

# Preliminary Ecological Appraisal

at

**Roxby Landfill Site, Winterton Road, Roxby**

on behalf of

The logo for Biffa, featuring the word "Biffa" in a bold, red, sans-serif font.

by

  
**H e a t o n s**

Planning Environment Design

July 2025

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## EXECUTIVE SUMMARY

- The site is found at OS grid reference SE 90980 16928. The site is approximately 93 hectares (ha) in size and comprises unimproved grassland, hedges, scrubland, ephemeral vegetation, broad leaved woodland, hard standing, metal gate, and buildings.
- The current proposal involves the ongoing use of the site for landfill, with an extended time period for further works and the restoration of the site to be completed.
- There is one **international statutory designated site** within 10km of the site boundary, Humber Estuary RAMSAR, SAC and SPA, located approximately 4.8km to the west of the site boundary. Due to the lack of functionally linked habitats to the site boundary, direct and indirect impacts are not anticipated.
- There were three **statutory designated sites** for nature conservation within 2km of the site. The closest of which is Conesby Quarry SSSI, located approximately 750m to the south-west. Due to this being an extension of time primarily for landfilling and restoration works, impacts are not anticipated.
- Five **non-statutory designated sites** for nature conservation were located within 2km of the site boundary. The closest of these is Thealby Gullet LWS, located adjacent to the western boundary of the site. Due to the close distance, indirect impacts may occur. However, as this is purely an extension of time to continue works already underway, it is not anticipated that there will be any adverse impact.
- MAGIC identifies that the site does fall within **SSSI Impact Risk Zones (IRZ) for multiple sites**, therefore consultation with Natural England is recommended.
- **Badgers** are highly transient in nature, and suitable commuting and foraging habitats are present within the site. To minimise the risk to badgers, mitigation measures, detailed in paragraph 4.3.3 – 4.3.4 should be adhered to throughout the works on site as a precaution.
- Brown hare were observed during the Phase 1 Habitat Survey. The habitats within the site boundary offer some suitable habitat for mammal species. It is considered that the mitigation measures detailed for badger, in paragraphs 4.3.3 - 4.3.4 should reduce the risk of unnecessary suffering to all **mammal species**.

- The site is suitable for breeding birds with suitable habitats including trees, grassland, hedgerows and scrub. If avoidance of suitable habitat is not possible, clearance of suitable **bird nesting habitat** should be undertaken outside the nesting bird season (March – August, inclusive) and a check for nesting birds should be undertaken even outside this period. If clearance is undertaken within the nesting season, a check by a suitably experienced ecologist must be performed within the 24 hours immediately prior to the clearance works.
- Horsetail *Equisetum arvense* was identified on site, whilst not on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), it is classed as invasive, and it is therefore recommended that this is removed from site appropriately, see paragraph 4.3.11 – 4.3.12.
- Enhancement measures have been detailed in Section 5.

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Heatons Document Management

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## 1. INTRODUCTION

### 1.1. Scope of works

1.1.1. Heatons were commissioned to undertake a Preliminary Ecological Appraisal (PEA) to determine the ecological status of Roxby Landfill, hereafter referred to as the site.

1.1.2. To undertake an initial assessment of the potential ecological impact of the proposals, a desk study, Phase 1 Habitat Survey and a preliminary protected species assessment were carried out. This is termed as a Preliminary Ecological Appraisal (PEA) Report in accordance with CIEEM (2018 V1.3 Updated 2024). This assessment is considered 'preliminary' until any required protected species, habitat or invasive species surveys are completed, and the results incorporated into a final Ecological Impact Assessment (EclA) which supports a planning application.

1.1.3. This PEA aims to:

- Undertake a desk-based review of designated sites and records of protected species and other species that could present a constraint;
- Map and assess the habitats present on site;
- Assess the site for potential to support protected species or other species that could present a constraint, and make appropriate recommendations for further survey work, if necessary;
- Provide outline options for mitigation measures as appropriate; and
- Make recommendations for appropriate biodiversity enhancements in line with national and local planning policy.

1.1.4. This report pertains to these results only; recommendations included within this report are the professional opinion of an experienced ecologist and therefore the view of Heatons. The survey and desk-based assessment undertaken as part of this review are prepared in accordance with the British Standard for Biodiversity Code of Practice for Planning and Development (BS42020:2013).

### 1.2. Site Location and Description

1.2.1. The site is located to the south-west of Roxby, Lincolnshire, found at OS grid reference SE 90980 16928. The site is approximately 93 hectares (Ha) in size and

comprises unimproved grassland, hedgerows, scrub, scattered trees, hard standing and buildings.

- 1.2.2. The site is situated within a predominantly arable landscape with a large lake and golf course to the west.
- 1.2.3. The site is accessed from Roxby Road.



Figure 1.1: Site boundary in the wider landscape (Google Satellite, 2024).

### 1.3. Proposed Development

- 1.3.1. The Applicant is seeking permission to allow an additional period of 8 years to complete the landfilling operations (i.e. until 10th May 2034 with a further 7 years to complete the restoration of the site in accordance with the approved scheme (i.e. until 10th May 2041).

### 1.4. Planning History

- 1.4.1. Planning permission was originally granted for landfilling at the site in 1992 and a planning application was subsequently submitted in 2002 for revisions to the approved restoration contours. The landfill site operates under planning permission reference 2006/0411 dated 10th May 2006 which was granted to 'vary condition 7 of 2002/1134 to allow tipping and phased restoration of the site to be carried out in accordance with the revised plans dated 19 July 2005 at Roxby Landfill Site, Winterton Road, Roxby'. Condition 6 of this permission states:

*'The permission shall have a duration of 20 years from the date the development commenced. At the end of the 20 year period referred to above, all tipping operations shall have ceased and the site shall have been cleared in accordance with the approved details.'*

- 1.4.2. Development at the site commenced on 10th May 2006 and therefore, as worded, the site's planning permission requires development at the site to cease, and all plant and equipment to be cleared from the site, by 10th May 2026.

## **1.5. National Legislation and Planning Policy**

- 1.5.1. Appendix A for full legislation and planning policy.

## 2. ASSESSMENT METHODOLOGY

### 2.1. Desktop Study

- 2.1.1. Data regarding statutory and non-statutory designated sites, plus any records of protected or notable species and habitats was obtained from Greater Lincolnshire Nature Partnership (GLNP) and online resources, details of which are provided in Table 2.1 below.

Table 2.1: Consulted resources and search radius.

Consultee / resource	Data Obtained		Search Radius from Site Boundary
Greater Lincolnshire Nature Partnership (GLNP)	Statutory and Non-statutory designated sites  Protected and notable species		2km
Multi-Agency Geographic Information for the Countryside (MAGIC)	Statutory Designated Sites	International	10km
		National	2km
	Non-Statutory Designated Sites		2km
	Priority Habitats		1km

### 2.2. Phase 1 Habitat Survey

- 2.2.1. The PEA consisted of two components: a Phase 1 Habitat Survey and a scoping survey for protected species and other species of conservation concern which could present a constraint to development.
- 2.2.2. The Phase 1 Habitat Survey was undertaken on the 29<sup>th</sup> August 2024, by Principal Ecologist, Amy Tose BSc (Hons). The weather conditions were: sunny with c.70% cloud cover, light breeze, and a starting temperature of 19°C.
- 2.2.3. The Phase 1 Habitat Survey followed the standard methodology (JNCC, 2010), and as described in the Guidelines for Preliminary Ecological Assessment (CIEEM, 2018 V1.2 Updated 2022). In summary, this comprised walking over the survey area and recording the habitat types and boundary features present.
- 2.2.4. A protected species scoping survey was carried out in conjunction with the Phase 1 Habitat Survey. The site was assessed for its suitability to support protected species, in particular Great Crested Newts (GCN) *Triturus cristatus*, reptiles, birds, badgers *Meles meles*, bats, and other species of conservation importance that could pose a planning constraint.

2.2.5. The surveyor looked for evidence of use including signs such as burrows, droppings, footprints, paths, hairs, refugia and particular habitat types known to be used by certain groups such as ponds. Any mammal paths were also noted down and where possible followed. Fence boundaries were walked to establish any entry points or field signs such as latrines. Areas of bare earth were inspected for mammal prints. Areas of habitat considered suitable for protected species or those of conservation interest were recorded.

### 2.3. Great Crested Newts

#### **Habitat Suitability Assessment**

2.3.1. In order to assess the suitability of the ponds within 500m of the site boundary a Habitat Suitability Index (HSI) was undertaken following the standard methodology produced by ARG UK in 2010. HSI is a standard assessment method developed specifically to evaluate the habitat suitability for GCN. The HSI provides a measure of the suitability of a waterbody to supporting great crested newts by assigning an overall score as outline in Table 2.2 below.

Table 2.2: Habitat Suitability Index assessment score

HSI Score	Habitat Suitability
<0.5	Poor
0.5 – 0.59	Below Average
0.6 – 0.69	Average
0.7 – 0.79	Good
>0.8	Excellent

### 2.4. Bats

#### **Preliminary Roost Assessment (PRA) and Ground Level Tree Assessment (GLTA)**

2.4.1. Any structure(s) and/or tree(s) present on site, or within close proximity to the site boundary were visually assessed, and potential roosting features or access points for bats were noted, together with any evidence of bat presence.

2.4.2. Following current survey guidelines (Collins, 2023), each structure and/or tree was then categorised according to its suitability to support roosting bats (Tables 2.3 and 2.4). The category also usually informs the need for additional survey effort.

Table 2.3: Bat roosting potential definitions for structures.

Potential suitability	Roosting habitats – structures only	Potential commuting/foraging habitats
None	No features on site likely to be used by roosting bats	No suitable habitats/features on site likely to be used for foraging or commuting routes/flight lines
Negligible	No obvious potential roosting features however a very small element of uncertainty remains	No obvious habitats/features on site likely to be used as foraging or commuting routes/flight lines however a very small element of uncertainty remains
Low	Structures with one or more potential roost features which could be used opportunistically but do not provide sufficient space, shelter, protection, appropriate conditions and / or suitable surrounding habitat to be used regularly or by large numbers/unlikely to be of use as a maternity or hibernation roost.	Habitat present that could be used by small numbers of bats (e.g. isolated habitats, isolated scrub or gappy hedgerows).
Moderate	One or more potential features/sites with potential for high conservation roosts to be present (e.g. maternity or hibernation).	Continuous habitats or habitats connected to the wider landscape (linked hedgerows, woodland or back garden trees)
High	One or more potential features/sites which are obviously suitable for high conservation roosts to be present (e.g. maternity or hibernation).	Continuous and high-quality habitats well connected to the wider landscape (e.g. broadleaved woodland connected by hedgerows to other broadleaved woodland or parkland nearby) If a site is close/connected to known roosts.
<p><i>Notes:</i> If droppings are confirmed as bat or bat/s are seen during initial appraisal/s then it becomes a confirmed roost with further surveys where needed to characterise the roost.</p>		

Table 2.4 Bat roosting potential for trees

Suitability	Description
None	Tree with no PRFs or where it is highly unlikely PRFs are present
FAR	Further Assessment Required to establish presence of PRFs
PRF	A tree with at least one Potential Roosting Feature (PRF) present

### **Site Use by Bats – Foraging/Commuting**

2.4.3. The habitats on site were also assessed for suitability of use by bats for foraging and commuting in line with the current survey guidelines (Collins, 2023). This initial assessment informs the need for further surveys.

## 2.5. Limitations

- 2.5.1. The desk study data is third party controlled data, purchased for the purposes of this report only. Heaton's cannot vouch for its accuracy and cannot be held liable for any error(s) in these data.
- 2.5.2. There was limited access across the site due to the active working nature of the site and the presence of dense vegetation in areas. However, it is considered that a suitable assessment of the broad habitat types could be made.
- 2.5.3. The protected/notable species assessment provides a preliminary view of the likelihood of these species occurring on the site, based on the suitability of the habitat, known distribution of the species in the local area provided in response to our enquiries and any direct evidence on the site. It should not be taken as providing a full and definitive survey of any protected/notable species group.

### 3. RESULTS

#### 3.1. Desk Study

##### Designated sites

- 3.1.1. One internationally important site was returned within 10km of the site boundary. The Humber Estuary RAMSAR, Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Wild Bird General Licence Protection Sites Condition Zone (WBGLPSCZ), located approximately 4.3km to the west of the site boundary.
- 3.1.2. Three statutory designated sites for nature conservation were returned within 2km of the site boundary, the closest being Conesby (Yorkshire East) Quarry SSSI, located approximately 750m to the south-west of the site boundary.
- 3.1.3. Five non-statutory designated sites were located within the 2km search radius of the site, the closest being Thealby Gullet Local Wildlife Site (LWS), located adjacent to the western boundary of the site.
- 3.1.4. Table 3.1 details a summary description of the notable designated sites. The location of the Local Wildlife Sites (LWS) can be found in Figure 3.1.

Table 3.1: Summary of designated sites within the 2 - 10km search radius.

Site name	Designation	Interest Features	Distance from site boundary
<b>Internationally Important Statutory Designated Sites</b>			
Humber Estuary	Ramsar, SAC, SPA, SSSI and WBGLPSCZ	<p><i>General site characteristics:</i></p> <ul style="list-style-type: none"> <li>○ Muddy flats and suspended sediment.</li> </ul> <p><i>Annex I habitats that are a primary reason for selection of this site:</i></p> <ul style="list-style-type: none"> <li>○ Estuaries</li> <li>○ Mudflats and sandflats not covered by seawater at low tide</li> </ul> <p><i>Annex I habitats that are a qualifying feature, but not a primary reason for selection of this site:</i></p> <ul style="list-style-type: none"> <li>○ Sandbanks which are slightly covered by sea water all the time</li> <li>○ Salicornia and other annuals colonizing mud and sand</li> <li>○ Atlantis salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</li> <li>○ Coastal lagoons</li> <li>○ Embryonic shifting dunes</li> </ul>	4.8km to the west

		<ul style="list-style-type: none"> <li>○ “shifting dunes along the shoreline with <i>Ammophila arenaria</i> (“white dunes”)”</li> <li>○ “Fixed coastal dunes with herbaceous vegetation (“Grey dunes”)”</li> <li>○ Dunes with <i>Hippopha rhamnoides</i></li> </ul> <p><i>Annex II species present as a qualifying feature, but not a primary reason for site selection:</i></p> <ul style="list-style-type: none"> <li>○ Sea lamprey <i>Petromyzon marinus</i></li> <li>○ River lamprey <i>Lampetra fluviatilis</i></li> <li>○ Grey seal <i>Halichoerus grypus</i>.</li> </ul>	
<b>Statutory Designated Sites</b>			
Conesby (Yorkshire East) Quarry	SSSI	Geological Interest. The area has yielded the richest known faunas.	750m to the south-west
Risby Warren	SSSI	Mixed Interest (Biological and Geological). The mosaic of plant communities includes not only one of the finest inland dune systems in Britain, but also heathland, contrasting acidic and calcareous grassland, broadleaved scrub and areas of coniferous plantation.	1.4km to the south-west
Conesby Quarry	Local Nature Reserve (LNR)	The area has a blue lagoon and an active quarry. The area has a variety of flora and fauna (North Lincolnshire Council, <i>n.d.</i> ).	1.4km to the south-west
<b>Non-statutory Designated Sites</b>			
Thealby Gullet	LWS	The area comprises scrub and lake. This is the unmanaged, botanically rich, northern part of a former ironstone quarry complex.	Adjacent to the western boundary
Bagmoor Gullet	LWS	The area comprises of scrub, unimproved acid grassland, and a lake. It is an unmanaged area of a former ironstone quarry which supports a mix of scrub and vegetation.	50m to the west
Yorkshire East Gullet	LWS	The site features semi-natural woodland with some scrub and lake habitat. It is also a part of the unmanaged area of the former ironstone quarry. The area has steep banks, with some typical aquatic plants.	70m to the west
Thealby Gullet	Local Geological Site (LGS)	The track leading to the former Gullet runs alongside Winterton Beck. There are remnant faces left within the former floor.  The area centres around the lake. There is a small patch of water's edge habitat besides arable fields to the west. The lakeside flora is diverse.	80m to the west
Normanby Park Golf Course	LWS	The area is an 18-hole golf course which features mostly improved grassland. The site is not botanically diverse as it is intensively managed to produce a short sward.	380m to the west

### Non-statutory sites within the search area



Space restrictions on the map may result in some sites not being labelled. Please refer to the site citations for details.

-  Local Wildlife Site
-  Local Geological Site
-  Search area

Figure 3.1 Location of Non-Statutory Designated Sites within 2km search radius (GLNP, 2024)

### 3.2. SSSI Impact Risk Zone

3.2.1. MAGIC search identified that the site falls within the SSSI Impact Risk Zone (IRZ) for multiple SSSI sites. Within the risk zone, it states that for any development that falls within the waste and air pollution category, further consultation with Natural England is required.

### 3.3. Priority Habitats

3.3.1. The following areas of priority habitat were returned within the 1km search radius, see Table 3.2. See Drawing 1 for locations.

Table 3.2: Summary of the Priority Habitats within the 2km Search Radius

Habitat type	Closest distance to site
Deciduous woodland	Located within the site boundary
Open mosaic habitat (OMH)	Located within the site boundary
No main habitat but additional habitat exists (deciduous woodland)	Located within the site boundary
Traditional orchards	770m to the east

### 3.4. Species Records

3.4.1. Records of protected species were obtained from the GLNP. A number of species of conservation importance or otherwise notable were recorded within the 2km search radius of the site. A summary of these records, within appropriate distances, is provided in Table 3.3. See Appendix B for the full list of records within 2km of the site boundary.

3.4.2. In order to simplify the results, only records of species from the last 10 years are shown.

Table 3.3: Protected and notable species records.

Species	Nearest distance from site	Year of most recent record	Number of records	Conservation status
<b>Amphibians</b>				
Common frog <i>Rana temporaria</i>	20m to the north	2022	45	WCA, 1981.
<b>Mammals</b>				
Brown long-eared bat (BLE) <i>Plecotus auritus</i>	610m to the north	2019	9	European Protected Species (EPS). Protected Species (PS). WCA, 1981.

Common pipistrelle <i>Pipistrellus pipistrellus</i>	870m to the north-east	2020	3	EPS. PS. WCA, 1981.
Pipistrelle species <i>Pipistrelle spp.</i>	1km to the east	2016	2	EPS. PS. WCA, 1981.
<b>Birds</b>				
Reed Bunting <i>Emberiza schoeniclus</i>	Located adjacent to the western boundary	2022	13	Birds of Conservation Concern (BoCC): Amber. WCA, 1981. PS. Local Priority Species (LPS).
Bullfinch <i>Pyrrhula pyrrhula</i>	100m to the west	2022	22	BoCC: Amber. PS. LPS. WCA, 1981.
Red Kite <i>Milvus milvus</i>	700m to the north-east	2022	3	BoCC: Green. WCA, 1981 – Sch1.
Red Kite <i>Milvus milvus</i>	700m to the north-east	2022	3	BoCC: Green. WCA, 1981. IUCN: LC
Barn Owl <i>Tyto alba</i>	850m to the north-west	2022	12	BoCC: Green. WCA, 1981. LPS.
Barnacle Goose <i>Branta leucopsis</i>	850m to the north-west	2022	3	BoCC: Amber. Non-Native Winter Visitor.
Black-tailed Godwit <i>Limosa limosa</i>	850m to the north-west	2022	15	BoCC: Red. PS. WCA, 1981 – Sch1.
Cetti's Warbler <i>Cettia cetti</i>	850m to the north-west	2022	14	BoCC: Green. WCA, 1981 – Sch1.
Common Scoter <i>Melanitta nigra</i>	850m to the north-west	2022	1	BoCC: Red. PS. WCA, 1981 - Sch1.
Cuckoo <i>Cuculus canorus</i>	850m to the north-west	2022	3	BoCC: Red. PS. LPS. WCA, 1981.
Curlew <i>Numenius arquata</i>	850m to the north-west	2022	60	BoCC: Red. PS. IUCN: NT. LPS.
Fieldfare <i>Turdus pilaris</i>	850m to the north-west	2022	664	BoCC: Red. WCA, 1981.
Garganey <i>Spatula querquedula</i>	850m to the north-west	2022	4	BoCC: Amber. WCA, 1981.
Goldeneye <i>Bucephala clangula</i>	850m to the north-west	2022	102	BoCC: Red. WCA, 1981.
Greenshank <i>Tringa nebularia</i>	850m to the north-west	2022	1	BoCC: Amber. WCA, 1981.
Grey Partridge <i>Perdix perdix</i>	850m to the north-west	2022	1	BoCC: Red. PS. LPS.

Greylag Goose <i>Anser anser</i>	850m to the north-west	2022	1,589	BoCC: Amber. WCA, 1981.
Hobby <i>Falco subbuteo</i>	850m to the north-west	2022	2	BoCC: Green. WCA, 1981.
House Sparrow <i>Passer domesticus</i>	850m to the north-west	2022	128	BoCC: Red. PS. LPS.
Lapwing <i>Vanellus vanellus</i>	850m to the north-west	2022	984	BoCC: Red. PS. IUCN: NT. LPS.
Lesser Redpoll <i>Acanthis cabaret</i>	850m to the north-west	2022	8	BoCC: Red. PS. WCA, 1981.
Linnet <i>Linaria cannabina</i>	850m to the north-west	2022	95	BoCC: Red. PS. WCA, 1981. LPS.
Long Tailed Duck <i>Clangula hyemalis</i>	850m to the north-west	2022	2	BoCC: Red. WCA, 1981.
Marsh Harrier <i>Circus aeruginosus</i>	850m to the north-west	2022	14	BoCC: Amber. WCA, 1981.
Mediterranean Gull <i>Ichthyaetus melanocephalus</i>	850m to the north-west	2022	1	BoCC: Amber. WCA, 1981.
Pintail <i>Anas acuta</i>	850m to the north-west	2022	4	BoCC: Amber. WCA, 1981.
Red Shank <i>Tringa totanus</i>	850m to the north-west	2022	9	BoCC: Amber. LPS.
Redwing <i>Turdus iliacus</i>	850m to the north-west	2022	478	BoCC: Amber. WCA, 1981. IUCN: NT.
Ruff <i>Calidris pugnax</i>	850m to the north-west	2022	2	BoCC: Amber. WCA, 1981.
Skylark <i>Alauda arvensis</i>	850m to the north-west	2022	24	BoCC: Red. LPS.
Snipe <i>Gallinago gallinago</i>	850m to the north-west	2022	6	BoCC: Amber. WCA, 1981. LPS.
Song Thrush <i>Turdus philomelos</i>	850m to the north-west	2022	21	BoCC: Amber. WCA, 1981. PS. LPS.
Starling <i>Sturnus vulgaris</i>	850m to the north-west	2022	407	BoCC: Red. WCA, 1981. PS. LPS.
Swift <i>Apus apus</i>	850m to the north-west	2022	145	BoCC: Red. LPS.
Whimbrel <i>Numenius phaeopus</i>	850m to the north-west	2022	3	BoCC: Red. WCA, 1981.
Yellow Wagtail <i>Motacilla flava</i>	850m to the north-west	2022	36	BoCC: Red. PS. LPS.

Yellowhammer <i>Emberiza citrinella</i>	850m to the north-west	2022	14	BoCC: Red. PS. LPS.
<b>Invertebrate</b>				
Wall <i>Lasiommata megera</i>	Located within the site boundary	2018	2	Butterfly Conservation Priority (BCP): High Section 41 NERC.

3.4.3. MAGIC returned one record for GCN Class Survey Licence Returns (CSLR), located approximately 1.6km to the south-west of the site. The record included six surveys dated from 2015 and returned a positive presence for GCN.

3.4.4. MAGIC returned six records for European Protected Species Licencing (EPSL) for various bat species, within 5km of the site boundary. See Table 3.4 for details. In order to simplify the results, only records from the last 10 years are shown.

Table 3.4: European Protected Species Licencing record details for bats (MAGIC, 2024).

Species	Distance	Date	Details
Common pipistrelle and soprano pipistrelle	2.5km to the north	19/03/2018 – 19/03/2028	Allow damage of a resting place.
Common pipistrelle	3.5km to the west	8/11/2015 – 17/11/2020	Allow destruction of a resting place.
Common pipistrelle	3.5km to the west	16/05/2016 – 16/11/2021	Allow destruction of a resting place.
Common pipistrelle	4.5km to the south-west	30/11/2015 – 30/11/2020	Allow destruction of a resting place.
Common pipistrelle	4.5km to the south-west	22/03/2016 – 30/11/2020	Allow destruction of a resting place.
Common pipistrelle	4.5km to the south-west	04/03/2016 – 01/11/2020	Allow damage of a resting place. Allow destruction of a resting place.

3.4.5. MAGIC identified that the site contains four arable assemblage farmland birds and two grassland assemblage farmland birds. Additionally, MAGIC identified eighteen specific farmland birds, including grey partridge, lapwing, redshank *Tringa totanus*, snipe, tree sparrow *Passer montanus* and turtle dove *Streptopelia turtur*.

### 3.5. Invasive Species Records

3.5.1. Records of notable invasive species were obtained from the GLNP. A summary of these records is provided in Table 3.5.

3.5.2. In order to simplify the results only recorded of species from the last 10 years are shown.

Table 3.5: Summary of the notable invasive species returned within the 2km search area

Species	Nearest distance from site	Year of most recent record	Number of records	Conservation status
<b>Birds</b>				
Canada Goose <i>Branta canadensis</i>	850m to the north-west	2022	94	WCA, 1981 – Sch 9.
<b>Flowering Plants</b>				
Japanese Rose <i>Rosa rugosa</i>	70m to the west	2015	1	WCA, 1981 – Sch 9.
Nuttall's Waterweed <i>Elodea nuttallii</i>	850m to the north-west	2016	1	WCA, 1981 – Sch 9.
Butterfly-bush <i>Buddleja davidii</i>	1.6km to the east	2018	10	Non-Native Species.
Himalayan balsam <i>Impatiens glandulifera</i>	1.2km to the west	2016	4	WCA, 1981 – Sch 9.

### 3.6. Phase 1 Habitat Survey

- 3.6.1. The survey results are presented in the form of a map with the habitat types and boundary features marked which can be found at Drawing 2.
- 3.6.2. Descriptions of the habitat types and boundary features are detailed below. Habitat descriptions are defined by broad habitat types (JNCC, 2010). Where there is more than one area of any habitat type and they differ in composition, these have been labelled in sequence e.g. X1, X2 for each relevant habitat.

#### Habitats

##### Semi-improved Neutral Grassland

- 3.6.3. Three main areas of grassland were identified across the site, which varied considerably in size.
- 3.6.4. GL1 was located in the centre of the site. Species found included tufted hairgrass *Deschampsia cespitosa*, Yorkshire fog *Holcus lanatus*, red fescue *Festuca rubra*, annual meadow grass *Poa annua*, cock's foot *Dactylis glomerata*, bird's foot trefoil *Lotus corniculatus*, creeping thistle *Cirsium vulgare*, horsetail *Equisetum arvense*, colt's foot *Tussilago farfara*, ragwort *Senecio jacobaea*, ribwort plantain *Plantago lanceolata*, bristly ox-tongue *Helminthotheca echioides*, white clover *Trifolium repens*, and common fleabane *Pulicaria dysenterica*.



Figure 3.2: View of GL1.

- 3.6.5. GL2 was found in the centre of the site. It had some evidence of ephemeral habitat from previous disturbance. The species found included red fescue, false oat grass *Arrhenatherum elatius*, tufted hairgrass, cock's foot, crested dog's-tail *Cynosurus cristatus*, common reed *Phragmites australis*, colt's foot, bird's foot trefoil, ragwort, fleabane, horsetail, melilot *Melilotus sp.*, ribwort plantain, bristly ox-tongue, red clover *Trifolium pratense* and bramble *Rubus fruticosus* agg. encroachment.



Figure 3.3: View of GL2.

- 3.6.6. GL3 is found in the southern section of the site. Species found included tufted hairgrass, cock's foot, false oat grass, red fescue, Yorkshire fog, common nettle *Urtica dioica*, horsetail, creeping thistle, teasel *Dipsacus fullonum*, dock species *Rumex sp.*, spear thistle *Cirsium vulgare*, ragwort and bird's foot trefoil.



Figure 3.4: View of GL3.

### Marshy Grassland

- 3.6.7. Marshy grassland (MG1) was noted in the centre of the site, along the eastern boundary. Species found included common reed, false oat grass, crested dog's tail, horsetail, colt's foot and melilot.



Figure 3.5: View of marshy grassland.

### Ephemeral

- 3.6.8. Two areas of ephemeral habitat were present in the centre of the site (Emp1 and Emp2).
- 3.6.9. Species found in Emp1 included tufted hairgrass, false oat grass, ragwort, bristly ox-tongue, teasel, horsetail, fleabane, bird's foot trefoil, red clover, ribwort plantain, Yorkshire fog, ox-eye daisy *Leucanthemum vulgare*, self-heal *Prunella vulgaris*, common knapweed *Centaurea nigra* and common reed as well as alder *Alnus glutinosa* and encroaching bramble.



Figure 3.6: View of Emp1.

- 3.6.10. Species found in Emp2 included bristly ox-tongue, ribwort plantain, black medic *Medicago lupulina*, mayweed *Tripleurospermum inodorum*, fleabane and Yorkshire fog.



Figure 3.7: View of Emp2.

#### Tall Ruderal

- 3.6.11. Tall ruderal (TR1) was located in the centre of the site. Species found included common reed, great willowherb *Epilobium hirsutum*, ragwort and teasel. Alder and a waterbody were also noted in this area. See Table 3.5 for further details of the waterbody.



Figure 3.8: View of tall ruderal.

### Broadleaved Plantation Woodland

- 3.6.12. Four areas of broadleaved plantation woodland were identified within the site. BL1 was a small, wooded area located in the centre of the site, along the eastern boundary. Species found included goat willow *Salix caprea*, oak *Quercus* sp., alder, dog rose *Rosa canina*, hazel *Corylus avellana*, hawthorn *Crataegus monogyna*, rowan *Sorbus aucuparia* and bramble.



Figure 3.9: View of BL1.

- 3.6.13. BL2 was located in the centre of the site, along the western boundary. A waterbody was noted within the woodland. Species found included hawthorn, goat willow, dog rose and bramble.



Figure 3.10: View of BL2.

- 3.6.14. BL3 was noted in the centre of the site. Species found included alder and goat willow with dense bramble which restricted access. A waterbody was noted within the woodland.



Figure 3.11: View of BL3.

- 3.6.15. BL6 was located in the centre of the site. Species found included silver birch *Betula pendula*, hawthorn and willow *Salix sp.*



Figure 3.12: View of BL6.

### Mixed Plantation Woodland

- 3.6.16. Mixed plantation woodland (BL4) was noted in the southern section of the site, along the eastern boundary. Species found included hawthorn, oak, cherry *Prunus sp.*, sycamore *Acer pseudoplatanus*, pine species *Pinus sp.* and willow.



Figure 3.13: View of BL4.

### Semi-Natural Broadleaved Woodland

- 3.6.17. Semi-natural broadleaved woodland (BL5) was located in the centre of the site. There was limited access due to dense vegetation. Species found included hawthorn, willow, oak and silver birch.



Figure 3.14: View of BL5.

### Dense/Continuous Scrub

- 3.6.18. Three areas of dense/continuous scrub were noted within the site boundary. DS1 was noted in the centre of the site, along the eastern boundary. Species found included hawthorn, bramble, ragwort, henbane *Hyoscyamus niger* and goat willow.



Figure 3.15: View of DS1.

3.6.19. DS2 was located in the north-eastern corner of the site. Species found included hawthorn, bramble, dog rose and willow.



Figure 3.16: View of DS2.

3.6.20. DS3 was located in the centre of the site, along the western boundary. Species found included common reed, goat willow, hawthorn, bramble, willowherb *Epilobium sp.* and creeping thistle.






Figure 3.17: View of DS3.

Species-Poor Hedgerow

3.6.21. Three species-poor hedgerows were noted in the northern section of the site. Descriptions of the hedgerows are detailed in Table 3.6.

Table 3.6: Description of hedgerows found within the site boundary, see Drawing 2.

Hedge Number	Description and Importance of Hedgerow (including what criteria failed)	Photograph
H1	Species found included hawthorn and willow species.  <u>Not</u> important *Fails criteria (b)	
H2	Species found included hawthorn, dog rose and bramble.  <u>Not</u> important *Fails criteria (a) and (b)	
H3	Species found included hawthorn, dog rose and bramble.  <u>Not</u> important *Fails criteria (b)	
* Hedgerow importance criteria found under Regulation 4, Hedgerow Regulations 1997. Should be noted records for the hedgerow only went as far back as 2003.		

Standing water

3.6.22. Two waterbodies were located in the central and eastern areas of the site, however, unfortunately they could not be safely assessed at the time of the survey.

Hard Standing

3.6.23. The track leading to the main site area as well as the network within the site, was comprised of hard substrate, with loose stones over the top. Unimproved grassland verges were noted either side.



Figure 3.18: View of hard standing

- 3.6.24. There were two main buildings located in the centre of the site. B1 was the larger of the two and was approximately 3m in height and 5m in width. The roof of B1 was flat and consisted of roofing felt. The second building (B2) was approximately 3m in height and 3m in width, the roof was also flat and consisted of roofing felt. Both buildings were used for communication purposes.



Figure 3.19: View of buildings.

### Spoil (Landfill Area)


- 3.6.25. The northern section of the site is dominated by landfill, which is consistently being moved and altered as part of the existing works.

## Species

### Amphibians

- 3.6.26. 11 waterbodies were located within 500m of the site boundary; however, only a single pond was subject to HSI assessment due to the lack of access. Further details regarding this waterbody, can be found in Table 3.7 below.

Table 3.7: Description of ponds within the site boundary.

Pond Number	Description and HSI Score	Photograph
Pond 1	<p>Minor waterfowl present, 0-60% shading, poor terrestrial vegetation, limited submerged vegetation, poor water quality, possible fish and waterfowl presence, pond is permanent.</p> <p><b>HSI Score = &lt;0.50 (Poor).</b></p>	

- 3.6.27. Suitable terrestrial habitat was noted within the site boundary. Tall ruderal, woodland, scrub, acid grassland and hedgerow bases were considered to provide suitable refuge for GCN.
- 3.6.28. The habitats on site are also considered to provide suitable terrestrial habitat for other amphibian species.
- 3.6.29. Under current proposals the works will not involve the removal of any suitable habitat. There were also no records returned for GCN within proximity to the site and the site is surrounded by intensively managed arable land. Provided that the proposed works do not cause any impacts to suitable GCN habitat, the ponds or wooded areas (primarily where there was substantial ground flora coverage) an adverse impact to GCN and other amphibians is not anticipated. Therefore, this species has not been considered further.
- 3.6.30. If at any time GCN are found during works, the works should stop immediately, and further advice sought from a Suitably Qualified Ecologist (SQE).

### Reptiles

- 3.6.31. The grassland, ephemeral habitat, hedgerow bases, waterbodies, woodland, scrub and tall ruderal vegetation provide suitable refuge, foraging and commuting grounds for reptile species.

- 3.6.32. Whilst the wider landscape is dominated by intensively managed arable land, there is suitable connectivity to woodland blocks, waterbodies and other suitable habitat in the wider area.
- 3.6.33. There were no sightings or evidence of reptiles noted during the Phase 1 Habitat Survey.
- 3.6.34. Under current proposals the works will not involve the removal of any suitable habitat. There were also no records returned for reptiles within proximity to the site and the site is surrounded by intensively managed arable land. Provided that the proposed works do not cause any impacts to suitable reptile habitat, the ponds or wooded areas (primarily where there was substantial ground flora coverage) an adverse impact to reptiles is not anticipated. Therefore, this species has not been considered further.

### Bats

#### *Roosting*

- 3.6.35. The trees within the site, and within close proximity, were assessed for their suitability to support roosting bats by Heaton's in 2024, following the best practice guidelines (Collins, 2023). During the Phase 1 Habitat Survey (August 2024), the majority of the trees were immature and/or lacked any suitable features to support roosting bats.
- 3.6.36. The buildings within centre of the site lacked any suitable features to support roosting bats and were regularly disturbed by staff movements, therefore, were assessed as providing negligible roosting potential for bats.
- 3.6.37. As a result of the above, roosting bats will not be considered any further within this report.

#### *Foraging/Commuting*

- 3.6.38. The hedgerows, scrub, ephemeral vegetation, waterbodies, woodland edges and grassland within the site boundary were considered to provide some suitable foraging and commuting habitat for bats.
- 3.6.39. The nature of the wider environment is dominated by intensively managed arable land, however, there is suitable connectivity through woodland edges and hedgerows to woodland blocks and waterbodies in the wider area, see Figure 3.20.



Figure 3.20: Site location in the wider landscape (Google Satellite, 2024).

- 3.6.40. Under current proposals the works will not involve the removal of any suitable habitat. Provided that the proposed works do not cause any impacts to suitable foraging and commuting habitats, an adverse impact to foraging and commuting bats is not anticipated. Therefore, this has not been considered further.

#### Badgers

- 3.6.41. During the Phase 1 Habitat Survey, no badger setts were observed on- or within 30m of the site boundary.
- 3.6.42. The scrub, acid grassland, woodland, tall ruderal, ephemeral habitat and hedgerows within the site boundary provide suitable foraging and commuting grounds for badgers. Due to the continuous movement of mobile plant on the spoil (landfill) area, it is considered unsuitable for sett creation.
- 3.6.43. In addition, there is suitable connectivity to the woodland blocks and other suitable habitats in the wider landscape.

#### Otters *Lutra lutra*

- 3.6.44. The large waterbody to the west of the site boundary and the woodland blocks within the site boundary were considered to provide suitable foraging and resting opportunities for otters. However, due to the lack of records within 2km

of the site boundary and the active nature of the site, it is considered highly unlikely that otters will be present within the site boundary. Therefore, this species is not considered any further within this report.

#### Water Voles *Arvicola amphibius*

- 3.6.45. The habitats within the site boundary and within close proximity to the site are considered to provide negligible suitability for water vole. It is considered highly likely that the species will be absent from the site boundary. Therefore, this species is not considered any further within this report.

#### Hazel Dormouse *Muscardinus avellanarius*

- 3.6.46. Although the majority of the woodland blocks within the site were considered largely sub-optimal for dormice due to the lack suitable food species and/or habitat structure, BL2 and BL3 provided suitable bramble understory and food species (including, bramble, willow, hawthorn and dog rose). Additionally, the scrub was considered to provide suitable foraging habitat for dormice.
- 3.6.47. However, due to the nature of the site, the habitats in the wider landscape and the lack of records within 2km of the site boundary, it is considered highly unlikely that hazel dormice will be present within the site boundary. Therefore, this species is not considered any further within this report.

#### Other Mammals

- 3.6.48. Brown hare *Lepus europaeus* as well as mammal paths and deer scat were noted during the Phase 1 Habitat Survey. The grassland, woodland, scrub, ephemeral habitat, tall ruderal and hedgerows were considered to provide some suitable habitat for various mammal species.

#### Birds

- 3.6.49. The hedgerows, scrub, woodland, grassland, tall ruderal and waterbodies were considered to provide some suitable nesting and foraging opportunities for a range of bird species.
- 3.6.50. Multiple records for birds were returned within the desk study data, including BoCC red list species.

#### Invertebrates

- 3.6.51. The grassland, ephemeral habitat, woodland, hedgerows, waterbodies and scrub were considered to provide suitable habitat for invertebrates.

- 3.6.52. Under current proposals the works involves the removal of some suitable habitat but this is phased with restoration running alongside to ensure some of the key habitats are present at all times. Provided that the proposed works occur in phases, an **adverse impact to invertebrates is not anticipated**. Therefore, this has not been considered further.

*Invasive species*

- 3.6.53. Horsetail was noted within the area of grassland (GL1). Horsetail is an invasive species but not yet listed under Schedule 9 of the WCA 1981 (as amended).

## 4. DISCUSSION AND RECOMMENDATIONS

### 4.1. Designated Sites

#### Statutory Designated Sites

- 4.1.1. There was one international statutory designated site within 10km of the site boundary, Humber Estuary RAMSAR, SAC, SPA, SSSI and WBGLPSCZ, located approximately 4.8km to the west of the site boundary. The current proposed works do not necessitate the removal of Humber Estuary; therefore, direct impacts are not anticipated. Humber Estuary contains habits of conservation interest (notably estuaries and mudflats and sandflats not covered by seawater at low tide). However, as this is purely an extension of time to continue works already underway, it is not anticipated that there will be any change in impact.
- 4.1.2. There were three statutory designated sites within 2km of the site boundary. The closest being Conesby Quarry SSSI, located approximately 750m to the south-west of the site boundary. It is understood that the development proposals do not necessitate the removal of the SSSI. Therefore, it is considered that **direct impacts on Conesby Quarry SSSI are not anticipated**. Due to this application being an extension of time to continue works already underway, it is **not anticipated** that there will be any change in indirect impacts.
- 4.1.3. Due to distance, lack of functionally linked habitat and significant barriers between the site boundary and the other statutory designated sites, an **adverse impact to other statutory designated sites is not anticipated**.

#### Non-Statutory Designated Sites

- 4.1.4. There were five non-statutory designated sites within the 2km search radius, the closest of which being Thealby Gullet LWS, located adjacent to the western boundary of the site. It is understood that the development proposals do not necessitate the removal of the LWS. Therefore, it is considered that **direct impacts on Thealby Gullet LWS are not anticipated**. Due to this application being an extension of time to continue works already underway, it is **not anticipated** that there will be any change in indirect impacts.
- 4.1.5. Bagmoor Gullet LWS is located approximately 50m to the west of the site boundary. It is understood that the development proposals do not necessitate the removal of the LWS. Therefore, it is considered that **direct impacts on Bagmoor Gullet LWS is not anticipated**. Due to this application being an

extension of time to continue works already underway, it **is not anticipated** that there will be any change in indirect impacts.

4.1.6. Yorkshire East Gullet LWS is located approximately 50m to the west of the site boundary. It is understood that the development proposals do not necessitate the removal of the LWS. Therefore, it is considered that **direct impacts on Yorkshire East Gullet LWS are not anticipated**. Due to this application being an extension of time to continue works already underway, it **is not anticipated** that there will be any change in indirect impacts.

4.1.7. Due to distance, lack of functionally linked habitat and significant barriers between the site boundary and the other non-statutory designated sites, an **adverse impact to other non-statutory designated sites is not anticipated**.

## 4.2. Habitats

### Priority Habitats

4.2.1. Deciduous woodland was located within the site boundary. It is understood that the proposals do not necessitate the removal of any priority habitat deciduous woodland areas within the site boundary. Therefore, no adverse impact is anticipated.

4.2.2. OMH was located within the site boundary, which is currently active. Therefore, following the criteria stated in 'UK Biodiversity Action Plan Priority Habitat Descriptions: OMH on Previously Developed Land' (DEFRA, 2016), the identified sections within the site boundary do not qualify as OMH, as the land is regularly worked. So, OMH is discounted and not considered any further within this report. Therefore, no adverse impact is anticipated.

4.2.3. Traditional orchard is located a minimum distance of 770m to the east of the site boundary, however due to distance from the site boundary, an **adverse impact is not anticipated**.

### Site Habitats

4.2.4. It is assumed that the majority of the grassland, hedgerows, scrub, woodland and ephemeral will be impacted through enhancement or loss to create the habitats as per the approved restoration plan.

4.2.5. Due to the proposed development being a Section 73 application Biodiversity Net Gain is not required.

### 4.3. Species

#### Badgers

- 4.3.1. Badgers are protected under the Badgers Act 1992. See Appendix A for details of relevant species legislation.
- 4.3.2. No badger setts were noted during the Phase 1 Habitat Survey. Suitable commuting and foraging habitat are present across the site, including hedgerows, grassland, woodland, tall ruderal and ephemeral habitat. The current proposed works involve an extension of time for landfilling and therefore direct impacts are not anticipated.
- 4.3.3. As badgers are highly transient in nature and suitable habitat for foraging and commuting is present within the site boundary, it is recommended that the following mitigation measures should be adhered to for the duration of the works:
- Ramps within open excavations to avoid badger entrapment (minimum a 45-degree angle and in place every 20-30m);
  - Reduction in speed limits;
  - Appropriate storage methods for potentially harmful chemicals;
  - Cap any exposed pipes overnight and when contractors are off site; and
  - Any stockpiled soil bund must be checked for evidence of badgers each day prior to any movement onto or off the bund and/or before any seeding / hydroseeding.
- 4.3.4. In the unlikely event that a badger does become entrapped, or any setts are noted during works, a SQE should be contacted for further advice as soon as possible. **No attempt should be made to catch the animal/s and all staff should move away from the area to avoid stressing the animal further.**

#### Other Mammals

- 4.3.5. Brown hare, and other wild mammals, including rabbits, while not covered by specific legislation, are covered in general under the Wild Mammals (Protection) Act 1996. See Appendix A for details of relevant species legislation.
- 4.3.6. Brown hare were observed on site and mammal paths and deer scat were also noted during the Phase 1 Habitat Survey. The grassland, woodland, scrub, ephemeral habitat, tall ruderal and hedgerows were considered to provide

some suitable habitat for various mammal species. Best practice working methods, detailed in paragraph 4.3.3 – 4.3.4 above, should be adhered to, to ensure an adverse impact to these species is mitigated for.

### **Birds**

- 4.3.7. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built or take, damage or destroy its eggs.
- 4.3.8. Habitats, such as the hedgerows, scrub, woodland, grassland, tall ruderal, waterbodies provide some suitable nesting and foraging opportunities for a range of bird species. As this is an extension of time application, it is considered that significant impacts to birds are not anticipated.
- 4.3.9. If any vegetation is to be removed, the following steps should be followed:
- Clearance of suitable nesting habitat should be undertaken outside the nesting bird season (March – August, inclusive); and
  - If clearance is not possible outside the nesting bird season (March – August) a nesting bird check will be required <24 hours prior to any vegetation removal. Where nesting birds are present, a ‘no-work’ buffer will be implemented, and the nest monitored by a suitably experienced ecologist until all chicks have fledged.

### **Invasive Species**

#### **Horsetail**

- 4.3.10. Horsetail is an invasive species but not listed as a Schedule 9 under WCA 1981 (as amended). For the removal of horsetail, the control methods detailed below are recommended.

#### ***Mechanical Control***

- 4.3.11. Root mass can be excavated to remove the entire plant and prevent regrowth. All materials should be chipped or burnt on site or removed to licenced landfill as ‘controlled’ waste. Where it has also been treated with chemicals such as herbicides it may also need to be treated as ‘hazardous’ waste.

*Chemical control*

- 4.3.12. It is possible to spray smaller plants with herbicide, however, chemical uptake on larger plants is reduced. For chemical removal a treatment specialist should be contacted.

## 5. ENHANCEMENTS

5.1.1. In line with planning policy, which requires developments to enhance the site for wildlife, a range of both habitat enhancement and creation of opportunities for protected species are recommended:

- Suitable bird and bat boxes targeting a number of species should be installed on retained trees within the site boundary;
- Hibernacula should be created within areas of suitable habitat to provide refuge for amphibian and reptile species;
- Habitat enhancement should be incorporated into the restoration scheme to ensure grassland habitats are species-rich and woodland areas are created like-for-like, or better, to the lost areas;
- Incorporation of nectar- and pollen-rich flora species, as well as night-scented varieties, in keeping with the local area targeting a variety of invertebrate species and bat species within any seed mixes;
- Native hedgerow, tree and shrub planting, in line with the local character area should be incorporated into the restoration scheme to enhance these habitat types. Additionally, they will provide a variety of berry and seed-bearing species; and
- Removal of horsetail whenever possible.

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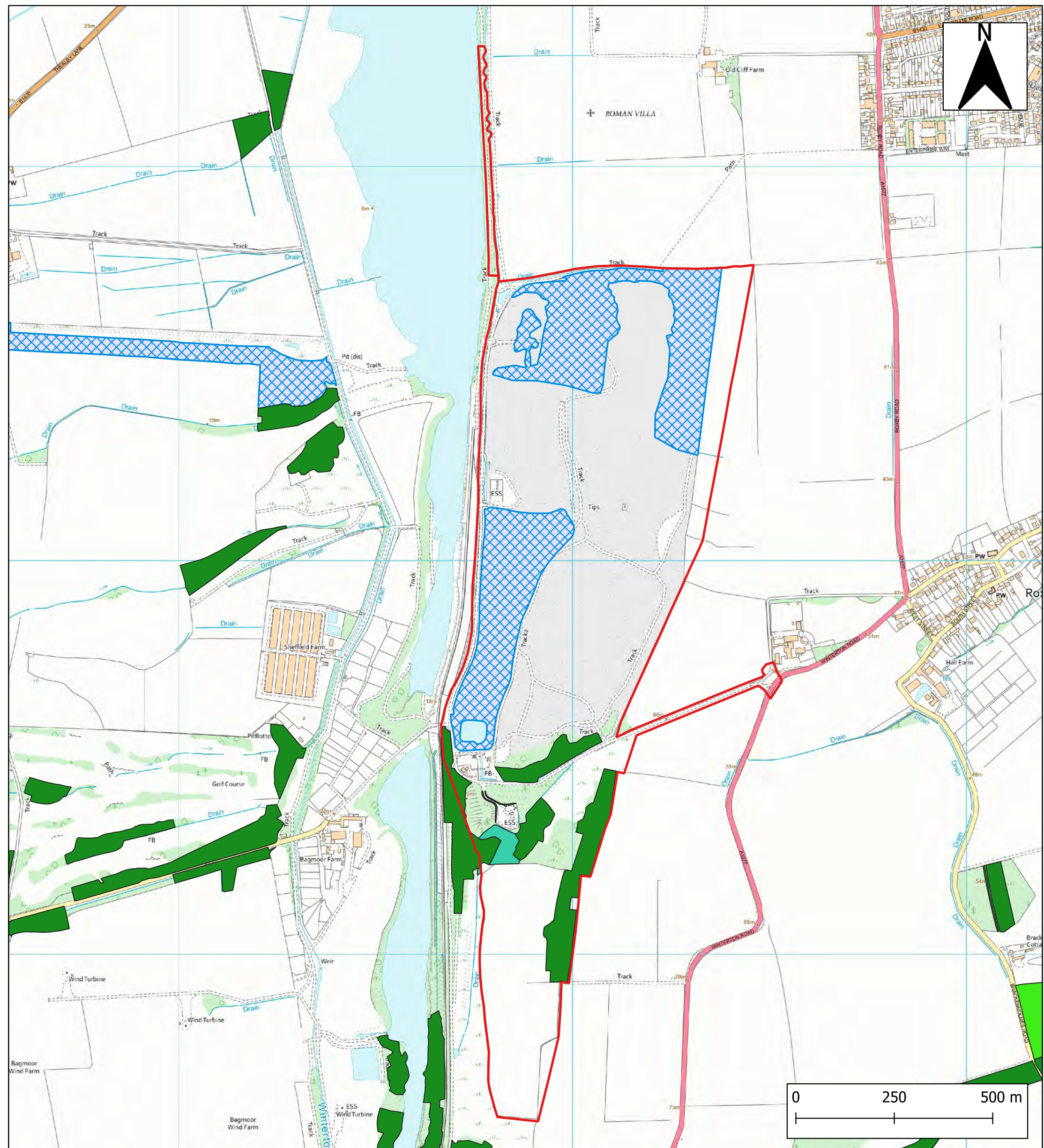
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[https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)
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## **7. DRAWINGS**

### **7.1. Drawing 1 – Priority Habitats Map**

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- Red Line Boundary
- Deciduous woodland
- Good quality semi improved grassland
- No main habitat but additional habitats present
- Traditional orchard
- Open Mosaic Habitat



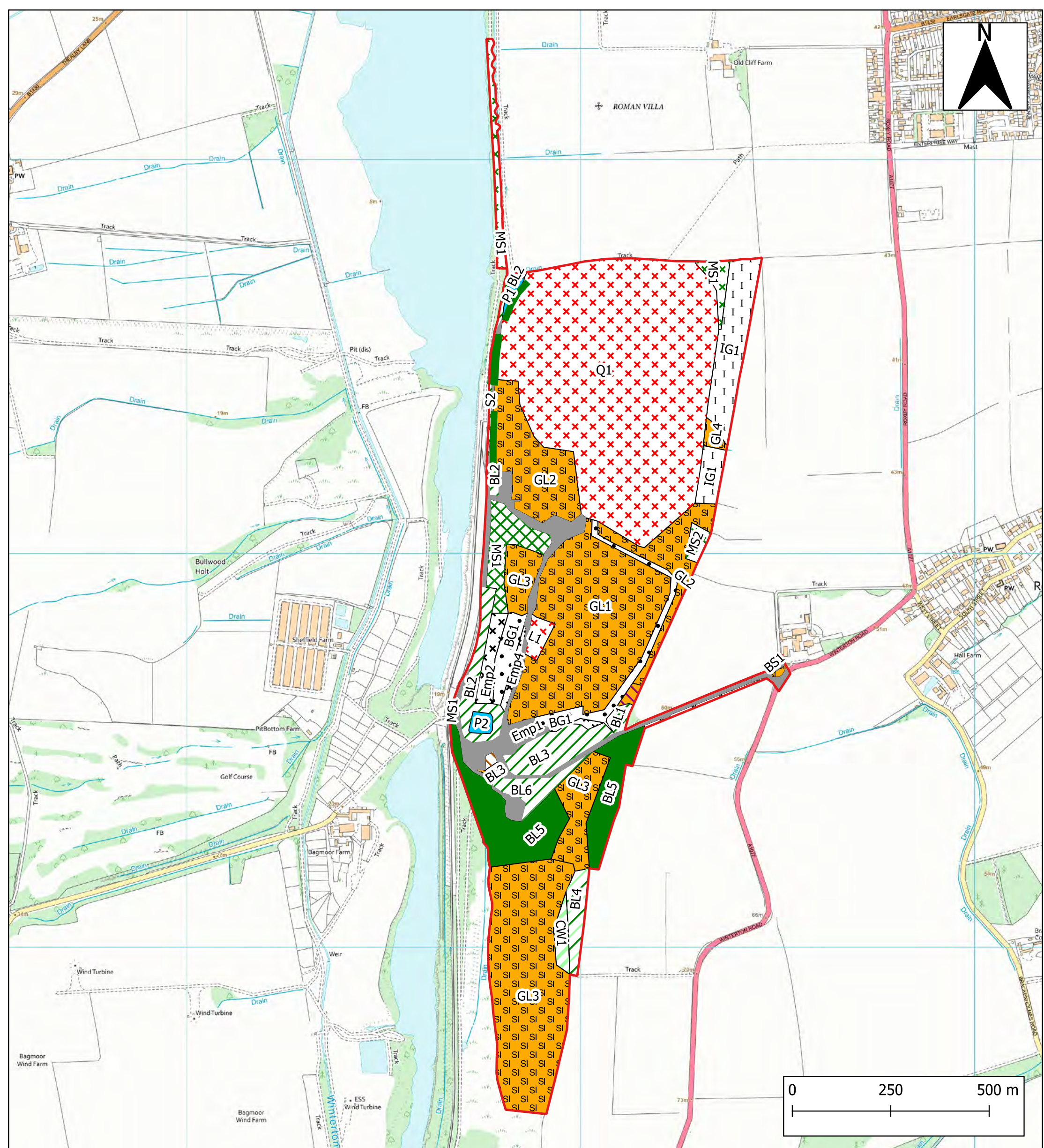
PROJECT  
 ROXY LANDFILL  
 CLIENT  
 BIFFA  
 DRAWING TITLE  
 PRIORITY HABITATS MAP

DATE	BY	QA
08/07/2025	TW	AK
SCALE	REV	REFERENCE
1: 9000 @ A3	1	BIF-025-W/PEA.001
Heatons The Arc, 6 Mallard Way, Pride Park, Derby, DE24 8GX		
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## 7.2. Drawing 2 – Phase 1 Habitat Survey

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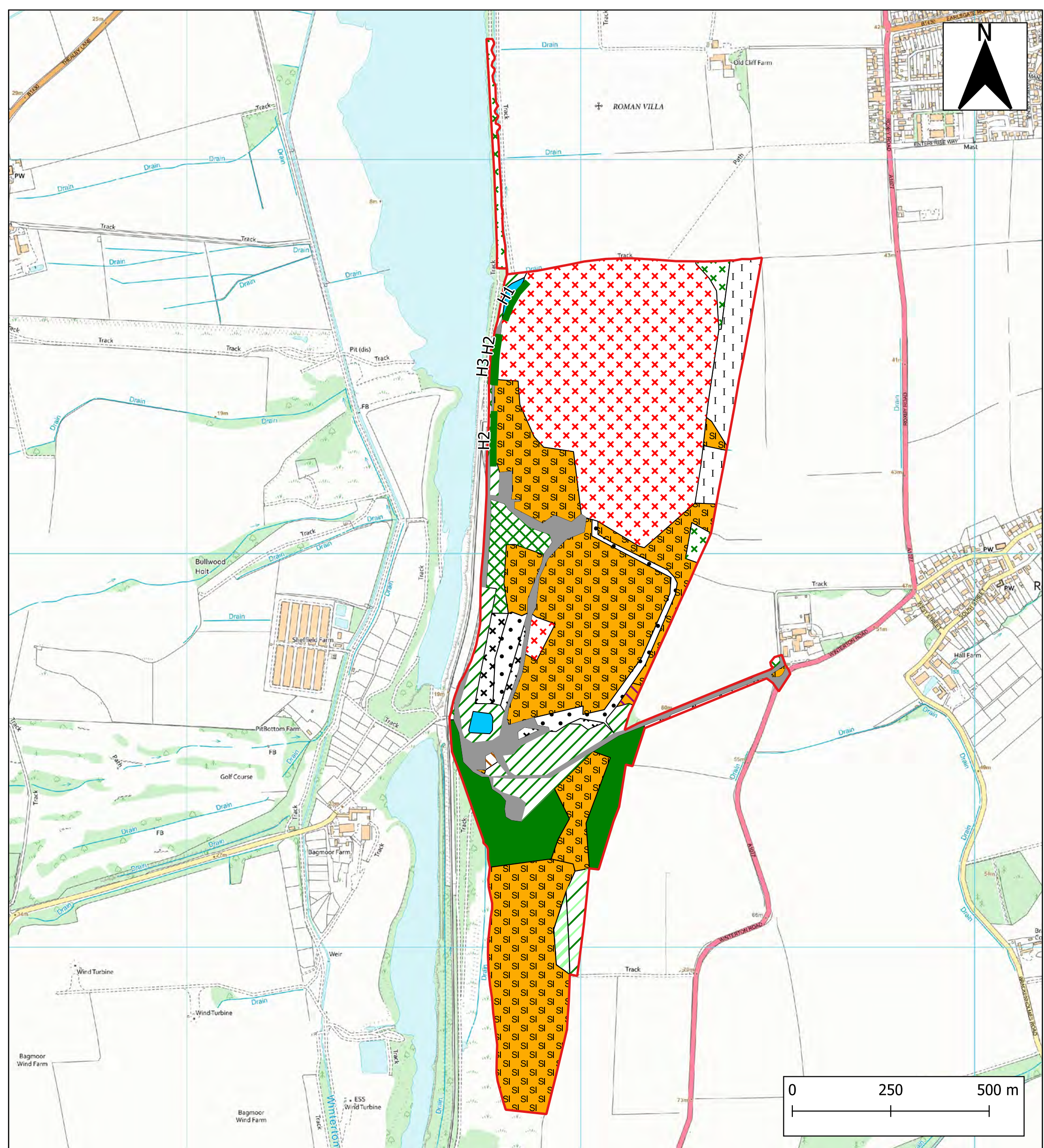
- |                        |                           |                  |               |
|------------------------|---------------------------|------------------|---------------|
| Red Line Boundary      | Mixed Plantation Woodland | Marshy Grassland | Ephemeral     |
| SP Hedgerow            | Dense/Continuous Scrub    | Tall Ruderal     | Bare ground   |
| BL SN Woodland         | Scattered Scrub           | Standing Water   | Hard Standing |
| BL Plantation Woodland | SI Neutral Grassland      | Spoil/Landfill   |               |
| Coniferous PL Woodland | Improved Grassland        | Arable           |               |



PROJECT  
 ROXBY LANDFILL  
 CLIENT  
 BIFFA  
 DRAWING TITLE  
 PHASE 1 HABITAT SURVEY

DATE	BY	QA
08/07/2025	TW	AK
SCALE	REV	REFERENCE
1: 9000 @ A3	1	BIF-025-W/PEA.002
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- |                        |                           |                  |               |
|------------------------|---------------------------|------------------|---------------|
| Red Line Boundary      | Mixed Plantation Woodland | Marshy Grassland | Ephemeral     |
| SP Hedgerow            | Dense/Continuous Scrub    | Tall Ruderal     | Bare ground   |
| BL SN Woodland         | Scattered Scrub           | Standing Water   | Hard Standing |
| BL Plantation Woodland | SI Neutral Grassland      | Spoil/Landfill   |               |
| Coniferous PL Woodland | Improved Grassland        | Arable           |               |



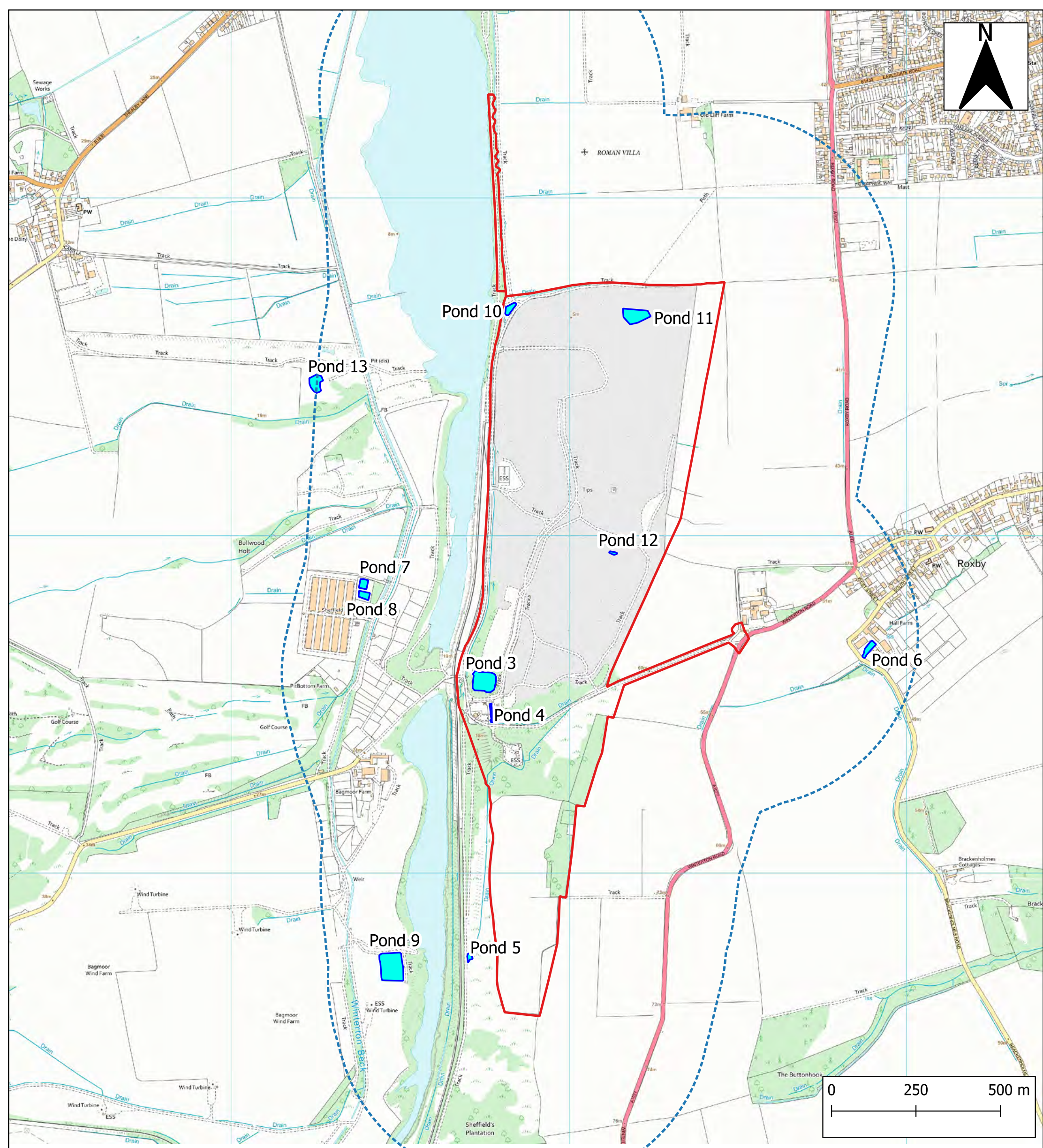
PROJECT  
 ROXBLY LANDFILL  
 CLIENT  
 BIFFA  
 DRAWING TITLE  
 PHASE 1 HABITAT SURVEY - HEADGEROWS

DATE	BY	QA
08/07/2025	TW	AK
SCALE	REV	REFERENCE
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**7.3. Drawing 3 – Ponds within 500m of the Site Boundary**

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- Red Line Boundary
- 500m Buffer
- Ponds



PROJECT  
 ROXBY LANDFILL  
 CLIENT  
 BIFFA  
 DRAWING TITLE  
 WATERBODIES WITHIN 500M OF THE SITE BOUNDARY

DATE	BY	QA
08/07/2025	TW	AK
SCALE	REV	REFERENCE
1: 10,500 @ A3	1	BIF-025-W/PEA.004
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## **8. APPENDIX**

### **8.1. Appendix A – National Legislation, Planning Policy, and Species Legislation**

#### **Introduction**

- 8.1.1. This section summarises the legislation and planning policy in relation to ecology and biodiversity within the UK.
- 8.1.2. For full local and national planning considerations relating to this application see Section 4 of the Planning Statement.

#### **Legislation**

- 8.1.3. A number of different Acts and Regulations refer to the protection of wildlife and habitats and have been outlined in Appendix E. It is recommended that the full legislation texts are referred to when dealing with individual cases and further legal advice is obtained where required. Protected species licences may be required to further comply with this legislation prior to the implementation of the project.
- 8.1.4. Wildlife legislation potentially relevant to this project includes:
- Environment Act 2021;
  - The Wildlife and Countryside Act (WCA) 1981 (as amended);
  - The Conservation of Habitats and Species Regulations 2017;
  - The Natural Environment and Rural Communities Act (NERC) 2006;
  - The Countryside and Rights of Way Act (CRoW) Act 2000;
  - The Protection of Badgers Act 1992; and
  - The Hedgerow Regulations 1997.

#### **Environment Act 2021**

- 8.1.5. An Act to make provision about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for connected purposes (UK Government, 2021).

- 8.1.6. The act also targets four key areas for the recovery of habitats. Additionally, it enables ministers to set legally binding long-term targets, the progress of which they are required to report to Parliament (UK Government, 2021).
- 8.1.7. Under the Act, all planning permissions granted in England (with some exemptions) except small sites will have to deliver at least 10% biodiversity net gain from November 2023 (UK Government, 2021).

### **National Planning Policy**

- 8.1.8. The National Planning Policy Framework (NPPF 2024) paragraphs 187 to 195 set out the Government's policies to protect and enhance biodiversity and geodiversity through the planning system. These policies are expected to be incorporated into development planning documents at regional and local scales and are also of material worth in considering individual planning applications.
- 8.1.9. In relation to biodiversity, NPPF paragraph 187 states that 'Planning policies and decisions should contribute to and enhance the natural and local
- 8.1.10. NPPF paragraph 188 advises that 'Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>65</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'
- 8.1.11. NPPF paragraph 192 states that 'To protect and enhance biodiversity and geodiversity, plans should:
- a) *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; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
  - b) *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.*

8.1.12. NPPF paragraph 193 advises that the following principles should be applied by the Local Planning Authority when determining planning applications:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

**North Lincolnshire Core Strategy (2011)**

8.1.13. North Lincolnshire Council is currently preparing a new Local Plan for North Lincolnshire which will eventually supersede both the 2003 Local Plan and the Local Development Framework plans. However, the current Development Plan comprises the North Lincolnshire Core Strategy and the saved policies of the North Lincolnshire 2003 Local Plan.

8.1.14. The North Lincolnshire Core Strategy (Core Strategy) covers the period from 2006 to 2026. It states that '*This Core Strategy sets out the long term spatial planning framework for the development of North Lincolnshire up to 2026 by*

*providing strategic policies and guidance to deliver the vision for the area including the scale and distribution of development, the provision of infrastructure to support it and the protection of our natural and built environment. It will also help to ensure that the investment decisions of key bodies are not made in isolation, but are properly coordinated, with a strong focus on the principles of sustainable development.'*

8.1.15. The key policies considered relevant to the proposed development are discussed below. As the proposal comprises an extension of time, with minor revisions to phasing on the operational landfill site, locational policies are not considered relevant.

8.1.16. The Core Strategy includes ten spatial objectives. Spatial Objective 7: 'Efficient Use and Management of Resources' is as follows:

*'To ensure the efficient use of resources, maximising recycling of minerals and waste products, minimising pollution, maintaining and improving air, soil and water quality, and employing sustainable building practices in new development.'*

8.1.17. Spatial Objective 8: 'Promoting Community Health and Well Being' is as follows:

*'To promote an improvement in the health and well being of North Lincolnshire's people by maintaining and providing quality open spaces, play and sports facilities, better access to the countryside and improved health facilities.'*

8.1.18. Policy CS2: 'Delivering More Sustainable Development' supports spatial Policy CS1 in requiring a sequential approach to locating new development and states that all future development in North Lincolnshire will be required to contribute towards achieving sustainable development. It goes on to state that proposals should comply with the overall spatial strategy together with a number of sustainable development principles.

8.1.19. Policy CS16: 'North Lincolnshire's Landscape, Greenspace and Waterscape' states that the Council will protect, enhance and support a diverse and multi-functional network of landscape, greenspace and waterscape through a number of measures including 'requiring development proposals to improve the quality and quantity of accessible landscape, greenspace and waterscape, where appropriate' and 'requiring the protection of trees, hedgerows, and historic landscape to be specified, where appropriate'. A range of measures will be used to secure the creation and maintenance of the network of landscape, greenspace and waterscapes, including through developer contributions.

8.1.20. Policy CS17: 'Biodiversity' seeks to promote effective stewardship of North Lincolnshire's wildlife through:

1. *Safeguarding national and international protected sites for nature conservation from inappropriate development;*
2. *Appropriate consideration being given to European and nationally important habitats and species;*
3. *Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space;*
4. *Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features;*
5. *Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for;*
6. *Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local biodiversity action plans;*
7. *Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.*

8.1.21. Policy CS18: 'Sustainable Resource Use and Climate Change' states that the Council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This includes conserving water resources, requiring the use of Sustainable Urban Drainage Systems (SuDS) where practicable, reducing carbon dioxide emissions, ensuring development and land use helps to protect people and the environment from pollution by protecting and improving the quality of air land and water. It also requires development to promote the use of a greenspace strategy and a green infrastructure plan, where applicable, which could help reduce the effects of climate change.

8.1.22. Policy CS20: 'Sustainable Waste Management' mainly relates to the location of new waste management facilities. However, it also promotes sustainable waste management by (inter alia) stating that the Council will provide '*guidance on minimising potential social, environmental and economic impacts that are likely to arise in the development of waste infrastructure*'.

### **Species Legislation**

#### **Badgers**

8.1.23. In the UK the relevant legislation pertaining to Badgers *Meles meles* is the Protection of Badgers Act 1992 and the Wildlife and Countryside Act, 1981 (as amended). Under the Protection of Badgers Act it is an offence to:

- Wilfully kill, injure, take possess or cruelly ill-treat\* a Badger, or attempt to do so;
- To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

\* the intentional elimination of sufficient foraging area to support a known social group of badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill-treatment' of a Badger.

# a sett is defined as 'any structure or place which displays signs indicating current use by a Badger', with 'current use' defined by Natural England under interim guidance as over the preceding few months prior to a likely interference/disturbance event.

Licences can be obtained from the SNCO for development activities that would otherwise be unlawful under the legislation.

#### **Brown Hare**

8.1.24. Brown hare *Lepus europaeus* are listed under the Priority Species under the UK Post-2010 Biodiversity Framework.

8.1.25. In addition, brown hares are a quarry species which may be legally controlled during the open season, but is protected in the closed season under the listed under Schedule 10A of the Wildlife & Countryside Act 1981 (as amended), which makes it an offence to:

- Intentionally or recklessly kill, injure or take any wild animal included in Schedule 5A in the closed season
  - ... in the case of a brown hare, the period in any year beginning with 1<sup>st</sup> February and ending with 30<sup>th</sup> September.

- 8.1.26. Brown hares are defined as 'ground game' by the Ground Game Act 1880. This Act gives a statutory right to every occupier of land to take or kill ground game; this right may be shared with other persons, such as the holder of the sporting rights. Subject to certain conditions, the occupier may also authorise others to control hares, but only they and one other authorised person may use a firearm. This means that every occupier (farming tenant) retains the right to kill hares whether or not they hold shooting rights and therefore obviates claims for compensation for damage caused by hares.
- 8.1.27. Brown hares are defined as 'game' by the Game Act 1831. This act prohibits the shooting of game species on Sundays and Christmas Day.
- 8.1.28. The Hares Preservation Act 1892 makes it an offence to sell, or expose for sale, any hare or leveret between the months of March and July inclusive. This prohibition removes any commercial incentive to kill hares during the main breeding season but does not apply to imported hares.

#### Hedgehog

- 8.1.29. The hedgehog is listed as a Species of Principal Importance for the purposes of conserving biodiversity in England under S41 of the NERC Act 2006.
- 8.1.30. It is also a species partially protected under Section 11(1) of Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), making it an offence to kill or take a hedgehog by certain methods, and it is protected from cruelty under The Wild Mammals Protection Act 1996.

#### Birds

- 8.1.31. All wild birds, their nests and eggs are protected throughout the breeding season (typically late February to late August inclusive) under the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to (with certain limited exceptions and in the absence of a licence) intentionally:
- Kill or injure any wild bird;
  - Take, damage or destroy the nest of any wild bird whilst it is in use or being built;
  - Take or destroy the egg of any wild bird;
  - It is also an offence to possess any live or dead wild bird or egg, or anything derived from a bird or egg;
  - Restrictions on trade and advertising also apply.

- 8.1.32. Schedule 1 of the Wildlife & Countryside Act 1981 is a list of the nationally rare and uncommon breeding birds for which all offences carry special (i.e. greater) penalties. These species also benefit from additional protection whilst breeding, as it is an offence to disturb adults or their dependent young when at a nest.
- 8.1.33. The RSPB categorise British bird species in terms of conservation importance based on a number of criteria including the level of threat to a species population status. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern, being either globally threatened and / or experiencing a high level of population decline (e.g. a reduction in breeding population size greater than or equal to 50% over the past 25 years or since 1969, when the first species assessment was made).
- 8.1.34. In addition, Birds are listed under Protection of Birds Act 1954 (as amended), which contains similar protection to Wildlife and Countryside Act 1981 (as amended).

## 8.2. Appendix B – Protected and Notable Species Records

Species	Nearest distance from site	Year of most recent record	Number of records	Conservation status
<b>Amphibians</b>				
Common frog <i>Rana temporaria</i>	20m to the north	2022	45	WCA, 1981.
Great Crested Newt <i>Triturus cristatus</i>	700m to the west	2015	70	European Protected Species (EPS). Priority Species (PS). WCA, 1981.
<b>Mammals</b>				
Brown long-eared bat (BLE) <i>Plecotus auritus</i>	610m to the north	2019	9	EPS. PS. WCA, 1981.
Common pipistrelle <i>Pipistrellus pipistrellus</i>	870m to the north-east	2020	3	EPS. PS. WCA, 1981.
Pipistrelle species <i>Pipistrelle spp.</i>	1km to the east	2016	2	EPS. PS. WCA, 1981.
Hedgehog <i>Erinaceus europaeus</i>	1.8km to the north-west	2020	1	PS. WCA, 1981. Vulnerable to extinction on GB Red List for Mammals.
Badger <i>Meles meles</i>	<b>CONFIDENTIAL</b> Within 2km of the site boundary	2020	1	PS. WCA, 1981. Endangered on both GB and England Red List for Mammals.
<b>Birds</b>				
Reed Bunting <i>Emberiza schoeniclus</i>	Located adjacent to the western boundary	2022	13	BoCC: Amber. WCA, 1981. PS. Local Priority Species (LPS).
Bullfinch <i>Pyrrhula pyrrhula</i>	100m to the west	2022	22	BoCC: Amber. PS. LPS. WCA, 1981.
Red-crested Pochard <i>Netta rufina</i>	600m to the north-west	2018	1	Introduced Species. IUCN: LC
Red Kite <i>Milvus milvus</i>	700m to the north-east	2022	3	BoCC: Green. WCA, 1981 – Sch1.
Red Kite <i>Milvus milvus</i>	700m to the north-east	2022	3	BoCC: Green. WCA, 1981. IUCN: LC
Barn Owl <i>Tyto alba</i>	850m to the north-west	2022	12	BoCC: Green. WCA, 1981. LPS.
Barnacle Goose <i>Branta leucopsis</i>	850m to the north-west	2022	3	BoCC: Amber. Non-Native Winter Visitor.

Black-tailed Godwit <i>Limosa limosa</i>	850m to the north-west	2022	15	BoCC: Red. PS. WCA, 1981 – Sch1.
Cetti's Warbler <i>Cettia cetti</i>	850m to the north-west	2022	14	BoCC: Green. WCA, 1981 – Sch1.
Common Scoter <i>Melanitta nigra</i>	850m to the north-west	2022	1	BoCC: Red. PS. WCA, 1981 - Sch1.
Cuckoo <i>Cuculus canorus</i>	850m to the north-west	2022	3	BoCC: Red. PS. LPS. WCA, 1981.
Curlew <i>Numenius arquata</i>	850m to the north-west	2022	60	BoCC: Red. PS. IUCN: NT. LPS.
Fieldfare <i>Turdus pilaris</i>	850m to the north-west	2022	664	BoCC: Red. WCA, 1981.
Garganey <i>Spatula querquedula</i>	850m to the north-west	2022	4	BoCC: Amber. WCA, 1981.
Goldeneye <i>Bucephala clangula</i>	850m to the north-west	2022	102	BoCC: Red. WCA, 1981.
Greenshank <i>Tringa nebularia</i>	850m to the north-west	2022	1	BoCC: Amber. WCA, 1981.
Grey Partridge <i>Perdix perdix</i>	850m to the north-west	2022	1	BoCC: Red. PS. LPS.
Greylag Goose <i>Anser anser</i>	850m to the north-west	2022	1,589	BoCC: Amber. WCA, 1981.
Hobby <i>Falco subbuteo</i>	850m to the north-west	2022	2	BoCC: Green. WCA, 1981.
House Sparrow <i>Passer domesticus</i>	850m to the north-west	2022	128	BoCC: Red. PS. LPS.
Kingfisher <i>Alcedo atthis</i>	850m to the north-west	2022	22	BoCC: Green. WCA, 1981.
Lapwing <i>Vanellus vanellus</i>	850m to the north-west	2022	984	BoCC: Red. PS. IUCN: NT. LPS.
Lesser Redpoll <i>Acanthis cabaret</i>	850m to the north-west	2022	8	BoCC: Red. PS. WCA, 1981.
Linnet <i>Linaria cannabina</i>	850m to the north-west	2022	95	BoCC: Red. PS. WCA, 1981. LPS.
Little Egret <i>Egretta garzetta</i>	850m to the north-west	2022	56	BoCC: Green.
Little Ringed Plover <i>Charadrius dubius</i>	850m to the north-west	2022	9	BoCC: Green. WCA, 1981.

Long Tailed Duck <i>Clangula hyemalis</i>	850m to the north-west	2022	2	BoCC: Red. WCA, 1981.
Marsh Harrier <i>Circus aeruginosus</i>	850m to the north-west	2022	14	BoCC: Amber. WCA, 1981.
Mediterranean Gull <i>Ichthyaetus melanocephalus</i>	850m to the north-west	2022	1	BoCC: Amber. WCA, 1981.
Pintail <i>Anas acuta</i>	850m to the north-west	2022	4	BoCC: Amber. WCA, 1981.
Red Shank <i>Tringa totanus</i>	850m to the north-west	2022	9	BoCC: Amber. LPS.
Redwing <i>Turdus iliacus</i>	850m to the north-west	2022	478	BoCC: Amber. WCA, 1981. IUCN: NT.
Ruff <i>Calidris pugnax</i>	850m to the north-west	2022	2	BoCC: Amber. WCA, 1981.
Skylark <i>Alauda arvensis</i>	850m to the north-west	2022	24	BoCC: Red. LPS.
Snipe <i>Gallinago gallinago</i>	850m to the north-west	2022	6	BoCC: Amber. WCA, 1981. LPS.
Song Thrush <i>Turdus philomelos</i>	850m to the north-west	2022	21	BoCC: Amber. WCA, 1981. PS. LPS.
Starling <i>Sturnus vulgaris</i>	850m to the north-west	2022	407	BoCC: Red. WCA, 1981. PS. LPS.
Swift <i>Apus apus</i>	850m to the north-west	2022	145	BoCC: Red. LPS.
Whimbrel <i>Numenius phaeopus</i>	850m to the north-west	2022	3	BoCC: Red. WCA, 1981.
Yellow Wagtail <i>Motacilla flava</i>	850m to the north-west	2022	36	BoCC: Red. PS. LPS.
Yellowhammer <i>Emberiza citrinella</i>	850m to the north-west	2022	14	BoCC: Red. PS. LPS.
Bearded Tit <i>Panurus biarmicus</i>	1.6km to the east	2021	2	BoCC: Green. WCA, 1981.
Bittern <i>Botaurus stellaris</i>	1.6km to the east	2021	1	BoCC: Amber. PS. WCA, 1981. LPS.
Domestic Goose <i>Anser anser f. domesticus</i>	1.6km to the east	2021	57	WCA, 1981.
Ring Ouzel <i>Turdus torquatus</i>	1.6km to the south-west	2018	2	BoCC: Red. PS.

Spoonbill <i>Platalea leucorodia</i>	1.6km to the east	2021	7	BoCC: Amber. WCA, 1981. CITES Appendix II
<b>Invertebrate</b>				
Wall <i>Lasiommata megera</i>	Located within the site boundary	2018	2	Butterfly Conservation Priority (BCP): High Section 41 NERC.
August Thorn <i>Ennomos quercinaria</i>	1.2km to the north-east	2019	1	UKBAP
Buff Ermine <i>Spilosoma lutea</i>	1.2km to the north-east	2019	17	UKBAP: PS (research only)
Dark-barred twin-spot carpet <i>Xanthorhoe ferrugata</i>	1.2km to the north-east	2019	1	PS.
Dot Moth <i>Melanchra persicariae</i>	1.2km to the north-east	2019	3	UKBAP: PS (research only)
Powdered Quaker <i>Orthosia gracilis</i>	1.2km to the north-east	2019	3	UKBAP
Shaded broad-bar <i>Scotopteryx chenopodiata</i>	1.2km to the north-east	2019	1	UKBAP (research only)
White ermine <i>Spilosoma lubricipeda</i>	1.2km to the north-east	2019	2	UKBAP: PS (research only)