10cm deep. The banks are less than 0.5m tall and covered in rough neutral grassland, with species including false oat grass, cock’s-foot, common hogweed, creeping buttercup, and greater willowherb. The ditch is likely to be dry for much of the year. A defunct hawthorn hedgerow is present off-Site along the top of the northern bank.
	Ditch 2	Ditch 2, situated along the southern boundary, is approximately 1.5-2m wide from the top of each bank, with a channel circa 0.4-0.5m wide and 10-20cm deep. The banks and channel are vegetated in a similar rough neutral grassland community to that seen at the north. The ditch is likely to be dry for much of the year. An outgrown hawthorn hedgerow (mapped as hawthorn scrub) is present on the northern bank, discussed overleaf.

## Habitats of Low Distinctiveness

**Figure 6** Modified grassland.



**Figure 7** Bare ground (north).



**Figure 8** Bare ground (south).



**Figure 9** Cereal crop (left) and modified grassland (right).



**Figure 10** Field drain along the southern boundary (Ditch 2).



**Figure 11** Field drain along the northern boundary (Ditch 1).



## Habitats of Medium Distinctiveness

**Figure 12** Approximate location and extent of these habitats.



**Table 2** Summary - scrub habitats of Medium Distinctiveness.

UK Habitats	Summary Description
Hawthorn scrub	The remnants of an old, outgrown hawthorn hedgerow are present along the southern boundary. This no longer functions, nor is managed, as a hedgerow, and thus is mapped as a line of hawthorn scrub.

**Figure 13** Hawthorn scrub along southern boundary.



## Faunal Appraisal

36. The following pages discuss only the groups and species that could be reasonably expected to be found on the type of habitats present on, or adjacent to, the Site.

### Amphibians

#### **Desk evidence**

37. There are no ponds present on-Site or within a 250m radius of the Site boundaries. Drainage ditches along the northern and southern boundaries do not provide suitable breeding habitat for this group.
38. Records have been returned for common frog, common toad, smooth newt, and great crested newt (GCN) There are 26 records of GCN, all of which centre around ponds circa. 1.1-1.5km northeast of the Site, and correspond to the EPSM Licences referenced in Figure 3 previously. These GCN populations are considered to fall outside of the Site's Ecological Zone of Influence (EZO).

#### **Field Evidence**

39. The grassland and ditches on-Site provide suitable habitat for this group outside of breeding, but this is small in extent and isolated from any potential breeding sites by intensive arable farmland.

#### **Summary Evaluation**

40. The Site is unlikely to be of value to any local amphibian populations, and the likely absence of the protected GCN can be reasonably concluded.

#### **Further Surveys and Recommendations**

41. No further surveys or precautions are considered necessary.

### Bats

#### **Desk evidence**

42. Records have been returned for common and soprano pipistrelles, brown long-eared and noctule bats, and indeterminate species of myotis bat. None of these records relate to the Site, or fall within close proximity.

#### **Field Evidence (Roosting)**

43. There are no buildings or other man-made structures on-Site.
44. There are no trees present on-Site.

#### **Field Evidence (foraging and commuting)**

45. The Site presents a small, isolated parcel of agricultural land, which lacks habitat structure or complexity and thus is very unlikely to contribute much to local foraging resources.
46. The Site does not form part of any apparent network of habitat which could provide key commuting habitat locally. The fragmented network of hedgerows along the north and south drains could provide some connectivity in an otherwise featureless landscape.

#### **Summary Evaluation**

47. The Site's size and location suggest that it will not be important to this group.

#### **Further Surveys and Recommendations**

48. Further surveys are not recommended.

## **Birds**

### ***Desk Evidence***

49. Records have been returned for a range of Amber and Red Listed birds, as well as species listed on Schedule One of the W&CA. These include pink-footed goose, swift, buzzard, grey heron, marsh harrier, little egret, corn bunting, kestrel, red kite, grey wagtail, and lapwing.

### ***Field Evidence***

50. The Site provides few opportunities for this group, due to the lack of habitat structure and complexity.
51. The territories of one or two ground nesting birds could overlap the Site, but the Site itself is unlikely to be of importance for any species or local population.
52. The outgrown hawthorn hedgerow to the south could support a small number of common garden/farmland edge bird territories, such as wood pigeon and blackbird.

### ***Summary Evaluation***

53. Based on its size and habitats the Site will not be important to local bird populations.

### ***Further Surveys and Recommendations***

54. No further surveys are considered necessary to demonstrate current baseline in respect of birds.
55. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season.

## **Badgers**

### ***Desk evidence***

56. There are no records of badgers in the area.

### ***Field Evidence***

57. The Site provides few opportunities for sett building, and no evidence of badger activity was noted on-Site.

### ***Summary Evaluation***

58. Badger setts are unlikely to be present at the Site.

### ***Further Surveys and Recommendations***

59. The likely absence of badgers from Site can be reasonably concluded. However, a precautionary approach to this species is always recommended. A pre-commencement walkover should be undertaken by a suitably experienced Ecologist, and during construction, contractors should be vigilant for mammal holes on-Site; should any be discovered, the advice of a suitably experienced Ecologist should be sought.

## **Water vole**

### ***Desk evidence***

60. A small number of water vole records have been returned for the area, dating from 1977 to 2006. The closest relates to Weighton Beck, circa 700m northeast and 680m southwest of the Site (as the crow flies).
61. No recent records for water vole have been returned.

### ***Field Evidence***

62. The two drainage ditches (north and south) are assessed as providing sub-optimal water vole habitat, being small in extent and unlikely to support water year-round.

### ***Summary Evaluation***

63. The risk of water vole being present within these two ditches is considered to be low but cannot be scoped out completely. Standard precaution is therefore advised.

### ***Further Surveys and Recommendations***

64. A 6m standoff (from the top of the bank) should be designed between the proposed development and each of the ditches. This would ensure that impacts on water vole (should they be present) could be avoided.
65. Should this standoff not be possible, or a new drainage link/headwall need to be created, a pre-commencement check for water vole should be undertaken.

## **Reptiles**

### ***Desk evidence***

66. No records for this group have been returned.

### ***Field Evidence***

67. No field evidence was found.

### ***Summary Evaluation***

68. The Site provides some marginal foraging and cover habitat for species such as grass snake, specifically along the drainage ditches.
69. However, due to the paucity of suitable habitat in the local landscape, and the absence of records, the likely absence of this group from the Site can be reasonably concluded.

### ***Further Surveys and Recommendations***

70. No further surveys or precautions are considered necessary.

## **Invasive Non-Native Species (INNS)**

71. INNS are species listed on Schedule 9 of the Wildlife and Countryside Act (1981), for which it is an offence to cause or allow it to grow in the wild.
72. No INNS were noted during the survey<sup>2</sup>.

### Survey constraints

73. This survey is constrained by the season, being undertaken in winter when many plants have died back and become dormant.
74. Management of the Site (cutting of agricultural grassland) could also have removed vegetation/skeletal remains of INNS.
75. Although no INNS have been identified in this preliminary survey, it is not always possible to conclude absence from preliminary survey alone due to factors such as season, accessibility, third-party attempts to hide evidence, or undisclosed treatment programmes. For this reason, this report should not be relied upon as definitive evidence of absence of INNS.
76. This site presents a small risk of supporting undetected INNS based on the following factors:
  - Potential for recent earthworks or management which may have obscured viable material
  - Proximity to nearby potential sources of infection
  - Potential for tipping of material
77. Should further assurances be needed in relations to INNS, a dedicated Invasive Weed Survey should be commissioned.

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<sup>2</sup> Whilst our ecologists are trained in the identification of invasive species, this report is not a dedicated invasive species survey. Detectability of invasive plant species can be affected by several factors, and conclusive determination status, or extent, is not

possible through preliminary survey alone. As the presence of invasive species can generate significant costs to development, the client may wish to instruct a dedicated invasive species survey prior to entering into contracts.



## Ecological Constraints & Opportunities

### Habitat Constraints

78. The usual approach to development is to minimise any net loss of biodiversity, and strive towards a gain in biodiversity value where this is possible on-Site. Our separate report on Biodiversity Gain sets out the position of the Site in terms of measured biodiversity.
79. Irrespective of the Biodiversity Gain process, development should still seek to retain what is best about the Site.
80. The plan opposite shows the Site in the context of mapped habitat distinctiveness with the aim of informing the design of any layout. It shows that there are no targets of higher distinctiveness which would need to be avoided by the proposals and that the Site is relatively uniform in terms of potential impact.
81. Habitats do not impose any design constraints. Loss of habitats of this nature is not of the order which (outside of Biodiversity Net Gain) would require specific mitigation or compensation as they are common locally.
82. In terms of structure and connectivity, drainage ditches and hedgerows/scrub along the north and south boundaries could contribute to the disjointed local network. These are of higher value in a local context and should ideally be retained, protected, and enhanced post-development.

### Faunal constraints

83. Faunal constraints have not been identified. Standard precautions are recommended for nesting birds, badger, and water vole.

### Opportunities

84. Ecological opportunities at the Site relate to:
- Potential to improve connectivity locally by enhancing the drainage ditches.
  - Potential to improve connectivity locally by providing new native hedgerow planting along the Site boundaries.
  - Installing roosting and nesting features on new buildings.
85. A Biodiversity Management Plan would be useful in defining these enhancements and can be secured by standard condition.

**Figure 14** Distinctiveness of habitat.



## Conclusions & Recommendations

Planning considerations		
Recommendation	Rationale	When
<b>R1</b> Additional Surveys	Not required to establish baseline for planning.	N/A
<b>R2</b> Produce a layout which minimises loss of biodiversity	Engage with the Constraints and Opportunities set out above, involve your ecologist in designs at an early stage. The proposals will need to consider the NPPF hierarchy of Avoid–Mitigate–Compensate in minimising any loss of biodiversity. The LPA is likely to be seeking at least a no-net-loss situation and could request that a contribution is made to address any residual loss here, off-Site.	During the design process
<b>R3</b> Design	Make sure your design team follows ecological advice to and make sure there are no design conflicts.	During the design process
<b>R4</b> BNG	Produce a Biodiversity Net Gain Report.	During the design process
<b>R5</b> Produce a Biodiversity Management Plan	To specify in detail how the development will cater for biodiversity on-Site and to show how habitats incorporated will be managed.	Delivery report Suitable for planning condition

Other considerations (managing legal or financial risks)		
Issue	Rationale	When
<b>R6</b> Nesting bird management	As with most sites, the standard precaution in relation to birds would apply. To prevent the proposed works impacting on nesting birds, any clearance of vegetation will need to be undertaken outside of the breeding bird season, which runs from 1 <sup>st</sup> March–31 <sup>st</sup> August inclusive. Any clearance required during the breeding bird season should be preceded by a nesting bird survey to ensure that the law is not contravened through the destruction of nests and that any active nests are identified and adequately protected during the construction phase of the development.	Prior to and during clearance
<b>R7</b> Pre-construction ecology checks	It is always advisable to check that protected species (e.g., badger and water vole) and invasive weeds have not colonised or become visible in the period between the date of this report and construction activities commencing. For badgers, a walkover survey, encompassing all accessible land within 30m of the construction zone, should be undertaken, looking for mammal holes or any evidence of badger activity (latrines, footprints, etc). For water vole, any section of ditch that falls within 6m of the construction footprint should be checked for small mammal burrows or signs of water vole activity.	Prior to site preparation or archaeological/geotechnical investigations.

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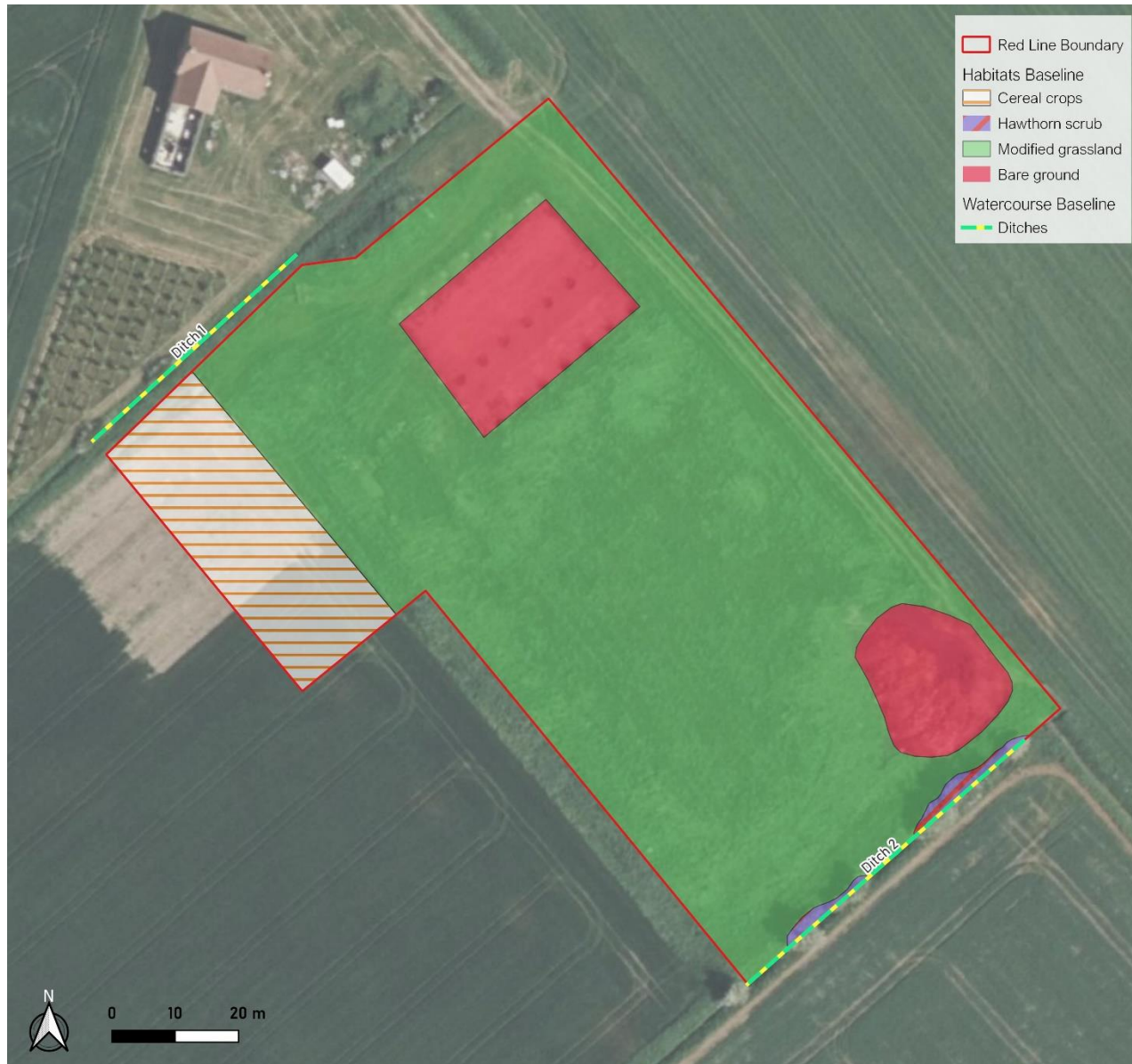
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## Appendix 1 Habitats and Ecological Features



## Appendix 2 List of species recorded

Annual meadow grass	<i>Poa annua</i>
Barren brome	<i>Bromus strerilis</i>
Bittercresses	<i>Cardamine spp.</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 bent	<i>Agrostis capillaris</i>
Common hogweed	<i>Heracleum sphondylium</i>
Common ivy	<i>Hedera helix</i>
Common ragwort	<i>Senecio jacobaea</i>
Creeping bent	<i>Agrostis stolonifera</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Dandelion	<i>Taraxacum officinale agg.</i>
Dog rose	<i>Rosa canina</i>
False oat grass	<i>Arrhenatherum elatius</i>
Greater willowherb	<i>Epilobium hirsutum</i>
Nettle	<i>Urtica dioica</i>
Perennial rye grass	<i>Lolium perenne</i>
Red fescue	<i>Festuca rubra agg.</i>
Ribwort plantain	<i>Plantago lanceolata</i>
Yorkshire fog	<i>Holcus lanatus</i>

## Appendix 3 Explanatory Notes and Resources Used

### Site Context

Aerial photographs published on commonly used websites were studied to place the Site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This approach can be very useful in determining if a site is potentially a key part of a wider wildlife corridor or an important node of habitat in an otherwise ecologically poor landscape. It can also identify potentially important faunal habitat (in particular ponds) which could have a bearing on the ecology of the application site. Ponds may sometimes not be apparent on aerial photographs so we also refer to close detailed maps that identify all ponds issues and drains.

### Designated Sites

A search of the MAGIC (Multi-Agency Geographic Information for the Countryside) website was undertaken. The MAGIC site is a Geographical Information System that contains all statutory (e.g. Sites of Special Scientific Interest [SSSIs]) as well as many non-statutory listed habitats (e.g. ancient woodlands and grassland inventory sites). It is a valuable tool when considering the relationship of a potential development site with nearby important habitats. In addition, information from the local record holders was referred to on locally designated sites.

### Functional linkage with off-Site habitats

When assessing these we consider whether the Site could be functionally linked to them, considering links such as:

- Hydrological links - is the Site upstream downstream, or could ground water issues affect it?
- Physical links - is the Site in close proximity and could it be directly or indirectly affected by construction and operational effects? Conversely it may be that despite proximity major barriers separate the two.
- Recreational links - do footpaths and roads make it likely that increased recreational pressure could be felt?
- Habitat links - is the Site part of a network of similar habitat types in the wider area? These could be joined by linear corridors or could simply be 'stepping stones' of habitat of similar form or function.

### Method

12/12/2023

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the Site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was "Extended" in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).

### Faunal Appraisal

This section first looks at the types of habitat found on-Site or within the sphere of influence of potential development, then considers whether these could support protected, scarce, or NERC Act 2006 Section 41 species (referred to collectively as 'notable species').

Records of notable species supplied from a 2km area of search by North and East Yorkshire Ecological Data Centre (NEYEDC) are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen out and do not present accounts of notable species or groups which do not meet these criteria - in some cases it may be necessary to explain this reasoning.

Bats

Bat roosting potential is classified according to the following criteria set out below, taken from the Bat Conservation Trust Good Practice Guidelines (2023).

**Bat Roosting Suitability of Buildings**

Suitability	Criteria
<i>None</i>	No habitat features on-Site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).
<i>Negligible</i>	No obvious habitat features on-Site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
<i>Low</i>	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation-Site, but could be used by individual hibernating bats).
<i>Moderate</i>	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation - the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
<i>High</i>	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation-Site.

**Bat Roosting Suitability of Trees**

Suitability	Criteria
<i>None</i>	Either no PRFs in the tree, or highly unlikely to be any.
<i>FAR</i>	Further assessment required to establish if PRFs are present within the tree.
<i>PRF</i>	A tree with at least one PRF present.

Evaluation

In evaluating the Site, the ecologist will take into account a number of factors in combination, such as:

- the baseline presented above,
- the Site's position in the local landscape,
- its current management and
- its size, rarity or threats to its integrity.

There are a number of tools available to aid this consideration, including established frameworks such as Ratcliffe Criteria or concepts such as Favourable Conservation Status. Also of help is reference to Biodiversity Action Plans in the form of the Local BAP and Section 41 of the NERC Act (2006) to determine if the Site supports any Priority habitats or presents any opportunities in this respect.

The assessment of impacts considers the generic development proposals from which potential effects include:

- Vegetation and habitat removal
- Direct effects on significant faunal groups or protected species
- Effects on adjacent habitats or species such as disturbance, pollution and severance
- Operation effects on wildlife such as noise and light disturbance

## Appendix 4 Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2023) is now widely accepted as providing a basis and rationale for scoping and conducting bat surveys. It is acknowledged that the guidelines provide a wealth of background and are a very useful tool in standardising approaches to survey, it is also felt that an over reliance on some of the guidelines within this document can result in the provision of complicated surveys where they have significant consequences for the cost, or timescale of a large project, but could never deliver positives for bat conservation.

Taking the BCTG document as a whole, Chapter 2 helps the reader understand whether or not surveys are required, and that in the context of planning and development survey is required in relation to ensure;

- the avoidance of legal offences, and;
- the provision of a sufficient level of information – such that will allow the Local Planning Authority to make an informed decision on the proposals and their potential impacts on the Favourable Conservation Status (FCS) of bats.

Attendance at seminars presented by, and discussions with, those involved in production of the BCTG document has emphasised the point that it is within the remit of the consultant ecologist to make a decision on the necessity and scope of surveys – they will use the guidelines in doing so but are not in any way bound by them: this is reflected in Section 1.1 of the guidelines –

‘The Guidelines do not aim to either override or replace knowledge and experience. It is accepted that departures from the guidelines (e.g. either decreasing or increasing the number of surveys carried out or using alternative methods) are often appropriate. However, in this scenario an ecologist should provide documentary evidence of (a) their expertise in making this judgement and (b) the ecological rationale behind the judgement.’

Such decisions require a consideration of the potential of the project to impact on bat habitat, alongside analysis of the value of habitat on and around the Site and of local records and the likelihood that bats might occur in significant numbers. Our reports aim to present information on how we have arrived at our decision on the Site, what assumptions we have based this on, and where further survey is recommended we indicate what the objective of this survey should be and how best this would be achieved.

The Site is small, not strategically located and does not contain any potential key habitat features for bats, its use by this group can be easily predicted making any requirement for additional survey disproportionate.

The assessments made within this report have been completed by Christopher Shaw BSc (Hons) MCIEEM. Chris has over 13 years’ experience of carrying out bat surveys in a professional capacity and is registered to use the Class Survey Licence WML CL18 (Bat Survey Level 2) and Bat Mitigation Class Licence WML CL21 Annex B.



## **Appendix 5 Wildlife Legislation, Policy and Guidance**

This is not an exhaustive list but sets out briefly the relevance of Legislation, Policy and Guidance in terms of planning applications and this assessment.

### **Legislation**

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

Provides framework at an international (EU) level for the consideration/protection of European Protected Species (EPS), and habitats through the designation of sites.

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive) and The Ramsar Convention on Wetlands of International Importance (1971)

Provides framework at an international (EU) level for the consideration/protection of important bird populations and the Sites on which they are dependant.

The Conservation of Habitats and Species Regulations (2010)

This transposes 1) into UK law and provides the basis on which all EPS are protected and impacts on them can be licensed in the UK.

The Wildlife and Countryside Act (1981) as amended

This provides the basis on which UK species are legally protected or restricted and confers protection on-Sites of Special Scientific Interest SSSIs. It contains annexes of plants and animals which are legally protected as well as those which are considered to be invasive or harmful. It provides the basis on which impacts on such species can be licensed in the UK and provides controls on work on or near SSSIs.

The Countryside and Rights of Way Act 2000 (CRoW)

Provides a statutory basis for nature conservation, strengthens the protection of SSSIs and UK protected species and requires the consideration of habitats and species listed on the UK and Local Biodiversity Action Plans (UKBAP/LBAP).

Natural Environment and Rural Communities Act 2006 (NERC)

Sets out the responsibilities of Local Authorities in conserving biodiversity. Section 41 of the Act requires the publishing of lists of habitats and species which are "of principal importance for the purpose of conserving biodiversity". At present these largely reflect those making up the UKBAP lists.

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

Protects badgers from persecution, this includes excavation/development in the proximity of setts.

**Protected Sites**Statutory EU/International Protected Sites

Special Areas of Conservation (SACs); and Special Protection Areas (SPAs) and Ramsar Sites contain examples of some of the most important natural ecosystems in Europe. Work on or near these sites is strictly protected and Local Authorities will be expected to carry out 'Appropriate Assessment' of development in proximity of them. In this case there is often an increased burden on the developer in relation to provision of information and assessment.

Statutory UK Protected Sites

Local Nature Reserves (LNRs); National Nature Reserves (NNRs); Sites of Special Scientific Interest (SSSIs) all receive strict protection under UK legislation. Work in or in proximity to these sites would be restricted with any needing to be agreed with Natural England. Natural England now provide guidance on the nature of development which could impact on SSSIs through Impact Risk Zones.

Locally Protected Sites

Local Authorities have a variety of protected wildlife sites designated at a local or regional level. These are gradually being brought under the banner of Local Wildlife Sites (LWS) but at present a plethora of different designations exist - all subject to local policy.

**Protected Species**European Protected Species

A number of species (most relevantly bats, great crested newts [GCN], and otters) receive strict protection from killing, injury and disturbance under The Conservation of Habitats and Species Regulations (2010). Protection is also conferred on the habitats on which they rely such as roost space in the case of bats and ponds and fields etc. in the case of GCN.

UK Protected Species

A number of species (including bats, GCN, water vole and white clawed crayfish) are strictly protected under The Wildlife and Countryside Act (1981) as amended, from killing, injury, disturbance and damage or destruction of their resting places etc. Certain species (such as reptiles) and some birds (such as barn owl) receive partial protection e.g. at certain times of the year or from certain activities only. All

nesting bird species are protected from damage or destruction of their nests - whilst active.

**Invasive species**Schedule 9 of the Wildlife and Countryside Act (1981) as amended.

Lists these species and makes it an offence to cause or allow their spread in the wild. This often has impacts on development and planning in relation to the presence of invasive plant species such as: Himalayan balsam (*Impatiens glandulifera*), Japanese knotweed (*Reynoutria japonica*), and giant hogweed (*Heracleum mantegazzianum*).

## Planning Policy/Guidance

### The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in July 2021. The most relevant paragraphs from the NPPF are set out below.

The approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is and this falls under one of three objectives of the planning system - the 'environmental objective' applying in this case. Paragraph 8c (P8c) of the NPPF states that sustainable development should "protect and enhance our natural, built and historic environment", including "improving biodiversity". P10 sets out the Framework's presumption in favour of sustainable development.

Section 11 of the NPPF details making effective use of land. The Framework states that planning policies and decisions should "take opportunities to achieve net environmental gains - such as developments that would enable new habitat creation" and should "recognise that some undeveloped land can perform many functions, such as for wildlife" (P120).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be "protecting and enhancing valued landscape [and] sites of biodiversity [...] value", "recognise the intrinsic character and beauty of the countryside" and contribute to conserving and enhancing the natural environment and reducing pollution (P174). Allocations of land for development should, "allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" and "take a strategic approach to maintaining and enhancing networks of habitats" (P175).

The Framework sets out ways to minimise the impacts on biodiversity through plans which "identify, map and safeguard components of local wildlife rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity" and promote the "conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity" (P179).

It is made clear in P180 that local planning authorities should apply a set of principles when determining planning applications. Planning permission should be refused "if significant harm to biodiversity resulting from development cannot be avoided [...], adequately mitigated, or, as a last resort, compensated for". Development should not normally be permitted where an adverse effect on a SSSI

is likely, and "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".

### Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

This strategy builds on the Natural Environment White Paper (June 2011) - Setting out the current UK Government's approach to nature conservation. It promotes a more coherent and inclusive approach to conservation and the valuing in economic and social terms of economic resources.

The strategy promotes initiatives such as Biodiversity Offsetting, Nature Improvement Areas and a focus on well-connected natural networks and introduces the concept of securing a 'no net loss' situation with regard to UKBAP/Section 41 habitats and species.

ODPM circular 06/05 (2005) Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System  
Provides guidance to Local Authorities on their obligations to biodiversity - particularly in relation to assessing planning applications and ensuring the adequacy of information.

BSI (2013) British Standards Institute BS 42020:2013 Biodiversity - Code of Practice for Planning and Development

Provides a standard for the biodiversity assessment and development industries and decision makers such as Local Planning Authorities to work to.