KJ Ecology Ltd

# Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for Fleet Street, Holbeach

November 2024


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**Appendices**

## Executive Summary

GR Merchant Ltd on behalf of Mr Sukerno are applying to demolish a dwelling and buildings associated with a building merchants business and create nine dwellings with associated facilities on land off Fleet Street, Holbeach. To comply with planning procedures GR Merchant Ltd on behalf of Mr Sukerno commissioned Kevin Johnson of KJ Ecology Ltd to carry out a Preliminary Ecological Appraisal and Biodiversity Net Gain assessment on the 6th September 2024.

The proposed development site is just East of the centre of Holbeach off Fleet Street and near to the junction with Edinburgh Walk at Grid Ref TF 3635 2482.

The site consists of a brick dwelling with cement tiled roof with various extensions, including part of the building merchants offices and associated garden. The building merchants consists of a brick sales room with roofing felt on. Various stores/ workshops consisting of wooden buildings with either cement/ fibre roof on or metal corrugated roofs on, brick rendered building with metal corrugated roof on and an open concrete/ metal building. The entrance to the site to the West of the house is concrete while the East entrance is compact stone with bays for various types of sands etc. Some areas of the compact stone has become overgrown with vegetation.

Between the 30th September and 20th November 2024, the following methodologies were carried out on land off Fleet Street, Holbeach:

1. Desk top study – To establish what protected habitats and species are within the area;
2. Preliminary Ecological Appraisal – Used to identify the likelihood of any protected species been found on the site, identify any features, habitats or species which would constitute potential constraints to any development which might take place, and to make recommendations for mitigation and/or further survey work, as appropriate;
3. Biodiversity Net Gain Assessment to establish if the proposals will leave the site in a better ecological state then they started out with.

The surveys found that:

1. The desk top study revealed that there are no statutory or non-statutory sites within 2kms of the proposed development. There are number of protected and priority species recorded within 2kms of the planned development, including Common Pipistrelle Bat (*Pipistrellus pipistrellus*);
2. The Preliminary Ecological Appraisal found no signs of protected species on site but there are possibilities for nesting birds in the hedge, climbing plants and stores/workshops;
3. The Biodiversity Net Gain calculation using the Statutory Biodiversity Metric Calculation Tool (July 2024) revealed that the initial baseline gave 0.13 habitat units and the new scheme will create 0.16 habitat units. This is a 0.03 habitat unit gain according to the Biometric or 23.79% net gain. This means that the plans have reached the required 10% net gain.

From these survey results, KJ Ecology Ltd has no objections to the proposed demolition of a dwelling and buildings associated with a building merchants business and the creation of nine dwellings with associated facilities on land off Fleet Street, Holbeach, as long as the following recommendations are followed:

1. As there is potential for nesting birds on site which are protected under the Wildlife and Countryside Act 1981 (as amended), then if the works are to start in the bird nesting season (March to August) then a nesting bird survey will be required before works commence. If a nesting bird is found, then no works will proceed until the chicks have fledged and the ecologist has given the all clear;
2. As there is potential for Hedgehogs within the area, then any trenches need to be covered at night during construction to prevent them from falling in;
3. Any fencing needs to have 13 x 13cm gaps in at ground level to allow the free movement of hedgehogs;

4. As there are bats and birds in the area, then some bat boxes/ bird boxes need placing on the dwellings;
5. Any planting around the buildings should include native and RHS Perfect for Pollinators Garden Plants.

# Main Report

# 1 Introduction

## 1.1 Terms of Instruction

GR Merchant Ltd on behalf of Mr Sukerno are applying to demolish a dwelling and buildings associated with a building merchants business and create nine dwellings with associated facilities on land off Fleet Street, Holbeach. To comply with planning procedures GR Merchant Ltd on behalf of Mr Sukerno commissioned Kevin Johnson of KJ Ecology Ltd to carry out a Preliminary Ecological Appraisal and Biodiversity Net Gain assessment on the 6th September 2024.

The purpose of the Preliminary Ecological Appraisal is to identify the likelihood of any protected species been found on the site, identify any features, habitats or species which would constitute potential constraints to any development which might take place, and to make recommendations for mitigation and/or further survey work, as appropriate.

In addition to the Preliminary Ecological Appraisal a Biodiversity Net Gain assessment for the proposed development is to be carried out. Biodiversity Net Gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. This means protecting existing habitats and ensuring that lost or degraded environmental features are compensated for by restoring or creating environmental features that are of greater value to wildlife and people. It does not change the fact that losses should be avoided where possible, a key part of adhering to a core environmental planning principle called the mitigation hierarchy (DEFRA, 2018).

## 1.2 Site Location

The proposed development site is just East of the centre of Holbeach off Fleet Street and near to the junction with Edinburgh Walk at Grid Ref TF 3635 2482, as shown in Map 1 (Appendix 1).

## 1.3 Site Description

The site consists of a brick dwelling with cement tiled roof with various extensions, including part of the building merchants offices and associated garden (Photos 1 to 3, Appendix 2). The building merchants consists of a brick sales room with roofing felt on. Various stores/ workshops consisting of wooden buildings with either cement/ fibre roof on or metal corrugated roofs on, brick rendered building with metal corrugated roof on and an open concrete/ metal building (Photos 4 to 7, Appendix 2). The entrance to the site to the West of the house is concrete while the East entrance is compact stone with bays for various types of sands etc. (Photos 4 and 8, Appendix 2). Some areas of the compact stone has become overgrown with vegetation (Photo 8, Appendix 2).

The immediate vicinity consists of dwellings with gardens.

### 1.4 Proposed Development

It is proposed to demolish a dwelling and buildings associated with a building merchants business and create nine dwellings with associated facilities on land off Fleet Street, Holbeach as per planning application.

### 1.5 Report Limitations

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The ecological data in this report is only valid for 18 months from the survey date of 30th September 2024, as wildlife, especially Protected Species move about and natural conditions can change over time.

### 1.6 Background to KJ Ecology Ltd

On the 6th September 2024 KJ Ecology Ltd was appointed to carry out a Preliminary Ecological Appraisal and Biodiversity Net Gain assessment at 45 Fleet Street, Holbeach. KJ Ecology Ltd is an independent Ecological Consultancy run by Kevin Johnson BSc Pgd PGCE MCIEEM (Member of the Charted Institute of Ecology and Environmental Management) and has several years of experience in environmental consultancy work. This work has ranged from working on the rail, roads, airports, house building projects, barn conversions and pipeline work. Kevin Johnson was initially an Ecology and Environmental Lecturer at various colleges and taught students how to carryout surveys and about the environment. Kevin Johnson then went on to work for a number of ecological consultancies such as Penny Anderson Associates, which is one of the original environmental consultancy companies and is well respected.

## 2 Methodology

### 2.1 Desk top study

The purpose of a desk study is to identify any statutory and non-statutory sites of nature conservation importance (such as Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs) and County Wildlife Sites (CWSs)) and Protected Species within reasonable distance of the site.

The sources of information used in the desk top study included:

- Lincolnshire Environmental Records Centre;
- Multi-Agency Geographic Information for the Countryside (MAGIC).

## 2.2 Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal was carried out to Joint Nature Conservation Committee (JNCC) and Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines on the 30th September 2024 by Kevin Johnson of KJ Ecology Ltd who has numerous years' experience in carrying out Preliminary Ecological Appraisals. The buildings were fully examined inside and outside for wildlife. The perimeter of the site, then the area imbetween was walked in a zig-zag fashion as much as possible, so that as much wildlife information could be recorded about the site. The immediate area around site was also surveyed for signs of wildlife and how they may influence the proposed development. Two hours were spent on the site looking for signs of wildlife and any species seen were recorded using the DAFOR scale. The DAFOR scale is a way of quantifying the abundance of species on the site as a percentage of the area. All fauna were given a Rare recording unless there were a lot of them. The DAFOR scale used was:

| | |
|---|---|
| Dominant | Most common species within the survey area >75% |
| Abundant | Really very common in the survey area. |
| Frequent | Found the species in several places in the survey area and there was usually more than just a few individuals in each of these places. Also if a species was very common in that part, with many individuals and covered a substantial area. |
| Occasional | Species that occur in several places in the survey area, but whose populations are usually not very big. Can be used if very common in one small area of habitat within the survey area, but occupies just a small area. |
| Rare | Species that occur as a small number of individuals in the survey area. This small number of individuals may be located in one place, or scattered over several different locations. |

The survey also included:

### 2.2.1 Habitat and Plant Assessment

The habitat on site was assessed for its ability to support protected species and whether it is of National/ Local importance. Any rare species of plant were noted as were any Invasive Non-natives under Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

### 2.2.2 Amphibian Survey

There are no ponds within 250m of the site and the only record of Great Crested Newt (*Triturus cristatus*) is over 450m away with numerous dwellings and streets between the two sites. For this reason, no further survey work is required.

### 2.2.3 Badger Survey

A Badger (*Meles meles*) survey was also undertaken and carried out as per The Mammal Society: Surveying Badgers booklet 1989. Any signs of Badger were recorded including sett holes (used, partially used, dis-used), the type of sett (as per table below), trails, footprints, latrines, hairs, snuffle holes, feeding remains, bedding and scratching posts were all recorded.

**Sett Characterization**

| Type of sett | Sett Properties |
|---|---|
| Main sett | These usually have a large number of holes with conspicuous spoil heaps, and the sett generally looks very active. There are well used paths to and from the sett and between entrances. Normally the breeding sett is in continuous use, but it is possible to find a disused main sett in areas of low Badger density. |
| Annexe sett | These are close to the main sett, normally less than 150m away, and are usually connected to the main sett by obvious well-worn paths. They usually have several holes, but may not be in use all of the time. |
| Subsidiary Sett | These often have only a few holes (average of three to five). They are usually at least 50m from a main sett, and do not have an obvious path connecting with another sett. They are not continuously active. |
| Outlying Sett | These usually have only one or two holes, often have little spoil outside the hole, have no obvious path connecting with another sett, and are only used sporadically. When not in use by badgers, they may be taken over by Foxes or even Rabbits. |

### 2.2.4 Preliminary Bat Roost Assessment

A Preliminary Bat Roost Assessment was undertaken and carried out to Bat Conservation Trust - Bat Surveys for Professional Ecologists: Good Practice Guidelines 2023. Using ladders, binoculars and an endoscope, the buildings were fully examined for potential access points, and any signs of bats. These signs included droppings, live or dead animals, urine or fur staining, feeding remains, and scratch marks. The buildings were then categorised into their suitability to support a bat roost using the criteria outlined by Collins 2023 as shown in Appendix 3. The categorisation of the building then determines the number of bat surveys required.

This work was undertaken by licenced bat worker Kevin Johnson (2020-48443-SCI-SCI) of KJ Ecology Limited who is fully trained in bat surveys and has been carrying out bat surveys for over 10 years.

### 2.2.5 Nesting Bird Survey

A nesting bird survey was carried out which involved looking out for signs of nests and other indications were also used such as families (adult birds with accompanying juveniles), juvenile birds, adults carrying food, adults carrying nesting material, and piles of droppings/ food remains.

### 2.2.6 Invertebrate Survey

The potential development site was assessed for its suitability to support a variety of invertebrates. No specific surveys were undertaken, but if a known species was seen, it was recorded.

### 2.2.7 Other Mammals Survey

Evidence of small mammals was searched for such as Shrews and Voles as they are the basis of the food chain for many other species from Kestrels (*Falco tinnunculus*) to Barn Owl (*Tyto alba*). Other mammals and their signs were also noted from Moles (*Talpa europaea*) to deer.

### 2.2.8 Reptile Survey

The area was searched for reptiles and suitable features for reptiles. As reptiles are ectotherms so need an external source to heat them up, basking areas were searched for including short grass area – embankment/ paths, woodland edges – base of trees, logs, stones or artificial e.g. corrugated metal sheets. Suitable refugia and hibernacula were also searched for.

### 2.2.9 Water Vole Survey

There are no ditches or ponds adjacent to the site, so a Water Vole (*Arvicola amphibius*) survey was not required.

## 2.3 Biodiversity Net Gain

On the 30th September 2024 a baseline assessment was done for the site and the baseline map is shown in Map 2, Appendix 1. For each habitat identified as per UK Habitat Classification – Habitat Definitions V2(July 2023), the area was then measured; a condition assessment was carried out as per Statutory Biodiversity Metric Condition Assessment Sheets and Methodology, (July 2024) and finally the strategic significance of the site. These values are then added to the Statutory Biodiversity Metric Calculation Tool (July 2024) which automatically calculates the habitat units on site.

The proposed illustrative Masterplan was then used to enter the data for the new proposed habitats into the Statutory Biodiversity Metric Calculation Tool (July 2024). This included any retained or enhanced habitats. For each habitat type, the area was taken, the target condition for each habitat was assessed using Statutory Biodiversity Metric Condition Assessment Sheets and Methodology, (July 2024), the strategic significance of the site and finally if the habitat is going to be created in advance or delayed. Using this data and the baseline data, the Statutory Biodiversity Metric Calculation Tool (July 2024) would then calculate if there has been any Biodiversity Net Gain. If the required minimum 10% Biodiversity Net Gain has not been

reached, then further discussions with the client are required until an agreed motion forward has been reached.

### 2.4 Survey Constraints

There were no survey constraints when the survey was carried out on the 30th September 2024. When the site was assessed, the weather was cool (14C) with 100% cloud cover, occasional light shower and a Gentle East-south-easterly breeze.

## 3 Survey Results

### 3.1 Desk top study

The desk top study revealed the following results:

#### 3.1.1 Habitats

The desk top study revealed that there are no statutory or non-statutory sites within 2kms of the proposed development as shown in Appendix 5.

The only habitats in the immediate vicinity are dwellings with gardens.

#### 3.1.2 Protected Species

There are 22 protected and 28 priority species recorded within 2kms of the planned development at Fleet Street, Holbeach, including Common Pipistrelle (*Pipistrellus pipistrellus*) as shown in Appendix 5. The Birds of Conservation Concern 5 (2021) Red Data list for the area includes species such as Swift (*Apus apus*). The records for the area in the last decade show that there is one protected amphibian – Great Crested Newt, but no protected plants, reptiles or invertebrates.

Other species can utilise the site such as Song Thrush (*Turdus philomelos*) which are on the Birds of Conservation Concern Amber list. Other declining species have been recorded within the area and include the Hedgehog (*Erinaceus europaeus*).

### 3.2 Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal was carried out on the 30th September 2024 by Kevin Johnson BSc Pgd PGCE MCIEEM, who has numerous years' experience in carrying out survey work. The species results of the Preliminary Ecological Appraisal can be found in Appendix 4 and a UK habitat map was produced (Map 2, Appendix 1).

The Preliminary Ecological Appraisal found the following results:

### 3.2.1 Habitat and Plant Assessment

The main development site is a dwelling with garden and a builders merchants yard with associated sales building, stores/ workshops. Some of the compact stone areas used for parking, access road have started to become overgrown with Tall Ruderal herbs such as American Willowherb (*Epilobium adenocaulon*) and grasses such as Creeping Bent (*Agrostis stolonifera*). There were no rare or Invasive Non-natives plants on site.

### 3.2.2 Badger Survey

No signs of Badger were found on site.

### 3.2.3 Preliminary Bat Roost Assessment

The house was in good condition with no gaps in the tiles, soffit and fascias. There were no gaps into the loft which had lots of cobwebs along the ridge beam and rafters (Photo 9, Appendix 2). This makes it unsuitable for bats and there were no signs of bats within the loft. There is bitumen felt between the loft and the roof tiles but there was no access between them for bats. The other buildings had open roof voids and metal roofs/ cement/fibre roofs or a flat roof (Photo 10, Appendix 2). None of them are suitable for bats. All the buildings were given a negligible bat roost potential.

### 3.2.4 Nesting Bird Survey

No nesting birds were seen and the only potential is in the open shed and the shrubs/climbers in the garden.

### 3.2.5 Invertebrate Survey

The weather was cool (14C) with occasional rain showers, so would not be suitable for any invertebrates. There was a very limited range of flora that could support a few invertebrates on site, so most would pass through.

### 3.2.6 Other Mammals Survey

No signs of mammal were seen on site, but the habitat does suggest that there will be mice and rats on site and the surrounding area. None of them will affect the proposed development.

### 3.2.7 Reptile Survey

There were no signs of reptiles on site and there are no opportunities to support them.

## 3.3 Biodiversity Net Gain

The results can be seen in the accompanying Excel spreadsheet – Fleet St Holbeach - Biodiversity Metric Calc. The site was taken to have a strategic significance of ‘Area/compensation not in local strategy/ no local strategy’. None of the habitats are irreplaceable.

### 3.3.1 Area Habitats

#### 3.3.1.1 On-Site Habitat Baseline

The baseline map (Map 2, Appendix 1) gave the following measurements:

| Feature | Classification | Area (ha) | Condition | Habitat units delivered | Area retained | Area enhanced |
|---|---|---|---|---|---|---|
| Buildings | Urban - Developed land; sealed surface | 0.0678 | N/A - Other | 0.00 | | |
| Garden | Urban - Vegetated garden | 0.031 | Condition Assessment N/A | 0..06 | | |
| Concreted areas | Urban - Developed land; sealed surface | 0.0448 | N/A - Other | 0.00 | | |
| Compact stone areas | Urban - Artificial unvegetated, unsealed surface | 0.0704 | N/A - Other | 0.00 | | |
| Sparsely vegetated areas | Sparsely vegetated land - Tall forbs | 0.033 | Poor | 0.07 | | |

Only the Sparsely vegetated land - Tall forbs needed a habitat assessment carrying out and the results of the assessment can be seen in the accompanying spreadsheet - Fleet St Holbeach - Cond Assess sheet.

Overall there are 0.13 habitat units on site.

#### 3.3.1.2 On-Site Habitat Creation

The proposed layout of the site is shown in the accompanying proposed site layout plan. A summary of the results are shown below.

| Feature | Classification | Area (ha) | Condition | Habitat units delivered |
|---|---|---|---|---|
| Buildings | Urban - Developed land; sealed surface | 0.0662 | N/A - Other | 0.00 |
| Paths, patios, drives | Urban - Developed land; sealed surface | 0.1052 | N/A - Other | 0.00 |
| Gardens | Urban - Vegetated garden | 0.0821 | Condition Assessment N/A | 0.16 |

Overall the new plans will generate 0.16 habitat units.

### 3.3.2 Headline Results

The initial baseline gave 0.13 habitat units and the new scheme will create 0.16 habitat units. This is a 0.03 habitat unit gain according to the Biometric or 23.79% net gain. This means that the plans have reached the required 10% net gain.

# 4 Evaluation and Recommendations

## 4.1 Evaluation

From the Desktop Ecological Assessment there are no statutory or non-statutory sites within 2kms of the proposed development. The desktop study revealed that there a several protected species within 2kms of the site such as Common Pipistrelle. There were no signs of protected species found during the Preliminary Ecological Appraisal on the 30th September 2024 but there is the possibility of nesting birds such as Blackbird (*Turdus merula*) in the hedge/ climbing plants or the open store. If the works are to start in the bird nesting season - March and August, then a nesting bird survey will be required. This is all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) – See Section 5.1.4. If a nest is found then the area will be cordoned off and works cannot commence in that area until the chicks have fledged.

The only other possibility for wildlife are Hedgehogs which are a priority species, so measures need to be in place to allow free movement of Hedgehogs within the area. Hedgehogs are partially protected under the Wildlife and Countryside Act 1981 (as amended) - may not be trapped without a licence from Natural England. To comply with this all trenches should be covered at night to prevent Hedgehogs falling in.

The Biodiversity Net Gain calculation using the Statutory Biodiversity Metric Calculation Tool (July 2024) revealed that the initial baseline gave 0.13 habitat units and the new scheme will create 0.16 habitat units. This is a 0.03 habitat unit gain according to the Biometric or 23.79% net gain. This means that the plans have reached the required 10% net gain.

## 4.2 Recommendations

KJ Ecology Ltd has no objections to the proposed demolition of a dwelling and buildings associated with a building merchants business and the creation of nine dwellings with associated facilities on land off Fleet Street, Holbeach, as long as the following recommendations are followed:

1. As there is potential for nesting birds on site which are protected under the Wildlife and Countryside Act 1981 (as amended), then if the works are to start in the bird nesting season (March to August) then a nesting bird survey will be required before works commence. If a nesting bird is found, then no works will proceed until the chicks have fledged and the ecologist has given the all clear;
2. As there is potential for Hedgehogs within the area, then any trenches need to be covered at night during construction to prevent them from falling in;

3. Any fencing needs to have 13 x 13cm gaps in at ground level to allow the free movement of hedgehogs;
4. As there are bats and birds in the area, then some bat boxes/ bird boxes need placing on the dwellings;
5. Any planting around the buildings should include native and RHS Perfect for Pollinators Garden Plants.

# 5 Legislation and Policy Guidance

In the 1960s and 1970s concerns were raised about the loss of wildlife habitats and species. This led to The Convention on the Conservation of European Wildlife and Natural Habitats 1979 (Berne Convention) which came into force in 1982. The aim of this Convention is to conserve wild flora and fauna and their natural habitats; Promote cooperation between countries in their conservation efforts and, give particular emphasis to endangered and vulnerable species including migratory species.

In the UK this Convention was implemented by the creation of the Wildlife and Countryside Act 1981 (as amended). This Act was further strengthened by the Countryside and Rights Of Way Act 2000.

The UK has signed up to the EEC Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna 1992 (Habitats Directive). The aim of the Habitats Directive is to contribute towards ensuring bio-diversity by means of the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States. The UK transposed the Habitats Directive into The Conservation (Natural Habitats, &c.) Regulations 1994. To consolidate all the various amendments made to this Act, The Conservation of Habitats and Species Regulations 2017 has been introduced.

The UK has also signed up to The Convention on the Conservation of Migratory species of Wild Animals 1979 (The Bonn Convention) which came into force in 1983 and so is therefore party to various agreements.

## 5.1 Protected Species

### 5.1.1 European Protected Species

Water Voles (*Arvicola amphibius*), Otters (*Lutra lutra*), Bats and Great Crested Newts (*Triturus cristatus*) are classed as European Protected Species. All European Protected Species are protected under Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended) and are also protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2012. They are listed under Appendix III of the Bern Convention and Annex IV of the EC Habitats Directive. These species also have their habitats listed

under Appendix II of The Bonn Convention and therefore the UK has an obligation to protect their habitat, including links to important feeding areas.

In relation to a development these laws and regulations make it illegal for a person to:

- Intentionally or recklessly kill, injure or take a European Protected Species;
- Intentionally or recklessly -
  - Damage or destroy any structure or place which any European Protected Species uses for shelter or protection;
  - Disturbs any such European Protected Species while it is occupying a structure or place which it uses for shelter or protection; or
  - Obstructs access to any structure or place which any such European Protected Species uses for shelter or protection;
- Deliberately or recklessly disturbs wild animals of any species in such a way as to be likely significantly to affect :
  - The ability of any significant group of animals to survive, breed, or rear or nurture their young; or
  - The local distribution or abundance of that species;
- Possess or transport European Protected Species or any part of a them, unless acquired legally;
- Sell (or offer for sale) or exchange European Protected Species, or parts of European Protected Species.

This legislation applies, regardless of the life stage (including eggs). A European Protected Species Licence is required to carry out any activity that would otherwise involve committing an offence.

### 5.1.2 Amphibians

All amphibians are protected under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended). Under Section 9(4b and c) of the Wildlife and Countryside Act 1981 (as amended), it is an offence to :

- Disturb any GCN while it is occupying a structure or place which it uses for shelter or protection; or
- Obstructs access to any structure or place which a GCN uses for shelter or protection.

Under Section 9(5a and b) of the Wildlife and Countryside Act 1981 (as amended) it is an offence to:

- Possess or transport all Amphibians or any part of a them, unless acquired legally;
- Sell (or offer for sale) or exchange Amphibians, or parts of Amphibians.

GCN and Pool Frog (*Rana lessonae*) are also protected under Schedule 2 of The Conservation of Habitats and Species Regulations 2017. To avoid prosecution under these laws during development of the site, all precautions have to be taken to ensure that no intentional harm is done to these species and any disturbance or obstruction of access is done under licence.

### 5.1.3 Badgers

Badgers (*Meles meles*) are fully protected in the UK by the Protection of Badgers Act, 1992 and by Schedule 6 of the Wildlife and Countryside Act, 1981(as amended). This makes it an offence to:

- Wilfully kill, injure, take, possess or cruelly treat a badger;
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett;
- Disturb a badger while it is occupying a sett. (*Disturbance could include digging or scrub clearance within 30m of the sett, and therefore advice should be sought before carrying out such activities*).

### 5.1.4 Birds

All wild birds are protected under Part 1: 1(1) of the Wildlife and Countryside Act, 1981 which states that:

1 Protection of wild birds, their nests and eggs.

(1)Subject to the provisions of this Part, if any person intentionally or recklessly —

(a) kills, injures or takes any wild bird;

(b) takes, damages, destroys or otherwise interferes with the nest of any wild bird while that nest is in use or being built; or

(ba) at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;

(bb) obstructs or prevents any wild bird from using its nest;

(c) takes or destroys an egg of any wild bird,

they shall be guilty of an offence.

To avoid committing an offence no works should be carried out on a structure/ feature that is being used by nesting birds. Nesting is deemed to be over when the young have fully fledged.

Certain species which are listed in Schedule 1 of the Wildlife and Countryside Act receive special protection. In these cases any form of intentional or reckless disturbance when they are nesting or rearing dependant young, constitutes an offence.

### 5.1.5 Plants

Schedule 8 of the Wildlife and Countryside Act, 1981 (as amended) lists a range of rare plants that need protection such as Early Spider

Orchid (*Ophrys sphegodes*) and wild plants exploited for commercial reasons for example English Bluebells. Section 13 of the Wildlife and Countryside Act, 1981 (as amended) states that it is illegal to:

1(a) Intentional picking, uprooting or destruction of plants on Schedule 8;

1(b) Unauthorised (by landowner) intentional uprooting of any wild plant not included in Schedule 8;

2(a) Selling, offering for sale, possessing or transporting for the purpose of sale, any plant (live or dead, part or derivative) on Schedule 8;

2(b) Advertising for buying or selling such things.

### 5.1.6 Reptiles

Common lizard (*Zootoca vivipara*), Slow worm (*Anguis fragilis*), Adder (*Vipera berus*) and grass snake are all protected under Schedule 5 of the Wildlife and Countryside Act, 1981 against intentional injuring, killing or selling. For development sites in England, Wales or Scotland, to avoid prosecution under the Wildlife and Countryside Act 1981 (as amended), wherever works will impact on Slow Worms, Common Lizards, Adders and/or Grass-snakes there must be evidence that every reasonable effort was made to avoid breaking the law – including proof of adequate surveys and mitigation plans. Mitigation measures should, ideally, be agreed with Natural England.

Only the Sand Lizard (*Lacerta agilis*) and Smooth Snake (*Coronella austriaca*) are fully protected under the Wildlife and Countryside Act, 1981 (Section 9) and Regulation 9 of the Conservation of Habitats and Species Regulations 2010 against :

- Killing, injuring or capture;
- Damaging or destroying a breeding or resting site;
- Intentionally obstructing access to a place used for shelter;
- Keeping, transporting or selling.

This means that not only are the animals themselves protected but so are their habitats.

## 5.2 Invasive Non-natives

Section 14 of the Wildlife and Countryside Act 1981 (as amended) prevents Invasive Non-native animals and plants being released into the wild which may cause ecological, environmental, or socio-economic harm. Section 14 states:

(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which –

(a) Is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or

(b) Is included in Part I of Schedule 9,

he shall be guilty of an offence

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.

This includes plants such as Himalayan Balsam (*Impatiens glandulifera*) and Japanese Knotweed (*Fallopia japonica*). Japanese Knotweed is controlled by other Acts and Regulations including:

- Environmental Protection Act 1990 - Waste containing Japanese Knotweed is classified as 'controlled waste'. As such, you must observe the appropriate duty of care for its proper handling and disposal as per Section 33 and 34. The movement of Japanese Knotweed is also covered by the Waste (England and Wales) Regulations 2011 and The Hazardous Waste Regulations 2005;
- Community Protection Notices can be issued to the owners of land with Japanese knotweed by the relevant local authority, by a person or body authorised by the local authority, or by a constable;
- Anti-social Behaviour, Crime and Policing Act 2014 - Notice can be given requiring someone to control or prevent the growth of Japanese knotweed or other plants capable of causing serious problems to communities;
- The Infrastructure Act 2015, contains powers to compel landowners to control or eradicate invasive non-native species and permits authorised persons to enter land to carry out species control operations at the landowner's expense.

## 5.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and has several updates with the latest being 20th July 2021. The NPPF sets out the Government's planning policies for England and how these should be applied. As this is an ecological report, the ecological side of the NPPF will be dealt with here. One part of the NPPF is in achieving sustainable development (Chapter 2) and how to secure net gains through the implementation of plans and the application policies with applications in presumption on favour of sustainable development.

Paragraph 8 (iii) states - **An environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

To achieve sustainability and Biodiversity Net Gain, planning policies should make effective use of land, and conserve, and enhance the Natural Environment. Effective use of land can be achieved by:

- Supporting developments of underutilised land and buildings;

- Recognising the multiple benefits from both urban and rural land;
- Developments that would enable new habitat creation or improve public access to the countryside;
- Recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

To conserve and enhance the Natural Environment, leading to Biodiversity Net Gain, planning policies and decisions should contribute to and enhance the natural and local environment by:

- Protecting and enhancing the intrinsic value and beauty of the countryside e.g. Areas of Outstanding Beauty and Nature Reserves (Local and National);
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. These include Wildlife Corridors, the Stepping Stones that connect them and areas identified by national, and local partnerships for habitat management, enhancement, restoration or creation;
- 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.

## 5.4 Biodiversity

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, updated by Section 103 of the Environment Act 2021, places a legal responsibility on public authorities in England to have policies to protect habitats and species of great conservation importance, whilst protecting all biodiversity. These are then published as required by Section 41 under the NERC Act 2006. A total of 56 habitats and 943 species of principal importance are included on the Section.

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to

have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

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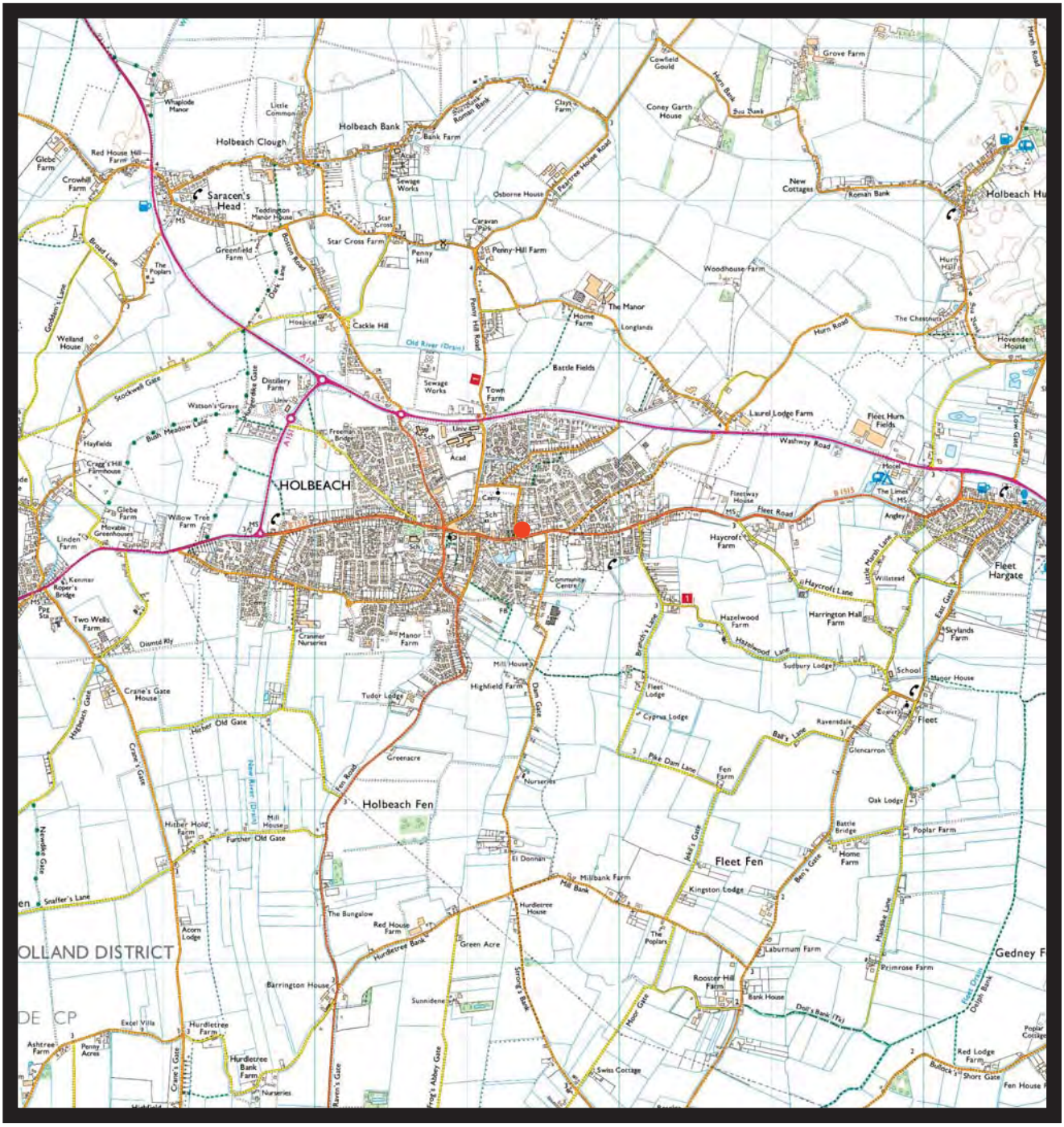
# Appendicies

# Appendix 1

# Maps

Map 1: Location map of land off Fleet Street, Holbeach.




0 0.5 1km

**Legend**

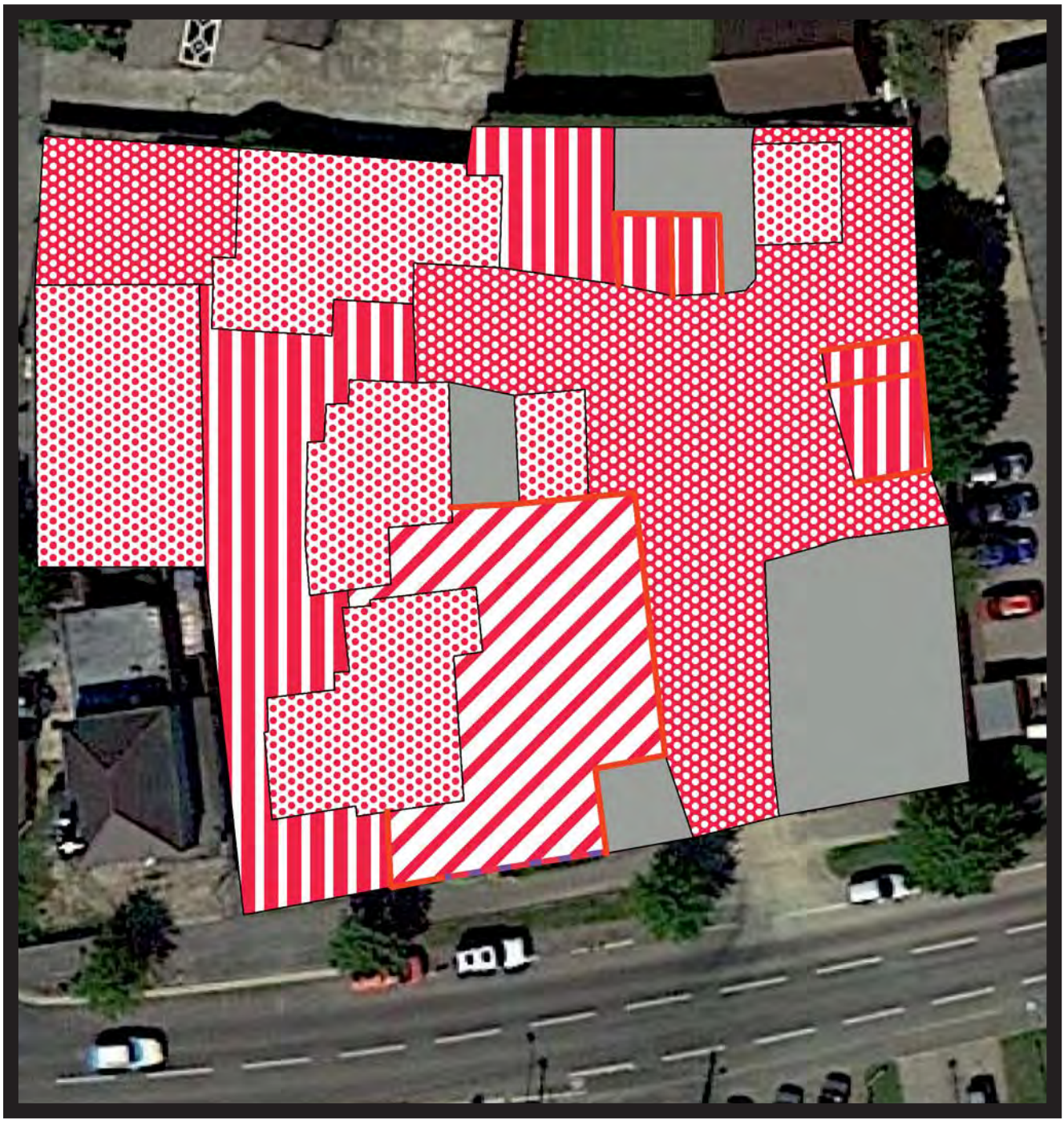
Location of site



Site Plan 1:40,000


KJ Ecology Ltd
Drawn by : KJ
Date : 20/11/2024

Map 2: Habitat map for land off Fleet Street, Holbeach.



0 5 10m



Site Plan 1:650

**Legend**

- Garden
- Developed land; sealed surface
- Building
- Artificial unvegetated unsealed surface
- Sparsely vegetated land
- Other hedgerow
- Built linear feature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Date : 20/11/2024

# Appendix 2

# Photos

## Photos for Fleet Street, Holbeach.

Photo 1: Front of the dwelling

Photo 2: Rear of the dwelling with garage

Photo 3: Typical garden around house

Photo 4: View of sales room on left and workshop/ store at rear of picture

Photo 5: Stores/ workshops to North of house

Photo 6: View West of Stores/ workshops near sales room

| | |
|---|---|
|  |  |
| Photo 7: Open concrete/ metal shed and sand storage areas | Photo 8: Main entrance with sand storage areas |
|  |  |
| Photo 9: Cobwebs along ridge beam and rafters | Photo 10: Typical exposed roof void in store/ workshop |

# Appendix 3

# Bat Roost Suitability

**Bat suitability table**

## Bat roost suitability of structures

| Potential suitability | Description | | Number of bat surveys required |
|---|---|---|---|
| | **Roosting habitats in structures** | **Potential flight-paths and foraging habitats** | |
| None | 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). | No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/ protection for flight lines, or generate/ shelter insect populations available to foraging bats). | None |
| Negligible | 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. | No obvious habitat features on site likely to be used as flight - paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour. | None |
| Low | A structure with one or more potential roost sites that could be used by individual bats opportunistically. 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 or hibernation site, but could be used by individual hibernating bats). | Habitat that could be used by small numbers of bats as flight-paths such as gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.<br>Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub | One dusk emergence survey between May and August |
| Moderate | 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 for 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). | Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens.<br>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water. | Two separate dusk emergence survey visits between May and September with at least one of the surveys between May and August. |
| High | 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 roost, e.g. maternity or classic cool/ stable hibernation site. | Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge.<br>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.<br>Site is close to and connected to known roosts. | Three separate dusk emergence survey visits between May and September with at least two of the surveys between May and August. |

## Bat roost suitability of trees

| Suitability for Bat Roost | Description | Number of bat surveys required |
|---|---|---|
| None | Either no Potential Roost Features or highly unlikely to be any | None |
| Further Assessment Required | Further assessment required to establish if Potential Roost Features are present in the tree | None |
| Potential Roost Features - Individual | Potential Roost Feature is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitat | None |
| Potential Roost Features – Multiple | Potential Roost Feature is suitable for multiple bats and may therefore be used by a maternity colony | Three separate dusk emergence survey visits between May and September with at least two of the surveys between May and August. |

# Appendix 4

# Preliminary Ecological Appraisal Results

**Survey results for Fleet Street, Holbeach.**

| Common Name | Scientific Name | DAFOR |
|---|---|---|
| **Trees** | | |
| Beech (sapling) | *Fagus sylvatica* | R |
| Pedunculate Oak (sapling) | *Quercus robur* | R |
| | | |
| **Shrubs** | | |
| Butterfly Bush | *Buddleja davidii* | F |
| Holly (sapling) | *Ilex aquifolium* | R |
| Ivy | *Hedra helix* | R |
| | | |
| **Herbaceous plants** | | |
| American Willowherb | *Epilobium adenocaulon* | F |
| Autumn Hawkbit | *Leontodon autumnalis* | O |
| Bristly Oxtongue | *Picris echioides* | O |
| Broad-leaved Dock | *Rumex obtusifolius* | R |
| Creeping Thistle | *Cirsium arvense* | R |
| Dandelion | *Taraxacum officinale agg* | O |
| Goosegrass | *Gallium aparine* | R |
| Great Mullein | *Verbascum Thapsus* | R |
| Herb Robert | *Geranium robertianum* | O |
| Knotgrass | *Polygonum aviculare* | O |
| Perennial Sow-thistle | *Sonchus arvensis* | R |
| Selfheal | *Prunella vulgaris* | O |
| Spear Thistle | *Cirsium vulgare* | R |
| Weld | *Reseda luteola* | O |
| | | |
| **Grasses** | | |
| Barren Brome | *Bromus sterilis* | O |
| Creeping Bent | *Agrostis stolonifera* | O |
| False Oat Grass | *Arrhenatherum elatius* | O |
| Red Fescue | *Festuca rubra* | O |
| | | |
| **Horsetails** | | |
| Field Horsetail | *Equisetum arvense* | R |
| | | |
| **Birds** | | |
| Blackbird | *Turdus merula* | R |
| Carrion Crow | *Corvus corone* | R |
| Robin | *Erithacus rubecula* | R |
| Wren | *Troglodytes troglodytes* | R |

# Appendix 5

# LERC Search Summary Report

# LERC Search Summary Report

## Grid Reference: TF 3635 2482
## Buffer: 2km

**Date of publication: 20/11/2024**
**Expires: 20/11/2025**

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GREATER LINCOLNSHIRE NATURE PARTNERSHIP

# Report Details

| | |
|---|---|
| **Produced for** | Kevin Johnson, KJ Ecology Ltd |
| **Search area** |  |



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This report summarises a search of statutory sites, non-statutory sites, other sites, habitats and species within the specified area; where no information is returned for a section, it is excluded from this summary report.

## About the Lincolnshire Environmental Records Centre

The Lincolnshire Environmental Records Centre (LERC) collates wildlife and geological information for Greater Lincolnshire from various sources and makes it available for various uses. This data is crucial to aid conservation management of sites, to help organisations prioritise action, and to understand the distribution of species and trends over time. For more information on LERC or to request a data search, visit the website at https://glnp.org.uk/partnership/lerc/

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*Lincolnshire Environmental Records Centre is an ALERC accredited LRC, meeting the standard level criteria.*
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# Habitats

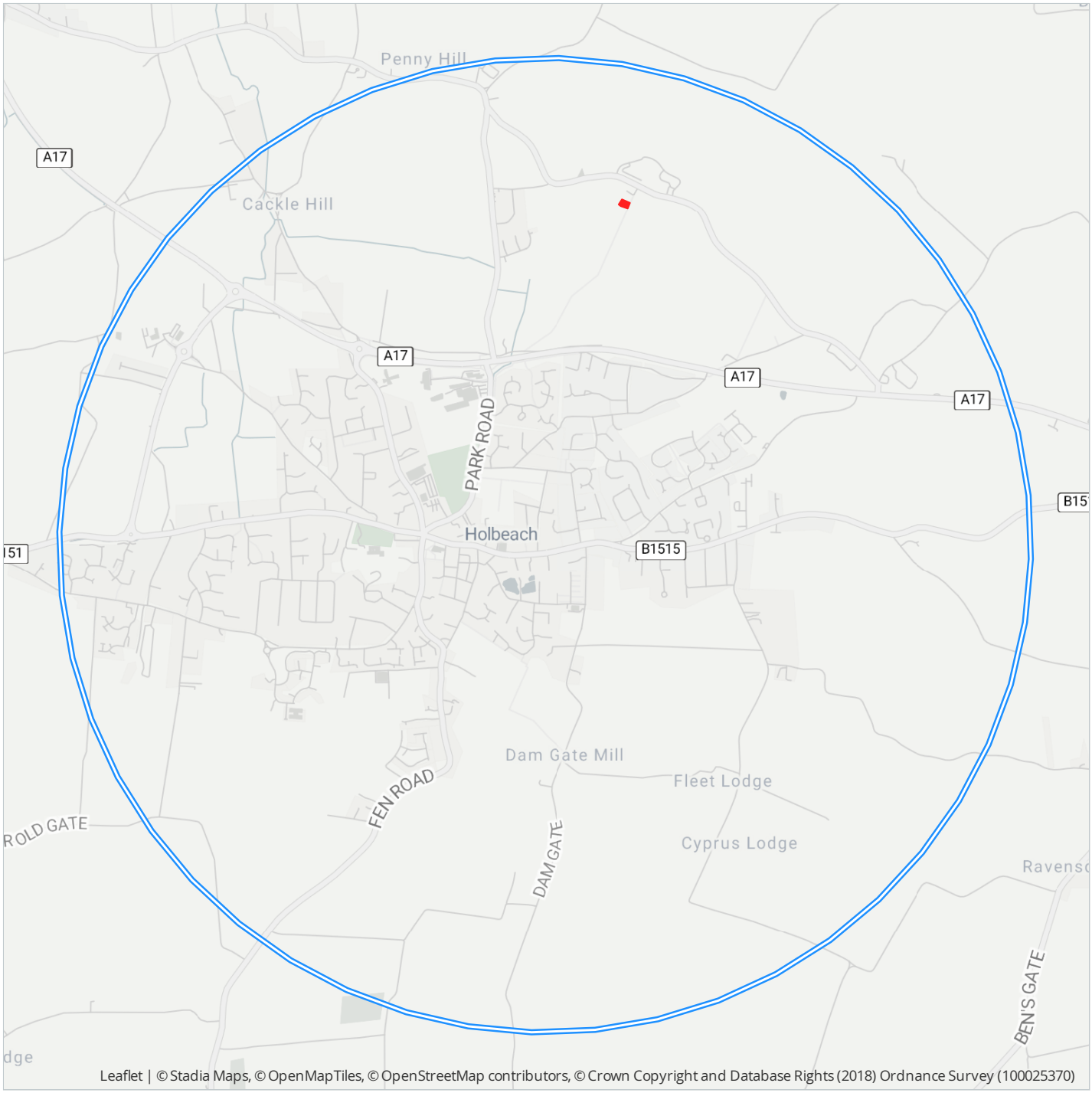
Priority habitats are those identified as being the most threatened and requiring conservation action in the UK. The most-recent list of UK priority species and habitats was published in August 2007 following a 2-year review of the process and priorities, representing the most comprehensive analysis of such information ever undertaken in the UK.

The data presented is the most up-to-date of the data collated by the GLNP and mostly comes from surveys of Local Sites; further historic data and non-Priority habitat data may also be available. Absence of information doesn't mean that the Priority habitat isn't present merely that no information is held.

A number of different datasets have been consulted to produce this report - a summary of attribution statements is available at https://glnp.org.uk/images/uploads/services/lincolnshire-environmental-records-centre/habitat%20attribution.pdf.

| Type | Habitat | Survey Date | Area (ha) |
|---|---|---|---|
| Priority Habitat | Traditional orchards | 2010 | 0.1 |

## Habitats within the search area




*Space restrictions on the map may result in some sites not being labelled.*

Traditional orchards

Search area

# Species

Lincolnshire Environmental Records Centre holds records on the following species within or overlapping the search area. Data shown is as held by LERC; past records of presence of a species does not guarantee continued occurrence and absence of records does not imply absence of a species, merely that no records are held. Confidential data, zero abundance records, data at poorly defined geographic resolutions and data pending validation and/or verification are also excluded from this report. A number of different datasets have been consulted to produce this report - a summary of attribution statements is available at https://glnp.org.uk/images/uploads/services/lincolnshire-environmental-records-centre/species%20attribution.pdf

## Amphibian (3 taxa)

| | | | |
|---|---|---|---|
| Common Frog, *Rana temporaria* | 4 | 1975 - 2007 | Protected |
| Common Toad, *Bufo bufo* | 1 | 2009 - 2009 | Protected, Priority |
| Great Crested Newt, *Triturus cristatus* | 1 | 2017 - 2017 | Protected, Priority, Local Priority |

## Bird (25 taxa)

| | | | |
|---|---|---|---|
| Barn Owl, *Tyto alba* | 1 | 2007 - 2007 | Protected, Local Priority |
| Corn Bunting, *Emberiza calandra* | 6 | 2001 - 2010 | Local Priority |
| Egyptian Goose, *Alopochen aegyptiaca* | 1 | 2020 - 2020 | Non-native |
| Green Sandpiper, *Tringa ochropus* | 1 | 2021 - 2021 | Protected |
| Greenshank, *Tringa nebularia* | 1 | 1967 - 1967 | Protected |
| Grey Partridge, *Perdix perdix* | 3 | 2007 - 2007 | Priority, Local Priority |
| Hawfinch, *Coccothraustes coccothraustes* | 1 | 2009 - 2009 | Priority |
| Hobby, *Falco subbuteo* | 1 | 1999 - 1999 | Protected |
| Honey-buzzard, *Pernis apivorus* | 1 | 2006 - 2006 | Protected |
| House Sparrow, *Passer domesticus* | 77 | 2007 - 2020 | Priority, Local Priority |
| Kingfisher, *Alcedo atthis* | 1 | 2007 - 2007 | Protected |
| Lapwing, *Vanellus vanellus* | 2 | 2000 - 2000 | Priority, Local Priority |
| Linnet, *Linaria cannabina* | 2 | 2007 - 2010 | Local Priority |
| Little Egret, *Egretta garzetta* | 3 | 2012 - 2020 | Protected |
| Mediterranean Gull, *Ichthyaetus melanocephalus* | 2 | 1999 - 2000 | Protected |
| Reed Bunting, *Emberiza schoeniclus* | 1 | 2010 - 2010 | Priority, Local Priority |
| Skylark, *Alauda arvensis* | 1 | 2006 - 2006 | Local Priority |
| Song Thrush, *Turdus philomelos* | 4 | 2009 - 2009 | Local Priority |
| Starling, *Sturnus vulgaris* | 61 | 2007 - 2020 | Local Priority |
| Swift, *Apus apus* | 18 | 2004 - 2020 | Local Priority |
| Tree Sparrow, *Passer montanus* | 4 | 2001 - 2005 | Priority, Local Priority |
| Turtle Dove, *Streptopelia turtur* | 5 | 2001 - 2014 | Priority, Local Priority |

| Bird (25 taxa) | | | |
|---|---|---|---|
| Whooper Swan, *Cygnus cygnus* | 1 | 2009 - 2009 | Protected |
| Yellow Wagtail, *Motacilla flava* | 2 | 2005 - 2005 | Local Priority |
| Yellowhammer, *Emberiza citrinella* | 1 | 2010 - 2010 | Priority, Local Priority |

| Crustacean (1 taxa) | | | |
|---|---|---|---|
| Crangonyx pseudogracilis/floridanus, *Crangonyx pseudogracilis/floridanus sens. lat.* | 8 | 2001 - 2011 | Non-native |

| Flowering Plant (6 taxa) | | | |
|---|---|---|---|
| Butterfly-bush, *Buddleja davidii* | 7 | 2013 - 2016 | Non-native |
| False-acacia, *Robinia pseudoacacia* | 1 | 2016 - 2016 | Non-native |
| Himalayan Cotoneaster, *Cotoneaster simonsii* | 1 | 2016 - 2016 | Non-native |
| Italian Alder, *Alnus cordata* | 1 | 2016 - 2016 | Non-native |
| Wall Cotoneaster, *Cotoneaster horizontalis* | 1 | 2016 - 2016 | Non-native |
| Winter Heliotrope, *Petasites fragrans* | 1 | 2013 - 2013 | Non-native |

| Insect - Butterfly (1 taxa) | | | |
|---|---|---|---|
| Wall, *Lasiommata megera* | 2 | 1992 - 1997 | Priority |

| Terrestrial Mammal (5 taxa) | | | |
|---|---|---|---|
| Brown Hare, *Lepus europaeus* | 8 | 1976 - 2007 | Priority |
| Chinese Muntjac, *Muntiacus reevesi* | 1 | 1996 - 1996 | Non-native |
| Eastern Grey Squirrel, *Sciurus carolinensis* | 3 | 2009 - 2018 | Non-native |
| European Water Vole, *Arvicola amphibius* | 6 | 2016 - 2023 | Protected, Priority, Local Priority |
| West European Hedgehog, *Erinaceus europaeus* | 70 | 1976 - 2022 | Priority |

| Terrestrial Mammal (bat) (5 taxa) | | | |
|---|---|---|---|
| Bat, *Chiroptera* | 125 | 1952 - 2022 | Protected, Priority, Local Priority |
| Brown Long-eared Bat, *Plecotus auritus* | 11 | 1997 - 2020 | Protected, Priority, Local Priority |
| Common Pipistrelle, *Pipistrellus pipistrellus sensu stricto* | 4 | 2003 - 2018 | Protected, Local Priority |
| Pipistrelle Bat species, *Pipistrellus* | 18 | 1989 - 2020 | Protected, Priority, Local Priority |
| Soprano Pipistrelle, *Pipistrellus pygmaeus* | 1 | 2007 - 2007 | Protected, Priority, Local Priority |

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