



Barnsley West

Factual Breeding Bird Survey Report



For Strata Sterling Barnsley West Ltd

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Executive Summary

Contents	Summary
Site Location	The site is located to the east of the M1 in West Barnsley and is centred at Ordnance Survey National Grid Reference NZ 431723 407040.
Proposals	The proposed development comprises a mixed-use development to provide up to 1,900 new homes and 172,000sq.m of employment land.
Existing Site Information	Barnsley West: Factual Ecological Appraisal (WYG, 2020a) Barnsley West: Breeding Bird Survey Report (WYG, 2019) Barnsley West: Preliminary Ecological Appraisal (AECOM, 2017) Land at Jigham UB2a (Wildscapes, 2014) Land South of Barugh Green Road UB4A (Wildscapes, 2013a) Land South of Barugh Green Road UB4B (Wildscapes, 2013b)
Scope of the Report	Outline the legislative protection given to birds; summarise existing bird records and reports, and update the desk study in relation to birds; summarise the findings of the bird surveys and the presence or otherwise of breeding bird species on and directly adjacent to the site.
Results	<ul style="list-style-type: none"> • Birds were observed foraging, overflying and breeding on and adjacent to the site, utilising all habitats present. • Of the 43 species recorded during the breeding bird surveys, eight BoCC Red List and seven BoCC Amber List species were recorded. Furthermore, 11 species listed as SPI under the NERC Act were recorded during the surveys. <ul style="list-style-type: none"> ○ Within these numbers, seven BoCC Red List and five BoCC Amber List species were considered to have bred on or adjacent to the site. • Barn owl, a Wildlife and Countryside Act 1981 (as amended) Schedule 1 listed bird, was observed incidentally during the October bat transect survey but not observed during the bird surveys. • The protected/notable birds with the largest number of potential breeding territories on site included dunnock, house sparrow, skylark and starling. BoCC Green species with the largest number of potential breeding territories included blackbird, blue tit, goldfinch, woodpigeon and wren. Other notable but non-breeding birds on site included barn owl, curlew, house martin and swift.
Recommendations	Recommendations will be provided within the Ecology Chapter of the Environmental Statement.



Glossary

ACIEEM	Associate Member of Chartered Institute of Ecology & Environmental Management
BBAP	Barnsley Biodiversity Action Plan
BBRC	Barnsley Biological Records Centre
BoCC	Bird(s) of Conservation Concern
BTO	British Trust for Ornithology
CIEEM	Chartered Institute of Ecology & Environmental Management
HPI	Habitats of Principal Importance as listed on the NERC Act
LBAP	Local Biodiversity Action Plan
MCIEEM	Full Member of Chartered Institute of Ecology & Environmental Management
NERC Act	Natural Environment and Rural Communities Act 2006
NPPF	National Planning Policy Framework
SPA	Special Protection Area
RSPB	Royal Society for the Protection of Birds
SPI	Species of Principal Importance as listed on the NERC Act
W&CA	Wildlife and Countryside Act 1981 (as amended)



1.0 Introduction

1.1 Background

WYG was commissioned by Strata Sterling Barnsley West Ltd in May 2020 to undertake a suite of update breeding bird surveys at the site known as 'Barnsley West'.

A 'Breeding Bird Survey Report' was originally completed for the site in 2018 (WYG, 2019); however, as this report is over two years' old, update surveys were commissioned. As such, this report provides updated baseline information for the site.

This report has been prepared by WYG Senior Ecologist Luke Verrall MCIEEM, who has nine years' experience of undertaking and reporting breeding bird surveys. The conditions pertinent to this report are provided in Appendix A.

1.2 Site Location

The site is located 2 km west of Barnsley town centre, on farmland between the communities of Gawber, Higham, Pogmoor, Redbrook and Barugh Green and immediately north-east of Junction 37 of the M1 motorway. The centre of the site has an approximate Ordnance Survey Grid Reference of SE 31778 07075. The site boundary can be found on Figure 1.

The site has previously been subject to open-cast mining, after which it was re-filled. The site measures approximately 120ha and generally comprises of open pastoral and arable fields, with associated boundary hedgerows, trees and ditches, and areas of semi-natural plantation woodland.

1.3 Development Proposals

The proposals include for a mixed-use development to provide up to 1,900 new homes and 172,000sq.m of employment land. In addition, the proposals will provide:

- Part of the Link Road between M1, Junction 37 and the A635, Barugh Green Road;
- A new primary school;
- Small local shops and community facilities; and
- Strategic areas of greenspace and wildlife corridors.

Remodelling of the site (via a 'cut and fill') will also be required at the outset, to enable the formation of development platforms.

1.4 Purpose of the Report

The objectives of this assessment are to:

- Outline the legislative protection given to birds;
- Summarise existing bird records and reports and update the desk study in relation to birds;
- Summarise the findings of the bird surveys and report on the presence or otherwise of breeding bird species on and directly adjacent to the site.

Note that scientific names are provided at the first mention of each species and common names (where appropriate) are then used throughout the rest of the report for ease of reading.



A summary of the key legislation is also provided in Appendix B.

Please note: This is a factual report only with detailed discussion and any recommendations for further survey, mitigation and compensation being included within the commissioned Ecology Chapter of the Environmental Statement for the site.



2.0 Methodology

2.1 Desk Study

2.1.1 Previous Reports

The following reports relating to the site and its immediate environs were reviewed:

- WYG. (2020). Barnsley West: Factual Ecological Appraisal.
- WYG. (2019). Barnsley West: Breeding Bird Survey Report.
- AECOM. (2017) Barnsley West: Preliminary Ecological Appraisal.
- Wildscapes. (2014). Land at Highham UB2A.
- Wildscapes. (2013a). Land South of Barugh Green Road UB4A.
- Wildscapes. (2013b). Land South of Barugh Green Road UB4B.

2.1.2 Local Ecological Records Centre

As part of the Ecological Appraisal (WYG, 2020), information was requested from the Barnsley Biological Records Centre (BBRC) for information on any nature conservation designations and protected or notable species records, including birds, within 2 km of the site.

This information has been reviewed and relevant information has been extracted for consideration within this assessment.

2.1.3 Online Resources

A search for relevant information was also made on the following website:

- MAGIC www.magic.gov.uk - DEFRA's interactive, web-based database for statutory designations listing bird species as qualifying features.

In addition, an expanded search area (15 km) has been used on MAGIC to identify any additional Natura 2000 sites of relevance to birds.

2.2 Field Surveys

2.2.1 Breeding Bird Surveys

Surveys were carried out by experienced ornithologist, WYG Project Ecologist Jonathan Siberry ACIEEM. Jonathan has four years' experience of undertaking bird surveys. Surveys took place shortly after sunrise in favourable weather conditions, as recommended by survey methodology guidance (Gilbert *et al.*, 2002). The survey area included the site and adjacent habitats.

The survey methodology involved three survey visits to the site during the breeding season, one in June and two in July and used standard territory (registration) mapping techniques as detailed in Bibby *et al.* (2007). This method is based on the observation that many species are territorial during the breeding season. This is found particularly amongst passerines, where territories are often marked by conspicuous song, display, and periodic disputes with neighbouring individuals. Registrations of birds were recorded on an appropriate field map, using standard BTO two letter species codes and activity codes (Gilbert *et al.*, 2002). For the purposes of this survey, territory maps have not been produced although the registrations recorded on the raw and digitised field maps provide an indication of the number of potential territories. Field boundaries and features with potential to offer suitability for breeding birds were surveyed from a distance of no more than 50 m



by walking a pre-determined transect route (see Figure 2). The direction of the walked transect route was alternated on alternate surveys.

When recording birds in the field, specific symbols were used for singing, calling, movements of the same bird between different areas, flying, carrying food, nest building, aggressive encounters and other notable behaviour. The expected outcome of this technique is that through analysis of the raw survey data, mapped registrations will highlight behaviour which could be attributed with breeding and/or will fall into clusters, approximately coinciding with territories. Where a species has closely packed territories (e.g. house sparrow *Passer domesticus*), the mapping of simultaneously singing birds becomes essential. Incidental bird records were also made during other ecological surveys on site.

The following meteorological variables were recorded at both the start and end of each survey:

- Cloud cover (0% - clear sky, to 100% - total cloud cover);
- Wind speed (Beaufort scale; Force 0 – no wind, to Force 6 – strong wind (note: surveys should not be carried out above Force 6 wind));
- Temperature (°C);
- Precipitation (mm); and
- Visibility (excellent, good, moderate or poor).

The transect route was walked at a steady pace in suitable weather conditions (i.e. dry and clear) in order to locate and identify individual birds. Weather conditions encountered during the surveys are shown in Table 1 below.

Table 1: Weather Conditions

Date	Weather Conditions (Temp °C, Wind speed* & direction, Cloud cover, Rain)	Time of survey
15/06/20	12.7°C, wind BF0 rising to BF1 N, 100% reducing to 95% cloud cover, precipitation: none, visibility Ok increasing to Good (fog reducing visibility to between 50m-100m at start but lifting to 100m-200m at 0630, then gone by end).	Start: 05:03 – End 10:05
01/07/20	13°C rising to 16°C, wind BF1 N, 100% reducing to 90% cloud cover, precipitation: none (rain overnight), visibility good throughout.	Start: 05:12 – End 09:52
17/07/20	14°C rising to 19°C, wind BF1 rising to BF3, 90% cloud cover, precipitation: none, visibility excellent throughout.	Start: 05:29 – End 10:09

* Wind speed measured on the Beaufort Scale.

2.3 Limitations

Due to the complexity of avian behaviour some degree of subjectivity is inevitably involved in this assessment. However, overall the survey is considered to offer a high degree of accuracy in assessing the range of species breeding within the site and their relative abundance.

The presence of dense crop growth and health and safety constraints on site (due to presence of livestock in the fields), meant it was necessary to make occasional and slight amendments to the transect route. However, in general, the transects did cover the same area (Figure 2) and it was



considered that inaccessible areas could be sufficiently covered through visible identification (assisted with binoculars) and call / song identification.

Ordinarily, breeding bird surveys comprise a single visit once per month between March to June (inclusive) to provide an understanding of bird presence and likely territorial behaviour across a breeding season. As surveys were only commissioned in late-May 2020, it was not possible to access the site prior to June and obtain survey data from March, April or May. Instead, a single survey was conducted in June with two surveys being carried out in July. Whilst this means the dataset is limited by not having information from the start of the breeding season, the existing site data from 2018 and the addition of survey data from the second half of the breeding period in 2020 was considered to partially negate this.

The details of this report will remain **valid for a period of one breeding bird season (i.e. the 2021 breeding bird season)**. Should a planning application for the site not be submitted prior to the start of the 2022 breeding bird season (i.e. before March 2022), then the validity of this assessment should be reviewed to determine whether further updates are necessary.

3.0 Baseline Conditions

3.1 Desk Study

3.1.1 Previous Reports

Barnsley West: Factual Ecological Appraisal (WYG, 2020a)

An update Ecological Appraisal (including an extended Phase 1 habitat survey) was completed by WYG in June 2020 which found the site contained a number of habitats that could support birds including; pastoral and arable fields, hedgerows, woodland, scattered trees and scrub.

A data search was obtained from BBRC including information regarding non-statutory designated sites and protected species records as part of the assessment. One Natura 2000 site, the Peak District (South Pennine Moors Phase 1) SPA was present within 15 km and listed birds as a qualifying feature (see Table 2). Six non-statutory designated sites were returned within 2 km of the site, however whilst all of these could support birds, only three of these included birds as features within their citation (see Table 3).

Table 2: Relevant Natura 2000 Designated site within 15km

Designation	Site Name	Distance and Direction	Summary of Features
SPA	Peak District Moors (South Pennine Moors Phase 1)	11.5 km south-west	<p>Notable breeding populations (i.e. regularly used by 1% or more of the Great Britain population) of the following Annex 1 species; golden plover <i>Pluvialis apricaria</i>, merlin <i>Falco columbarius</i> and short-eared owl <i>Asio flammeus</i>.</p> <p>(Although the habitats on site could support short-eared owl and wintering golden plover, due to the distance between the SPA and the site (11.5 km), it is considered unlikely that that the site would support birds from this SPA. In addition, no short-eared owls (commonly daytime hunters) were recorded during any surveys on site and no records were returned from the data search within the data search. Habitats on site are not considered suitable to support merlin.)</p>

Table 3: Non-statutory Designated Sites listing Birds as Features

Designation	Site Name	Distance & Direction	Summary of Features
LWS	Hugset Wood	0.55 km west	<p>Predominantly comprised of coniferous plantation with linear areas of broadleaved semi-natural woodland. Replanted ancient woodland and ancient and semi-natural woodlands form the main classifications of the site. Thirteen ancient woodland indicators species (flora) are cited. Other notable species include willow tit <i>Poecile</i></p>



Designation	Site Name	Distance & Direction	Summary of Features
			<i>montanus</i> , dunnock <i>Prunella modularis</i> and song thrush <i>Turdus philomelos</i> .
LWS	Barnsley Canal at Wilthorpe	1.05 km north-east	This LWS comprises a stretch of the disused Barnsley Canal and adjacent pastoral farmland. The River Dearne is to the north of the LWS and a railway line is situated just south. An old section of the river forms part of the northern LWS boundary. Ancient woodland indicator species are cited. Other notable species include reed bunting <i>Emberiza schoeniclus</i> , grasshopper warbler <i>Locustella naevia</i> , dunnock, bullfinch <i>Pyrrhula pyrrhula</i> and song thrush.
LWS	Silkstone Fall Wood	1.59 km south-west	A mixture of semi-natural broadleaved, mixed plantation and coniferous plantation woodland, with small watercourse and a small pond. South Yorkshire ancient woodland indicator species are present on this site. Other notable species include willow tit, dunnock, bullfinch, song thrush. Lesser-spotted woodpecker <i>Dendrocopos minor</i> has previously been recorded.

BBRC also returned records for a total of 71 bird species within 2 km of the site, since 2010. These are summarised in Table 4 below where their protective and conservation status is also given.

Table 4: Bird Species Returned by BBRC within 2km of the Site

Scientific Name	Common Name	Status*	No. of Records	Most Recent Record
<i>Acanthis cabaret</i>	Lesser Redpoll	SPI, BoCC Red.	10	2017
<i>Acanthis flammea</i>	Common (Mealy) Redpoll	BoCC Amber.	5	2012
<i>Alauda arvensis</i>	Skylark	SPI, BBAP, BoCC Red.	20	2018
<i>Alcedo atthis</i>	Kingfisher	WCA_Sch1, BoCC Amber.	23	2017
<i>Anas clypeata</i>	Shoveler	BoCC Amber	2	2013
<i>Anas crecca</i>	Teal	BoCC Amber.	29	2016
<i>Anas penelope</i>	Wigeon	BoCC Amber.	2	2010
<i>Anas platyrhynchos</i>	Mallard	BoCC Amber.	39	2014
<i>Anas strepera</i>	Gadwall	BoCC Amber.	19	2016
<i>Anser albifrons</i>	White-fronted Goose	SPI, BoCC Red.	2	2016
<i>Anser brachyrhynchus</i>	Pink-footed Goose	BoCC Amber.	82	2018
<i>Anthus pratensis</i>	Meadow Pipit	BoCC Amber.	48	2019
<i>Anthus spinoletta</i>	Water Pipit	BoCC Amber.	2	2018
<i>Anthus trivialis</i>	Tree Pipit	SPI, BoCC Red.	2	2011
<i>Apus apus</i>	Swift	BoCC Amber.	47	2019
<i>Aythya fuligula</i>	Tufted Duck	BoCC Green.	5	2013



Scientific Name	Common Name	Status*	No. of Records	Most Recent Record
<i>Caprimulgus europaeus</i>	Nightjar	SPI, BoCC Amber.	1	2011
<i>Charadrius dubius</i>	Little Ringed Plover	WCA_Sch1, BBAP, BoCC Green.	4	2010
<i>Chroicocephalus ridibundus</i>	Black-headed Gull	BoCC Amber.	9	2015
<i>Cinclus cinclus</i>	Dipper	BoCC Amber.	8	2019
<i>Columba oenas</i>	Stock Dove	BoCC Amber.	23	2020
<i>Cuculus canorus</i>	Cuckoo	SPI, BoCC Red.	14	2011
<i>Cygnus olor</i>	Mute Swan	BoCC Amber.	4	2013
<i>Delichon urbicum</i>	House Martin	BoCC Amber.	58	2018
<i>Emberiza citrinella</i>	Yellowhammer	SPI, BoCC Red.	40	2019
<i>Emberiza schoeniclus</i>	Reed Bunting	SPI, BoCC Amber.	50	2015
<i>Falco columbarius</i>	Merlin	WCA_Sch1, BoCC Red.	2	2014
<i>Falco peregrinus</i>	Peregrine	WCA_Sch1, BoCC Green.	23	2018
<i>Falco subbuteo</i>	Hobby	WCA_Sch1, BoCC Green.	7	2018
<i>Falco tinnunculus</i>	Kestrel	BBAP, BoCC Amber.	55	2018
<i>Fringilla montifringilla</i>	Brambling	WCA_Sch1, BoCC Green.	14	2018
<i>Gallinago gallinago</i>	Snipe	BoCC Amber.	85	2017
<i>Haematopus ostralegus</i>	Oystercatcher	BoCC Amber.	19	2013
<i>Hirundo rustica</i>	Swallow	BoCC Amber.	24	2018
<i>Larus fuscus</i>	Lesser Black-backed Gull	BoCC Amber.	2	2017
<i>Linaria cannabina</i>	Linnet	BoCC Red.	22	2017
<i>Locustella naevia</i>	Grasshopper Warbler	SPI, BoCC Red.	16	2012
<i>Lymnocyptes minimus</i>	Jack Snipe	BoCC Green.	58	2015
<i>Motacilla cinerea</i>	Grey Wagtail	BoCC Red.	37	2018
<i>Motacilla flava</i>	Yellow Wagtail	BoCC Red.	2	2017
<i>Muscicapa striata</i>	Spotted Flycatcher	SPI, BoCC Red.	2	2016
<i>Numenius arquata</i>	Curlew	SPI, BoCC Red.	1	2013
<i>Oenanthe oenanthe</i>	Wheatear	BoCC Green.	2	2011
<i>Pandion haliaetus</i>	Osprey	WCA_Sch1, BoCC Amber.	4	2011
<i>Passer domesticus</i>	House Sparrow	SPI, BoCC Red.	43	2017
<i>Passer montanus</i>	Tree Sparrow	SPI, BBAP, BoCC Red.	15	2018
<i>Perdix perdix</i>	Grey Partridge	SPI, BBAP, BoCC Red.	22	2019
<i>Pernis apivorus</i>	Honey-buzzard	WCA_Sch1, BoCC Amber.	2	2010
<i>Phalacrocorax carbo</i>	Cormorant	BoCC Green.	5	2015
<i>Phylloscopus trochilus</i>	Willow Warbler	BoCC Amber.	14	2014



Scientific Name	Common Name	Status*	No. of Records	Most Recent Record
<i>Picus viridis</i>	Green Woodpecker	BoCC Green.	46	2019
<i>Pluvialis apricaria</i>	Golden Plover	BoCC Green.	12	2018
<i>Poecile montana</i>	Willow Tit	BoCC Red.	61	2015
<i>Prunella modularis</i>	Dunnock	SPI, BoCC Amber.	36	2020
<i>Pyrhula pyrrhula</i>	Bullfinch	BoCC Amber.	101	2020
<i>Rallus aquaticus</i>	Water Rail	BoCC Green.	67	2018
<i>Regulus ignicapilla</i>	Firecrest	WCA_Sch1, BoCC Green.	5	2016
<i>Regulus regulus</i>	Goldcrest	BoCC Green.	43	2018
<i>Riparia riparia</i>	Sand Martin	BoCC Green.	6	2018
<i>Scolopax rusticola</i>	Woodcock	BoCC Red.	11	2017
<i>Strix aluco</i>	Tawny Owl	BoCC Amber.	22	2018
<i>Sturnus vulgaris</i>	Starling	SPI, BoCC Red.	41	2018
<i>Sylvia communis</i>	Whitethroat	BoCC Green.	19	2018
<i>Tachybaptus ruficollis</i>	Little Grebe	BoCC Green.	3	2016
<i>Tadorna tadorna</i>	Shelduck	BoCC Amber.	2	2010
<i>Tringa ochropus</i>	Green Sandpiper	WCA_Sch1, BoCC Amber.	17	2018
<i>Turdus iliacus</i>	Redwing	WCA_Sch1, BoCC Red.	86	2020
<i>Turdus philomelos</i>	Song Thrush	BoCC Red.	67	2020
<i>Turdus pilaris</i>	Fieldfare	WCA_Sch1, BoCC Red.	59	2020
<i>Turdus viscivorus</i>	Mistle Thrush	BoCC Red.	39	2020
<i>Vanellus vanellus</i>	Lapwing	SPI, BBAP, BoCC Red.	49	2018
<p>* Key</p> <ul style="list-style-type: none"> • WCA_Sch1 – Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) • SPI – Species of Principal Importance as listed on Section 41 of the Natural Environment and Rural Communities Act 2006 • BBAP – Species listed on the Barnsley Local Biodiversity Action Plan • BoCC – Species listed as Red, Amber or Green on the Birds of Conservation Concern lists 				

Barnsley West: Breeding Bird Survey Report (WYG, 2019)

WYG undertook breeding bird surveys across the site during the breeding bird season (March to June, inclusive) in 2018 (WYG, 2019). A total of 44 bird species were recorded during the suite of breeding bird surveys. Of these 44 species, a total of 11 BoCC Red List and seven BoCC Amber List species were recorded. Furthermore, a total of eight NERC Act species were recorded during the surveys.

Habitats within the site were largely considered suitable for farmland bird species, including ground nesting birds and passerine (perching) species. In addition, species associated with buildings (e.g. house sparrow and swallow) were also provided some opportunities for breeding on site (i.e. through the two farm complexes on site).

Habitats directly adjacent to the site largely comprised residential areas and associated gardens, supporting a number of notable and common garden birds (e.g. house sparrow, starling, dunnock and blackbird *Turdus merula*).



Little owl *Athene noctua*, buzzard *Buteo buteo* and tawny owls were observed incidentally during other species surveys conducted by WYG in 2018.

AECOM. (2017). Barnsley West: Preliminary Ecological Appraisal.

Birds recorded on site included house sparrow, dunnock, magpie *Pica pica*, blue tit *Cyanistes caeruleus*, robin *Erithacus rubecula*, blackbird, chiffchaff *Phylloscopus collybita*, chaffinch *Fringilla coelebs*, skylark, lapwing, corvids and hirundines. It was also noted that curlew have previously visited some of the fields on site (pers. comms. between AECOM and farmer from Hermit House Farm). Hedgerows and woodland were considered to provide numerous opportunities for breeding, shelter and foraging and as such, breeding bird surveys were recommended.

Wildscapes. (2013a; 2013b; 2014). Various Reports.

Birds were noted to be present during these surveys, though only skylark was specifically mentioned. The site was considered to offer 'Moderate' to 'High' quality habitat for birds.

3.2 Field Survey

A total of 43 bird species were recorded during the 2020 breeding bird surveys. Of these, 33 species were considered to be breeding on site (or directly adjacent to the site boundaries) and ten were considered to be non-breeding.

3.2.1 Protected/Notable Species

Of the 43 species recorded, eight were BoCC Red list species and seven were BoCC Amber list species. Furthermore, 11 of these species are listed as SPI under the NERC Act. There were no W&CA Schedule 1 listed birds observed during the breeding bird surveys; however, a single barn owl *Tyto alba* flight was observed incidentally during a bat survey in October, which is detailed in Section 3.2.4.

Within these numbers, seven BoCC Red List and five BoCC Amber List species were considered to have bred on or adjacent to the site. These notable species, along with their breeding status, are summarised below in Table 5, and shown on Figure 3 (BoCC Red Species) and Figure 4 (BoCC Amber Species).

Notes on 'breeding status' within Table 5 are made with reference to the four categories and related avian behaviours / evidence detailed below:

- 1) **Confirmed** – examples of confirmed breeding include:
 - Recently fledged or downy young;
 - Adult carrying faecal sac or food for young;
 - Nests containing eggs;
 - Nest with young seen or heard; and
 - Distraction displays / injury feigning.

- 2) **Probable** – examples of probable breeding include:
 - Pair seen in suitable habitat;
 - Permanent territory (defended over at least two survey visits);
 - Courtship and display;
 - Visiting potential nest site;



- Agitated behaviour; and
 - Nest building / hole excavation.
- 3) **Possible** – examples of possible breeding include:
- Observed in suitable nesting habitat; and
 - Singing male.
- 4) **Non-breeder** – examples of non-breeding behaviour include:
- Overflying;
 - Migrant;
 - Summering non-breeder; and
 - Observed in unsuitable nesting habitat.

In addition, with reference to Table 5, it should be noted that the presence of a potential territory does not indicate the total number of breeding territories / pairs, but rather the maximum number of potential breeding territories / pairs recorded during the season when surveys were completed.



Table 5: Protected/Notable Breeding Bird Species Recorded within or directly adjacent to the Site

Scientific Name	Common Name	BTO Code	No. of Potential Territories	Breeding Status	Associated Habitat	Peak Count	Status*
<i>Alauda arvensis</i>	Skylark	S.	6	Confirmed	Grassland	9	SPI; BBAP; BoCC Red
<i>Emberiza schoeniclus</i>	Reed bunting	RB	1	Possible	Standing water, swamp, scattered trees / scrub	1	SPI; BoCC Amber
<i>Falco tinnunculus</i>	Kestrel	K.	1	Probable	Grassland, woodland and scattered trees	3	BBAP; BoCC Amber
<i>Linaria cannabina</i>	Linnet	LI	3	Possible	Scattered scrub / trees and introduced shrubs	6	SPI; BoCC Red
<i>Passer domesticus</i>	House sparrow	HS	21	Confirmed	Hedgerows, buildings, grassland and arable fields	81	SPI; BoCC Red
<i>Perdix Perdix</i>	Grey partridge	P.	1	Possible	Grassland and arable fields	4	SPI; BoCC Red
<i>Phylloscopus trochilus</i>	Willow warbler	WW	1	Possible	Scrub, hedgerows and scattered trees	1	BoCC Amber
<i>Prunella modularis</i>	Dunnock	D.	10	Confirmed	Woodland, scrub, hedgerows and scattered trees	13	SPI; BoCC Amber
<i>Pyrrhula pyrrhula</i>	Bullfinch	BF	2	Possible	Scattered scrub and hedgerows	4	SPI; BoCC Amber
<i>Sterna vulgaris</i>	Starling	SG	12	Confirmed	Buildings, grassland and arable fields	196	SPI; BoCC Red
<i>Turdus viscivorus</i>	Mistle thrush	M.	1	Confirmed	Scattered scrub / trees, woodland	3	SPI; BoCC Red
<i>Vanellus vanellus</i>	Lapwing	L.	5	Probable	Grassland, arable	24	SPI; BBAP; BoCC Red
<p>*Key SPI = Species listed on Section 41 of the NERC Act. BBAP = Species listed on the Barnsley Biodiversity Action Plan. BoCC = Species listed on the Birds of Conservation Concern Red or Amber lists.</p>							



3.2.2 BoCC Green Species

The following 21 BoCC Green Listed species were recorded exhibiting breeding behaviour on and directly adjacent to the site (Table 6). These include those that are on the BoCC Green list (species that occur regularly in the UK and do not qualify for amber or red status – see Section 4.5) or not listed under the BoCC as they are introduced (denoted by a '*').

Table 6: BoCC Green listed Birds Recorded Breeding within or directly adjacent to the Site

Scientific Name	Common Name	BTO Code	No. of Potential Territories	Breeding Status	Associated Habitat
<i>Acrocephalus schoenobaenus</i>	Sedge warbler	SW	1	Possible	Scattered scrub and hedgerow
<i>Aegithalos caudatus</i>	Long-tailed tit	LT	3	Confirmed	Hedgerows, scattered scrub / trees and woodland
<i>Athene noctua</i> *	Little owl	LO	1	Confirmed (incidentally during a bat survey)	Farmland, hedgerows and woodland
<i>Carduelis carduelis</i>	Goldfinch	GO	13	Confirmed	Hedgerows, scrub and scattered trees
<i>Chloris chloris</i>	Greenfinch	GR	1	Possible	Hedgerows and scattered trees / scrub
<i>Columba livia</i>	Feral pigeon	FP	2	Probable	Buildings
<i>Columba palumbus</i>	Woodpigeon	WP	28	Confirmed	Hedgerows, scattered scrub / trees and woodland
<i>Corvus corone</i>	Carrion crow	C.	1	Confirmed	Hedgerows and scattered trees / scrub
<i>Cyanistes caeruleus</i>	Blue tit	BT	15	Confirmed	Hedgerows, scrub, scattered trees and woodland
<i>Erithacus rubecula</i>	Robin	R.	6	Confirmed	Hedgerows, scrub, scattered trees and woodland
<i>Fringilla coelebs</i>	Chaffinch	CH	6	Possible	Hedgerows and scattered scrub / trees
<i>Hirundo rustica</i>	Swallow	SL	5	Probable	Buildings, grassland, hedgerows, open water



Scientific Name	Common Name	BTO Code	No. of Potential Territories	Breeding Status	Associated Habitat
<i>Motacilla alba</i>	Pied wagtail	PW	1	Confirmed	Semi-improved and amenity grassland and buildings / hardstanding
<i>Parus major</i>	Great tit	GT	3	Confirmed	Hedgerows, scattered scrub / trees and woodland
<i>Phasianus colchicus</i>	Pheasant*	PH	1	Possible	Grassland and scattered trees / scrub
<i>Phylloscopus collybita</i>	Chiffchaff	CC	3	Probable	Hedgerows, scrub, scattered trees and woodland
<i>Pica pica</i>	Magpie	MG	7	Probable	Hedgerows, scattered scrub / trees and woodland
<i>Regulus regulus</i>	Goldcrest	GC	1	Probable	Woodland and scrub
<i>Sylvia communis</i>	Whitethroat	WH	1	Possible	Hedgerows, scattered scrub / trees and woodland
<i>Troglodytes troglodytes</i>	Wren	WR	22	Confirmed	Hedgerows, scattered scrub / trees and woodland
<i>Turdus merula</i>	Blackbird	B.	19	Confirmed	Hedgerows, scattered scrub / trees and woodland

3.2.3 Non-breeding Species

Of the 43 bird species recorded from the survey area, ten did not exhibit breeding behaviour and are shown in Table 7 below.

Table 7: Non-breeding Birds within or directly adjacent to the Site

Scientific Name	Common Name	BTO Code	Comments	Status*
<i>Apus apus</i>	Swift	SI	Overflying the site only.	BoCC Green
<i>Buteo buteo</i>	Buzzard	BZ	Overflying the site only.	BoCC Green
<i>Chroicocephalus ridibundus</i>	Black-headed gull	BH	Overflying the site only.	BoCC Amber



Scientific Name	Common Name	BTO Code	Comments	Status*
<i>Corvus frugilegus</i>	Rook	RO	A single record of three birds foraging on pasture	BoCC Green
<i>Corvus monedula</i>	Jackdaw	JD	Overflying the site only.	BoCC Green
<i>Delichon urbicum</i>	House martin	HM	Overflying the site only.	BoCC Amber
<i>Garrulus galandarius</i>	Jay	J.	An individual observed foraging on one occasion.	BoCC Green
<i>Numenius arquata</i>	Curlew	CU	Foraging.	SPI; BoCC Red
<i>Streptopelia decaocto</i>	Collared dove	CD	Non-breeder generally found on buildings.	BoCC Green
<i>Tyto alba</i>	Barn owl	BO	One individual on a single occasion observed flying between two areas of woodland in October 2020 (see below).	WCA_Sch1; BBAP; BoCC Green

* Key

- WCA_Sch1 – Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)
- SPI – Species of Principal Importance as listed on Section 41 of the Natural Environment and Rural Communities Act 2006
- BBAP – Species listed on the Barnsley Local Biodiversity Action Plan
- BoCC – Species listed as Red, Amber or Green on the Birds of Conservation Concern lists

3.2.4 Incidental Records

An incidental record of a single barn owl (foraging between the woodland and arable field, located north of Hermit Lane) was made during the October 2020 bat activity survey (WYG, 2020a; WYG, 2020b); however, no other observations of barn owls were made during any other surveys on site.

An active little owl nest was found within a decaying tree trunk within woodland in the centre of the site during a bat roost potential survey on 16th June 2020. The nest was located within a cavity accessed through a knot hole and contained chicks (the cavity was used by squirrels in 2018).



4.0 Relevant Planning Policy & Legislation

4.1 Revised National Planning Policy Framework

A revised NPPF was issued on 19th February 2019 (Ministry of Housing Communities and Local Government, 2019) and currently supplements government Circular 06/2005, *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System* (Office of the Deputy Prime Minister, 2005).

Circular 06/2005 states that the presence of protected species is a material consideration in the planning process. Paragraph 170 of the NPPF also states that:

‘Planning policies and decisions should contribute to and enhance the natural environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Paragraph 175 then goes on to confirm that:

When determining planning applications, local planning authorities should apply the following principles:

- 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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

Paragraph 180 is also relevant as;

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:...

- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

4.2 Biodiversity 2020: A strategy for England's Wildlife & Ecosystem Services

Biodiversity 2020 (DEFRA, 2011) replaces the previous UK Biodiversity Action Plan and sets national targets to be achieved. The intent of Biodiversity 2020, however, is much broader than the protection and enhancement of less common species, and is meant to embrace the wider countryside as a whole.

The priority species and habitats considered under Biodiversity 2020 are the SPI & HPI detailed under NERC Act (see Section 4.4.2 and Appendix B for further details).

4.3 Local Plan

The Barnsley Local Plan (Barnsley Metropolitan Brough Council, 2019) was formally adopted on 3rd January 2019 and sets out the key elements of Barnsley's planning framework up to the year 2033. The relevant policies from the Local Plan are detailed below:

Policy BIO1 Biodiversity and Geodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

- *Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan.*
- *Maximising biodiversity and geodiversity opportunities in and around new developments.*



- *Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.*
- *Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest.*
- *Protecting ancient and veteran trees where identified.*
- *Encouraging provision of biodiversity enhancements.*

Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Development which adversely effects a European Site will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IROPI).

Local Plan Objective 5 is also relevant and is to "achieve net gains in biodiversity". The Indicator / Target for this object is referenced as the "number of Local Wildlife Sites and Rigs sites in positive conservation management" and the Aim of this objective is "to conserve and enhance the Borough's biodiversity and geological features".

Site MU1 Land south of Barugh Green Road

The site is proposed for mixed use predominantly for housing and employment. The indicative number of dwellings proposed on this site is 1700. These are included in the housing numbers for Urban Barnsley in the housing chapter.

43 ha of employment land is proposed on the site and is included in the employment land figures in the Urban Barnsley section of the Economy chapter.

The development will be subject to the production and approval of a Masterplan Framework covering the entire site which seeks to ensure that the employment land is developed within the plan period, that community facilities come forward before completion of the housing and that development is brought forward in a comprehensive manner.

The development will be expected to:

- *Provide a primary school on the site;*
- *Ensure that ground stability and contamination investigations are undertaken prior to development commencing and necessary remedial works completed in accordance with the phasing plan;*
- *Provide on and off site highway infrastructure works, including a link road (Claycliffe Link) and improvements at Junction 37 as necessary;*
- *Provide small scale convenience retail and community facilities in compliance with Local Plan policy TC5 Small Local Shops;*
- *Retain, buffer and manage the watercourse, grassland and woodland north-east of Hermit Lane;*



- *Retain, buffer and manage the species-rich hedgerows and boundary features. Where this is not possible transplant hedgerows including root balls and associated soils. A method statement for this should be provided and agreed prior to works commencing;*
- *Create/retain wildlife corridors through/across the site;*
- *Provide accessible public open space;*
- *Ensure that any sustainable drainage system incorporating above-ground habitats is designed from the outset to serve the whole site;*
- *Give consideration to the drain/culvert that runs through the site; and*
- *Include measures for the protection and retention of the listed milepost on Barugh Green Road 500 m west of the junction with Claycliffe Road and its immediate setting; and*
- *Protect the routes of the Public Rights of Way that cross the site, and make provision for these as part of any proposal.*

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- *Information identifying the likely location and extent of the remains, and the nature of the remains;*
- *An assessment of the significance of the remains; and*
- *Consideration of how the remains would be affected by the proposed development.*

4.4 Legislation

4.4.1 Wildlife and Countryside Act 1981 (as amended)

All wild birds in the UK are protected under Section 1 of the W&CA which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy the nest (whilst being built or in use) or its eggs. Bird species listed in Schedule 1 of the W&CA receive further protection which makes it an offence to intentionally or recklessly disturb these species while building a nest or in, on or near a nest containing eggs or young, or to disturb dependent young of such a bird.

4.4.2 Natural Environment and Rural Communities Act 2006 (NERC Act)

Forty-nine bird species are listed as 'Species of Principal Importance' (SPI) for the conservation of biological diversity in England' under Section 41 of the NERC Act. These are abbreviated to SPIs in this report. Section 40 of this act places a duty (the Statutory Biodiversity Duty) on public bodies (including local planning authorities) when undertaking their duties (including the making of planning decisions) "*to take such measures as they consider expedient for the purposes of conserving biodiversity*". The conservation of species listed on Section 41 of the NERC Act, including the restoration or enhancement of a population or habitat, is therefore legally required to be considered in planning decisions. *ODPM Circular 06/2005* further clarifies that they are capable of being a material consideration for planning decisions, along with Local Biodiversity Action Plan priority species.

4.4.3 Local Biodiversity Action Plans

The Barnsley BAP (BBAP) (Barnsley Biodiversity Trust, 2009) provides Species Action Plans (SAPs) for eight bird species. These species include:



- Barn owl;
- Grey partridge;
- Kestrel;
- Lapwing;
- Little ringed plover;
- Skylark;
- Tree sparrow *Passer montanus*; and
- Twite *Linaria flavirostris*.

Although LBAP status is not a material consideration as part of the planning process, it does however help to guide future mitigation and can help inform a baseline against which the bird assemblage of the site can be valued.

4.4.4 Birds of Conservation Concern (BoCC)

The conservation status of all regularly occurring British birds has been analysed in co-operation with the leading governmental and non-governmental conservation organisations, including the RSPB, BTO and Birdlife International, and are listed within BoCC. This is regularly updated the most recent being BoCC 4 (Eaton *et al.*, 2015). The basis of species ongoing population trends are assigned to one of three lists of Conservation Concern. These are the UK Red, Amber and Green lists.

The criteria for birds are as follows:

Red List

- Globally threatened.
- Historical population decline in UK during 1800–1995.
- Severe (at least 50%) decline in UK wintering population over last 25 years, or longer-term period (the entire period used for assessments since the first BoCC review, starting in 1969).
- Severe (at least 50%) contraction of UK wintering range over last 25 years, or the longer-term period.

Amber List

- Species with unfavourable conservation status in Europe (SPEC = Species of European Conservation Concern).
- Historical population decline during 1800–1995, but recovering; population size has more than doubled over last 25 years.
- Moderate (25-49%) decline in UK wintering population over last 25 years, or the longer-term period.
- Moderate (25-49%) contraction of UK wintering range over last 25 years, or the longer-term period.
- Moderate (25-49%) decline in UK non-breeding population over last 25 years, or the longer-term period.
- Rare non-breeders; less than 900 individuals.
- Localised; at least 50% of UK breeding or non-breeding population in 10 or fewer sites, but not applied to rare breeders or non-breeders.
- Internationally important; at least 20% of European breeding or non-breeding population in UK (NW European and East Atlantic Flyway populations used for non-breeding wildfowl and waders respectively).



Green List

Species on the Green list are the least critical group. Species that occur regularly in the UK but do not qualify under and of the above criteria.

Although the lists confer no legal status in themselves, they are useful in evaluating the conservation significance of bird assemblages, and for assessing the potential significance of impacts and informing appropriate levels of mitigation with respect to bird populations.



5.0 Summary

- Birds were observed foraging, overflying and breeding on and adjacent to the site, utilising all habitats present.
- Of the 43 species recorded during the breeding bird surveys, eight BoCC Red List and seven BoCC Amber List species were recorded. Furthermore, 11 species listed as SPI under the NERC Act were recorded during the surveys.
- Within these numbers, seven BoCC Red List and five BoCC Amber List species were considered to have bred on or adjacent to the site.
- Barn owl, a W&CA Schedule 1 listed bird, was observed incidentally during the October bat transect survey but not observed during the bird surveys or any other surveys undertaken by WYG in 2020.
- The protected/notable birds with the largest number of potential breeding territories on site included dunnock, house sparrow, skylark and starling. BoCC Green species with the largest number of potential breeding territories included blackbird, blue tit, goldfinch, woodpigeon and wren. Other notable but non-breeding birds on site included barn owl, curlew, house martin and swift.

Please note: This is a factual report only with detailed discussion and any recommendations for further survey, mitigation and compensation being included within the commissioned Ecology Chapter of the Environmental Statement for the site.



6.0 References

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Please note that the legislation which is relevant to this report is not included in the list above, but details are included in Appendix B below.



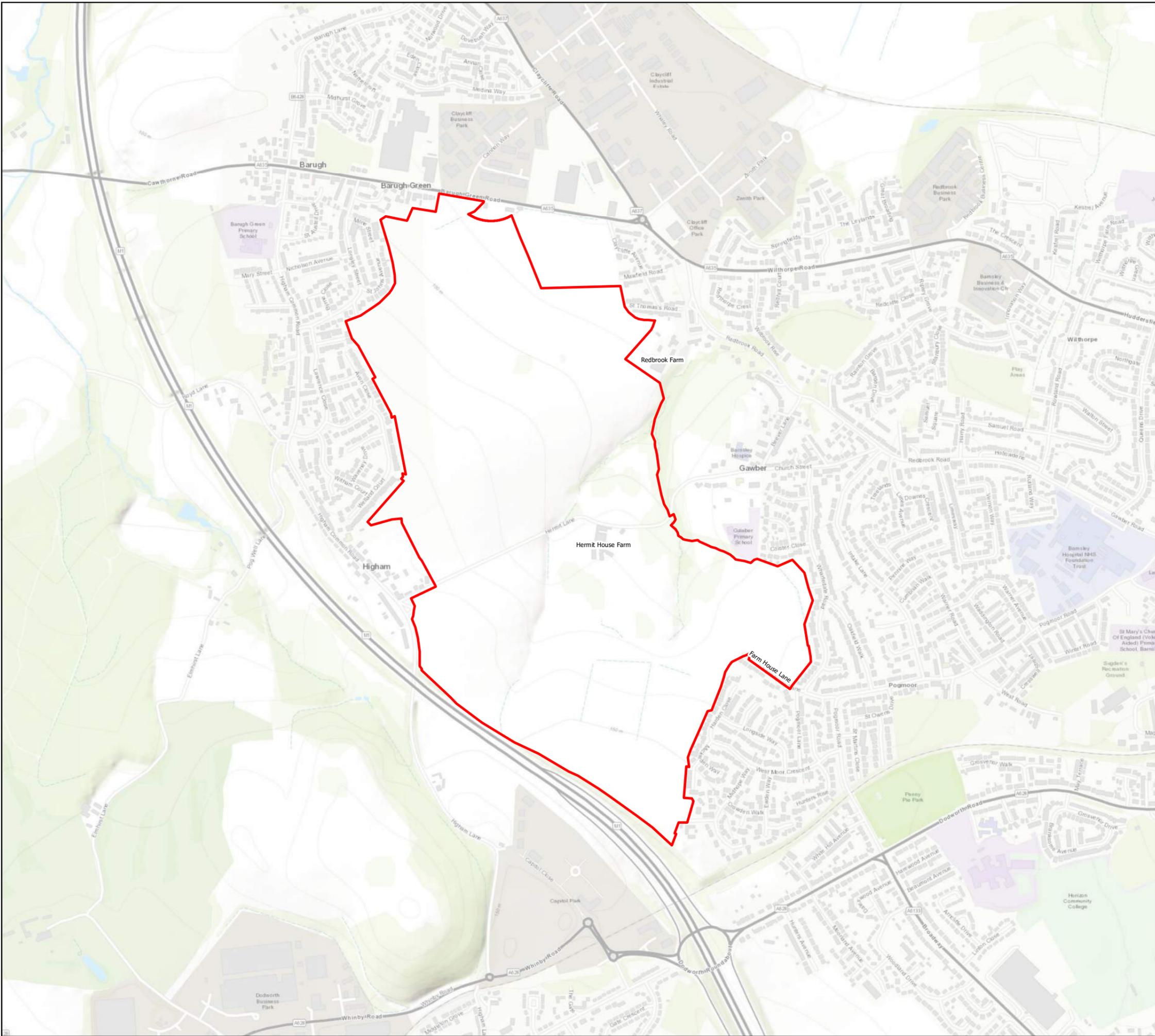
FIGURES

Figure 1 – Site Location Plan

Figure 2 – Bird Transect Route Map

Figure 3 – BoCC Red Listed Birds

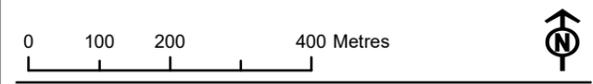
Figure 4 – BoCC Amber Listed Birds



Rev	Date	Notes
A	04/01/21	Initial map production

Legend

 Site boundary

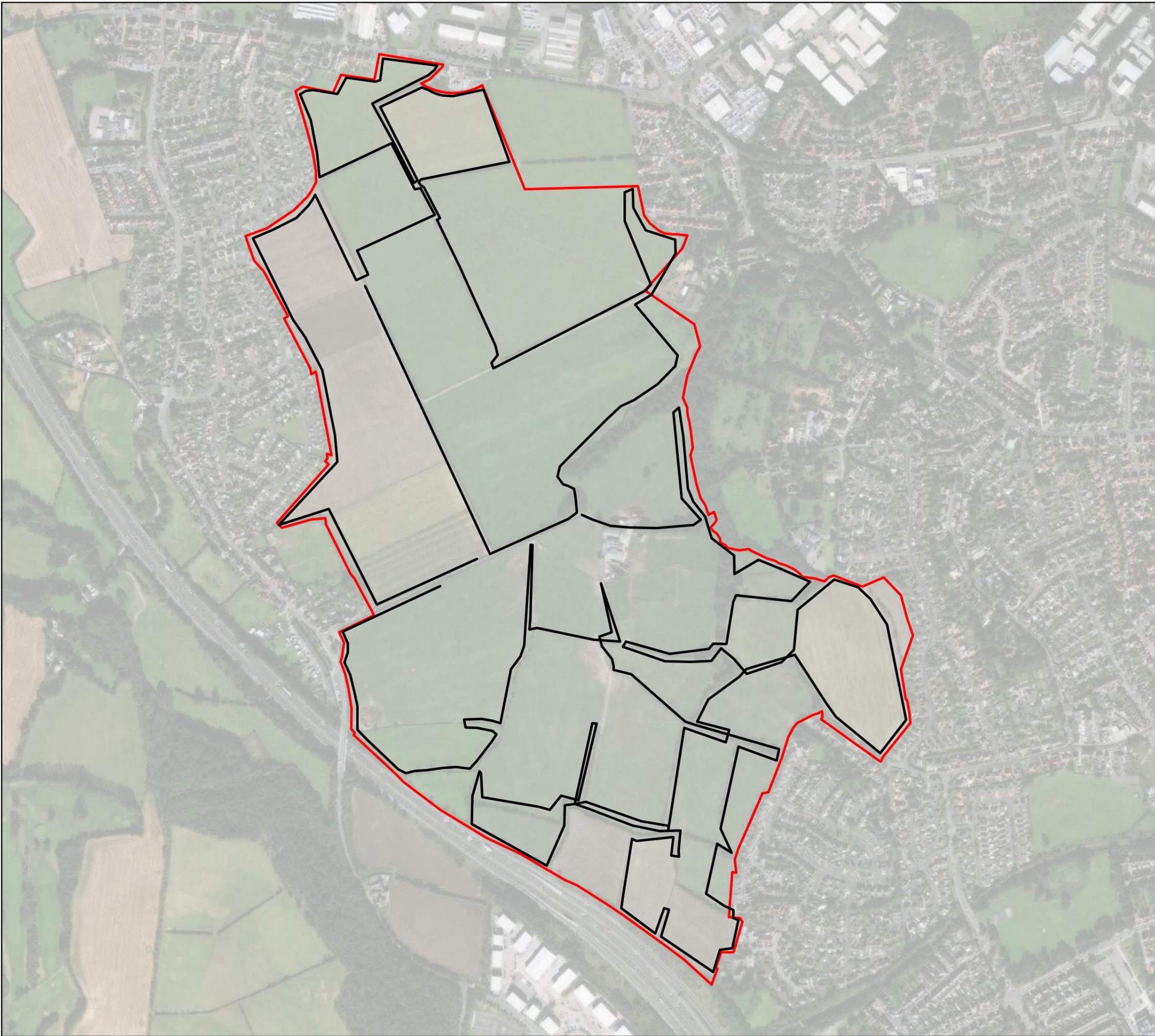


Site Location Plan

**Barnsley West
Strata Sterling Barnsley West Ltd**

Scale at A3: 1:10,000	Project No: 784-A107940-3	Drawing No: Figure 1	Revision: A
Drawn by: Ben Blowers	Drawn date: 04/01/2021	Approved by: Luke Verrall	

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Rev	Date	Notes
A	04/01/21	Initial map production

Legend

- Site boundary
- General transect route



Bird Transect Route Map

**Barnsley West
Strata Sterling Barnsley West Ltd**

Scale at A3: 1:7,000	Project No: 784-A107940-3	Drawing No: Figure 2	Revision: A
Drawn by: Ben Blowers	Drawn date: 04/01/2021	Approved by: Luke Verrall	

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Rev	Date	Notes
A	04/01/21	Initial map production

Legend

- Site boundary
- General transect route
- BoCC Amber flight line

BoCC Amber listed species

- BF - Bullfinch
- D. - Dunnock
- HM - House Martin
- K. - Kestrel
- RB - Reed Bunting

- Singing
- Calling
- juv Juvenile
- food Feeding
- nest Nesting



BoCC Amber Listed Birds

**Barnsley West
Strata Sterling Barnsley West Ltd**

Scale at A3: 1:3,750	Project No: 784-A107940-3	Drawing No: Figure 4a	Revision: A
Drawn by: Ben Blowers	Drawn date: 04/01/2021	Approved by: Luke Verrall	

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APPENDICES

Appendix A – Report Conditions

This Report has been prepared using reasonable skill and care for the sole benefit of Strata Sterling Barnsley West Ltd ("the Client") for the proposed uses stated in the report by WYG Environment Planning Transport Limited ("WYG"). WYG exclude all liability for any other uses and to any other party. The report must not be relied on or reproduced in whole or in part by any other party without the copyright holder's permission.

No liability is accepted or warranty given for; unconfirmed data, third party documents and information supplied to WYG or for the performance, reliability, standing etc of any products, services, organisations or companies referred to in this report. WYG does not purport to provide specialist legal, tax or accounting advice.

The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections'. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The "shelf life" of the Report will be determined by a number of factors including; its original purpose, the Client's instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. WYG accept no liability for issues with performance arising from such factors.



Appendix B – Key Legislation

Bern Convention

The *Convention on the Conservation of European Wildlife and Natural Habitats* (the *Bern Convention*) was adopted in Bern, Switzerland in 1979, and was ratified in 1982. Its aims are to protect wild plants and animals and their habitats listed in Appendices 1 and 2 of the Convention, and regulate the exploitation of species listed in Appendix 3. The regulation imposes legal obligations on participating countries to protect over 500 plant species and more than 1000 animals.

To meet its obligations imposed by the Convention, the European Community adopted the *EC Birds Directive* (1979) and the *EC Habitats Directive* (1992 – see below). Since the Lisbon Treaty, in force since 1st December 2009, European legislation has been adopted by the European Union.

Bonn Convention

The Convention on the Conservation of Migratory Species of Wild Animals or 'Bonn Convention' was adopted in Bonn, Germany in 1979 and came into force in 1985. Participating states agree to work together to preserve migratory species and their habitats by providing strict protection to species listed in Appendix I of the Convention. It also establishes agreements for the conservation and management of migratory species listed in Appendix II.

In the UK, the requirements of the convention are implemented via the Wildlife & Countryside Act 1981 (as amended), Wildlife (Northern Ireland) Order 1985 (as amended), Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and the Countryside and Rights of Way Act 2000 (CRoW).

Habitats Directive

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, or the 'Habitats Directive', is a European Union directive adopted in 1992 in response to the Bern Convention. Its aims are to protect approximately 220 habitats and 1,000 species listed in its several Annexes.

In the UK, the Habitats Directive is transposed into national law via the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales, and via the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) in Northern Ireland.

Birds Directive

The EC Directive on the Conservation of Wild Birds (79/409/EEC) or 'Birds Directive' was introduced to achieve favourable conservation status of all wild bird species across their distribution range. In this context, the most important provision is the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex 1 of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.



Conservation of Habitats and Species Regulations 2017 (as amended)

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by the European Commission, are then designated as Special Protection Areas (SPAs) within six years. Public bodies must also help preserve, maintain and re-establish habitats for wild birds.

The 2018 amendments mainly related to the impact of the *People Over Wind* decision and some implications arising for neighbourhood plan development and a range of other planning tools including Local Development Orders and Permission in Principle – see here for full details:

<https://www.legislation.gov.uk/ukxi/2018/1307/note/made>

The Regulations make it an offence to deliberately capture, kill, disturb or trade in the animals listed in Schedule 2, or pick, uproot, destroy, or trade in the plants listed in Schedule 5 - see below:

Wildlife & Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. This legislation is the chief means by which the 'Bern Convention' and the Birds Directive are implemented in the UK. Since it was first introduced, the Act has been amended several times.

The Act makes it an offence to (with exception to species listed in Schedule 2) intentionally:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use; or
- take or destroy an egg of any wild bird.

Or to intentionally do the following to a wild bird listed in Schedule 1:

- disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird.

In addition, the Act makes it an offence (subject to exceptions) to:

- intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5;
- interfere with places used for shelter or protection, or intentionally disturbing animals occupying such places; and
- The Act also prohibits certain methods of killing, injuring, or taking wild animals.

Finally, the Act also makes it an offence (subject to exceptions) to:

- intentionally pick, uproot or destroy any wild plant listed in Schedule 8, or any seed or spore attached to any such wild plant;
- unless an authorised person, intentionally uproot any wild plant not included in Schedule 8; or
- sell, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Following all amendments to the Act, Schedule 5 'Animals which are Protected' contains a total of 154 species of animal, including several mammals, reptiles, amphibians, fish and invertebrates. Schedule 8 'Plants which are Protected' of the Act, contains 185 species, including higher plants, bryophytes and fungi and lichens. A comprehensive and up-to-date list of these species can be obtained from the JNCC website.

Part 14 of the Act makes unlawful to plant or otherwise cause to grow in the wild any plant which is listed in Part II of Schedule 9.



It is recommended that plant material of these species is disposed of as bio-hazardous waste, and these plants should not be used in planting schemes.

Schedule 1 - Birds which are protected by special penalties

Avocet	<i>Recurvirostra avosetta</i>	Osprey	<i>Pandion haliaetus</i>
Bee-eater	<i>Merops apiaster</i>	Owl, Barn	<i>Tyto alba</i>
Bittern	<i>Botaurus stellaris</i>	Owl, Snowy	<i>Nyctea scandiaca</i>
Bittern, Little	<i>Ixobrychus minutus</i>	Peregrine	<i>Falco peregrinus</i>
Bluethroat	<i>Luscinia svecica</i>	Petrel, Leach's	<i>Oceanodroma leucorhoa</i>
Brambling	<i>Fringilla montifringilla</i>	Phalarope, Red-necked	<i>Phalaropus lobatus</i>
Bunting, Cirl	<i>Emberiza cirlus</i>	Plover, Kentish	<i>Charadrius alexandrinus</i>
Bunting, Lapland	<i>Calcarius lapponicus</i>	Plover, Little Ringed	<i>Charadrius dubius</i>
Bunting, Snow	<i>Plectrophenax nivalis</i>	Quail, Common	<i>Coturnix coturnix</i>
Buzzard, Honey	<i>Pernis apivorus</i>	Redstart, Black	<i>Phoenicurus ochruros</i>
Capercaillie	<i>Tetrao urogallus</i>	Redwing	<i>Turdus iliacus</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>	Rosefinch, Scarlet	<i>Carpodacus erythrinus</i>
Corncrake	<i>Crex crex</i>	Ruff	<i>Philomachus pugnax</i>
Crake, Spotted	<i>Porzana porzana</i>	Sandpiper, Green	<i>Tringa ochropus</i>
Crossbills (all species)	<i>Loxia</i>	Sandpiper, Purple	<i>Calidris maritima</i>
Curlew, Stone	<i>Burhinus oediconemus</i>	Sandpiper, Wood	<i>Tringa glareola</i>
Divers (all species)	<i>Gavia</i>	Scaup	<i>Aythya marila</i>
Dotterel	<i>Charadrius morinellus</i>	Scoter, Common	<i>Melanitta nigra</i>
Duck, Long-tailed	<i>Clangula hyemalis</i>	Scoter, Velvet	<i>Melanitta fusca</i>
Eagle, Golden	<i>Aquila chrysaetos</i>	Serim	<i>Serinus serinus</i>
Eagle, White-tailed	<i>Haliaetus albicilla</i>	Shorelark	<i>Eremophila alpestris</i>
Falcon, Gyr	<i>Falco rusticolus</i>	Shrike, Red-backed	<i>Lanius collurio</i>
Fieldfare	<i>Turdus pilaris</i>	Spoonbill	<i>Platalea leucorodia</i>
Firecrest	<i>Regulus ignicapillus</i>	Stilt, Black-winged	<i>Himantopus himantopus</i>
Garganey	<i>Anas querquedula</i>	Stint, Temminck's	<i>Calidris temminckii</i>
Godwit, Black-tailed	<i>Limosa limosa</i>	Swan, Bewick's	<i>Cygnus bewickii</i>
Goshawk	<i>Accipiter gentilis</i>	Swan, Whooper	<i>Cygnus cygnus</i>
Grebe, Black-necked	<i>Podiceps nigricollis</i>	Tern, Black	<i>Chlidonias niger</i>
Grebe, Slavonian	<i>Podiceps auritus</i>	Tern, Little	<i>Sterna albifrons</i>
Greenshank	<i>Tringa nebularia</i>	Tern, Roseate	<i>Sterna dougallii</i>
Gull, Little	<i>Larus minutus</i>	Tit, Bearded	<i>Panurus biarmicus</i>
Gull, Mediterranean	<i>Larus melanocephalus</i>	Tit, Crested	<i>Parus cristatus</i>
Harriers (all species)	<i>Circus</i>	Tree-creeper, Short-toed	<i>Certhia brachydactyla</i>
Heron, Purple	<i>Ardea purpurea</i>	Warbler, Cetti's	<i>Cettia cetti</i>
Hobby	<i>Falco subbuteo</i>	Warbler, Dartford	<i>Sylvia undata</i>
Hoopoe	<i>Upupa epops</i>	Warbler, Marsh	<i>Acrocephalus palustris</i>
Kingfisher	<i>Alcedo atthis</i>	Warbler, Savi's	<i>Locustella luscinioides</i>
Kite, Red	<i>Milvus milvus</i>	Whimbrel	<i>Numenius phaeopus</i>
Merlin	<i>Falco columbarius</i>	Woodlark	<i>Lullula arborea</i>
Oriole, Golden	<i>Oriolus oriolus</i>	Wryneck	<i>Jynx torquilla</i>



Natural Environment and Rural Communities Act 2006

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of Habitats and Species which are of Principal Importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions. The S41 list includes 65 Habitats of Principal Importance and 1,150 Species of Principal Importance.

Birds of Conservation Concern

This is a review of the status of all birds occurring regularly in the United Kingdom. It is regularly updated and is prepared by leading bird conservation organisations, including the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB).

The latest report was produced in 2015 (Eaton *et al*, 2015) and identified 67 red list species, 96 amber species, and 81 green species. The criteria are complex, but generally:

- **Red list** species are those that have shown a decline of the breeding population, non-breeding population or breeding range of more than 50% in the last 25 years.
- **Amber list** species are those that have shown a decline of the breeding population, non-breeding population or breeding range of between 25% and 50% in the last 25 years. Species that have a UK breeding population of less than 300 or a non-breeding population of less than 900 individuals are also included, together with those whose 50% of the population is localised in 10 sites or fewer and those whose 20% of the European population is found in the UK.
- **Green list** species are all regularly occurring species that do not qualify under any of the red or amber criteria are green listed

Local Biodiversity Action Plan (LBAP)

Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Some LBAP's may also include Habitat Action Plans (HAP) and/or Species Action Plans (SAP), which are used to guide and inform the local decision making process.



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