United Environmental Services Ltd
1 Booths Park,
Chelford Road,
Knutsford,
Cheshire
WA16 8QZ

www.ues.org.uk
[redacted]

PRELIMINARY ECOLOGICAL APPRAISAL

At

Hollin Royd Farm
Lane Head Road
Cawthorne
Barnsley
S75 4AJ

NGR: SE 26538 07299

Prepared for:	Elliot Pemberton, Five Seventy-Three Ltd
Written by:	Heather Tewnion, UES Field Ecologist
Approved by:	Kathryn James, UES Senior Project Manager
	[redacted]
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EXECUTIVE SUMMARY

United Environmental Services Ltd (UES) was commissioned by Five Seventy Three Ltd to carry out a baseline ecological survey of Hollin Royd Farm, Cawthorne. A desk study and preliminary ecological appraisal (PEA) survey were undertaken on 13th August 2024, including searches using the Multi Agency Geographic Information Centre (MAGIC).

The PEA provides an assessment of potential ecological impacts associated with the development of the land parcel. The proposed development includes demolition of the existing dry stone wall storage shed, followed by the construction of a new agricultural barn.

The proposed development site has an area of approximately 0.11ha comprising a stone lean-to agricultural building, access road and modified grassland. A line of trees is also present to the south of the development area. The wider ownership boundary is largely dominated by a modified grassland field, with buildings, hardstanding and a traditional orchard in the western corner.

The results of the survey combined with the results of the desk study have highlighted the requirement for further work in relation to the following habitats and species:

- **Amphibians** – reasonable avoidance measures (RAMs) to be implemented during the construction phase of the development.

- **Badgers** – RAMs to be implemented during the construction phase of the development.

- **Bats in trees** – no trees are currently proposed to be removed. If this changes, and any of the trees onsite will be affected by the proposed development, including arboricultural works, a ground level tree assessment (GLTA) will need to be undertaken to assess the potential of the trees onsite to support roosting bats. If any trees due to be impacted are found to have potential to support roosting bats, further surveys may be required from May to August inclusive.

  Any external lighting installed as part of the development should be designed to be wildlife friendly and avoid overspill onto the retained tree lines and hedgerows.

- **Breeding birds** – site clearance, arboricultural works and vegetation clearance are to take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If this is not possible and works need to take place during this period, a targeted nest survey is to be undertaken immediately prior to the works by a suitably qualified ecologist or an ecological clerk of works appointed to oversee the works.

- **Hedgehogs** – RAMs to be implemented during the construction phase of the development.

- **Trees** – generic issues relating to root protection areas (RPAs).

Mitigation measures, as detailed in section 4, should be adhered to, which may in some cases negate the need for further survey work.

The development also presents an opportunity to improve the habitats on site for wildlife, such as bats and birds. The inclusion of bat and bird boxes will provide suitable nesting and roosting features in the long term.

This report should be read with appendices 1 to 5, which include results of the desk study, GIS UKHab mapping, photographs of site and relevant statutory guidance.

1 INTRODUCTION

1.1 Author, surveyors, qualifications and scope of study area

This report is written by Heather Tewnion BSc, UES Field Ecologist. Heather holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies her as competent to undertake UKHab surveys. Other surveyors include:

- Daniel Smith BSc MScRes, UES Ecologist. Daniel also holds a level 3 FISC. Daniel is licensed by Natural England to disturb, take and handle great crested newts (GCN) *Triturus cristatus* and all species of bats under licence numbers 2021-53390-CLS-CLS (level 1) and 2024-12117-CL18-BAT (level 2).

- Bethany Dineley BSc, UES Graduate Ecologist

The report provides an assessment of the potential ecological impacts associated with the proposed development at Hollin Royd Farm, Cawthorne.

The zone of influence considered within the scope of the survey includes all land within the red line boundary. Land within the ownership boundary has also been included as part of this report. Where relevant, other ecological resources, receptors and important habitats which are spatially separate from the site are considered.

1.2 Survey objectives

UES was commissioned to conduct a PEA of the proposed development site. This was completed in order to:

- Establish baseline conditions and determine the importance of ecological features present or potentially present within the survey area

- Identify key ecological constraints to the project

- Make recommendations for design options to avoid significant effects on important ecological resources at an early stage of development planning

- Identify potential requirement for further surveys for nationally or internationally protected species which may be present on site

- Identify potential requirement for mitigation or compensation, including measures that may be required based on further surveys

1.3 Proposed development

The proposed development includes the demolition of the existing dry stone wall storage shed, followed by the construction of a new agricultural barn.

1.4 Structure of the report

This report is a baseline appraisal that forms the basis for further ecological surveys and environmental impact assessments (EIA) if required. In the majority of cases the preliminary ecological assessment will not provide all the ecological data required by the Local Planning Authority to determine an application, especially in the event that protected habitat or species issues are present or likely.

This report should be read with appendices 1 to 5, which include results of the desk study, GIS UKHab mapping, photographs of site and relevant statutory guidance.

2 METHODOLOGY

This PEA comprises a desk study and a field survey. The desk study is conducted in order to collate ecological information on species and / or habitats of interest that may be present. The field survey is conducted in order to assess the habitats and their importance, both on site and in the context of their wider surroundings.

2.1 Desk study

The following resources were used to inform the desk study:

- National – Using the UK government's MAGIC website, statutorily protected sites were scoped to a distance of 10km from the application site.
- Local – UES has not been commissioned to undertake an ecological record search at this stage.

2.2 Field survey

An ecological walkover survey was carried out on 13th August 2024 by Daniel Smith and Bethany Dineley. The purpose of the survey was to identify, record and map dominant habitat types within the development area and highlight any further species surveys that may be required based on the quality of those habitats. When conducting the surveys particular focus was concentrated on the following species and habitat features:

- Amphibians
- Reptiles
- Badger
- Bats
- Hazel dormouse
- Hedgehog
- Otter
- Water vole
- White-clawed crayfish
- Birds
- Trees
- Hedgerows
- Plant communities
- Invasive species

The habitats were assessed by using the UKHab survey technique, which is a system for environmental audit widely used within the environmental consultancy field. The survey was undertaken in accordance with the methodology in the UK Habitat Classification Version 2.0 (UKHab Ltd, 2023) as recommended by Natural England, and in the "Guidelines for Preliminary Ecological Appraisal" (CIEEM, 2017).

The survey area encompasses all of the land within the development footprint and the land to a distance of 30m outside it where accessible. In line with recognised guidelines, ponds were also scoped to a distance of 500m (250m radius from the survey area).

The UKHab survey methodology was extended to record any signs of habitats suitable to support protected / invasive species and any incidental observations of other noteworthy species.

2.3 Survey limitations

The survey was undertaken at a time when plants are readily identifiable and as such there were no limitations associated with the survey.

3 RESULTS

3.1 Desk study

A desk study was conducted for the proposed development site and surrounding area. Statutorily protected sites were scoped to a distance of 10km. Further results of the desk study can be found at Appendix 1 – Desk study.

There are no statutorily protected sites within 2km of the proposed development site.

There are fourteen statutorily protected sites (designated for ecological reasons) within 2 – 10km of site

- Denby Grange Colliery Ponds SSSI[1] SAC[2]
- Seckar Wood SSSI, LNR[3]
- Pye Flatts Meadows SSSI
- Dearne Valley Wetlands SSSI
- Dearne Valley Park LNR
- Worsborough County Park LNR
- Wharncliffe Crags SSSI
- Wharncliffe Heath LNR
- Little Don Stream Section SSSI
- Spring Meadows, Alderman's Head & Cow Croft Meadows SSSI
- Bretton County Park LNR
- Newmillerdam LNR
- Notton Wood LNR
- Peak District Moors SPA[4] SAC

3.2 Baseline conditions – Habitats

The results of the PEA are also shown on the accompanying map at Appendix 2 – UKHab plan. Habitats are colour-coded in accordance with the UKHab standard.

The local area predominantly consists of residential dwellings and arable fields. The following principle habitat types were characterised on site:

- g4 Modified grassland
- h2a5 Species-rich native hedgerow
- u1b Developed land sealed surface
- u1b5 Buildings
- u1e Built linear features
- 32 Scattered trees
- 33 Line of trees

3.2.1 g4 Modified grassland

The majority of the land within the ownership boundary is modified grassland, consisting mainly of perennial rye grass *Lolium perenne,* with a small number of other species present within the sward. This grassland also includes the boundary of the proposed development.

Secondary codes: 27

A small area of traditional orchard is present in the west of the ownership boundary, which contains apple trees *Malus sp.*

[1] Site of Special Scientific Interest
[2] Special Areas of Conservation
[3] Local Nature Reserve
[4] Special Protection Area

3.2.2 h2a5 Species-rich native hedgerow

Secondary codes: 11

Hedgerow 1 lies along the eastern boundary of the ownership boundary and contains the following woody species, pedunculate oak *Quercus robur,* hawthorn *Crataegus monogyna*, hazel *Corylus avellana, Rosa* sp. and *Prunus* sp, with pedunculate and sessile oak *Quercus petraea* trees present within the hedgerow.

Hedgerow 2 lies along the northern boundary of the ownership boundary. The hedge contains *Prunus* sp., elder *Sambucus nigra*, hazel, *Rosa* sp., hawthorn, holly *Ilex aquifolium,* sessile oak, field maple *Acer campestre* and ash *Fraxinus excelsior*, with pedunculate oak trees present within the hedgerow.

3.2.3 u1b Developed land sealed surface

Access roads are present around the buildings and through the southern end of the proposed development boundary.

3.2.4 u1b5 Buildings

There are six buildings on site, including residential properties, barns and a small stone lean-to storage shed, the latter of which is proposed to be demolished as part of the proposed development.

3.2.5 u1e Built linear features

A dry-stone wall runs from the northern ownership boundary and through the centre of the proposed development boundary. The dry-stone wall forms one of the walls of the stone lean-to building.

3.2.6 32 Scattered trees

There are scattered trees within the modified grassland, within both the ownership and development boundaries, Species present include pedunculate oak, sessile oak, sycamore and ash.

3.2.7 33 Line of trees

A line of trees is present along the southern boundary of the ownership and development areas, the section of the line of trees which is in the development boundary currently follows the access track into site. Species present include holly, ash, oak, field maple, elder and hazel.

3.3 Baseline conditions – Protected species or resources

As part of the PEA, specific observations of wildlife were also recorded. Wildlife observations focused on protected species, invasive species or species of conservation concern. Habitats with potential to support protected species were noted with a view to follow up surveys if required.

3.3.1 Amphibians

The site is primarily modified grassland, which has limited potential to support foraging and commuting amphibians. The hedgerows, trees and open storage areas, including the stone lean-to which is due to be demolished, offer some sheltering and commuting opportunities for amphibians. However, there are no mapped ponds within 250m of the proposed development site, and the majority of the terrestrial habitats within the development footprint are broadly unsuitable for GCNs: hardstanding, buildings and an intensely managed community garden. Therefore, it is considered unlikely that GCN will be present onsite.

3.3.2 Reptiles

The site is primarily modified grassland, which has limited potential to support foraging and commuting reptiles. The hedgerows, trees and open storage areas, including the stone lean-to which is due to be demolished, offer some sheltering and commuting opportunities for reptiles. However, the majority of the terrestrial habitats within the development footprint are broadly unsuitable for reptiles: hardstanding, buildings and an intensely managed community garden. Therefore, it is considered unlikely that reptiles will be present onsite.

3.3.3 Badgers

The modified grassland, hedgerows and lines of trees may provide commuting, foraging and sett building opportunities for badgers *Meles meles*. However, no evidence of badger activity, including setts, snuffle holes, footprints, hairs or latrines, was identified onsite during the walkover survey. Therefore, it is considered unlikely that badgers will be present onsite.

3.3.4 Bats

The dry-stone lean-to storage area was inspected as part of a bat presence / absence survey undertaken by UES (see report UES04605/03). Numerous gaps within the dry-stone walls were identified as being suitable for roosting bats, however these were inspected with an endoscope and no evidence of bats was found. No bats were found to be roosting within the building on site during the presence / absence survey. Therefore, no further survey or mitigation work is required for the development to proceed, with regards to bats.

A ground level tree assessment was not undertaken during the walkover survey, but trees located within the grassland, hedgerows and line of trees may contain potential roosting features (PRFs) for bats. The tree lines and hedgerows on site also have potential to support foraging and commuting bats, connecting with trees and woodland present within the wider area.

3.3.5 Hazel dormice

The habitats on site are relatively unsuitable for dormice *Muscardinus avellanarius*. There are two hedgerows onsite which contain hazel, which is a key species for dormouse; however, there are no supporting habitats present such as coppice woodland or scrub. In addition, dormice have a limited distribution nationally and are not known to be present within the local area.

It is considered unlikely that dormice will be present within the ownership boundary, and there are no habitats suitable for use by dormice present within the development boundary.

3.3.6 Hedgehogs

Although the majority of the proposed development site comprises managed modified grassland, the hedgerows surrounding the ownership boundary may provide suitable foraging and commuting opportunities for hedgehogs *Erinaceus europaeus*. The open storage areas may also provide sheltering opportunities.

3.3.7 Otter, water vole and white-clawed crayfish

As no record search was undertaken, it is not possible to comment on whether otter *Lutra lutra*, water vole *Arvicola amphibius* or white-clawed crayfish *Austropotamobius pallipes* are in the area as Daking Brook lies 167m to the north of the ownership boundary. However, there are no connecting ditches and the habitats present on site are limited to managed grassland, hedgerows, scattered trees and residential buildings, none of which are suitable for the species in question. Additionally, the proposed development lies adjacent to a road which would reduce the likelihood of the site being suitable for commuting purposes. Therefore, it is considered unlikely that otter, water vole and white-clawed crayfish are present on site.

3.3.8 Birds

The hedgerows and trees onsite may provide nesting and foraging opportunities for a variety of common bird species. In addition, the stone lean-to which is due to be demolished has potential to support breeding birds.

3.3.9 Trees

Trees on site may be protected by a Tree Preservation Order (TPO), for which a check has not been undertaken.

3.3.10 Hedgerows

The hedgerows within the wider ownership boundary may qualify as important under the Hedgerow Regulations, for which a check has not been undertaken. However, there are no hedgerows located within the proposed development site.

3.3.11 Plant communities

No plant communities or individual species were recorded on site which are afforded statutory protection in their own right.

3.3.12 Invasive species

No non-native invasive species were identified onsite during the walkover survey.

4 EVALUATION AND RECOMMENDATIONS

This section provides a brief assessment of the likely impacts associated with the proposed development on the receptors identified during the walkover survey and desk study. It also includes any mitigation and compensation measures which may be required for the proposed development to proceed.

4.1 Habitats

4.1.1 Designated sites

The sites identified during the desk study were cross-referenced with the survey area relevant to this report. The closest statutorily protected site is Pye Flatts Meadow SSSI which is located approximately 2.1km to the south of the proposed development site.

Given the distance from site and the scale of development, it is considered unlikely that the proposed development will have any direct or indirect impact on this or any other local designated sites.

The proposed development site does not directly connect to any habitats of high value, being surrounded by agricultural fields. Additionally, given the small scale of the development limited to works associated with constructing a new barn, it is considered unlikely that the development will have an impact on any non-statutory designated sites if present locally.

4.1.2 Trees

There are a number of trees located within the development boundary.

<u>Construction impacts</u>

Site clearance and setting out may involve the direct loss of trees onsite as an ecological resource or may result in damage to any trees which are to be retained. Construction activities too close to the RPAs of retained trees could cause permanent damage.

Mitigation

Trees, in particular those forming a linear feature across the site, should be retained where possible. RPAs should be established and implemented around the trees which are to be retained. Where necessary, these areas should be adequately protected by appropriately designed protective barriers and ground protection throughout the entire development process.

Compensation

No trees are currently proposed to be removed. If this changes, and any trees are to be removed, they should be replaced accordingly as part of a detailed landscaping scheme, with only native species to be planted.

<u>Operational impacts</u>

No operational impacts are envisaged.

4.2 Species

4.2.1 Bats

Trees located within the proposed development site may contain features that are suitable for roosting bats.

Construction impacts

If bats are roosting within the trees during site clearance, they are at risk of direct harm and disturbance and the roosts will be lost permanently. Inappropriate landscaping could also result in the severing of commuting corridors used by bats as well as the loss of foraging habitats.

Mitigation

No trees are currently proposed to be removed. If this changes, and any of the trees onsite will be affected by the proposed development, a ground level tree assessment will need to be undertaken to assess the potential of the trees onsite to support roosting bats. If any trees due to be impacted are found to have potential to support roosting bats, further surveys may be required from May to August inclusive.

Any external lighting installed as part of the development should be designed to be wildlife friendly and avoid overspill onto the retained tree lines and hedgerows.

Enhancement

The proposed development includes tree and wildflower grassland planting. The provision of wildflower grassland will provide immediate benefits for wildlife in the form of foraging, breeding and sheltering opportunities. In the longer term, the grassland will also be colonised naturally by additional native plant species. The newly planted and retained trees on site will also provide foraging and commuting opportunities for bats, and once fully mature may develop fissures and crevices which can be used by roosting bats.

The provision of bat boxes as part of the development proposals would not only increase the roosting opportunities for bats on site but would also increase the ecological value of the site. Bat boxes that could be installed on trees or buildings on site include:

- Schwegler 1FF box
- Schwegler 2F box

Bat boxes affixed to trees should be fitted at a height of between 5 and 6m on a southerly aspect. The bat boxes affixed to, or installed into the external walls of buildings should be installed just below the eaves / roof height. No detailed lighting proposals are as yet available to UES; however, care must be taken when installing any new lighting to ensure that light spillage onto the bat boxes is minimised. This may require the use of cowling or relocation of the bat box or lighting. It should be noted that once bat inhabits a bat box, they may only be disturbed by a licensed bat worker.

Operational impacts

No operational impacts are envisaged.

4.2.2 Birds

There are a number of trees located within the development boundary, which have the potential to support breeding birds. No trees are currently proposed to be removed; however, arboricultural works may be required to facilitate the development. In addition, the stone lean-to which is due to be demolished has potential to support breeding birds.

Construction impacts

Demolition, arboricultural works and vegetation removal could result in the direct loss of nests, any individuals within the nests and of available nesting territories if conducted during the breeding season.

Mitigation

Site clearance, arboricultural works and vegetation removal (including enabling works) are to take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If this is not possible and works need to take place between this period, a targeted breeding bird nest scoping survey should be conducted by a suitably qualified ecologist immediately prior to the works, or an ecological clerk of works appointed to oversee the works.

Compensation and enhancement

The proposed development includes tree and wildflower grassland planting. The provision of wildflower grassland will provide immediate benefits for wildlife in the form of foraging, breeding and sheltering opportunities. In the longer term, the grassland will also be colonised naturally by additional native plant species. The newly planted and retained trees on site will provide nesting habitat for birds and will provide a food source for birds in the form of fruit and invertebrates attracted to the trees.

Compensation for the potential loss of nesting habitat and the enhancing of the nesting habitat on site can also be provided through the provision of bird nest boxes. Bird boxes that could be installed on site include:

- Vivara Pro woodstone swift nest box - sited close to the eaves, on the northern or eastern aspect of the building, whilst ensuring unobstructed access for birds entering and leaving by having a clear distance (drop) below the box of preferably 5m or more. It will be attached to the surface of an external wall (or within render or an external insulation layer) with the use of a fixing bracket.
- Schwegler 1B bird nest box (26mm and 32mm entrance holes) – affixed to semi-mature / mature trees at a minimum height of 5m. Unless there are trees which shade the box during the day, the boxes should be oriented between north and east, thus avoiding strong sunlight and the wettest winds.

Operational impacts

Inappropriate management of the habitats on site could degrade them and render them unsuitable for wildlife.

Mitigation

It is important to implement good horticultural practice in any landscaping scheme, including the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug pellets) should be discouraged to prevent fatal effects on the food chain. Any pesticides used should be non-residual.

Excessive removal or pruning of trees and hedgerows should be avoided to maximise the growth and plant matter available to wildlife. Pruning should be left until late winter to leave seeds and berries for wintering wildlife and to ensure no impact on breeding and nesting birds.

4.2.3 Other protected species

No evidence of amphibians, badgers or hedgehogs was observed on site during the walkover survey. The development area has limited potential to support these species; however, there is potential that they could be using the wider ownership boundary.

Construction impacts

Site clearance, vegetation removal and construction activities without mitigation could result in direct harm, injury and / or death to individuals.

Mitigation

The following RAMs should be implemented on site during the construction phase of the development:

- No trenches or excavations will be left open overnight. They will be backfilled or covered with board, or alternatively fitted with a means of escape for any animal which may become trapped within, such as a plank or slope leading out of the bottom of the excavation at an angle of 45°. All excavations left open overnight will be checked for trapped wildlife in the morning.

- Any potential refugia on site or created as part of the works should be removed by hand or checked for sheltering amphibians and hedgehogs prior to their removal by mechanical means or burning. Potential refugia can include piles of leaf litter, log piles and brash piles.

- Any pipes will be stored with caps on to prevent entry by wildlife, and materials such as barbed wire will be stored so that animals cannot become entangled in them.

- Any chemicals or harmful materials will be stored so that they cannot be accessed by wildlife.

- Excavations will be checked immediately before they are backfilled to ensure that no animals have become trapped.

Operational impacts

No operational impacts are envisaged.

5 CONCLUSION

The proposed development site has an area of approximately 0.11ha comprising a stone lean-to agricultural building, access road and modified grassland. A line of trees is also present to the south of the development area. The wider ownership boundary is largely dominated by a modified grassland field, with buildings, hardstanding and a traditional orchard in the western corner.

The preliminary ecological appraisal has highlighted potential issues with the following ecological receptors on or adjacent to site: amphibians, badgers, bats, birds, hedgehogs and trees. Provided these issues are addressed in accordance with the recommendations detailed in this report, the development may proceed without adversely impacting the aforementioned ecological receptors.

The development also presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of bat and bird boxes on site will provide improved roosting and nesting opportunities into the long-term future of the site.

6 REFERENCES

CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal* (Second Edition).

DEFRA (2025). *MAGIC* [online]. Available at: http://magic.defra.gov.uk/.

Ministry of Housing, Communities & Local Government (2024). *National Planning Policy Framework.*

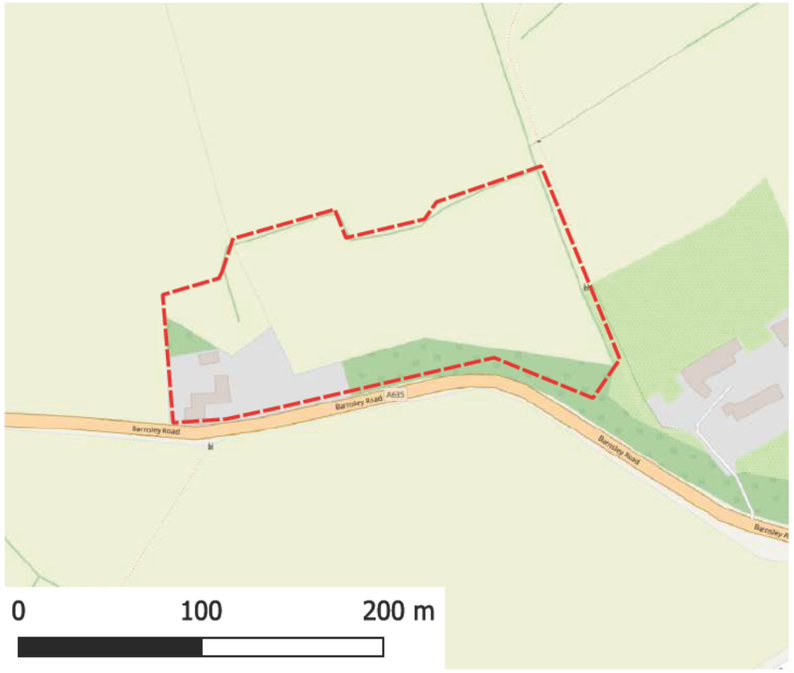
UKHab Ltd (2023). *UK Habitat Classification Version 2.0.* Available at: *https://www.ukhab.org.uk*).

APPENDICES

Appendix 1 – Desk study

Statutorily Designated Sites

Site: Hollin Royd Farm, Cawthrone
NGR: SE 26538 07299
Author: Heather Tewnion
Date: 24/03/2025



- Local Nature Reserve
- National Nature Reserve
- Ramsar Site
- Site of Special Scientific Interest
- Special Area of Conservation
- Special Protection Area
- Development boundary
- 10km buffer

THIS PLAN IS BASED UPON OpenStreetMap® AND IS OPEN DATA, LICENSED UNDER THE OPEN DATA COMMONS OPEN DATABASE LICENCE (ODbl) BY THE OpenStreetMap FOUNDATION.

CONTAINS PUBLIC SECTOR INFORMATION LICENSED UNDER THE OPEN GOVERNMENT LICENCE V3.0

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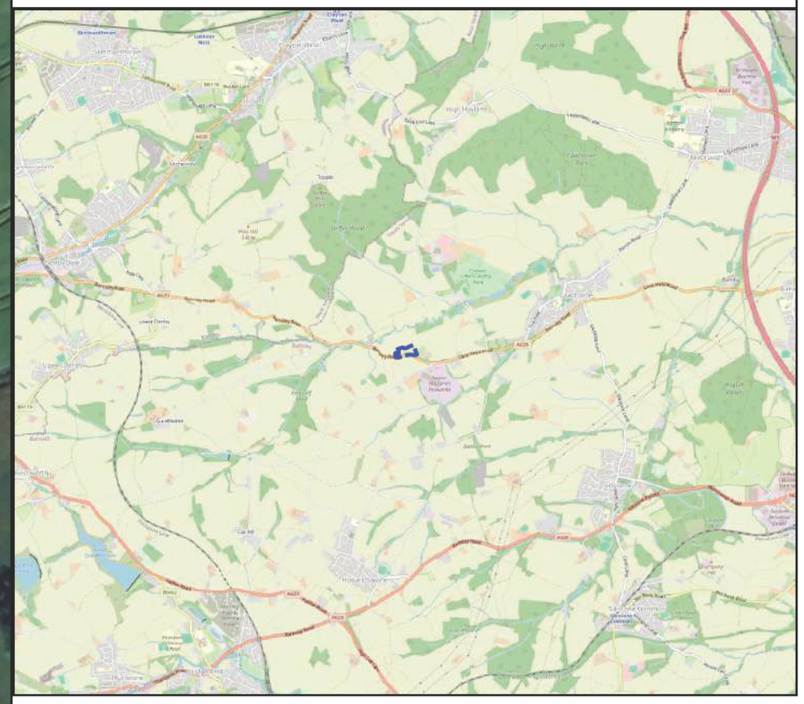
Appendix 2 – UKHab plan

UK Habitat Classification Plan

Site: Hollin Royd Farm
NGR: SE 26538 07299
Author: Bethany Dineley
Date: 08/10/24



- Site ownership boundary
- Development boundary
- g4 - modified grassland
- h2a5 - species-rich native hedgerow
- u1b - developed land. sealed surface
- u1b5 - buildings
- u1e - built linear features
- 32 - scattered trees
- 33 - line of trees

MAP DATA FROM ©2024 GOOGLE, IMAGERY FROM ©2024 GOOGLE

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Appendix 3 – Aerial photographs

Hollin Royd Farm, Cawthorne
Close aerial photograph
Development boundary
Map data © 2024 Google, Imagery © 2024 Google

Hollin Royd Farm, Cawthorne
Close aerial photograph
Ownership boundary
Development boundary
Map data © 2024 Google, Imagery © 2024 Google

Hollin Royd Farm, Cawthorne
Wide aerial photograph
Site location
Map data © 2024 Google, Imagery © 2024 Google

Appendix 4 – Photographs

Photograph 1 – Looking south between the lean-to and barn.

Photograph 2 – Looking east across the agricultural field to the east of site

Photograph 3 – Example hardstanding throughout site

Photograph 4 – Orchard located to the northwest of site.

Photograph 5 – Agricultural field to the east of site.

Photograph 6 – Line of trees along the southern site boundary.

Appendix 5 – Planning and statutory context

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of legislative protection in relation to the following species and habitats:

Amphibians
Great crested newts
Other amphibians
Reptiles
Badgers
Hazel dormouse
Bats
Birds
Trees
Hedgerows
Invasive plant species
Otters
Water voles
White-clawed crayfish
Planning policy

Amphibians

Great crested newts

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Amendment (EU exit) Regulations 2019. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 41 of the NERC Act (see bats section for further details).

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural England team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by Natural England is required for the legal implementation of a mitigation scheme.

A Natural England mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation

works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Natterjack toad, common toad and pool frog are also listed under Section 41 of the NERC Act (see bats section for further details).

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

Reptiles

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure any of the species listed above
- Sell, offer, advertise or transport for sale a live or dead animal of the species listed above

If a proposed development is likely to have an impact on these reptiles the local statutory nature conservation organisation must be consulted.

Sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* receive full protection under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017. Read together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture any sand lizards or smooth snakes
- Deliberately, intentionally or recklessly disturb sand lizards or smooth snakes in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of such an animal
- Damage or destroy breeding sites or resting places of such animals
- Intentionally or recklessly disturb sheltering sand lizards or smooth snakes, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead sand lizards or smooth snakes, any part of such an animal or anything derived from such an animal

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

All reptile species are also listed under Section 41 of the NERC Act (see bats section for further details).

Badgers

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

Hazel dormouse

Hazel dormice *Muscardinus avellanarius* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture dormice
- Deliberately, intentionally or recklessly disturb dormice in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of dormice
- Intentionally or recklessly disturb sheltering dormice, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead dormouse, any part of a dormouse or anything derived from a dormouse

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Dormice are also listed under Section 41 of the NERC Act (see bats section for further details).

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (known as the “Habitats Regulations”). The Wildlife and Countryside Act is the domestic implementation of

the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat
- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] … uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by Natural England.

A Natural England mitigation licence application requires a Mitigation Method Statement and, in many cases, a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

The Natural Environment and Rural Communities (NERC) Act 2006 lists the following bat species as species of principle importance under Section 41:

- Barbastelle *Barbastella barbastellus*
- Bechstein's bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Soprano Pipistrelle *Pipistrellus pygmaeus*
- Brown Long-eared bat *Plecotus auritus*
- Greater Horseshoe *Rhinolophus ferrumequinum*
- Lesser Horseshoe *Rhinolophus hipposideros*

Section 40 requires every public body in the exercising of its functions 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' (all biodiversity and not just section 41 species and habitats); therefore making these bats a material consideration in the planning process and requiring a detailed ecological bat survey before planning permission can be granted.

Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The NERC Act offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status' of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the

most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

Trees

Trees may be protected on an individual or group level through a Tree Preservation Order (TPO). In order to carry out works to trees with a TPO, prior written consent must be obtained from the Local Planning Authority. Trees may also be protected through a condition of planning consent or designated conservation areas.

Hedgerows

The Hedgerow Regulations are made under Section 97 of the Environment Act 1995 and came into operation on 1st of June 1997. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification to the Local Planning Authority.

A hedgerow can only be considered for classification as “important” if it, or the hedgerow of which the section belongs to is over 20m in length (or which meets a hedgerow at either end) and has existed for 30 years or more.

Invasive plant species

A number of invasive, non-native plant species are listed under Schedule 9 (Part II) of the Wildlife and Countryside Act 1981 (as amended). The most commonly encountered listed species in ecological surveys are Japanese knotweed *Fallopia japonica*, Montbretia *Crocosmia x crocosmiiflora* and variegated yellow archangel *Lamiastrum galeobdolon subsp. argentatum*. Section 14(2) of this Act makes it an offence to *plant or otherwise cause to grow in the wild* any plant listed on Schedule 9 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

A number of invasive, non-native plants species are listed under Schedule 2 (Part II) of the Invasive Alien Species (Enforcement and Permitting) Order 2019. The most commonly encountered listed species in ecological surveys are Himalayan balsam *Impatiens glandulifera* and giant hogweed *Heracleum mantegazzianum*. Section 3 of this Act make it an offence to *plant* or *otherwise causes to grow in the wild* any plant which is listed on Schedule 2 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

Soil or plant material contaminated with non-native and invasive plants can cause ecological damage and may be classified as controlled waste. It is an offence to keep, treat or dispose of waste that could harm the environment or human health. If there is any doubt, contact the local authority or Environment Agency.

Otters

European otter *Lutra lutra* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture otters
- Deliberately, intentionally or recklessly disturb otters in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of otters

- Intentionally or recklessly disturb sheltering otters, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead otter, any part of an otter or anything derived from otter

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Otters are also listed under Section 41 of the NERC Act (see bats section for further details).

Water voles

Water voles *Arvicola amphibius* are protected by the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take water vole
- Possess or control live or dead water vole or any part of a water vole
- Intentionally or recklessly damage destroy or obstruct access to any structure or place which a water vole uses for shelter or protection, or disturb water vole using such a place
- Sell, offer, advertise or transport live or dead water voles for sale

Licences are available from Natural England to allow activities that would otherwise be an offence, including:

- Scientific or educational purposes
- For the purposes of ringing or marking
- Conserving wild animals or introducing them into particular areas
- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to any form of property or to fisheries

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Water voles are also listed under Section 41 of the NERC Act (see bats section for further details).

White-clawed crayfish

White-clawed crayfish *Austropotomobius pallipes* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure white-clawed crayfish
- Sell, offer, advertise or transport for sale a live or dead white-clawed crayfish

If a proposed development is likely to have an impact on white-clawed crayfish then the local statutory nature conservation organisation must be consulted.

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Their inclusion on the EC Habitats Directive allows areas to be designated as Special Areas of Conservation (SAC) for the presence of white-clawed crayfish. Such a designation brings legal protection under the Conservation of Habitats Regulations 2017, this includes how the site is managed and what development can occur on and in proximity to these sites.

White-clawed crayfish are also listed under Section 41 of the NERC Act (see bats section for further details).

Planning policy

The National Planning Policy Framework 2024 (NPPF) provides guidance on the interpretation of the law in relation to the natural environment and development.

National Planning Guidance is issued in the form of the National Planning Policy Framework 2024 (NPPF). The most relevant section is 15: Conserving and enhancing the natural environment.

Key relevant principles stated in 15: Conserving and enhancing the natural environment are;

187. Planning policies and decisions should contribute to and enhance the natural and local 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 and incorporating features which support priority or threatened species such as swifts, bats, and hedgehogs;
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.

192. 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[68]; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation[69]; 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

193. 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[70] 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.