



Harworth Group

Houghton Main Colliery

Ecological Appraisal

June 2022

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1.0 EXECUTIVE SUMMARY

- 1.1 The following report has been prepared by FPCR Environment & Design Ltd. on behalf of The Harworth Group and provides an ecological appraisal of a site at Little Houghton, South Yorkshire. It also includes details for the following further surveys: great crested newts, bats and reptiles. Details of further survey for breeding birds are provided in a separate report.
- 1.2 The site extends to 14 acres (5.6ha) and is located to the north of Little Houghton and approximately 5.5km east of the centre of Barnsley. It comprises a single compartment of land, part of the former Houghton Main Colliery, with a mosaic of habitats largely comprising established broadleaved woodland, scrub and grassland, with a drainage ditch also extant. Site proposals are for a series of distribution warehouses, with associated internal roads and parking with access from the west off the A6195. A mix of retained and new habitats will form a green infrastructure around the Site boundaries. The Site is allocated as ES23 in the Barnsley Local Plan.
- 1.3 The Site supports no designation for nature conservation itself, although it lies within the Dearne Valley Green Heart Nature Improvement Area, a landscape scale strategic designation extending across the wider area. The nearest designation is the provisional Site of Special Scientific Interest (pSSSI) Dearne Valley Wetlands, with a number of individual units within the 2km search area. All these units are designated for the presence of willow tit and also for their general breeding bird assemblage. Whilst not connected to any of these units, the Site supports habitat which could be used by such species. Sections of this are also designated as Edderthorpe Ings Local Wildlife Site (LWS).
- 1.4 Habitats at the Site predominantly comprise a mosaic of generally species poor grassland and young woodland habitats, with some scattered scrub and a damp ditch, none of which are individually of particular interest or value, although provide better value as a whole for a range of species in the local area. A number of mature trees exist on the site, as individuals and lines of trees, which are to be retained.
- 1.5 The Site supports suitable habitat for a range of local and notable birds. Bird surveys were undertaken in May and June 2021, details of which are provided in a separate report. The Site holds some suitability badgers, although no evidence was recorded, they were present in the wider area. Foraging and commuting habitat for bats occurs, with further survey comprising static detector deployment along suitable habitats in spring and summer 2021, with autumn's survey yet to be completed. Transects were not completed due to the relatively small extent of habitats along which a transect would be effective. Currently low numbers of the more common bat species have been recorded, dominated by common pipistrelle. Habitat suitability for reptiles was noted, notably across the grassland and along the transitional habitats with woodland. The strategic reptile survey was undertaken between June and August in suitable conditions, during which no reptiles were recorded. The ditch was not considered suitable for riparian species, being without permanent water and overgrown and no further survey was undertaken. No breeding habitat for great crested newts or amphibians generally occurs on site, although it provides potential terrestrial habitat. Five ponds are extent within 500m, with two having good connectivity to the Site. eDNA surveys undertaken in June did not conclusively rule out the presence of GCN in the closest pond to the Site, although recorded no eDNA in three other ponds, partially connected to the Site. One of the ponds could not be accessed for the purposes of eDNA at the time. There are existing desk study records of GCN in three ponds from 2017, including the pond which was not accessed to the north

and two ponds which were eDNA negative in 2021. GCN mitigation will be implemented via the South Yorkshire District Level Licencing Scheme through Natural England.

- 1.6 Proposals will lead to the loss of the grassland and much of the woodland, although the retention of boundary habitats means that the site will continue to provide connectivity and contribute to ecological corridors in the area. With appropriate mitigation, effects on the above species recorded at the site are considered to be minimal (although full assessment for bats is yet to be completed). Effects on birds are discussed elsewhere. Small scale biodiversity enhancements in the form of more diverse grassland and scrub planting, bat and bird boxes will be undertaken. Given the extent of loss of semi-natural habitat, off-site compensation will be required in order for a biodiversity net gain to be provided under the DEFRA 3.0 metric.

2.0 INTRODUCTION

- 2.1 The following report has been prepared by FPCR Environment & Design Ltd. on behalf of The Harworth Group and provides an ecological appraisal of a site at Little Houghton, South Yorkshire. This report provides the details of the findings of an extended Phase 1 Habitat Survey, with initial observations of any suitable habitats for, or evidence of, protected species, as well as results of further surveys for great crested newts, bats and reptiles. Details of further survey for breeding birds are provided in a separate report¹, which should be read in conjunction with this report.
- 2.2 This report has been written following guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM). The scope and objectives of this report are to:
- Present the findings of the extended phase 1 habitat survey and preliminary protected species assessment
 - Identify the likely ecological constraints associated with the proposed development
 - Identify any habitat retention, mitigation and/or compensation measures likely to be required
 - Identify any additional surveys that may be required to further inform the development process
 - Identify the opportunities available within the proposals to deliver ecological enhancement

Site Location and Context

- 2.3 The site extends to 14 acres (5.6ha) and is located to the north of Little Houghton and approximately 5.5km east of the centre of Barnsley. It comprises a single compartment of land, part of the former Houghton Main Colliery, with a mosaic of habitats largely comprising established broadleaved woodland, scrub and grassland, with a drainage ditch also extant.
- 2.4 To the immediate west, the boundary is formed by the A6195, Park Spring Road, beyond which lies largely farmed habitats through which the River Dearne flows. Immediately to the east, is further woodland, with farmland and a golf course beyond this, also with wooded areas. Woodlands also extends to the south and north, where the built habitats associated with existing distribution warehouses are also present. An informal pathway bisects the Site north-south and a lane forms the southern boundary.

Site Proposals

- 2.5 The Site is proposed for employment development comprising five units, with associated parking and access infrastructure, with a mix of retained and created habitats surrounding the built areas. The main access will be formed along the western boundary off the A6195, with allowance for an altered bus turning head in the south and re-routed public path to this through habitats to the east from the north.

¹ Breeding Bird Survey Report: Houghton Main Colliery; FPCR; August 2021

3.0 METHODOLOGY

Desk Study

- 3.1 In order to compile existing baseline information, relevant ecological information was requested from both statutory and non-statutory nature conservation organisations including:
- Multi Agency Geographic Information for the Countryside (Magic) website
 - Barnsley Biological Records Centre (BBRC)
- 3.2 Further inspection of colour 1:25000 OS base maps (www.ordnancesurvey.co.uk) and aerial photographs from Google Earth (www.maps.google.co.uk) was also undertaken in order to provide additional context and identify any features of potential importance for nature conservation in the wider countryside.
- 3.3 The search area for biodiversity information was related to the significance of sites and species and potential zones of influence, as follows:
- 5km around the Site for sites of International Importance (e.g. Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites).
 - 2km around the Site for sites of National or Regional Importance (e.g. Sites of Special Scientific Interest (SSSIs))
 - 1km around the Site for sites of County Importance (e.g. Sites of Importance for Nature Conservation (SINC)/Local Wildlife Sites (LWS); Local Nature Reserves (LNR) and species records (e.g.: protected, UK BAP or notable species).

Extended Phase 1 Habitat Survey

- 3.4 The site was surveyed during the recommended season on May 15th 2021 by a suitably experienced Principal Ecologist, Ian Hunter MCIEEM, who holds a Level 5 (Field Identification Skills Certificate (FISC) from the Botanical Society of Britain and Ireland (BSBI) for botanical survey.
- 3.5 Survey methods followed the extended Phase 1 Survey (JNCC, 2010) technique as recommended by Natural England². This involved a systematic walk over of the site to classify the broad habitat types and identify any Habitats of Principal Importance (HPI) for the conservation of biodiversity as listed within Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006.
- 3.6 Where feasible, target notes and species lists were compiled for individual areas and assessments of abundance were made using the DAFOR scale. Whilst the species lists collected should not be regarded as exhaustive, sufficient information was gained during the survey to enable classification and assessment of broad habitat types and identify features likely to be of interest. Additionally, grassland areas were subject to 1m x 1m quadrat sampling to more fully inform the assessments.

² JNCC (2010). *Handbook for Phase 1 habitat survey – a technique for environmental audit*. Peterborough: JNCC

Condition assessments

- 3.7 DEFRA has developed a metric based on evaluating each individual habitat's value. In order to provide compatibility when completing the Biodiversity Impact Assessment, on-site habitats were also defined under UK Habitat Classification with relevant information gathered on condition as set out by the technical documentation for the Biodiversity metric. This information is detailed within the associated Biodiversity Impact Assessment calculations and report³.

Preliminary Protected Species Assessment

- 3.8 During the initial extended Phase 1 Habitat survey, observations, identification and signs of any species protected under the following list of Acts and Regulations (collectively referred to herein as 'Protected Species') were recorded:
- Schedule 1 of the Wildlife and Countryside Act 1981 (as amended);
 - The Protection of Badgers Act 1992;
 - The Conservation of Habitats and Species Regulations 2017
- 3.9 Consideration was also given to the existence and use of the site by other fauna listed as one or more of the following (collectively referred to herein as 'Notable Species'):
- Species of Principal Importance (SPI) for the conservation of biodiversity in England on the Natural Environment and Rural Communities (NERC) Act, Section 41 (S41)
 - Species listed on any Local Biodiversity Action Plan (LBAP) initiatives
 - Red Data Book (RDB) species.
- 3.10 Following the initial walkover a number of targeted surveys were commissioned. Details of the breeding bird surveys undertaken are provided in a separate report. Details of other surveys undertaken are included within this report.

Reptiles

Habitat Suitability

- 3.11 An assessment of reptile habitat suitability was undertaken as part of the Extended Phase 1 habitat survey of the site in June 2021. This confirmed that suitable reptile habitat was present within the site and that these areas could be affected by development.

Reptile Presence/Absence Survey

- 3.12 A strategic reptile presence/absence survey was undertaken at specific locations offering potential habitat within the application site boundary. The survey was undertaken based on methodology detailed in the *Herpetofauna Workers Manual* (Gent and Gibson, 1998)⁴ and the *Froglife Advice Sheet 10 - Reptile Survey* (Froglife 1999)⁵. Methods involved a search for basking reptiles on/under

³ Biodiversity Impact Assessment, Houghton Main Colliery; FPCR; June 2022

⁴ (2003) *Herpetofauna Workers Manual*

⁵ Froglife (1999) *Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10.*

naturally occurring and strategically positioned artificial refugia. The artificial refugia used were 0.5m² sections of roofing felt with a black upper side. These were placed in locations that offered the most suitable habitat for common reptiles i.e. within grassland and near woodland edges on the 13th May 2021. A total of 59 artificial refugia were placed within the survey area amongst habitats considered most suitable for reptiles to confirm presence/absence; the location of refugia is shown in Figure 3.

- 3.13 All of the surveys were undertaken between June and August 2021 by suitably experienced FPCR ecologists. The surveys were carried out in appropriate weather conditions i.e. air temperature between 9 and 18°C, no strong wind or heavy rain.
- 3.14 In addition, the surveys also followed the guidelines recommendations by:
- Approaching refugia from downwind and avoiding casting a shadow and with care so as to not disturb basking animals when checking;
 - Lifting and replacing tins, to check for the presence of reptiles underneath in hot weather is undertaken with care, to avoid potential harm to any animals underneath;
 - That the location and number of refugia are mapped to aid survey and avoid the possibility of leaving refugia in situ upon completion of the survey.
- 3.15 Surveys were undertaken by an FPCR ecologist experienced in reptile survey as follows: Chloe Cregan, BSc (Hons) Wildlife Conservation.

Great crested newts – eDNA sampling

- 3.16 Due to the timing of surveys full GCN aquatic surveys could not be undertaken, eDNA sampling to test for the presence/absence of GCN within four waterbodies was undertaken within the recommended season in June 2021. Survey was undertaken by GCN Class licence holders Alex Radl GradCIEEM (licence number 2019-41319-CLS-CLS), and James Hutchison ACIEEM (Licence number 2019-41008-CLS-CLS).

Bats - Static Monitoring

- 3.17 Given the nature of the site and the limited areas with which to undertake a transect, bat monitoring was undertaken using a static detector in May (spring) and August (summer) 2021 and September (autumn) 2021. Full details of methodologies are provided in the supporting bat report⁶.

Survey Limitations

- 3.18 During the reptile survey a small number of tins were noted to be missing, given the coverage of the remaining tins, this was not considered likely to affect the results of the survey and no constraints are considered to exist.

⁶ Bat Report; Houghton Main Colliery; January 2022; FPCR

4.0 RESULTS

Desk Study

Designated sites

- 4.1 No sites of international importance were located within 5km of the Site. Two Sites of Special Scientific Interest (SSSI) were identified within 2km. Of these, Carlton Main Brickworks, is a geological designation and is not considered further by this report. Seven parcels of the Dearne Valley Wetlands pSSSI (notified in April 2021 and currently within the consultation process before formal designation, were located within the search area. This is a large SSSI comprising numerous parcels located across the Dearne Valley region.
- 4.2 One Local Wildlife Site, Edderthorpe Ings was identified within 1km of site, which also lies within the Dearne Valley Wetlands pSSSI. The site also lies within the Dearne Valley Green Heart (DVGH) Nature Improvement Area. This is strategic landscape scale designation designated to help deliver a step change in nature conservation for a particular area, improve biodiversity, ecosystems and human connections with the natural environment. The DVGH project aims to increase the resilience of the biodiversity assets of the region, better linking and restoring existing habitats and sites, including via the design and functionality of development proposals. The Site also lies within the South Yorkshire Community Forest. The MAGIC website does not indicate the presence of any known Habitats of Principal Importance (S41 of the Natural Environment and Rural Communities Act 2006) on site, although classified broadleaved woodland is present further to its west, also and in the wider area.

Table 2 : Statutory and Non- statutory Sites within 2km

Site name	Designation	Distance/bearing from site	Site Description
Statutory Sites			
Dearne Valley Wetlands	SSSI	Closest parcel approx. 300m south west	Seven areas of the SSSI within 2km of site. SSSI comprises large areas of open water and associated wetland and woodland habitats. Site is important for its numbers and assemblages of breeding and non-breeding birds, largely associated with wetland habitats including open water, wet grassland, scrub and woodland. The units within the search area have been designated for supporting breeding and non breeding gadwall, shoveler, garganey and breeding willow tit ,as well as general assemblages of breeding birds of damp grassland, open water and scrub.
Non-Statutory Sites			
Edderthorpe Ings	LWS	Approx. 500m north west	Formerly drained agricultural land that has flooded. Majority of site is open water with a narrow fringe of marginal vegetation and taller swamp. Site is important for a range of bird species including avocet (<i>Recurvirostra avosetta</i>) and little ringed plover (<i>Charadrius dubius</i>). Forms part of the above SSSI.

Protected/Notable Species

- 4.3 Species records were returned from BBRC for species within 1km of the site, records of protected and notable species can be found in Table 3 below. In addition, one badger (*Meles meles*)⁶ record was returned, located at least 700m south of the site boundary, with the exact location being

confidential. A record of a smooth newt *Lissotriton vulgaris* was provided for within the Site itself. Four-figure grid references also returned records of barn owl *Tyto alba*^{1,5}, dingy skipper *Erynnis tages*^{1,3}, small heath *Coenonympha pamphilus*^{1,3}, wall brown *Lasiommata megera*^{1,3}, common toad *Bufo bufo*^{1,2,3}, and peregrine *Falco peregrinus*⁵ within 1km of the site. The MAGIC website does not indicate the presence of any current or past Natural England protected species licences on site or in the local area and there are no records of protected vascular species for the Site or local area.

Table 3: Protected and notable species

Species	Conservation Status	Number of Records	Location Relative to Site
Mammals			
Common Pipistrelle <i>Pipistrellus pipistrellus</i>	LBAP ¹ , WCA Sch5 ² , CSHR ⁴	3	Closest approx. 500m north west
Soprano Pipistrelle <i>Pipistrellus pygmaeus</i>	LBAP ¹ , WCA Sch5 ² , NERC S41 ³ , CSHR ⁴	1	Approx. 760m north west
Daubenton's Bat <i>Myotis daubentonii</i>	LBAP ¹ , CSHR ⁴	1	Approx. 760m north west
Unidentified Bat Species	LBAP ¹ , WCA Sch5 ² , CSHR ⁴	2	Closest approx. 800m west
Pipistrelle Sp. <i>Pipistrellus sp.</i>	LBAP ¹ , WCA Sch5 ² , NERC S41 ³ , CSHR ⁴	1	Approx. 950m south west
European Water Vole <i>Arvicola amphibious</i>	LBAP ¹ , NERC S41 ³ , WCA Sch5 ²	21	Closest approx. 225m south west
Harvest Mouse <i>Micromys minutus</i>	LBAP ¹ , NERC S41 ³	2	Closest approx. 450m south
West European Hedgehog <i>Erinaceus europaeus</i>	LBAP ¹ , NERC S41 ³	5	Closest approx. 60m south west
Amphibians			
Smooth Newt <i>Lissotriton vulgaris</i>	LBAP ¹ , WCA Sch5 ² ,	4	Closest found within site boundary
Great Crested Newt <i>Triturus cristatus</i>	LBAP ¹ , WCA Sch5 ² , NERC S41 ³ , CSHR ⁴ ,	3	Closest approx. 50m north west
Common Frog <i>Rana temporaria</i>	LBAP ¹ , WCA Sch5 ² ,	1	Closest approx. 140m east
Reptiles			
Common Lizard <i>Zootoca vivipara</i>	LBAP ¹ , WCA Sch5 ² , NERC S41 ³ ,	7	Closest approx. 480m north west
Birds			
Skylark <i>Alauda arvensis</i>	LBAP ¹ , NERC S41 ³ ,	5	Closest approx. 620m north

Avocet <i>Recurvirostra avosetta</i>	LBAP ¹ , WCA Sch1 ⁵	2	Closest approx. 775m north west
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¹ Local Biodiversity Action Plan species

² Listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended)

³ Species of Principal Importance Listed on Schedule 41 of the Natural Environment and Rural Communities Act 2006

⁴ Conservation of Habitats & Species Regulations 2017

⁵ Listed on Schedule 1 of the Wildlife and Countryside Act 1981

⁶ Listed on Schedule 6 of the Wildlife and Countryside Act 1981

Field Survey – Habitats

- 4.4 The locations of the habitats described below are illustrated on Figure 2 - Phase 1 Habitat Plan, with target notes (TN). Botanical species lists are detailed in Appendix A of this survey report.

Trees

- 4.5 Individual mature trees were limited on site but included a line of mature lime *Tilia x europaea*. along the eastern boundary, with a line of hybrid black poplar *Populus canadensis* along the northern boundary. In addition, a single mature horse chestnut *Aesculus hippocastanum* was noted in the south near the turning head. Trees were scattered throughout damper grassland areas, with frequent grey willow *Salix cinerea* and more rarely alder *Alnus glutinosa* and an osier grey willow hybrid *S. vimnalis x S.cinerea*.

Broadleaved woodland

- 4.6 Woodland was present largely around the boundaries of the Site, extending into the central grassland habitats, particularly to the south (TN1). The canopy predominantly comprised self-sown silver birch *Betula pendula* and grey willow *Salix cinerea*, as well as more locally alder *Alnus glutinosa* with an open canopy and young trees and regeneration evident. The ground flora in these areas was broadly similar to the grassland communities recorded centrally within the site (see below). To the north west and the east of the site there was evidence of planting and a more diverse mix of non-native and horticultural cultivars of native trees and shrubs were noted. These included Lilac *Syringa vulgaris*, bladder senna *Colutea arborescens*, purple filbert *Corylus maxima* 'Purpurea', sea buckthorn *Hippophae rhamnoides*, Kerria *Kerria japonica* and evergreen spindle *Euonymus japonicus*. In these areas the canopy was closed and the ground flora was species poor dominated by bramble. Broadleaved woodland at the Site does not qualify as a Habitat of Principal Importance.

Scrub

- 4.7 An area of bramble and tall ruderal herbs were noted on an area of disturbed ground near the southern boundary to the north of the existing turning head. Associated species recorded within this community included locally frequent common nettle *Urtica dioica*, occasional cow parsley *Anthriscus sylvestris*, cleavers *Galium aparine*, rough meadow grass *Poa trivialis* and more rarely,

imperforate St John's wort *Hypericum imperforata*, red deadnettle *Lamium purpureum* and daisy *Bellis perennis*.

Species poor neutral grassland

- 4.8 Two distinct areas of unmanaged neutral grassland occurred within the central areas of the site, although both were considered to be relatively species poor and did not represent clear affinity with any specific community.
- 4.9 The grassland within the central area of the site held some affinity with MG6 perennial rye grass – crested dog's tail *Lolium perenne* – *Cynosaurus cristatus* community. Although some MG5 crested dog's tail – black knapweed *Cynosaurus cristatus* – *Centaurea nigra* indicators were present these were generally localised within the site and the community lacked the overall abundance and diversity associated with unimproved swards. Grasses included abundant Yorkshire fog *Holcus lanatus*, with frequent red fescue *Festuca rubra* and more rarely crested dog's-tail and perennial rye grass. Common bird's-foot trefoil *Lotus corniculatus* was locally frequent, as was creeping buttercup *Ranunculus repens*. Autumn hawkbit *Leontodon autumnalis* and lesser trefoil *Trifolium dubium* were amongst the herbs present in more rare numbers. Field woodrush *Luzula campestris* was locally frequent. On the south-west facing slope to the east (TN2) the community was drier with common bird's-foot-trefoil being noted as locally frequent. On the flatter ground to the west (TN3) common bird's-foot trefoil was replaced by meadow vetchling and the community was more typical of less free draining substrate with soft-rush *Juncus effusus* occasional. 1m² quadrats in these areas confirmed that less than 15 species/m² were present in both these areas.
- 4.10 Soft rush was also abundant along the southern edge of the woodland within the north of the site (TN4), where the grassland was considered to be transitional between a broadly MG10 Yorkshire fog – soft rush *Holcus lanatus* – *Juncus effusus* rush pasture habitat type and the MG6 grassland type described above, although did not clearly represent either. Other species included locally frequent creeping bent *Agrostis capillaris*, common reed *Phragmites australis* and glaucous sedge *Carex flacca*. Meadow vetchling *Lathyrus pratensis* was at least occasional, with a number of other species rarely present, including common spike rush *Eleocharis palustris*, hard rush *J. inflexus* and common bird's-foot trefoil *Lotus corniculatus*. The bryophyte *Calliergonella cuspidate* was frequent in the base layer. The area was scattered with trees as described above.

Ditches

- 4.11 A single drainage ditch was extant in the north of the Site, broadly following close to the boundary with shallow water at the time of the Phase 1 survey and heavily vegetated. Channel species were characterised by locally frequent common reed and fool's watercress *Apium nodiflorum*, with great willowherb *Epilobium hirsutum* also present. Bank sides were largely bare, with the tops vegetated with a mix of tall herbs, ruderal and coarse grasses with frequent Yorkshire fog and locally frequent field horsetail *Equisetum arvense* as well as bramble, meadowsweet *Filipendula ulmaria*, water figwort *Scrophularia auriculata* and teasel *Dipsacus fullonum* all occasional or rare.

Amenity grassland

- 4.12 The central island of the turning head supported a small patch amenity grassland with abundant perennial rye grass and frequent smooth meadow grass *P. pratensis* and few herbs.

- 4.13 Hedgerows The western boundary was located alongside an existing hedgerow associated with the A6195, which followed the northern part of the boundary and extended beyond this to the north, with the hedgerow located off-site.

Field Survey - Fauna

Bats

- 4.14 No records for bats were provided as part of the desk study for the site itself or habitats immediately adjacent, with all records provided located over 500m to the north, comprising common and soprano pipistrelle *Pipistrellus pipistrellus* and *P. pygmaeus* and Daubenton's, *Myotis daubentonii*.
- 4.15 The site provided potential for foraging bats, around the grassland and along the edges of the woodland areas. However as a result of the relatively young age of the woodland and the overall species-poor nature of the grassland reducing the likelihood of significant insect prey, the site was not considered to provide optimal foraging habitat. The site has some linkage with woodland in the local and wider area, notably with more significant woodland blocks located to the north east linked via further younger woodland and hedgerows. As a result of this habitats were considered to provide low-moderate suitability for bat activity and a series of bat activity surveys recommended, based on guidance as set out in the bat survey guidelines⁷. These guidelines state at paragraph 1.1.3 that:

The guidelines should be interpreted and adapted on a case-by-case basis according to site-specific factors and the professional judgement of an experienced ecologist. Where examples are used in the guidelines, they are descriptive rather than prescriptive.

- 4.16 Due to size and nature of habitats at the site it was considered the deployment of a static detector would provide the most appropriate means of survey, as the open areas of grassland would provide a limited walked transect for the requisite time required. Therefore a single static detector was deployed for a period of 5 consecutive nights on a seasonal basis in June, August and September. Full details of the bat survey results are provided within the detailed bat survey report.
- 4.17 A single tree was noted to provide potential for roosting bats (T1), being the horse chestnut at the south of the site. The features were considered to provide moderate roosting potential and comprised a natural knothole at 5m height on the eastern aspect of the tree, facing upwards on a tertiary branch. No evidence of roosting bats as noted from ground level at the time of survey.

Reptiles

- 4.18 Records of common lizard *Zootoca vivipara* were provided as part of the desk study for habitats over 750m north of the site and isolated from it by road infrastructure and development.
- 4.19 Grassland offered some suitability for reptiles, largely for grass snake, with the unmanaged sward being damp in places. Overall the grassland lacks the tussocky structure preferred by reptiles, however supported a thatch in places. Opportunities for shelter, foraging and movement around the Site, were considered to occur across the site, although suitable for basking were more limited. The ditch provides a degree of connectivity outside of the Site.

⁷ Bat Survey Guidelines, Bat Conservation Trust, 2016.

- 4.20 Reptile surveys recorded no reptiles across the seven survey occasions. The prevailing weather conditions, including relative wind speed, cloud cover, ambient temperatures and any other notable weather, are provided in Table 5 below.

Table 5: Reptile Survey Results

Survey	Date	Time	Weather	Reptile Sighting
1	30.06.2021	09:38	Cloud 20-30%, wind 1-2, Temp 15°, Conditions: Bright, Clear	None
2	09.07.2021	15:27	Cloud 10-20%, wind 0, Temp 19°, Conditions: Clear, bright	None
3	15.07.2021	09:23	Cloud 30-40%, wind 0, Temp 18°, Conditions: Clear, Bright	None
4	24.07.2021	17:53	Cloud 20-30%, wind 1-2, Temp 16°, Conditions: Sunny, Bright	None
5	06.08.2021	17:30	Cloud 10-20%, wind 1-2, Temp 17°, Conditions: Clear, Bright, Sunny; rain earlier in day	None
6	13.08.2021	09:10	Cloud 0-10%, wind 0, Temp 16°, Conditions: Sunny, Clear,	None
7	16.08.2021	10:05	Cloud 20-3%, wind 0, Temp 16°, Conditions: Bright, Sunny, Clear	None

Amphibians including Great Crested Newts

- 4.21 Three records of great crested newts *Triturus cristatus* were provided as part of the desk study for ponds within 500 metres of the Site, all dating from 24th May 2017. Two of the records were partially separated from the Site by the A6195. A smooth newt *Lissotriton vulgaris* record was provided for the site and P1 nearby, from 2017. A common frog *Rana temporaria* was recorded in the local area.
- 4.22 No breeding habitat was present on site. Five ponds were noted on aerial mapping within 500m of the Site as described below in Table 3 below.

The site was considered to provide potential terrestrial habitat great crested newts and amphibians generally, offering foraging habitat with grassland and woodland areas and some sheltering habitat within woodland. The ditch was considered unsuitable to provide breeding habitat being at most seasonally wet, outside of the breeding season, but could provide movement and foraging habitat. Potential habitats were connected to similar habitat off site and to two ponds P1 and P2 both within 50m of the Site. Three further ponds occurred within 500m, albeit partially separated from site by the A6195, a main road but without kerbs. Given the proximity of these ponds and the results of the desk study indicating GCN presence in the area, further survey to help determine the presence/absence of this species was undertaken. Timings did not allow for full aquatic surveys to be undertaken and therefore eDNA sampling was undertaken as described in Table 6 below.

Table 3: Pond description and HSI score

Pond ref	Proximity to Site	Description	HSI Score	Pond Suitability	Predicted Presence	eDNA result
P1	10m well connected to Site	Shaded pond with grey willow and alder. Pond dominated by greater reedmace with other tall ruderal herbs, common reed, common spike, water horsetail and soft and hard rushes, with small areas of open water. Small area of open water in north west of pond.	0.65	Average	0.55	Indeterminate
P2	30m well connected to Site	Attenuation facility dominated by stands of greater reedmace. Appeared largely dry at time of survey. Inaccessible as fully enclosed by heras fencing. Viewed from fencing only.	Assessment not possible. Pond fenced off.			
P3	80m, partially separated by A6195	Large partially shaded pond with limited aquatic vegetation, Emergent vegetation including greater reed mace at the margins	0.63	Average	0.55	Negative
P4	190m, partially separated by A6195	Large unshaded pond with open water, fringed by emergent vegetation, including common reed, rushes, greater reedmace and tall herbs. Small patches of submerged aquatic vegetation.	0.76	Good	0.79	Negative

Pond ref	Proximity to Site	Description	HSI Score	Pond Suitability	Predicted Presence	eDNA result
P5	365m partially separated by A6195	Small pond, heavily vegetated with greater reedmace and scrub. Seasonal wet with small areas of standing water.	0.5	Below average	0.2	Negative

- 4.23 Results of the eDNA sampling recorded the absence of GCN DNA in ponds 3, 4 and 5, with pond 1 giving an indeterminate result due to water quality.

Birds

- 4.24 The Site provides potential foraging and nesting for a range of notable and more common species within the woodland and scrub including for breeding and wintering species. Grassland is generally unlikely to provide much suitability for ground nesting species, apart from early in the season when the sward might be shorter, although could provide foraging throughout the year. Given the timings a breeding bird survey was undertaken in May and June 2021. Details of the bird survey are provided in the separate bird report.

Badgers

- 4.25 Only one badger recorded was provided in the desk study for at least 700m from the Site. Whilst the Site provides suitable sett creation and foraging habitat for badgers. No evidence indicating the use of the site by badgers was recorded.

Riparian species

- 4.26 Records of water vole were provided for the River Dearne as part of the desk study.
- 4.27 The ditch on site did not provide suitability for water vole, being without sufficient water and too heavily vegetated. There are no connections from the ditch to watercourses (including the River Dearne) in the area which might be suitable for other riparian species, such as otter and therefore is not considered to provide potential commuting habitat for such species, should they be present in the area.

Other species

- 4.28 Records of hedgehog were provided for the local area and the site is considered likely to provide suitable habitat to support hedgehog, notably within grassland where it adjoins woodland areas. Records for harvest mouse were provided for habitats to the west of the A6195 and the River Dearne. Overall it is considered that the site does not provide suitable habitat for this species, without dense tall grassland and /or stands of reeds.
- 4.29 No evidence of any other fauna species protected by statute or otherwise notable was observed at the time of survey of the Phase 1 surveys.

5.0 DISCUSSION AND RECOMMENDATIONS

Development proposals

- 5.1 The Site is proposed for re-development as an employment site comprising 5 units with associated hardstanding, parking and access roads. The main access will be from the A6195 along the western boundary, with the southern end of the hedgerow along the A6195 likely to be lost. Proposals will entail the loss of grassland on site and much of the woodland, with the exception of boundary habitats which will be incorporated as green infrastructure and landscaping areas. The Development will include a slightly re-designed turning head, with the horse chestnut standard retained here, and a re-aligned footpath through the eastern habitat buffer.

Legislative Framework

- 5.2 The applicable legislative framework is summarised as follows:
- Natural Environment and Rural Communities Act 2006 (NERC);
 - Wildlife and Countryside Act (1981) (as amended) (WCA);
 - The EC Birds Directive (Directive 79/409/EEC) as translated into UK law by The Conservation of Habitats and Species Regulations 2017 (as amended);
 - The EC Habitats Directive (Directive 92/43/EEC) as translated into UK law by The Conservation of Habitats and Species Regulations 2017 (as amended); and
 - The Protection of Badgers Act (1992).
- 5.3 Section 41 (S41) of the Natural Environment and Rural Communities Act (2006) places a duty on the Secretary of State to publish, review and revise lists of living organisms and types of habitat in England that are of principal importance for the purpose of conserving English biodiversity, and to consult Natural England before doing so.
- 5.4 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 Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Habitats

- 5.5 The degree to which habitats and species receive consideration within the planning system relies on many mechanisms, including:
- Inclusion within a specific policy, for example veteran trees, ancient woodland and linear habitats within the National Planning Policy Framework (NPPF), or local planning policies;
 - A non-statutory site designation (e.g. Local Wildlife Site);
 - Habitats considered as Habitats of Principal Importance for the conservation of biodiversity and species considered as Species of Principal Importance for the conservation of biodiversity as listed within Section 41 of the NERC Act (2006); and
 - Habitats identified as being a Priority Habitat and species identified as being a Priority Species within the local Biodiversity Action Plan;

Protected/Notable Species

- 5.6 Principal pieces of legislation protecting wild species are Part 1 of the Wildlife and Countryside Act 1981 (as amended) (WCA) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species, for example badgers, also have their own protective legislation (Protection of Badger Act 1992). The impact that this legislation has on the Planning system is outlined in ODPM 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.
- 5.7 This guidance states that as the presence of protected species is a material consideration in any planning decision and it is therefore essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals, is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions for example.

In addition to protected species, there are those that are otherwise of conservation merit, such as those listed as species of principal importance for the purpose of conserving biodiversity under the Natural Environment and Rural Communities (NERC) Act 2006. These are recognised in the NPPF which advises that when determining planning applications, LPA's should aim to conserve and enhance biodiversity by applying a set of principles including:

- If significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development proposals where the primary objective is to conserve or enhance biodiversity should be encouraged.

Bats

- 5.8 Bats and their habitats are protected under the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2018 (as amended). In summary this makes it an offence to damage destroy or obstruct any place used by bats for breeding and shelter, disturb a bat, or kill, injure or take a bat. Seven bat species are listed as Species of Principal Importance under the provisions of the NERC Act 2006. Brown long eared, soprano pipistrelle and Noctule are listed on the Barnsley BAP as Local Priority Species.

Great Crested Newts/Amphibians

- 5.9 Great crested newts and the places they use for shelter or protection are protected under European law through Annexes 2 and 4 of the EU Habitats and Species Directive, the Bern Convention and the Conservation of Habitats & Species Regulations 2017; and in the UK through Schedule 2 of the Wildlife and Countryside Act 1981 (as amended). In summary it is an offence to deliberately or recklessly to take, injure or kill a great crested newt; to intentionally or recklessly damage, destroy or obstruct access to any structure or place used for breeding, shelter or protection by the species; intentionally or recklessly disturb while it is occupying a structure or place which it uses for such purpose; or intentionally take or destroy the eggs of a great crested newt. Great crested newts, common frog and common toad are S41 SPI, with great crested newts and common toads of local priority.

Reptiles

- 5.10 All common reptile species, including grass snake, slow worm, common lizard and adder are partially protected under the Wildlife and Countryside Act 1981. In summary this legislation protects the species from intentional killing, injury or sale, offering for sale, or possessing, transporting or publishing advertisements for the purposes of sale. All species are SPI, with grass snake and common lizard on the local BAP.

Water vole

- 5.11 Water voles are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In summary it is an offence to intentionally kill, injure or take (capture) water voles or to so disturb them while using a place of shelter; or to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by water voles for shelter or protection. The legislation also protects water vole from sale, offering for sale, or possessing, transporting or publishing advertisements for the purposes of sale. They are a SPI and local priority species.

Badgers

- 5.12 Badgers are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from baiting and 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 and to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access routes

Birds

- 5.13 The Wildlife and Countryside Act 1981 (as amended) is the principal legislation affording protection to UK wild birds. Under this legislation all birds, their nests and eggs are protected by law and it is an offence, with certain exceptions to recklessly or intentionally kill, injure or take any wild bird; take, damage or destroy the nest of any wild bird while in use or being built; or to take or destroy the egg of any wild bird. In addition species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are specially protected at all times. A wide range of species are SPI, with these and red listed bird species being also of local priority.

Relevant Planning Policy

National Planning Policy Framework (NPPF)

- 5.14 The latest version of the NPPF was published in February 2019, replaces the first NPPF published in March 2012 and minor clarifications to the revised version published in July 2018.
- 5.15 The premise of '*presumption in favour of sustainable development*' embedded within the previous versions of the NPPF has been carried forward to the current version. The NPPF considers that to achieve this, the planning system has three overarching objectives: economic, social and environmental. It considers these to be inter-dependent with a need for them to be mutually supportive of one another. For specific development proposals the NPPF considers applying a presumption in favour of sustainable development means:

...c) approving development proposals that accord with an up to date development plan without delay... [para.11].

“They [decision makers] should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area”. [para. 38.].

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

...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. [para. 175].

- 5.16 In terms of ‘environmental objects’ (one of the three core planning objectives), the NPPF states that:

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;

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. [para 170].

Relevant Local Planning Policy

- 5.17 The Barnsley Local Plan (January 2019) includes a number of relevant policies for this assessment.

Employment:

- 5.18 The Site is allocated as **Site ES23: Land South of Park Springs** which includes the following policy:

8.3 ha. Habitats at the north of the site comprising swamp, watercourse/banks and semi-improved neutral grassland to the north of the watercourse should be retained by any development, as should the deciduous woodland belt running down the east of the site, including the row of mature black poplars/lime trees and the large horse chestnut tree at the east of the disused bus turning circle.

Green Infrastructure and Green Space:**Policy GI1 Green Infrastructure**

- 5.19 This policy notes the need for an integrated network of connected and multifunctional GI throughout the area, linking with key identified GI corridors and features, including, the Dearne Valley Nature Improvement Area (NIA).

Policy GS1 Green Space

- 5.20 Policy seeks to ensure a range of valuable green areas for differing needs, including those for wildlife and biodiversity.

Policy BIO1 – Biodiversity and Geodiversity:

- 5.21 Policy seeks to protect and enhance existing habitats, species and sites of ecological value and maximise and provide biodiversity within new developments.
- 5.22 The above policies are further supported by the **Barnsley Local Plan Supplementary Planning Document: Biodiversity and Geodiversity**, which states:

The LPA will not support applications that would damage the ecological network and cause a net-loss in biodiversity in line with the NPPF.

- 5.23 With specific reference to sites located within the Nature Improvement Area the above document states:

Within the NIA (Nature Improvement Area) we require specific biodiversity enhancements with developments over and above the minimum mitigation/ compensation measures.....

.....Such quantifiable, significant benefits could include:

- *New woodland;*
 - *New wetland;*
 - *Enhancing areas of poor environmental quality;*
 - *Improving public access, or*
 - *Improving the management of existing habitats.*
- 5.24 The following sections highlight the implications of findings and any mitigation, compensation or general enhancements required in the context of the development proposals and the above legislation and policy.

Designated Sites**Statutory and non-statutory sites**

- 5.25 The site does not lie within or immediately adjacent to any statutorily designated site for nature conservation. Several units of the notified (but not yet ratified) Dearne Valley Wetlands pSSSI lie within the 2km search area, the closest of which is approximately 300m distant. Sections of the pSSSI also comprise the only local wildlife site, Edderthorpe Ings in the search area.
- 5.26 Given the distances and overall separation of these units from the development, all with established development including roads lying between the pSSSI and the Site, effects during construction, arising from habitat loss or degradation (including through dust deposition, pollution and

contamination); noise or light disturbance which might affect the qualifying features directly or indirectly would not be expected.

- 5.27 Effects on the pSSSI once operational are also considered to be limited as the Site is physically separated from the pSSSI including by roads. Effects arising from potential airborne pollution arising from increased traffic would not be anticipated for most of the units as they are sufficiently distant, with only a small section of one unit lying within 200m (150m at its closest) of the A619 for a 300m stretch of the road to the south west of the Site and it is considered that there would be no significant effect on the pSSSI habitats which would adversely affect its reasons for designation as a result of any increased traffic along this section of road. There are considered unlikely to be any change to the local hydrological regime which could adversely affect the hydrology of the pSSSI and in turn affect the qualifying features of the pSSSI, as any discharges into the local systems would be anticipated to be at greenfield rates and water abstraction as a result of the proposals unlikely.
- 5.28 The site lies within the Dearne Valley Green Heart Nature Improvement Area. The loss of the habitats as a result of the Proposals are considered unlikely to lead to any significant adverse effect on this NIA, given the small-scale in relation to the NIA. Nonetheless opportunities to contribute to the NIA through enhancements will be sought to ensure the development can maximise its contribution to the overall aims for the NIA including through appropriate management of retained habitats. Retention of boundary habitats will also ensure that linkages remain with other semi-natural habitats adjoining the site, allowing continued ecological networks and corridors.

Habitats

- 5.29 Habitats on site are predominantly unmanaged in nature. No habitats on site qualify as Habitats of Principal Importance.
- 5.30 The small area of amenity grassland provides limited conservation value and loss is not a constraint. The area of bramble scrub and ditch are also not of botanical interest, and although both provide a small area of habitat of some value in a very localised context for fauna using the Site, loss of habitat should not be a constraint to development.
- 5.31 Habitats of greater value comprised the grassland, woodland and mature trees. Towards the north of the grassland areas were wetter than the remainder. Both areas were neutral in nature but supported a relatively small number of species, with less than 15 species per quadrat indicating they are species poor, largely supporting widespread and common species. Although bearing similarity to two different communities of mesotrophic grassland, MG10 and MG6, neither area fully fit these communities or is particularly characteristic. Both these communities are grasslands of lower botanical nature conservation value. MG10 is an ubiquitous lowland grassland, typically occurring where drainage is impeded, with MG6 being a permanent improved grassland, widespread and predominant in distribution. Whilst some species more indicative of the more species rich MG5 lowland hay meadow, insufficient species were recorded to suggest either affinity or that it was transitional to this. Overall these grasslands are not considered to be of particular interest and the creation of a more species rich grassland within the site, would help mitigate loss in botanical terms.
- 5.32 Woodland comprised an, largely open canopied habitat, not yet established into mature well-structured woodland, although some regeneration was noted. The woodland appeared to comprise predominantly self set specimens and was without great species diversity. Ground flora was limited

and broadly similar to the grassland recorded across the rest of the Site. Locally it provides value for a range of fauna, but the overall species recorded and condition of the woodland are not of particular value themselves. Proposals seek to retain as much of the woodland as possible within the design, to help maintain this feature on site and wherever possible new more diverse native planting, connected to retained and off-site woodland should be created to help mitigate the loss.

- 5.33 Mature tree lines to the north and east will be retained and incorporated into the GI proposals to retain the continuity of habitat that these provide as mature features of value to fauna. The single horse chestnut located at the south of the Site will also be retained and care should be taken that design in this area sensitively integrates with the tree so that it is not compromised.
- 5.34 Overall the Site's main value lies in the small mosaic of habitats it represents, providing habitat for a range of fauna present on site and locally, with habitats being of limited species diversity and value individually.
- 5.35 All retained habitats will be incorporated into the green infrastructure around the Site's boundaries, maintaining ecological connectivity around the Site and ensuring that development does not lead to fragmentation of habitats to the north and south of it. Small areas of new more species rich grassland areas created along the woodland edges and native scrub/wood-edge habitats will provide associated habitats of better quality and nature conservation value than those currently present. All retained or new habitats on site would be subject to management to maximise their biodiversity and viability in the long term.
- 5.36 During construction works, all retained hedgerows and trees would be protected through the implementation of appropriate measures including root protection areas and protective fencing in accordance with BS 5837 (2012) Trees in Relation to Design, Demolition and Construction and/or as indicated by any Arboricultural Assessment.

Protected and Notable Species

Bats

- 5.37 Much of the Site provides potential foraging and commuting habitat for a range of bat species local to the area, although is generally not considered optimal and is considered to provide low-moderate suitability at most. The extent of grassland currently available is considered unlikely to form a significant part of the foraging habitat for the local population given its relatively small size and the presence of other areas of potential open foraging habitat in the local and wider area, with woodland and associated edge habitat providing connectivity to potential habitat in the local and wider area.
- 5.38 Overall relatively low numbers of bats were recorded using the site, with species being dominated by common pipistrelle (not listed as a priority species) and *Myotis* species with very small numbers of three other species recorded (brown long eared, noctule and soprano pipistrelle), the three local BAP species. Levels of bat activity were considered to be generally low and reflected the limited foraging opportunities present on site in comparison to the wider area, with numbers recorded being considered unremarkable.
- 5.39 The loss of the grassland will lead to the reduction in this sub-optimal but potential open foraging habitat. New wildflower grassland areas adjacent to the retained woodland areas will provide small areas of potential foraging, likely to attract an invertebrate prey resource due to its increased floristic diversity. Whilst woodland will be lost, edge habitat suitable for foraging and commuting

along will still occur at the retained/new edges and as such, habitat connectivity around the site and into the wider area will be retained. Assessment of the proposals on the local bat population will be undertaken on completion of the above surveys.

- 5.40 One tree provided moderate potential as roosting habitat. This will be retained within the proposals and therefore no further survey is currently recommended. If this changes further assessment will be required.
- 5.41 New and retained planting along the frontage with the A6195 will continue to provide a movement corridor. Where the access road breaches this line, mitigation to minimise effects to any bats moving along this line and minimise the potential for harm or mortality during the active bat season is required in the form of a hop-over across the breach. This would entail the implementation of habitat management works, combined with the tree planting either side of the breach to increase the overall height and width of the upper canopy and raise its base above the height of vehicular traffic. This will allow bats to have continued echolocation across the break at a suitable height, thereby allowing continued usage of this line as a foraging/commuting area. It will also reduce the potential for road traffic accidents to bats (and also for birds).
- 5.42 Illumination either from external lighting or light spill as a result of the development may impact on bats commuting and foraging along the site boundaries or using the potential tree roost. In order to avoid indirect impacts of light spill to features used by bats, a sensitive lighting scheme as detailed below would be implemented, designed to minimise light-spill onto habitats both within and adjacent to it that are used by the local bat population foraging or commuting. This will be achieved by ensuring that the design of lighting is based upon guidelines presented in the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 'Bats and artificial lighting in the UK - Bats and Built Environment Series', the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', the Bat Conservation Trust 'Artificial Lighting and Wildlife Interim Guidance' and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats'. Therefore, the lighting scheme should include the following:
- The avoidance of direct lighting of existing or new hedgerows and trees
 - The avoidance of unnecessary lighting;
 - The use of low intensity lighting (sodium lamps or similar) where possible
 - Column mounted luminaires fitted with flat glass where appropriate to aid 0% upward light discharge;
 - Luminaires adjacent to the site boundary fitted with light baffles to prevent light spill.
- 5.43 The addition of a suite of bat boxes suitable for a range of bats likely to use the habitats recorded are provided on retained mature trees to enhance roosting opportunities at the Site.
- 5.44 With the implementation of the above recommendations, adverse impacts will be avoided and/or mitigated for, and the favourable conservation status of the local bat population retained in the long term. No further surveys are considered necessary.

Great crested newts

- 5.45 The Site provides some suitability for amphibians generally during their terrestrial phase, although itself supported no breeding habitat. Five ponds were noted within 500m of the Site with varying

degrees of connectivity to it. eDNA sampling indicated the absence of GCN eDNA in three ponds (P3, P4 and P5) to the west of the development and partially separated from it. Earlier desk study records indicated past presence in two of these (P3 and P4). The closest pond P1 for which no desk study data was provided, recorded an indeterminate eDNA result due to water quality. One pond to the north (P2) and directly connected across suitable habitat, also with earlier desk study records indicating GCN presence in 2017 could not be surveyed due to a lack of access.

- 5.46 Loss of grassland and woodland areas will lead to the loss of potential foraging and wintering habitat except where retained at boundaries. Both off-site ponds are surrounded by suitable terrestrial habitat which will be unaffected, with further suitable habitat in the local area, and the retention of the habitats along the north and east in particular will retain connectivity to this.
- 5.47 The South Yorkshire region has recently joined the Natural England District Level Licencing (DLL) scheme for great crested newts. This scheme aims to ensure that great crested newt populations in the region are maintained and enhanced through habitat creation at a strategic landscape level, based on existing known data about the distribution of GCN in the region, rather than the traditional licencing process, which takes a site by site approach. Risk assessment maps publicly available as part of this suggest that the Site lies in a low risk area for the presence of great crested newts. An initial enquiry and application was made with Natural England for a detailed assessment of the risk to great crested newts at the Site, which determined the extent of impacts to the local great crested newt population as a result of the Site's development, providing an applicable conservation payment required to compensate these effects. The signed Impact Assessment Conservation Payment Certificate (IACPC) is attached at Appendix C.
- 5.48 Notwithstanding the above, it is recommended that the retained and new habitats provide habitat suitable for amphibians with the inclusion of areas of tussocky grassland alongside the woodland in the north-east closer to off-site breeding habitat, with the creation of log-piles/artificial hibernacula at transitional habitats to ensure suitable foraging and wintering habitat is provided for other amphibians generally to mitigate habitat losses on site. Best practice methods to clear wintering habitats within the woodland and scrub areas should be undertaken to avoid the amphibian hibernation season November – February inclusive.

Reptiles

- 5.49 The Site provided some potential for grass snake and to a lesser extent common lizard. Whilst common lizard are present in the wider area, these records were separated from the Site by distance and barriers to dispersal. Detailed survey of the Site recorded no reptiles and this group is not considered to present a constraint to development. The creation of log piles as described above will provide potential sheltering and basking habitat for reptiles if placed on south facing edges.

Birds

- 5.50 Habitats were considered likely to provide suitable foraging and nesting habitat for a range of urban, woodland and farmland species, including notable species and two breeding bird surveys were undertaken in May and June. Full details of the results and effects, along with mitigation

required are provided in the supporting bird report⁸ which should be read in conjunction with this report.

- 5.51 As a result of the special protection afforded to breeding birds, removal of any woody vegetation should take place outside of the bird breeding season (March to August inclusive) to avoid the risk of disturbance to breeding birds. If this is not possible, such vegetation would be checked prior to removal by a suitably experienced ecologist. If active nests are found, vegetation should be left untouched and suitably buffered from works until all birds have fledged.

Other species

- 5.52 The Site provided no evidence of use by other protected or notable species, including riparian species and no other surveys are recommended to those noted above. Given the presence of suitable habitat for badgers, and the potential presence in the wider area, standard site best practice protocols should be implemented during works to protect any badgers (or other mammals) which may stray onto the Site. These would include:
- General good working practices should be adhered to, including any trenches dug during works activities that are left open overnight, should be left with a sloping end or ramp to allow any badgers or other animal that may fall in to escape,
 - Any open pipework left on site should be capped,
 - All chemicals should be stored in a secure compound, and
 - All works should be carried out during daylight hours and any security lights left on overnight should be well away from the peripheries of the site.
- 5.53 Hedgehog may use the site, with the boundaries providing potential sheltering habitat as well as foraging and movement, which will largely be retained. It is recommended that gaps beneath fences should be incorporated into the design to allow this species to move across the site.

Biodiversity Net Gain

- 5.54 The Site has been subject to biodiversity impact assessment under the DEFRA 3.0 metric for the purposes of calculating the biodiversity net gain as a result of the proposals, details of which are provided in the supporting Biodiversity Impact Assessment report which should be read in conjunction with this report. Given the Site comprises semi-natural habitats which will largely be lost to development with only boundary habitats retained, enhanced or created, the delivery of a net gain as a result of the proposals will be required outside of the development area.

⁸ Breeding Bird Survey Report – Houghton Main Colliery; FPCR; September 2021



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Key

- Site Boundary
- 1km Buffer
- 2km Buffer
- Local Wildlife Sites
- SSSI

Birds

- Avocet
- Skylark

Reptiles/Amphibians

- Common Frog
- Common Lizard
- Great Crested Newt
- Smooth Newt

Species Records

Mammals

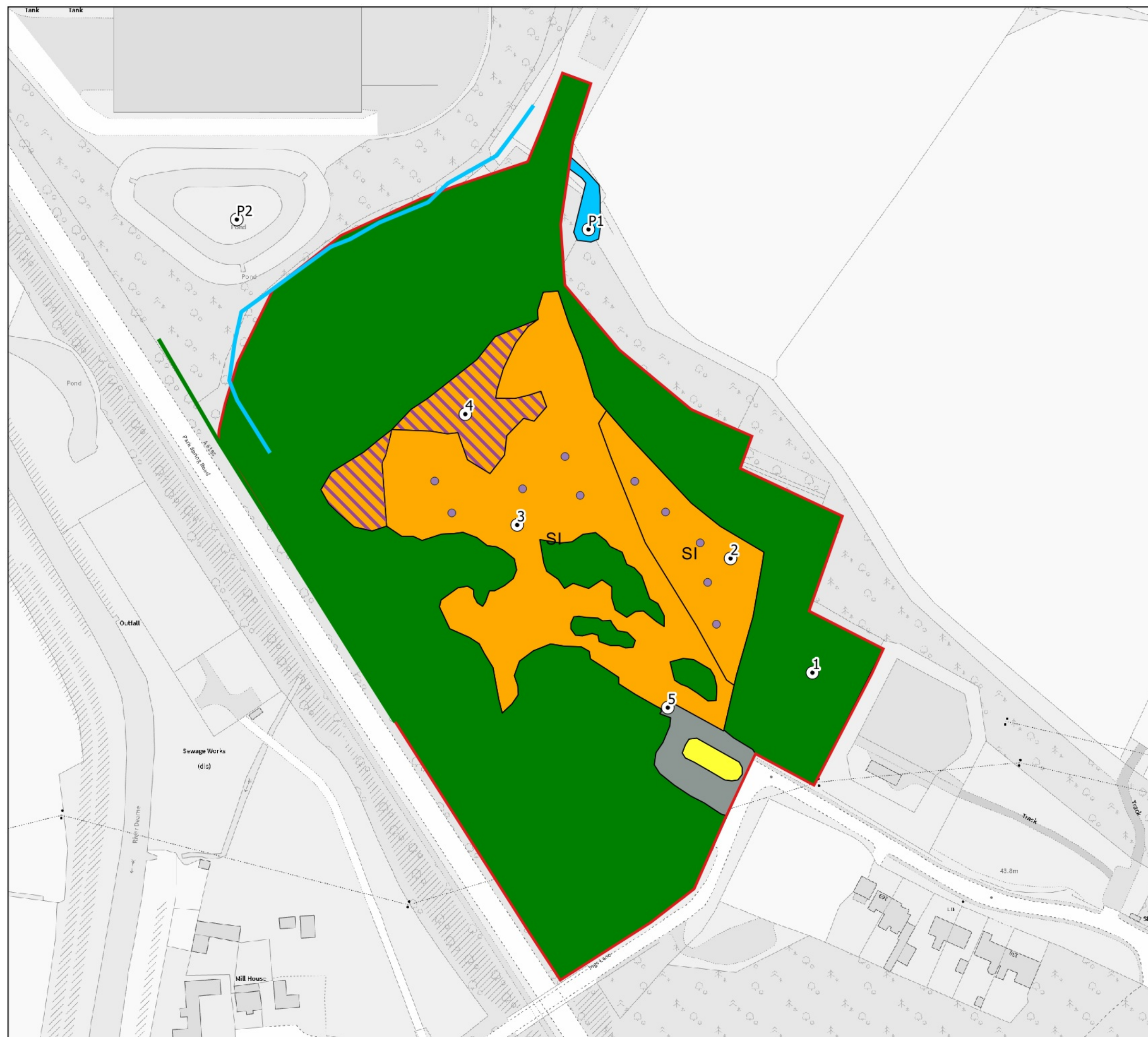
- Common Pipistrelle
- Daubenton's Bat
- European Water Vole
- Harvest Mouse
- Hedgehog
- Pipistrelle Bat Sp.
- Soprano Pipistrelle
- Unidentified Bat Sp.



client
project
Houghton Main,
Houghton Main Colliary Roundabout,
drawing title
CONSULTATION PLAN

scale
1:18434
drawing / figure number
drawn
HSC
issue
16/6/2021
rev





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Key

- Site Boundary
- Broadleaved woodland - semi-natural
- Built Environment: Buildings/hardstanding
- Cultivated/disturbed land - amenity grassland
- Marsh/marshy grassland
- Neutral grassland - semi-improved
- Standing water
- Standing water
- Intact hedge - species-poor
- P1 Target note (with ref.)
- Habitat Survey Point



Client
Harworth Group

Project
**Houghton Main Colliery,
Houghton**

Drawing title
PHASE 1 HABITAT PLAN

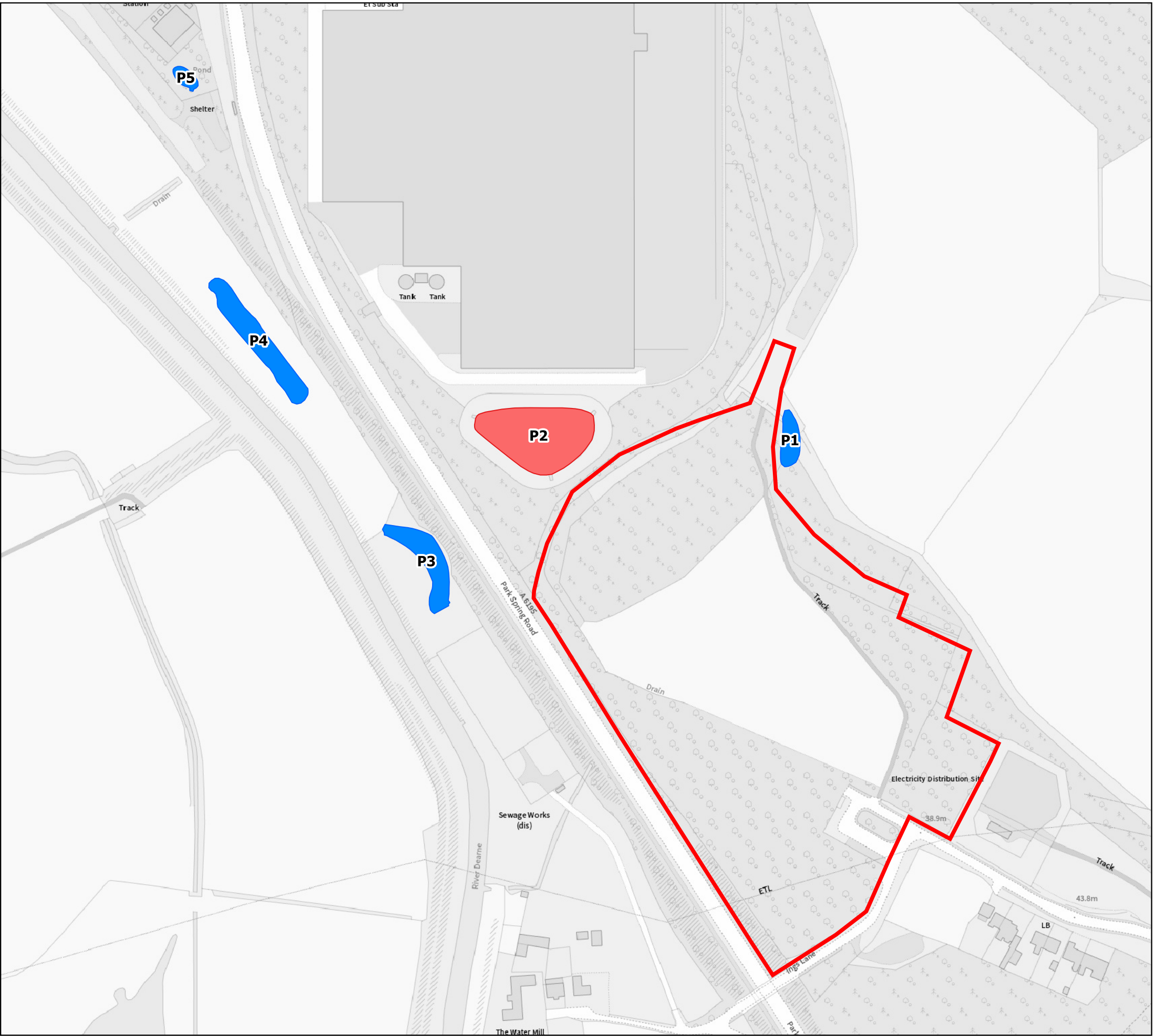
Scale
1:1750

Drawn
APR / JD

Issue
14/9/2021



Figure 2



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Key

Site Boundary

Waterbody (with ref.)

No Access

Normal



client
Harworth Group

project
**Houghton Main Colliery,
Houghton**

drawing title
WATERBODY LOCATIONS PLAN

scale
1:2500

drawn
APR / JD

issue
14/9/2021

drawing / figure number
Figure 3

APPENDIX A: BOTANICAL SPECIES LIST WITH FREQUENCIES

KEY:

D – Dominant 51-100%

A - Abundant 31-50%

F – Frequent 16-30%

O – Occasional 6-15%

R – Rare 1-5%

L – Locally

X – Present

Woodland, Trees and Scrub

Scientific name	Common name	Mature trees	Young woodland	Woodland Regeneration	Woodland ground flora	Woodland bryophytes	Scrub	Ditch	Amenity grass
<i>Acer campestre</i>	Field maple	R	-	-	-	-	-	-	-
<i>Acer pseudoplatanus</i>	Sycamore	-	R	-	-	-	-	-	-
<i>Aesculus hippocastanum</i>	Horse chestnut	R	-	R	R	-	-	-	-
<i>Agrostis capillaris</i>	Creeping bent	-	-	-	-	-	R	-	-
<i>Alnus glutinosa</i>	Alder	-	LF	LF	-	-	R	-	-
<i>Anthoxanthum odorata</i>	Sweet vernal grass	-	-	-	R	-	-	-	-
<i>Anthriscus sylvestris</i>	Cow parsley	-	--	-	R	-	O	-	-
<i>Bellis perennis</i>	Common daisy	-	--	-	R	-	R	-	F
<i>Betula pendula</i>	Silver birch	-	F	O / LF	-	-	--		-
<i>Betula pubescens</i>	Downy birch	-	O	-	-	-	-	-	-

Scientific name	Common name	Mature trees	Young woodland	Woodland Regeneration	Woodland ground flora	Woodland bryophytes	Scrub	Ditch	Amenity grass
<i>Brassica rapa</i>	Field mustard	-	-	-	-	-	R	-	-
<i>Buxus sempervirens</i>	Box	-	-	R	-	-	-	-	-
<i>Calliergon cuspidata</i>	Pointed spear moss	-	-	-	-	X	--	--	-
<i>Cardamine hirsuta</i>	Hairy buttercrisp	-	-	-	R	-	R	-	-
<i>Chamaenerion angustifolia</i>	Rosebay willowherb	-	-	-	R	-	-	-	-
<i>Cirsium arvense</i>	Creeping thistle	-	-	-	R	-	R	O	-
<i>Colutea arborescens</i>	Bladder senna	-	-	R	-	-	-	-	-
<i>Conium maculatum</i>	hemlock	-	-	-	-	-	R	-	-
<i>Corylus avellana</i>	Hazel	-	-	R	-	-	-	-	-
<i>Corylus maxima pupurea</i>	Purple filibert	-	-	R	-	-	-	-	-
<i>Crataegus monogyna</i>	Hawthorn	-	O	O	R	-	-	-	-
<i>Cytisus scoparius</i>	Broom	-	-	R	-	-	-	-	-
<i>Dactylis glomerata</i>	Cock's-foot	-	-	-	O	-	-	O	R
<i>Digitalis purpurea</i>	Foxglove	-	-	-	R	-	-	--	-
<i>Dipsacus fullonum</i>	Teasel	-	-	-	-	-	-	O	-
<i>Dryopteris dilatata</i>	Broad buckler fern	-	-	-	R	-	-	-	-
<i>Dryopteris filix-mas</i>	Common male fern	-	-	-	R	-	-	R	-
<i>Euonymus japonica</i>	Evergreen spindle	-	-	R	-	-	-	-	-
<i>Festuca rubra</i>	Red fescue	-	-	-	R	-	-	-	-
<i>Filipendula ulmaria</i>	Meadowsweet	-	-	-	-	-	-	LF	-
<i>Fraxinus excelsior</i>	Ash	R	-	-	R	-	-	-	-

Scientific name	Common name	Mature trees	Young woodland	Woodland Regeneration	Woodland ground flora	Woodland bryophytes	Scrub	Ditch	Amenity grass
<i>Galium aparine</i>	Cleavers	-	-	-	R	-	O	-	-
<i>Hedera helix</i>	Ivy	-	-	-	R	-	-	-	-
<i>Heracleum spodylium</i>	Hogweed	-	-	-	R	-	-	-	-
<i>Hippophae rhamnoides</i>	Sea buckthorn	-	-	R	-	-	-	-	-
<i>Holcus lanatus</i>	Yorkshire fog	-	-	-	A	-	-	F	-
<i>Hyacinthoides var hispanica</i>	Spanish bluebell	-	-	-	R	-	-	-	-
<i>Hypericum androsaemum</i>	Tutsan	-	-	-	R	-	-	-	-
<i>Hypericum imperforata</i>	Imperforate St John's wort	-	-	-	-	-	R	-	-
<i>Hypochaeris radicata</i>	Common cat's ear	-	-	-	-	-	-	R	-
<i>Juncus effusus</i>	Soft rush	-	-	-	R	-	-	-	-
<i>Kerria japonica</i>	Japanese rose	-	-	R	-	-	-	-	-
<i>Kindbergia praelongia</i>	Common feather moss	-	-	-	-	X	-	-	-
<i>Laburnum anagyroides</i>	Laburnum	R	-	-	-	-	-	-	-
<i>Lamium purpureum</i>	Red deadnettle	-	-	-	-	-	R	-	-
<i>Lathyrus pratensis</i>	Meadow vetchling	-	-	-	R	-	-	--	-
<i>Leucanethemum vulgaris</i>	Ox-eye daisy	-	-	-	-	-	--	O	-
<i>Lolium perenne</i>	Perennial rye grass	-	-	-	R	--	-	--	A
<i>Lonicera nitida</i>	Wilson's honeysuckle	-	-	R	-	-	-	-	-
<i>Lotus corniculatus</i>	Common bird's-foot trefoil	-	-	-	O	-	-	-	-
<i>Lupinus sp.</i>	A lupin	-	-	-	R	-	--	-	-

Scientific name	Common name	Mature trees	Young woodland	Woodland Regeneration	Woodland ground flora	Woodland bryophytes	Scrub	Ditch	Amenity grass
<i>Luzula campestris</i>	Field woodrush	-	--	-	R	-	-	-	--
<i>Malus sp</i>	An Apple		R	-	-	-	-	-	-
<i>Narcissus sp.</i>	A daffodil	-	-	-	R	--	-	-	-
<i>Ophrys apifera</i>	Bee orchid	-	-	-	R	-	-	-	-
<i>Pinus contorta</i>	Lodge pole	-	O	-	-	-	-	-	-
<i>Pinus sylvestris</i>	Scot's pine	-	R	-	-	-	-	-	-
<i>Plantago lanceolata</i>	Ribwort plantain	-	-	-	R	-	R	-	O
<i>Poa pratensis</i>	Smooth meadowgrass	-	-	-	-	-	-	-	F
<i>Poa trivialis</i>	Rough meadow grass	--		--	--	--	O	--	-
<i>Populus alba</i>	White poplar	R	R	O	-	--	-	-	-
<i>Populus canadensis</i>	Hybrid black poplar	LF	-	-	-	-	-	-	--
<i>Primula veris</i>	Cowslip	-	-	-	LF	-	-	-	-
<i>Prunus laurocerasus</i>	Cherry laurel	-	-	R	-	-	-	-	-
<i>Prunus spinosa</i>	Blackthorn	-		R	--	-	-	-	-
<i>Quercus robur</i>	English Oak	R	-	R	-	-	-	-	--
<i>Ranunculus repens</i>	Creeping buttercup	-	-	-	LF	-	-	-	--
<i>Rhytidadelphus squarrosus</i>	Springy turf moss		-	-	-	X	-	-	-
<i>Rosa canina</i>	Dog rose	--	--	O	-	--	-	R	-
<i>Rubus fruticosus</i>	Bramble	-	-	-	LF	-	LF	O	--
<i>Rumex obtusifolius</i>	Broadleaved dock	-	-	-	R	-	-	-	-
<i>Salix caprea</i>	Goat willow	-	O	-	-	-	-	-	-

Scientific name	Common name	Mature trees	Young woodland	Woodland Regeneration	Woodland ground flora	Woodland bryophytes	Scrub	Ditch	Amenity grass
<i>Salix cinerea</i>	Grey willow	-	F	F	-	-	-	-	-
<i>Scrophularia aquatica</i>	Water figwort	-	-	-	-	-	-	R	
<i>Senecio jacobea</i>	Common ragwort	-	-	-	R	-	-	-	-
<i>Senecio vulgaris</i>	Groundsel	-	-	-	-	-	R	-	-
<i>Sinapsis arvensis</i>	Charlock	-	-	-	-	-	O	-	-
<i>Sorbus aucuparia</i>	Rowan	-	-	-	R	-	-	-	-
<i>Sorbus intermedia</i>	Swedish whitebeam	-	R	-	-	-	-	-	-
<i>Syringia vulgaris</i>	Lilac	-	-	R	-	-	-	-	-
<i>Tanacetum vulgare</i>	Common tansy	-	-	-	R	-	-	-	-
<i>Taraxacum officinale</i>	Dandelion	-	-	-	R	-	R	-	O
<i>Thuidium tamariscinum</i>	Common tamarisk moss	-	-	-	-	X	-	-	-
<i>Tilia sp.</i>	A Lime sp.	R	-	-	-	-	-	-	-
<i>Trifolium pratense</i>	Red clover		-	-	R	-	-	-	-
<i>Tussilago farfara</i>	Colt's-foot	-	--	-	R	-	-	-	-
<i>Ulmus glabra</i>	Wych elm	-	R	-	-	-	-	-	-
<i>Urtica dioica</i>	Common nettle	-	-	-	LF	-	LF	R	-
<i>Vicia sativa</i>	Common vetch	-	-	-	O	-	-	-	-

Species poor neutral grassland / Ditch / Amenity

Scientific name	Common name	TN2/3	TN4	Ditch	Amenity
<i>Agrostis stolonifera</i>	Creeping bent	LF	LF	-	-
<i>Agrostis tenuis</i>	Common bent	R	-	-	-

Scientific name	Common name	TN2/3	TN4	Ditch	Amenity
<i>Alnus glutinosa</i>	Alder		R	-	-
<i>Alopecurus pratensis</i>	Meadow foxtail	R	-	-	-
<i>Anthoxanthum odorata</i>	Sweet vernal grass	O/F	-	-	-
<i>Bellis perennis</i>	Daisy	-	-	-	F
<i>Betula pubescens</i>	Downy birch	-	R	-	-
<i>Callergon cuspidata</i>	Pointed spear moss	LF	F	-	-
<i>Carex flacca</i>	Glaucous sedge	-	LF	-	-
<i>Cerastium holeostoides</i>	Common mouseear	O	-	-	-
<i>Cirsium vulgare</i>	Spear thistle	R	-	-	-
<i>Cirsium arvense</i>	Creepon thistle	-	-	O	-
<i>Cynosaurus cristatus</i>	Crested dog's tail	R	-	-	-
<i>Dactylis glomerata</i>	Cock's-foot	-	-	O	R
<i>Dactylis glomerata</i>	Cock's-foot	R	-	-	-
<i>Deschampsia caespitosa</i>	Wavy hair grass	R	-	-	-
<i>Dipsacus fullonum</i>	Teasel	-	-	R	-
<i>Dryopteris filix-mas</i>	Common male fern	-	-	R	-
<i>Eleocharis palustre</i>	Common spike rush	-	R	-	-
<i>Elytrigia repens</i>	Common couch	LF	-	-	-
<i>Equisetum arvense</i>	Field horsetail	-	-	LF	-
<i>Festuca rubra</i>	Red fescue	F	-	-	-
<i>Filipendula ulmaria</i>	Meadowsweet	-	-	O	-
<i>Galium palustre</i>	Marsh bedstraw	-	R	-	-

Scientific name	Common name	TN2/3	TN4	Ditch	Amenity
<i>Geranium dissectum</i>	Cut-leaved crane's-bill	R	-	-	-
<i>Heracleum spondylium</i>	Hogweed	R	-	-	-
<i>Holcus lanatus</i>	Yorkshire fog-	A	-	F	-
<i>Hypochaeris radicata</i>	Cat's ear	R	-	R	-
<i>Juncus effusus</i>	Soft rush	O	A	-	-
<i>Juncus inflexus</i>	Hard rush	-	R	-	-
<i>Lathyrus pratensis</i>	Meadow vetchling	LF	O-F	-	-
<i>Leucanethemum vulgare</i>	Oxeye daisy	R	R	O	--
<i>Lolium perenne</i>	Perennial rye grass	R	-	-	A
<i>Lotus corniculatus</i>	Common bird's-foot trefoil	LF	R	-	-
<i>Lupinus</i>	Lupin	LF	LF	-	-
<i>Luzula campestris</i>	Field woodrush	LF			
<i>Phragmites australis</i>	Common reed	-	LF	-	-
<i>Plantago lanceolata</i>	Ribwort plantain	O	-	-	O
<i>Plantago major</i>	Greater plantain	R			
<i>Poa pratensis</i>	Smooth meadow grass	-O	-	-	O
<i>Prunella vulgaris</i>	Self heal	R	R	-	-
<i>Pulicaria dysenterica</i>	Common fleabane	-	O	-	-
<i>Ranunculus repens</i>	Creeping buttercup	O/LF	O	-	-
<i>Rosa canina</i>	Dog rose	-	-	R	-
<i>Rubus fruticosus</i>	Bramble	-	-	O	-
<i>Rumex crispus</i>	Curled leaf dock	-	R	-	-

Scientific name	Common name	TN2/3	TN4	Ditch	Amenity
<i>Salix cinerea</i>	Grey willow	-	F	-	-
<i>Salix viminalis x cinerea</i>	Osier grey willow hybrid	-	R	-	-
<i>Scrophularia aquatica</i>	Common figwort	-	-	R	-
<i>Senecio jacobea</i>	Ragwort	R	-	--	-
<i>Taraxacum officinale</i>	Dandelion	O	-	-	O
<i>Trifolium dubium</i>	Lesser trefoil	R			
<i>Trifolium pratense</i>	Red clover	O	R	-	-
<i>Trifolium repens</i>	White clover	R			
<i>Urtica dioica</i>	Common nettle	-	-	R	-
<i>Vicia sativa</i>	Common vetch	O	-	-	-

APPENDIX B: GCN E-DNA RESULTS

Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate



T. 020 8026 1089

E. gcndl@naturalengland.org.uk

The appropriate authority shall not grant a licence under Regulation 55(9)(b) unless they are satisfied that actions authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This Certificate is provisional once all information required in sections 1, 2, 3 and 4 has been inserted by Natural England and it has been issued to the Applicant. A provisional Certificate shall be given the date inserted by Natural England in section 4. A Certificate remains provisional until:

- It has been signed and dated by the Applicant in section 6; and
- Natural England's administration fee and (if applicable) the 1st Stage Conservation Payment has/have been paid; and
- It has been signed and dated on behalf of Natural England in section 8.

At which point this Certificate shall be complete and effective and shall be given the date on which it is signed by Natural England in section 8.

A provisional Certificate that determines that a 1st Stage Conservation Payment is required will lapse after 6 weeks from the date given in section 4. Lapse date:

A provisional Certificate that determines that a 1st Stage Conservation Payment is not required will lapse after 3 months from the date given in section 4. Lapse date: 19/04/2022

1. Application Details

Name of Applicant: (and company number where relevant) "the Applicant"	Mr Peter Massie
Site name / address: "the Site"	Harworth Main Colliery / Ings Lane, Little Houghton, Barnsley, South Yorkshire. S72 0HR
Grid reference for site: 10 figure reference from the centre of the site	SE 42068 05869
District Level Great Crested Newt Licensing Enquiry number:	DLL-ENQ-SYNL-00020
Date District Level Great Crested Newt Licensing Enquiry Form received:	12/01/2022

2. Impact assessment

Has the impact assessment been conducted?

Yes ☒

No ☐

If no, please explain why not
i.e. re-submission due to FIR, scheme has not changed

N/A

Total number of ponds within proposed site boundary

0

Total number of ponds within 250m buffer around the proposed site boundary

4

Expected total number of ponds lost
All ponds within the red line boundary are considered lost. Impacts on ponds outside of the red line boundary, up to 250m from the proposed site, are considered proportionally.

0.7

3. Compensation

Has the required level of compensation been calculated?

Yes ☒

No ☐

If no, please explain why not:
Re-submission due to FIR, scheme has not changed

N/A

Has the Applicant supplied survey information?

Yes ☒

No ☐

If not, which risk zone does the development lie in:
Green / Amber / Red

N/A - Applicant has supplied survey information

Pond compensation ratio:
Dependent upon the risk zone, the availability of survey information, or whether all impacts are temporary

GCN present x 4, GCN absent x 1, not surveyed x 2

Number of compensation ponds required:
Expected total number of ponds lost x pond compensation ratio

1.2

Time-lag multiplier of 1.1 required?
Time lag multiplier applied for the interval between pond creation and / or restoration and the date on which the Enquiry is made to Natural England

Yes, ponds have been in place for less than a year, so multiplier applies

Total number of compensation ponds required with time-lag multiplier:
If yes, please detail the cost summary for each pond

1.2 x 1.1 = 1.32

Is a 1st Stage Conservation Payment required?
A 1st Stage Conservation Payment is required if the total number of compensation ponds required is 3 or more than 3

Yes ☐

No ☒

4. Administration Fee and Conservation Payment

4.1 Natural England charges a non-refundable Administration Fee of £570 + VAT for the production of a provisional Impact Assessment and Conservation Payment Certificate. An invoice for this fee will be issued at the point of production of the provisional Impact Assessment and Conservation Payment Certificate, payable within 28 days of issue.

- 4.2 Applicants must also make a Conservation Payment to Natural England, to allow Natural England to pay for the creation and maintenance of sufficient new great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years.
- 4.3 If the total number of compensation ponds required is 3 or more the Conservation Payment shall be split into two staged payments: a 1st Stage Conservation Payment and a 2nd Stage Conservation Payment.
- 4.4 An Applicant who is not required to make staged payments will be issued with a VAT-inclusive invoice for the Conservation Payment once it has applied to Natural England for a GCN District Level Licence. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10, below.
- 4.5 An Applicant who is required to make a 1st Stage Conservation Payment will be issued with a VAT-inclusive invoice for that payment once it has signed the provisional Impact Assessment and Conservation Payment Certificate at section 6, below, and returned it to Natural England. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10 below. When an Applicant is required to make a 1st Stage Payment Natural England will not complete the Impact Assessment and Conservation Payment Certificate by signing and dating it at section 8 until that payment has been made.
- 4.6 An Applicant who has made a 1st Stage Conservation Payment will be issued with a VAT-inclusive invoice for the 2nd Stage Conservation Payment once it has applied to Natural England for a GCN District Level Licence. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10, below.
- 4.7 Except for householder home improvement projects or where planning permission has been received following a householder planning application a further non-refundable fee of £690 will be charged at the point of issue of any subsequent licence under reg. 55 of the Conservation of Habitats and Species Regulations 2017, payable within 28 days of issue.

Has the Conservation Payment for the required amount of compensation been calculated in accordance with standard procedure?

Yes ☒

No ☐

If no, please provide details:

N/A

Basis of calculation of Conservation Payment:

1.32 compensatory ponds required at £15,850.00 each = £20,922.00 plus VAT = total £25,106.40

See 4.2 to 4.6, above

If a 1st Stage Conservation Payment is required, the Conservation Payment shall be split as follows:

1st Stage Conservation Payment: £ plus VAT = total £

See 4.5, above

2nd Stage Conservation Payment: £ plus VAT = total £

See 4.6, above

Plus:

Administration fee for Impact Assessment and Conservation Payment Certificate £570 plus VAT = total **£684**

See 4.1, above

Fee payable on the issue of a licence **£690** (no VAT)

See 4.7, above

Date: 14/01/2022

See clause 5.11, below

A breakdown of the Conservation Payment per pond is given at Annex 2.

The Conservation Payment must be made in full before a licence under regulation 55 of the Conservation of Species and Habitats Regulations 2017 may authorise activities that would otherwise breach Regulation 43 of those regulations.

5. Further Important Information

- 5.1 It is the duty of the Applicant to inform Natural England if the extent of the land affected by the proposed development is not exactly as shown on the Plan attached as Annex 3 to this Certificate or if it alters at any time after the date of this Certificate. An offence may be committed if incorrect information is submitted to Natural England in the course of the licensing process.
- 5.2 Natural England shall be entitled to terminate this Certificate if information subsequently received causes it to reasonably conclude that the impacts on great crested newts, or the required level of compensation, of/for the Applicant's proposals on the Site have been under-stated in this Certificate. Before terminating this Certificate Natural England shall give the Applicant reasonable notice of its intentions and the opportunity to make a written representation against withdrawal.
- 5.3 This Certificate relates only to the development described in this form and not to any associated or enabling development.
- 5.4 Natural England's assessment of the total number of ponds to be lost at the Site is informed by the information provided by the Applicant in its Enquiry Form. However, where an Applicant has not provided up to date survey data Natural England determines the number of ponds to be lost at the Site from its own information. In all cases Natural England retains discretion in assessing the number of ponds to be lost as a result of the Applicant's proposals at the Site and its decision shall be conclusive.
- 5.5 This Certificate is not a licence granted under reg. 55 of the Conservation of Habitats and Species Regulations 2017 (henceforth "the 2017 Regulations") and is not a confirmation or warranty that such a licence will subsequently be granted.¹ Natural England excludes all warranties and representations in so far as the law permits.
- 5.6 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations any such licence will be subject to the conditions therein set out, which may include (but not be limited to) conditions that activities may not be commenced until the Applicant has paid the Conservation Payment in the amount and manner set out herein and that activities may not be commenced until compensatory works have reached a specified stage of completion.
- 5.7 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations Natural England agrees to use and hold Conservation Payment monies payable by and received from the Applicant for the purposes and period of time set out in Annex 2 to this Certificate. Any surpluses properly arising after 25 years from the date of the grant of a licence shall be retained and used by Natural England for the purposes of enhancing the conservation status of great crested newts in England.
- 5.8 If the Applicant's proposals at the Site are refused planning permission or other essential regulatory consent (including a licence to the Applicant under reg. 55 of the 2017 Regulations) any Conservation Payment(s) made by the Applicant to Natural England pursuant to this Certificate will be repaid in full.
- 5.9 If following the receipt of planning permission and/or all other essential regulatory consents but prior to the commencement of any works on the Site that could kill or disturb great crested newts or damage or destroy their habitat the Applicant confirms in writing to Natural England that it no longer wishes to proceed with its proposals on the Site any 1st Stage Conservation Payment already made shall be forfeit and any 2nd Stage Conservation Payment already made will be repaid subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written confirmation. An Applicant who was not required to make staged payments will be repaid any Conservation Payment already made subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written confirmation. The Applicant acknowledges that Natural England will spend the Conservation Payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of receiving it.
- 5.10 If the Applicant only carries out part of the development on the Site and has less impact than that assessed at part 2 of this Certificate it shall be entitled to request Natural England to recalculate the Conservation Payment. Such request shall be in writing and shall contain all the information necessary to allow Natural England to assess the impact of the modified development. If the recalculated Conservation Payment is lower than the Conservation Payment(s) already paid the Applicant shall be entitled to reimbursement of the difference on the following basis: a 1st Stage Payment shall be forfeit; the balance may be repaid from a 2nd Stage Payment subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of the request to recalculate; an Applicant who was not required to make staged payments will be repaid the difference subject to the deduction of such costs as have reasonably been incurred

by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written request. The Applicant acknowledges that Natural England will spend the Conservation Payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of receiving it.

- 5.11 Once signed and dated in section 8, this Certificate shall remain effective for the period of 25 years from the commencement of works on the Site that could kill or disturb great crested newts or damage or destroy their habitat; save that if after two years from the date of this Certificate the Conservation Payment set out at part 4 of this Certificate has not been paid in full Natural England shall be entitled to review and revise the amount of that payment to such sum as at the date of such review is sufficient to pay for the creation and maintenance of sufficient great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years. Until signed and dated in section 8 this Certificate is provisional only and if it has been determined that a 1st Stage Conservation Payment is required it will lapse and be of no further effect after 6 weeks from the date given in section 4. If it has been determined that a 1st Stage Conservation Payment is not required this Certificate will lapse and be of no further effect after 3 months from the date given in section 4.
- 5.12 This Certificate may not be relied on by any person other than the Applicant and may not be assigned to any other person without the prior written consent of Natural England. Natural England's consent will be conditional upon any assignee signing a Certificate in like form to this Certificate, or as appropriate to the circumstances, subject to which consent shall not unreasonably be withheld.
- 5.13 Natural England's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment paid by the Applicant to Natural England and un-spent as at the date of adjudication of the claim.
- 5.14 The Applicant's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment properly calculable on the basis of the actual development to which this Certificate relates.
- 5.15 Neither Natural England nor the Applicant shall be liable to the other for any indirect, special or consequential loss or damage or any loss of profits, turnover, business opportunities or damage to goodwill (whether direct or indirect).
- 5.16 No variation of this Certificate shall be valid unless it is in writing and signed by or on behalf of both parties.
- 5.17 Nothing in this Certificate shall prejudice, conflict with or affect the exercise by Natural England of its statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations arising or imposed under any legislative provision enactment, bye-law or regulation whatsoever, nor shall it fetter the exercise of any discretion Natural England may have.
- 5.18 Natural England may terminate this Certificate immediately on notice in writing where, in Natural England's reasonable opinion, compliance with the obligations in this Certificate is likely to conflict with Natural England's statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations.
- 5.19 The Applicant acknowledges that Natural England is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (both as amended) and cannot guarantee confidentiality. The Applicant shall assist and co-operate with Natural England as necessary to comply with these requirements. In responding to a request for information, including information in connection with the subject matter of this Certificate Natural England shall where in its absolute discretion it deems necessary use reasonable endeavours to consult with the Applicant. Notwithstanding this the Applicant acknowledges that Natural England may disclose information without consultation, or following consultation with the Applicant having taken its views into account.
- 5.20 The Applicant shall ensure that all information produced in connection with the subject matter of this Certificate or relating to this Certificate is retained for disclosure and shall provide all necessary assistance as reasonably requested to enable Natural England to respond to a request for information within the time for compliance and shall permit Natural England to inspect such records as requested from time to time.
- 5.21 Nothing in this Certificate is intended to, or shall be deemed to, constitute a partnership or joint venture of any kind between Natural England and the Applicant. No party shall have authority to act as agent for, or to bind, the other party in any way.
- 5.22 The parties do not intend any term of this Certificate to be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person that is not a party to it.

- 5.23 This Certificate and all disputes or claims arising out of or in connection with the activities of the parties in connection with it shall be governed by and construed in accordance with the law of England.

6. Declarations

This Declaration may only be signed by either:

- A director or senior authorised employee of the corporate Applicant identified at 1 (a), above; **or**
- The person identified at 1 (b), above, as the individual Applicant; **or in either case:**
- A person authorised in writing by the Applicant to complete this Enquiry Form and to make this Declaration. Any such written authorisation must identify the site and development concerned and be irrevocable.

The Applicant declares as follows:

- **All of the information provided by the Applicant to enable Natural England to produce this Certificate is up to date, complete and correct;**
- **All of the information provided by the Applicant in the District Level Great Crested Newt Licence Enquiry Form dated: 12/01/2022 is up to date, complete and correct;**
- **The terms and conditions contained within this Certificate are agreed and accepted.**

Signed:

Chris Davidson Digitally signed by Chris Davidson
Date: 2022.04.13 16:57:21 +01'00'

Name and position of signatory:

Regional Director, Yorkshire & Central

For electronic applications, please insert an electronic signature above or tick this box to confirm with the declaration:

I confirm that I (the above) am duly authorised by the Applicant to sign and submit this document on its behalf:

☐☒

Dated:

13/04/22

Invoicing – details of where the invoice(s) should be sent for payment	
Email address for invoice:	Invoices@harworthgroup.com
Purchase Order Number(s) for Conservation Payment:	PO00008463
Company Name:	Harworth Estates Investments Limited
Address:	Advantage House, Poplar Way, Rotherham, South Yorkshire
Postcode:	S60 5TR
County:	Yorkshire
Customer contact name	Peter Massie
Telephone number:	07909 095 282

Any person who in order to obtain a licence under regulation 55 of the 2017 Regulations knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. A person found guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

7. Use of this Certificate

In consideration of the Applicant's obligations arising herein Natural England consents to the use of this Certificate by the Applicant in support of an application for planning permission, or development consent under the Planning Act 2008, for development on the Site. Under District Level Great Crested Newt Licensing Natural England carries out its formal determination for the purposes of Regulation 55 of the 2017 Regulations after the grant of planning permission, or development consent under the Planning Act 2008, for the development in question. Accordingly, as at the date of this Certificate that formal determination has not yet been carried out.

However, in signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy Regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.

This Certificate reflects Natural England's views in relation only to great crested newts on and within 250m of the Site.

8. Natural England

Signed for and on behalf of Natural England
Duly authorized:



Dated:

14/04/2022

ⁱ In order for Natural England to grant a licence to the Applicant under reg. 55 of the 2017 Regulations it must be satisfied, inter alia, that the activities so licensed meet the provisions of reg. 55 (2) and 55 (9) (a) and (b). Compensatory works funded by the Conservation Payment set out in this document allow the provisions of reg. 55 (9) (b) to be satisfied ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"), but do not address the issues raised in reg. 55 (2) ("...imperative reasons of overriding public interest, including those of a social or economic nature ...") or 55 (9) (a) ("that there is no satisfactory alternative"). Accordingly, no representation, assurance, condition or warranty is given by Natural England to the effect that activities associated with the development described in this form will go on to be licensed by Natural England.

Annex 1

Privacy Notice

Who collects your data?

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk

The Defra group Data Protection Officer is responsible for checking that Natural England complies with legislation. You can contact them at: Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. DefraGroupDataProtectionOfficer@defra.gsi.gov.uk

What of my data is being collected and how is it being used? What is the legal basis for the processing?

The data collected by Natural England includes: an Applicant's name and contact details, the name and contact details of any agent appointed by the Applicant, the name and contact details of individual points of contact within the Applicant's organisation and that of the Applicant's agent, customer type, the nature of the Site, the development proposed on the Site, reasons for that development, and bank account information for refunds.

Natural England uses such data to run a great crested newt licensing scheme ("the Scheme") in the area in which the Site is located. Processing is necessary (a) for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions delegated by Defra to Natural England under section 78 of the Natural Environment and Rural Communities Act 2006 and (b) for the performance of the contractual terms set out in this Certificate.

The processing by us of personal data relating to wildlife-related or animal welfare offences or related security measures is carried out only under official authority. This information is used in assessing an application as it is a material fact.

Who will my data be shared with?

Information provided by or on behalf of the Applicant and any supporting material will be used by Natural England to undertake our licensing functions and to operate the Scheme. This will include assessing an Applicant's proposals in line with the Scheme, producing a Scheme certificate, assessing an Applicant's licence application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. In carrying out these functions Natural England may discuss your Scheme application with third parties such as contractors commissioned to deliver the necessary habitat compensation. Natural England may for particular licence applications and at specific stages of the licensing process discuss your application with third parties. The details of this sharing are set out here <https://www.gov.uk/government/publications/wildlife-licensing-privacy-notice>

Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available. Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we **will not** release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

How long will my data be held for?

Your personal data will be kept by us for 7 years beyond the period of effectiveness of this Certificate.

If you are relying on my consent to process data, can I withdraw my consent?

No, because the processing is not based on consent.

What will happen if I don't provide the data?

Failure to provide this information will mean that we will be unable to assess your application for a Scheme certificate and/or a wildlife licence.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How do I complain?

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Natural England's Personal Information Charter

Details of our Personal Information Charter can be found at: <https://www.gov.uk/government/organisations/natural-england-personal-information-charter>

Annex 2

Breakdown of Conservation Payment per compensatory pond required

Habitat delivery (71%)	Compensatory pond creation or restoration*	£3,500 per pond, including cost of obtaining planning permission where necessary	Funds to be spent as soon as possible
	Contingency fund for replacement of compensatory pond	£3,500 per pond initially created	Funds to be pooled spent on the creation of further ponds at Natural England's discretion, within 25 years
	Compensatory pond maintenance	£3,786 per pond initially created	Funds to be pooled spent over 25 years
Habitat monitoring (14%)	Monitoring	£2,461 per pond initially created	Funds to be pooled spent over 25 years, including eDNA and HSI surveys
	Modelling and mapping updates	£175 per pond initially created	Funds to be pooled spent at regular intervals over 25 years
Administration (15%)	Habitat delivery project officer – initial pond creation*	£700 per pond initially created	Funds to be spent as soon as possible
	Habitat delivery project officer – replacement pond creation	£700 per pond initially created	Funds to be pooled spent on the creation of further ponds at Natural England's discretion, within 25 years
	Natural England: management and oversight of scheme at district level; liaison with habitat delivery partners.	£462 per pond initially created	Funds to be pooled spent as appropriate to the delivery of the scheme, within 25 years
	Natural England: procurement, management and oversight of compensatory works at project level; customer liaison.	£566 per pond initially created	Funds to be spent as compensatory works required by this Certificate proceed

Plus VAT

* Items marked with an asterisk relate to immediate costs for pond creation and together constitute the 1st Stage Conservation Payment per compensatory pond, in cases where this is payable separately.

Annex 3
Location plan