

**Whitcher Wildlife Ltd.
Ecological Consultants.**



**LAND ADJACENT to 108 CEMETERY
ROAD, HEMINGFIELD.**

MAP REF: SE 38822 01348.

PRELIMINARY ECOLOGICAL APPRAISAL.

Ref No: 241023.

Date: 1st November 2024.

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1. INTRODUCTION.

1.1. There are plans to erect a new detached dwelling on the vacant site adjacent to 108 Cemetery Road, Hemingfield.

1.2. A Preliminary Ecological Appraisal (PEA) is required to support the planning application.

1.3. Whitcher Wildlife Ltd has been commissioned to carry out that PEA of the site to determine whether there are any ecological issues associated with the planned works and to determine Biodiversity Net Gain for the development.

1.4. The site survey was carried out on 24th October 2024. This report outlines the findings of that survey and makes appropriate recommendations based on the construction of one new dwelling on the site.

1.5. Appendices I and II of this report provides additional information on specific species and is designed to assist the reader in understanding the contents of this report.

2. SURVEY METHODOLOGY.

2.1. Prior to visiting the site, the survey area was cross referenced to maps and aerial photographs to give a general idea of the habitats and potential issues within the area and to identify potential access and walking routes.

2.2. The survey area was walked where access was agreed and public rights of way were used where no access was agreed. All habitats within and immediately around the survey area were documented and the dominant species within that habitat listed in line with the UK Habitat Classification methodology to identify the broad habitat types throughout the survey area.

2.3. The survey area and immediate surrounding area was thoroughly searched for evidence of badger (*Meles meles*) activity by looking for the following signs in line with Harris S, Cresswell P and Jefferies D (1989). *Surveying Badgers*. Mammal Society: -

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

2.4. The survey area was searched for watercourses and where found all watercourses within the survey area and for approximately 50m in each direction were thoroughly searched for evidence of water vole (*Arvicola amphibius*) activity by looking for the following signs, in line with Rob Strachan, Tom Moorhouse and Merryl Gelling (2011).

Water Vole Handbook: Third Edition: -

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

2.5. The survey area was searched for watercourses and where found all watercourses within the survey area and for approximately 50m in each direction were thoroughly searched for evidence of otter (*Lutra lutra*) activity by looking for the following signs

in line with the P Chanin (2003). *Monitoring the Otter and Conserving Natura 2000 Rivers: Monitoring Series No10 Guidelines*: -

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

2.6. The survey area was searched for watercourses and waterbodies. Where found, and where safe to enter the water, all were thoroughly searched for the presence of crayfish, for approximately 50m in each direction of the site, by searching under rocks and logs. Where stated, crayfish traps were also deployed into the watercourse. All survey work was carried out in accordance with the *Conserving Natural 2000 Rivers Monitoring Series No 1, Protocol for Monitoring the White Clawed Crayfish*.

2.7. The survey area was searched for mature trees and derelict buildings and where found these were checked for potential bat roosting sites in line with Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition)* by looking for the following signs: -

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

2.8. The land immediately adjacent to the survey area was assessed for bat roosting potential and bat foraging potential. Connective routes and flight lines were also assessed whilst on site and using maps of the area.

2.9. The area within 500m of the survey site was cross referenced to maps to highlight all ponds close to the site. Where possible, all ponds identified were accessed using agreed access or public rights of way to assess the potential for great crested newts (*Triturus cristatus*) to be present.

2.10. The survey area was assessed for the potential for reptiles and suitable reptile habitats. Where applicable the area was also searched for the presence of reptiles.

2.11. Where appropriate, the habitat within and surrounding the survey area was searched for species such as hazel, oak, honeysuckle, bramble and other species which may provide potential habitat for hazel dormice (*Muscardinus avellanarius*). Field signs such as feeding remains and nests were also searched for where possible, in line with P Bright, P Morris and T Mitchell-Jones *the Dormouse Conservation Handbook 2nd Edition*.

2.12. Where appropriate, the area within and surrounding the survey area was assessed for its potential to house habitat for red squirrels. Field signs of red squirrels were searched for at least every 50m, looking for any dreys, feeding signs or sightings of red squirrels.

2.13. All surveys were carried out in line with the Chartered Institute of Ecological and Environmental Management (CIEEM) survey standards and advice.

2.14. This document is prepared in line with The National Planning Policy Framework (NPPF). This sets out the government policy on biodiversity and nature conservation and places a duty on Planning Authorities to give material consideration to the effect of a development on legally protected species when considering planning applications. The NPPF and the Planning Practice Guidance on “Natural Environment” also promote sustainable development by ensuring that developments take account of the role and value of biodiversity and that it is conserved and enhanced within the development.

2.15. This report is prepared in line with the Natural Environment and Rural Communities (NERC) Act that came into force on 1st Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

2.16. This survey was carried out by Derek Whitcher who has over twenty years’ experience of surveying for wildlife and has run his own wildlife consultancy since 1998. He has extensive experience of a wide variety of survey techniques for a variety of species of protected wildlife supplemented by attendance on a wide range of training courses through CIEEM, FSC and BCT. As a member of CIEEM he is committed to continuous professional development, a continual process of learning and career development, a condition of CIEEM membership. He holds current Natural England survey licences for barn owl, bat, great crested newt and white clawed crayfish.

3. SURVEY RESULTS.

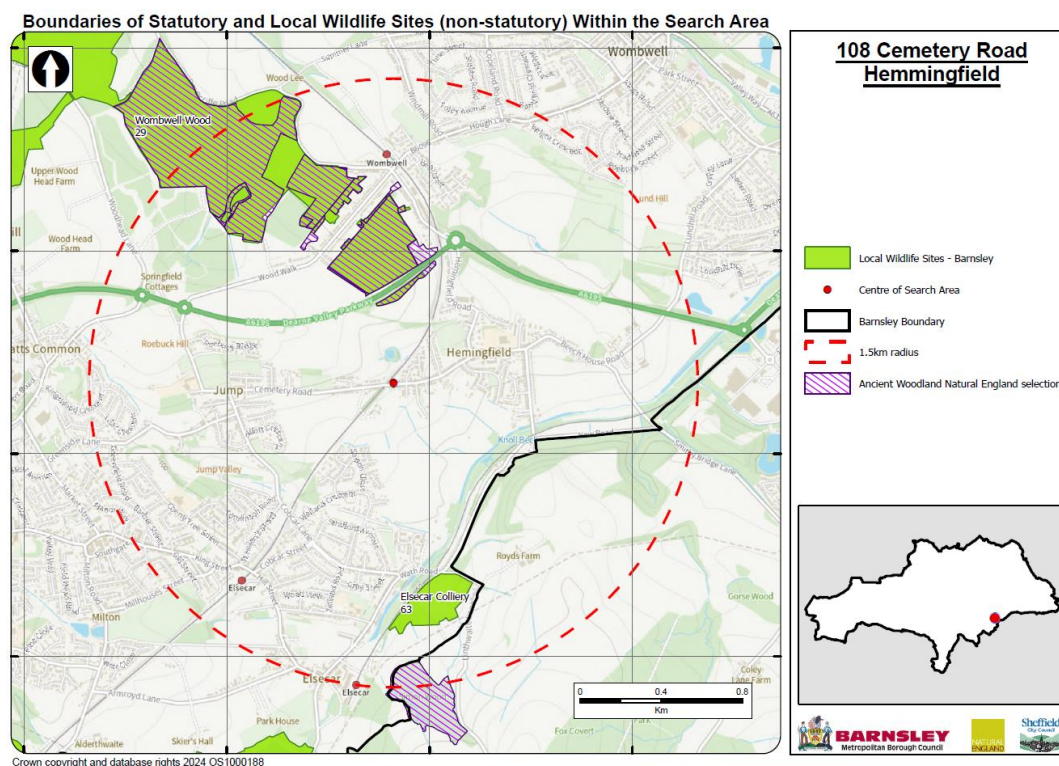
3.1. Data Search Results.

3.1.1. A desktop data search for existing records of protected species or designated sites within 2km of the surveyed area was submitted to Barnsley Biological Records Centre.

3.1.2. There are no internationally or nationally designated sites in the search area.

3.1.3. The survey area lies within an SSSI impact Risk Zone but this development does not require consultation with Natural England.

3.1.4. There are two Barnsley Local Wildlife Sites (LWS) within 1.5km of the survey area. Wombwell Wood LWS is located 415m to the north of the survey area and Elsecar Colliery LWS 800m to the south. These are both shown on the map below.



3.1.5. There are a small number of amphibian records within the search area but these are common species, found either in Wombwell Wood Dam or in a pond on the Wombwell Golf Course, both ponds being separated from the site by the Dearne Valley Link Road. There are two historic records of great crested newts from 1991 but nothing

more recent. There is a pond 108m to the north of the site, on the opposite side of the railway line, but there are no amphibian records for this pond.

3.1.6. The data search results include a small number of grass snake records but none of the records lie closer than 1km from the survey area.

3.1.7. There are abundant records of common bat species in the surrounding area although none close to the survey area. Consultation with the MAGIC website shows the closest EPS bat licences issued to be 3km to the north or 4km to the south.

3.1.8. There are four hedgehog records in the data search results and all are over 1,500m from the survey area.

3.1.9. The survey area lies within the Dearne Valley Green Heart Nature Improvement Area.

3.1.10. The data search results are available to the client on request but must not be placed in the public domain.

3.2. The Surveyed Area.

3.2.1. The aerial photograph below shows the location of the site marked with a red arrow and the surrounding area. The site is located in a residential area of Hemingfield with the railway line to the north. There is open farmland to the northwest, beyond the railway with a private pond present.



3.2.2. The site comprises an existing domestic garden plot shown in the aerial photograph below, shaded yellow. Historic mapping shows buildings on the site until 2020.



3.3. Description of Habitats.

3.3.1. Appendix III of this report contains an annotated map marked up with the varying habitats that are on the site. The primary habitats on and adjacent to the site are: -

- u1b – Developed land, sealed surface.
- s – Sparsely vegetated land.
- u1 – Vegetated garden.
- u1e – Built linear feature.

3.3.2. Biodiversity calculations have been undertaken using the Statutory Biodiversity Metric from the Government website.

3.3.3. u1b - Developed land, sealed surface.

3.3.3.1. There are areas of concrete that were part of the previous buildings that were on the land, as shown in the photographs below. These have been assessed to be developed land with a sealed surface.

3.3.3.2. There is no habitat condition assessment for this habitat



3.3.4. s – Sparsely vegetated land.

3.3.4.1. Between the concrete and the back of the site is an area that was also part of the previous buildings on the site. These clearly had a timber floor with a void beneath that has collapsed. This is now a mess of building debris and rotting timber with occasional weeds growing between including nettle (*Urtica dioica*) and buddleia (*Buddleia davidii*).





3.3.4.2. The condition assessment for this habitat is within the Statutory BNG Condition Assessment document that accompanies this report. The condition of the sparsely vegetated land is moderate, passing three criteria.

3.3.5. u1 – Vegetated garden.

3.3.5.1. The front of the plot, closest to Cemetery Road, has previously been a garden area. Part of this has recently been used to plant vegetables whilst most of the area now supports weeds. Species present include carrot (*Daucus carota*), cabbage (*Brassica oleracea*), celery (*Apium graveolens*), tomato (*Solanum lycopersicum*), onion (*Allium cepa*), sweet corn ((*Zea mays L.*)), squash (*Cucurbita pepo*), dandelion (*Taraxacum officinale*), nettle (*Urtica dioica*), ragwort (*Jacobaea vulgaris*), groundsel (*Senecio vulgaris*), ribwort plantain (*Plantago lanceolata*), teasel (*Dipsacus sylvestris*), valerian (*Centranthus ruber*), creeping buttercup (*Ranunculus repens*), white clover (*Trifolium repens*), cow parsley (*Anthriscus sylvestris*), ivy (*Hedera helix*), bramble (*Rubus fruticosus*) and cocksfoot (*Dactylis glomerata*).





3.3.5.2. There is no condition assessment for this habitat.

3.3.6. u1e – Built linear feature.

Secondary Code: 612 Fence.

The site is surrounded by various types of timber fence, palisade fence and stone wall.



3.4. Description of Fauna.

3.4.1. No badger setts or field signs were identified anywhere on the site and there are no existing records in the surrounding area.

3.4.2. There is no watercourse close to the site and therefore no habitat for water voles, otters or white clawed crayfish.

3.4.3. There is one pond within 110m of the survey area, but this is a private pond located on the opposite side of the railway line. The data search included only two historic records of great crested newts from 1991 and these were in Wombwell Golf Course pond, approximately 1km from the survey area on the opposite side of the busy Dearne Vally Parkway, a barrier to movement. Common amphibian records are also not close to the survey area.

3.4.4. There are no buildings present on the site to provide roosting opportunities for bats.

3.4.5. There are no trees present on the site to provide opportunities for roosting bats.

3.4.6. The lack of vegetation in the survey area provides minimal foraging habitat for bats.

3.4.7. The vegetation on site provides little opportunity for nesting birds during the nesting season, which extends from March to August each year. No nests were identified during this survey.

3.4.8. The site is assessed to have minimal potential for reptiles as the site is located within a residential area. The data search results include grass snake records but the closest is over a kilometer from the survey area.

3.4.9. The site is assessed to be a totally unsuitable habitat for hazel dormouse, located outside the natural range for the species.

3.4.10. The site is assessed to be totally unsuitable habitat for red squirrels, located outside the natural range for the species.

3.4.11. No alien, invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act were found on the site.

3.4.12. The site provides habitat suitable for hedgehogs, but they are unlikely to be found on this site, particularly considering the walls, drops and traps on the existing site. There are four hedgehog records in the data search results and they are all over 1,500m from the survey area.

4. BIODIVERSITY NET GAIN.

4.1. Pre-Development BNG.

4.1.1. Baseline biodiversity calculations have been carried out using the Statutory Metric tool, the current metric at the time of writing this report. The calculations have been completed for all area habitats on the site. The condition assessments for each habitat are shown in the attached condition assessment document and the baseline biodiversity values are shown in the attached metric calculation tool as well as being listed below.

4.1.2. Area Habitats Pre-Development.

Habitat Type	Area in Ha	Distinctiveness	Condition Assessment	Biodiversity Units.
Developed land, sealed surface	0.0054	V.Low	N/A	0
Sparse vegetated land.	0.108	Low	Moderate	0.5
Vegetated garden	0.140	Low	N/A	0.32
Total	0.302			0.82BU

4.1.3. The area biodiversity value of the site prior to any works is 0.82BU.

4.2. Post Development BNG

4.2.1. Due to the small area of the site, there is very little scope to create any habitats towards a biodiversity net gain. In addition, the entire site will be within the private gardens and therefore, any additional biodiversity features will not count towards the Biodiversity Net Gain calculations as they cannot be guaranteed for thirty years.

4.2.2. Area Habitats Pre-Development.

The Post development area habitats are shown below.

Habitat Type	Area in Ha	Distinctiveness	Condition Assessment	Biodiversity Units.
Developed land, sealed surface	0.167	V.Low	N/A	0
Vegetated garden	0.135	Low	N/A	0.30
Total	0.302			0.30BU

4.2.3. These figures show the post development biodiversity figures will be 0.3Bu. This is a reduction of 0.52BU and this represents a loss of 63.41%.

5. EVALUATION OF FINDINGS.

5.1. There are no internationally or nationally designated sites in the data search area. There are two non-statutory sites but none close to the survey area. Therefore, the proposed development will have no negative impact on such sites.

5.2. The survey area lies within an SSSI impact zone but is a small development that does not require a consultation with Natural England.

5.3. No badger setts or field signs were identified anywhere in the survey area and there are no records of badger setts within 0.2km of the survey area. Therefore, there will be no negative impact on the species.

5.4. There is no watercourse close to the site and therefore no habitat for water voles, otters or white clawed crayfish. There will therefore be no negative impact on these species.

5.5. There is one pond within 110m of the survey area, but this is a private pond located on the opposite side of the railway line. The data search included only two historic records of great crested newts from 1991. Common amphibian records are not close to the survey area or the above mentioned pond. The proposed development is unlikely to impact on amphibians.

5.6. There are no buildings present on the site to provide roosting opportunities for bats. The proposed development will have no negative impact on roosting bats in buildings.

5.7. There are no trees present on the site to provide opportunities for roosting bats. The proposed development will have no negative impact on roosting bats in trees.

5.8. The lack of vegetation in the survey area provides minimal foraging habitat for bats and therefore, the proposed development will have no impact on foraging bats.

5.9. The vegetation on site provides little opportunity for nesting birds during the nesting season, which extends from March to August each year. Vegetation clearance between March and August has a low potential to impact on nesting birds.

5.10. The site is assessed to have minimal potential for reptiles as the site is located within a residential area. The data search results include grass snake records but the

closest is over a kilometer from the survey area. The proposed development is unlikely to have any negative impact on reptiles.

5.11. The site is assessed to be an unsuitable habitat for hazel dormouse, located outside the natural range for the species. The proposed development will have no negative impact on the species.

5.12. The site is assessed to be totally unsuitable habitat for red squirrels, located outside the natural range for the species. The proposed development will have no negative impact on the species.

5.13. No alien, invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act were found on the site. Therefore, there will be no negative impact on the potential spread of Schedule 9 plants in the wild.

5.14. The site provides habitat suitable for hedgehogs, but they are unlikely to be found in such a residential area. There are four hedgehog records in the data search results and they are all over 1,500m from the survey area. The proposed development is unlikely to impact on the species.

6. RECOMMENDATIONS.

6.1. This Preliminary Ecological Appraisal report is designed to advise the client of the initial survey results so that they may be considered within the site development plan.

6.2. At a later stage and once the development plans have been finalised, the report must be converted into an Ecological Impact Assessment (EcIA) where details of further survey results, mitigation and ecological enhancements are included, to arrive at an assessment of the residual impact of the proposed development. This should include biodiversity calculation to demonstrate that a 10% increase in biodiversity can be achieved. The EcIA format will be suitable to submit to the Local Authority.

6.3. The target is to provide a 10% increase in the area biodiversity as a result of the development although any habitat that remains within a private garden will not be included in the BNG calculations as it cannot be guaranteed for thirty years. This makes it impossible to provide the required Biodiversity on the site and will necessitate negotiating for off-site biodiversity units to compensate.

6.4. It is recommended that any vegetation clearance is undertaken outside the nesting bird season, which extends from March to August. Should any vegetation clearance be necessary during this time, it must be preceded by a nesting bird survey no more than two days before those works commence.

6.5. It is recommended that the vegetation on site is cleared with due caution to ensure that any amphibians, reptiles or hedgehogs that may be present on site are not harmed.

6.6. Any common amphibians found should be carefully moved off the site. Should a great crested newt be found, works must cease and a licenced ecologist consulted to agree a way forward.

6.7. It is recommended that biodiversity enhancements are incorporated into the new buildings in line with the requirements of the NPPF. It is recommended that one integrated bat brick and two integrated swift nest boxes are also built into the new dwelling.

Prepared by:	
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Checked by:	
Ruth Georgiou, BSc, MCIEEM.	Date: 2 nd November 2024.

7. REFERENCES.

- Amphibian and Reptile Groups of the United Kingdom (2010) *ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index*. ARGUK.
- Baker, J., Beebee T., Buckley, J., Gent, A. and Orchard, D. (2011). *Amphibian Habitat Management Handbook*. Amphibian and Reptile Conservation, Bournemouth.
- Bat Tree Habitat Key (2018) *Bat Roosts in Trees: a guide for identification and assessment for tree-care and ecology professionals*. Pelagic Publishing, Exeter
- Bird Survey & Assessment Steering Group (2023). *Bird Survey Guidelines for assessing ecological impacts, v.1.1.1*. Available at <https://birdsurveyguidelines.org> (Accessed 15/04/2024)
- Bright, P., Morris, P. & Mitchell-Jones, T. (2006) *The Dormouse Conservation Handbook*. English Nature, Peterborough.
- Chanin, P. (2003) *Ecology of the European Otter*. Conserving Natura 2000 Rivers Ecology Series No.10. English Nature, Peterborough.
- Chanin, P. (2003) *Monitoring the Otter Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No.10. English Nature, Peterborough.
- CIEEM (2017) *Guidelines for Preliminary Ecological Appraisal, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester.
- CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester.
- Cresswell, P., Cresswell, W.J., and Woods, M. (1993) *The Country Life Guide to Artificial Badger Setts*. Country Life, London.
- Collins J. (ed.) 2023. *Bat Surveys for Professional Ecologist: Good Practice Guidelines (4th Edition)*. The Bat Conservation Trust, London.
- Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016) *The Water Vole Mitigation Handbook* (Mammal Society Mitigation Guidance Series). Eds Fiona Mathews and Paul Chanin. Mammal Society, London.
- Department for Environment, Food & Rural Affairs (2024) *Biodiversity Net Gain*. Available at <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides> (Accessed: 15/04/2024).
- Department for Environment, Food & Rural Affairs (2024) *Statutory Net Biodiversity Metric User Guide*. Available at <https://www.gov.uk/government/collections/biodiversity-net-gain> (Accessed: 15/04/2024).
- Department for Levelling Up, Housing and Communities (2023) *National Planning Policy Framework (NPPF)*. Available at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> (Accessed: 15/04/2024).
- Edgar, P., Foster, J. and Baker, J. (2010) *Reptile Habitat Management Handbook*. Amphibian and Reptile Conservation, Bournemouth.
- English Nature (2001) *Great Crested Newt Mitigation Guidelines*. English Nature, Peterborough.
- Froglife (1999) *Froglife Advice Sheet 10: reptile survey*. Froglife, London.
- Gurnell, J., & Lurz, P. (2012) *Red Squirrel*. In: Cresswell, W.J., Birks, J.D.S., Dean, M., Pacheco, M., Trehella, W.J., Wells, D. and Wray, S. (2012). *UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*. The Mammal Society, Southampton.
- Harris, S., Cresswell, P. and Jefferies D. (1989) *Surveying Badgers*. Occasional Publication No 9, The Mammal Society, London.
- Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001), *Great Crested Newt Conservation Handbook*, Froglife, Halesworth.
- Mitchell-Jones, A.J. (2004) *Bat Mitigation Guidelines*. English Nature, Peterborough.
- Natural England (2022) *Hazel Dormice: Advice for making planning decisions*. Available at <https://www.gov.uk/guidance/hazel-dormice-advice-for-making-planning-decisions> (Accessed: 15/04/2024)
- Natural England (2014) *Protected species and development: advice for local planning authorities*. (updated 2021) Available at: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications> (Accessed: 05/03/2021).
- Natural Environment and Rural Communities Act 2006* Available at <https://www.legislation.gov.uk/ukxi/2019/579/contents/made> (Accessed: 15/04/2024). 29

Peay, S. (2003) Monitoring the White-clawed Crayfish *Austropotamobius pallipes*. Conserving Natura 2000 Rivers Monitoring Series No. 1. English Nature, Peterborough.

Stanbury, A. et al (2021) The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114: 723-747. Available at <https://britishbirds.co.uk/content/status-our-bird-populations> (Accessed 15/04/2024)

Joint Nature Conservation Committee (2004). Common Standards Monitoring Guidance for Birds. 2004 ed. JNCC, Peterborough.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 Available at <https://www.legislation.gov.uk/uksi/2019/579/contents/made> (Accessed: 15/04/2024).

The Protection of Badgers Act 1992 Available at <https://www.legislation.gov.uk/ukpga/1992/51/contents> (Accessed: 15/04/2024).

The Wildlife and Countryside Act 1981 (as amended). Available at <http://www.legislation.gov.uk/ukpga/1981/69> (Accessed: 15/04/2024).

UKHab Ltd (2023) UK Habitat classification Version 2.0 Available at <https://www.ukhab.org>. JNCC, Peterborough.

Appendix I. NESTING BIRD INFORMATION.

Ecology

The nesting season will vary according to the weather each year but generally commences in March, peaks during May and June and continues until September. It is also worth remembering that some birds nest in trees and scrub, but others are ground nesting or prefer man-made structures or buildings.

Surveys

Nesting bird surveys search for potential nest sites in vegetation, buildings etc. Potential nesting sites are observed over a suitable period of time for bird movements or calling male birds that would indicate the presence of a nest. The presence of a nest can be identified from the field signs without the necessity to see the nest itself, thereby avoiding any disturbance of the nests. The best way to avoid this issue is to plan for vegetation clearance to be carried out outside the bird-nesting season.

Legislation

Nesting birds are protected under The Wildlife and Countryside Act 1981.

Part 1. -(1) Of the Act states that: - If any person intentionally: - kills, injures or takes any wild bird; takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Part 1. -(5) of the Act states that: - If any person intentionally: - disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on, or near a nest containing eggs or young; or disturbs young of such a bird, he shall be guilty of an offence and liable to a special penalty.

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

Appendix II. GREAT CRESTED NEWT INFORMATION.

Ecology

Great Crested Newts breed in ponds and other water bodies. They can begin to migrate to their breeding ponds as early as the first frost-free days in late January with the majority reaching their breeding ponds by mid-March. Timing will be influenced by several factors, primarily evening temperatures above 5°C and rainfall.

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

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

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

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

Great Crested Newts therefore spend the majority of their time on land and only visit the ponds for breeding purposes.

Great Crested Newts will travel large distances between ponds and terrestrial refuges. It is recommended that anywhere within 500m of a pond should be treated as potential Great Crested Newt habitat.

Surveys

Walkover surveys will identify the suitability of any ponds within the area for Great Crested Newts by using an HSI assessment. The terrestrial habitat and their links will also be assessed.

Aquatic surveys of newts can be carried out through the trapping of ponds in suitable weather conditions during the breeding season, although these surveys do not provide accurate population estimates.

Terrestrial surveys and exclusions can be conducted between March and September when newts are moving out of breeding ponds.

An experienced surveyor must carry out the surveys and must be in possession of an appropriate Natural England Great Crested Newt survey licence.

It is essential that Great Crested Newt surveys are planned well in advance of any development and ideally before Planning Consent is sought. Surveys can only be carried out at the appropriate time of year and repeat surveys are essential.

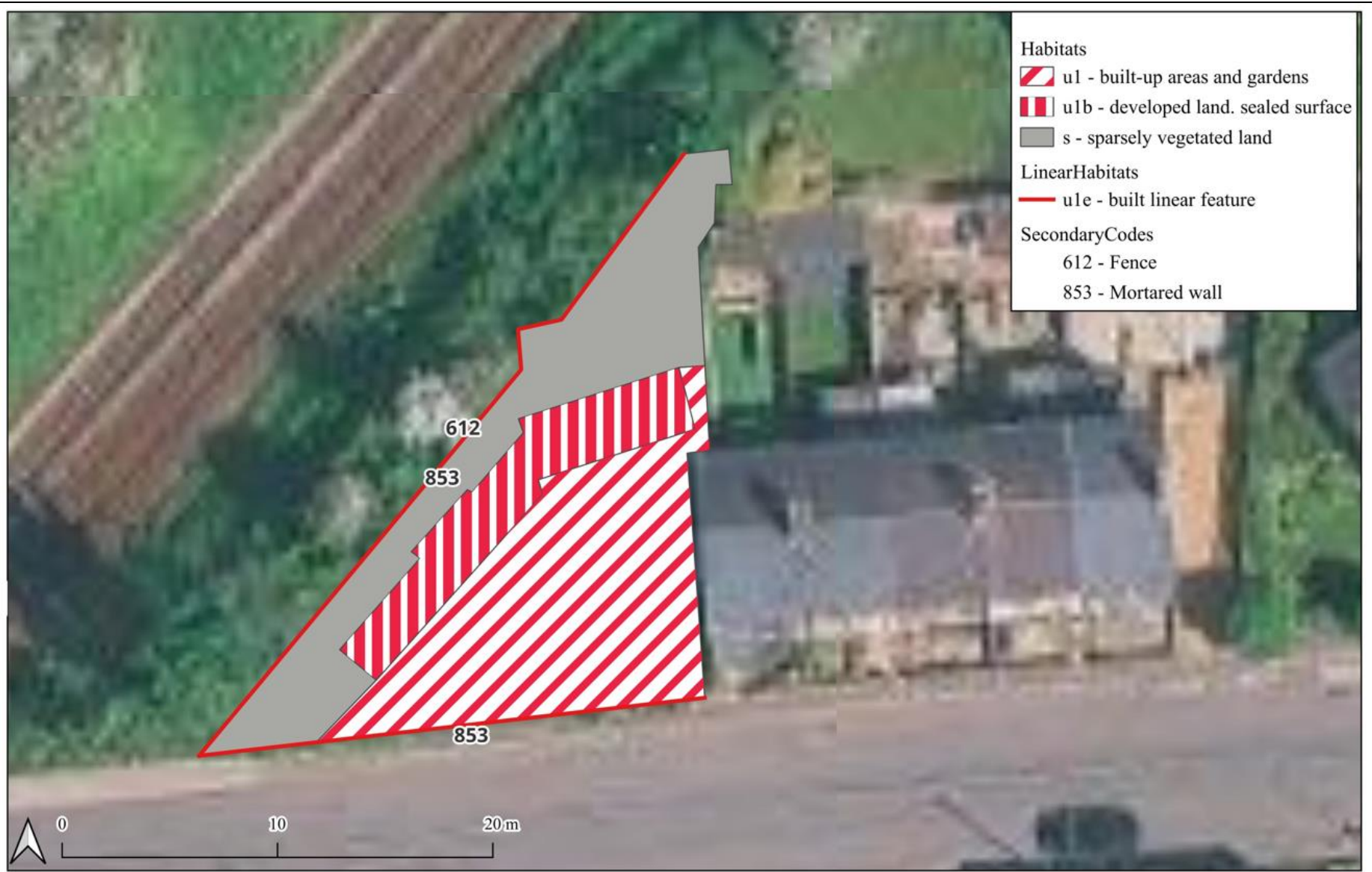
Legislation

Great Crested Newts are protected under Appendix II of the BERN Convention (1982), Schedule 5 of the Wildlife and Countryside Act (1981), Annex II and IV of the Habitats Directive, Annex II of the Conservation and Wildlife Regulations (2010) and are listed under section 41 of the Natural Environment and Communities Act (2006) making them a species of principal importance.

This makes it an offence to kill, injure or take any Great Crested Newt, to interfere with any place used for shelter or protection, or to intentionally disturb any animal occupying such a place.

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

Appendix III. ANNOTATED MAP OF THE SURVEY AREA PRE DEVELOPMENT.



Appendix IV. ANNOTATED MAP OF THE SURVEY AREA POST DEVELOPMENT.

