

**Derek A Whitcher Ltd.
Wildlife Consultants.**



**WAKEFIELD ROAD, MAPPLEWELL,
BARNSELY.**

PROTECTED FAUNA SURVEY.

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1. INTRODUCTION.

1.1. There are plans to develop an area of land off Wakefield Road, Mapplewell, Barnsley. The site is a former factory containing most of the old factory buildings.

1.2. Derek A Whitcher Ltd has been commissioned to carry out a protected fauna survey of the site.

1.3. This survey was carried out on 2nd July 2008 and this report outlines the findings *of that survey and makes appropriate recommendations.*

1.4. Appendices I to III of this report provide additional information on specific species and are designed to assist the reader to understand the contents of this report.

2. SURVEY METHODOLOGY.

The survey area was thoroughly searched for evidence of badger (*Meles meles*) activity by looking for the following signs:-

- * Badger setts.
- * Badger latrines or dung pits.
- * Badger snuffle holes and evidence of foraging.
- * Badger paths.
- * Badger prints in areas of soft mud.
- * Badger hairs caught on fencing.

All watercourses within the survey area were thoroughly searched for evidence of water vole (*Arvicola terrestris*) activity by looking for the following signs:-

- * Water vole burrows.
- * Water vole faeces and latrines.
- * Water vole feeding stations.
- * Water vole runs.
- * Water vole prints in areas of soft mud.
- * Water vole lawns.
- * Predator field signs.

All watercourses within the survey area were thoroughly searched for evidence of otter (*Lutra lutra*) activity by looking for the following signs:-

- * Otter prints in soft mud.
- * Otter spraints.
- * Otter Holts.

All mature trees and derelict buildings were checked for potential bat roosting sites by looking for the following signs:-

- * Holes, cracks or crevices.
- * Bat Droppings.

The survey area was searched for the presence of great crested newt (*Triturus cristatus*) breeding ponds within 500m of the site.

3. SURVEY RESULTS.

3.1. Data Search Results.

3.1.1. The National Biodiversity Network Gateway website was consulted for records of protected species within the survey area and there are no records in this area.

3.1.2. The MAGIC website was consulted for records of protected sites within the survey area and there are no records in this area.

3.2. Site Description.

3.2.1. The site is a redundant rubber factory with buildings covering half the site and areas of scrub and grassland covering the rest of the site.

3.3. Buildings Survey.

3.3.1. Building A.

3.3.1.1. Building A is the main office building and main factory floor. The western side of the building is a long flat roofed building that is the offices. Attached to the eastern side of the offices is the main factory floor with a number of various pitched corrugated roofs with large corrugated skylights over the factory floor. The whole building is constructed of brick.

3.3.1.2. The flat roof at the front of the building is in good condition with no gaps or holes.

3.3.1.3. The various pitched corrugated roofs over the main factory floor are in poor condition with holes in the roof due to missing and broken corrugated sheets.

3.3.1.4. The brickwork of the building is generally in good condition with no cracks and only a few gaps in the walls where it appears pipes have been removed. There are areas at the rear of the building where it appears walls have been demolished leaving large openings into the factory.

3.3.1.5. Photograph showing the front of Building A.



3.3.1.6. Photograph showing the rear of building A.



3.3.2. *Building B.*

3.3.2.1. This is a single storey building constructed of brick with a flat corrugated sheet roof. It appears that a section of this building has been demolished leaving a pile of bricks adjacent. There are no cracks in the walls but there are some gaps where part of the front wall has fallen down.

3.3.2.2. Photograph showing building B.



3.3.3. *Building C.*

3.3.3.1. This is a small brick building with a flat corrugated roof located to the north of the main building A. The roof of the building is in good condition but there are cracks in the walls and missing bricks and an open door on the front.

3.3.3.2. Photograph showing building C.



3.3.4. Building D.

3.3.4.1. This is a small brick building with a flat corrugated roof located to the north of the main building A. The roof of the building is in good condition but there are cracks in the walls and missing bricks and an open door on the front.

3.3.4.2. Photograph showing building D.



3.4. General Site Survey.

3.4.1. To the west of the site, the front of the factory, there is an area of unimproved grassland with a line of large mature conifer trees between the site and the road.

3.4.2. To the north and east of the site there is a large area of unimproved grassland which is covered with rough grass, scrub, saplings and occasional semi-mature trees including oak, willow and hawthorn, mainly towards the north of the site.

3.4.3. Along the eastern boundary of the site there is a line of semi-mature oak trees growing with arable fields to the east.

3.4.4. In the area of unimproved grassland to the east of building A there is an area of Common Spotted Orchids growing.

3.4.5. To the north of the buildings in the area of unimproved grassland there are a number of areas of standing water in a series of three small ponds which appears to be an old ditch that is partly filled in. The banks of the small ponds are covered with rough grass and sedges and tadpoles were identified in all three ponds.

3.4.6. No badger setts or badger field signs were identified within the survey area.

3.4.7. There are no watercourses on the site and the three small ponds are not suitable habitat for water voles, otters or crayfish.

3.4.8. There are three small ponds on the site but there are no other ponds within 500m of the survey area. Tadpoles were identified in the ponds but they are unlikely to contain great crested newts as they require more ponds in a territory than there are available on the site.

3.4.9. Buildings A and B on the site has very low potential for roosting bats and buildings C and D have no potential for roosting bats. No bat field signs were identified anywhere on the site during the survey.

3.4.10. No Japanese Knotweed or other invasive or non native species of plant were identified within the survey area.

3.4.11. The vegetation on the site and the buildings provide opportunities for nesting birds.

3.5. Site Plan.



4. EVALUATION OF FINDINGS.

4.1. In the area of unimproved grassland to the east of building A there is an area of Common Spotted Orchids growing.

4.2. To the north of the buildings in the area of unimproved grassland there are a number of areas of standing water in a series of three small ponds which appears to be an old ditch that is partly filled in. There are no other ponds identified within 500m of the survey area.

4.3. Buildings A and B on the site has very low potential for roosting bats and buildings C and D have no potential for roosting bats. No bat field signs were identified on the site.

4.4. The vegetation on the site and the buildings provide opportunities for nesting birds.

5. RECOMMENDATIONS.

5.1. There are Common Spotted Orchids growing. Most types of orchid are protected by law but there appears to be no legal protection of this type of orchid so there is no issue.

5.2. To the north of the buildings in the area of unimproved grassland there are a number of areas of standing water in a series of three small ponds which appears to be an old ditch that is partly filled in.

5.3. It is unlikely that these ponds will be great crested newt breeding ponds as there are no other ponds identified within 500m of the survey area.

5.4. There is no need to carry out great crested newt surveys on the site but it is recommended that all personnel on the site are briefed on the identification of great crested newts and if a newt is identified during any work on the site then work should stop and professional advice sought.

5.5. Buildings A and B on the site has very low potential for roosting bats and buildings C and D have no potential for roosting bats and no bat field signs were identified within the survey area.

5.6. As there is very low potential for roosting bats there is no need to apply for a Natural England bat licence.

5.7. It is recommended that care is taken when demolishing the buildings as individual bats may roost almost anywhere on occasional nights. In the unlikely event that a bat is identified work in the area must stop and the bat left safe and professional advice sought.

5.8. The vegetation on the site and the buildings provide opportunities for nesting birds. It is recommended that work and any vegetation clearance is carried out outside the nesting bird season which extends from March to September each year. If any work is to be carried out during the nesting bird season a nesting bird survey should be carried out immediately prior to work or disturbance on the site. If a live bird's nest is identified during the survey it must be left undisturbed until the young birds have fledged.

Jenny Whitcher.

Bat Survey Licence Number :- 20072444

Great Crested Newt Survey Licence Number:- 20082145

11.07.2008.

Appendix I. BAT INFORMATION.

It is necessary to understand a little about bats, their basic nature, ecology and legal protection in order to evaluate the findings of this report.

Over 15 species of bat have been recorded in Britain. These fall into two families, the horseshoe bats and the 'ordinary bats'. They are extremely difficult to identify in the hand and even more so in flight.

All appear to be diminishing in numbers, probably due to shortage of food, caused by pesticides, as insects are their sole diet, and habitat change.

As their diet consists solely of insects, bats hibernate during the winter when their food source is at its most scarce. They will spend the winter in hollow trees, caves, mines and the roofs of buildings.

Certain species, particularly the pipistrelle (the commonest and most widespread British bat) can quickly adapt to man made structures and will readily use these to roost and to rear their young.

Bats are protected under the Wildlife and Countryside Act 1981, The Habitats Regulations 1994 and the Countryside & Rights of Way Act 2000.

It is an offence to intentionally or recklessly kill, injure or capture or disturb bats or to damage, destroy or obstruct access to any place used by bats for shelter or protection.

A breeding or resting site of any bat is known as a bat roost. A bat roost is therefore any structure a bat uses for shelter or protection. Because bats tend to use the same roosts each year, legal opinion is that the roost site is protected whether or not the bats are present at that time.

Bat roosts can be identified by looking for:-

- Suitable holes, cracks and crevices.
- Bat droppings.
- Prey remains.
- By carrying out night observations using a bat detector.

Where development proposals are likely to affect a bat roost site, a licence is required from Natural England.

The person applying for that licence has to be suitably qualified and experienced in bat matters. That person is then responsible for ensuring that the measures contained in the licence are carried out.

Appendix II.

BACKGROUND GREAT CRESTED NEWT INFORMATION.

The great crested newt population has suffered a major decline in Britain over the last century. Numerous ponds have been lost, unmanaged ponds have become silted up and over-shaded, development has destroyed ponds and associated terrestrial habitat and caused fragmentation of populations. The loss of grassland, scrub and woodland has resulted in fewer opportunities for foraging, dispersal and hibernation.

The UK Biodiversity Plan (BAP) contains a great crested newt Species Action Plan (SAP) aimed at maintaining its existing range and population status, as well as increasing the number of populations through re-colonisation.

The great crested newt is listed on Schedule 5 of the Wildlife and Countryside Act 1981, recently modified by the Countryside and Rights of Way Act 2000. The great crested newt is therefore subject to the provisions of Schedule 9, which make it an offence to:

- Intentionally kill, injure or take a great crested newt.
- Possess or control any live or dead specimen or anything derived from a great crested newt.
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt.
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place, which it uses for that purpose.

The great crested newt is also listed on Annex II and Annex IV of The Conservation (Natural Habitats &c) Regulations 1994. Regulation 39 makes it an offence to:

- Deliberately capture or kill a great crested newt
- Deliberately disturb a great crested newt.
- Deliberately take or destroy the eggs of a great crested newt.
- Damage or destroy a breeding site or resting place of a great crested newt.

The legislation applies to all life stages of great crested newts.

The maximum fine on conviction of offences under Section 9 and Regulation 39 currently stands at £5,000. The CroW Act 2000 amendment also allows for a custodial sentence of up to six months instead of, or in addition to, a fine. In addition, items, which may constitute evidence of the commission of an offence, may be seized and detained.

In order to understand the potential effects of development it is essential to understand a little of the great crested newt ecology.

Great crested newts breed in ponds and other water bodies. They can begin to migrate to their breeding ponds as early as the first frost-free days in late January with the majority reaching their breeding ponds by mid March. Timing will be influenced by a number of factors, mainly evening temperatures above 5C and recent rain.

The peak egg-laying period is from mid-March to mid-May. The newts will lay their eggs individually, mainly on the leaves of submerged plants. The larva hatch after three weeks and then take another 2-3 months to complete larval development. Adult newts generally leave their breeding ponds from late May onwards.

Once the larvae have completed metamorphosis (the transition from aquatic larvae to land-adapted juveniles, called efts), they emerge from the pond. This emergence begins in late August and generally continues until late October. It takes 2-4 years to reach sexual maturity, during which time the newts will be land based.

Adults and immature newts spend the winter in places that afford protection from frost and flooding. This will generally be underground amongst tree roots, in mammal burrows, or under suitable refuges above ground like deadwood or rubble piles. Hibernation may last from October to February.

Whilst on land, outside the hibernation period, great crested newts will forage at night, taking a wide range of invertebrate prey.

From the above, it can be seen that great crested newts spend the majority of their time on land and only visit the ponds for breeding purposes. As a result, surveys need to be timed very carefully. Terrestrial surveys are very inaccurate and the only time that surveys can be truly thorough is in the narrow window of opportunity between March and September.

Great crested newts will travel large distances between ponds and terrestrial refuges. It is recommended that anywhere within 500m of a pond should be treated as potential great crested newt habitat and should be surveyed and evaluated.

An experienced surveyor must carry out the surveys and must be in possession of an appropriate Natural England great crested newt survey licence.

It is essential that great crested newt surveys are planned well in advance of any development and ideally before Planning Consent is sought. Surveys can only be carried out at the appropriate time of year and repeat surveys are essential. The guidelines suggest that between four and six surveys need to be carried out, three of these between mid-March and mid-June.

If great crested newts are to be effected by any development, a thorough assessment of the population is essential followed by the design of a comprehensive mitigation package. Only when this has been done can a licence application be submitted to Natural England for approval. It takes 30 working days for a licence application to be determined and the period of time that mitigation measures take can be measured in months. It is therefore essential to plan well in advance of development commencing.

Appendix III. NESTING BIRD INFORMATION.

It is necessary to understand a little about the legal protection offered to nesting birds in order to evaluate the findings of this report.

Part 1.-(1) Of the Wildlife and Countryside Act 1981 states that:-

If any person intentionally:-

- (a) kills, injures or takes any wild bird;
 - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
 - (c) takes or destroys an egg of any wild bird,
- he shall be guilty of an offence.

Part 1.-(5) of the Act states that:-

If any person intentionally:-

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on, or near a nest containing eggs or young; or
- (b) disturbs young of such a bird,

he shall be guilty of an offence and liable to a special penalty.

The Countryside and Rights of Way Act 2000 amends the above by inserting after "intentionally" the words "or recklessly".

The nesting season will vary according to the weather each year but generally commences in March, peaks during May and June and continues until September.

It is also worth remembering that some birds nest in trees and scrub but others are ground nesting.

The best way to avoid this issue is to plan for vegetation clearance to be carried out outside the bird-nesting season.