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**PEAK POWER CONNECTIONS LTD**

**LAND AT JOE POLE STORAGE, SOUTH YORKSHIRE INDUSTRIAL ESTATE,  
BARUGH GREEN, BARNSLEY**

**PRELIMINARY ECOLOGICAL APPRAISAL**

**SEPTEMBER 2016**

*your earth our world*



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**PRELIMINARY ECOLOGICAL APPRAISAL**

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<b>DRAWINGS</b>	<b>TITLE</b>	<b>SCALE</b>
ST1566-E-BAR-001	Extended Phase 1 Habitat Survey Results	1:1,000@A3

## EXECUTIVE SUMMARY

The Preliminary Ecological Appraisal (PEA) of land at Joe Pole Storage, South Yorkshire Industrial Estate, Barugh Green, Barnsley indicates that there are no significant on site ecological constraints to the proposed development of a combined diesel/gas electricity generating unit given that the majority of the site is given over to hard standing.

Denby Grange Colliery Ponds Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies within 8km of the development site; which is within the Impact Risk Zones (IRZ) associated with the SSSI/ SAC; however, as the development lies below the 50MW threshold the IRZ consultation is not triggered and no adverse effects are likely.

A single stand of Japanese knotweed *Fallopia japonica* lies within the central part of the application site. It is recommended that this stand is subject to appropriate removal/encapsulation to prevent its spread during the development works.

In conclusion, it is considered that there are no significant ecological constraints to the development, within/adjacent to the development site. No additional ecological surveys or assessments are required other than remedial measures for addressing the stand of Japanese knotweed.

## **1 INTRODUCTION**

### **1.1 Terms of Reference**

1.1.1 Wardell Armstrong LLP (WA) was commissioned by Peak Power Connections Ltd to undertake a Preliminary Ecological Appraisal of a proposed combined diesel/gas electricity generation unit(s) at land at Joe Pole Storage, South Yorkshire Industrial Estate, Barugh Green, Barnsley, central Ordnance Survey (OS) grid reference SE 32002 08180. This report has been produced with reference to current guidelines for Preliminary Ecological Appraisal (Chartered Institute of Ecology and Environmental Management (CIEEM 2012)) and British Standard BS 42020:2013 (BSI 2013) which involves the evaluation of the potential presence of ecological receptors and adverse effects thereon, based on Extended Phase I (Joint Nature Conservation Committee (JNCC 2010)) survey data and background desk study.

1.1.2 The purpose of the Appraisal is to satisfy the requirements of the National Planning Policy Framework (NPPF), identifying the likely presence of ecological receptors within or near the application site that could be subject to adverse effects arising from the proposed development.

1.1.3 The following ecological features have been considered:

- Statutory and non-statutory designated conservation areas;
- UK and local Biodiversity Action Plan (BAP) habitats;
- Areas of Ancient Woodland;
- Legally protected species;
- Species listed within section 41 of the NERC Act; and
- Invasive species.

1.1.4 This report also seeks to identify any requirement for further specialist survey where the initial assessment cannot be relied upon to adequately determine presence or reliably infer absence of protected species/taxa. An indicative assessment of potential adverse effects is provided, although this is not a substitute for full Ecological Impact Assessment (CIEEM 2015) should this be required.

1.1.5 Provisional mitigation and enhancement opportunities are also discussed, where appropriate.

## **1.2 Background Information**

1.2.1 It is understood that the development proposals are for a combined diesel/gas electricity generating unit(s) for the generation of Short Term Operating Reserve (STOR) electricity of up to 2MW for the Local Distribution Network.

## **1.3 Site Context**

1.3.1 The application site comprises a hard surfaced storage area (used as a van store) and general materials storage yard. The site is fenced on all sides. Adjacent to the site to the north, south and west are other industrial/business units. To the east lies Whaley Road and an area of open disturbed land.

1.3.2 Denby Grange Colliery Ponds Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies within 8km of the development site; which is within the Impact Risk Zones (IRZ) associated with the SSSI/ SAC

## 2 METHODOLOGY

### 2.1 Desk Study

2.1.1 The desktop study was informed by review of existing available information provided by Sheffield Biological Records Centre (SBRC) and from available internet based resources for a 2km search radius and from the sites central grid reference. OS and satellite mapping was also used to gain contextual habitat information.

2.1.2 Specific information was sought for:

- Statutory designated sites<sup>1</sup>;
- Locally designated sites;
- Ancient woodland<sup>2</sup>;
- Protected and priority species;
- Priority Habitats and Species<sup>3</sup>;
- Local Biodiversity Action Plan (LBAP) priority habitats and species.

### 2.2 Extended Phase 1 Habitat Survey

2.2.1 Wardell Armstrong LLP carried out an Extended Phase 1 Habitat Survey of the site on 23 August 2016. The survey was carried out by a Senior Ecologist from Wardell Armstrong LLP.

2.2.2 The survey broadly followed the 'Extended Phase 1' methodology (Institute of Environmental Assessment (IEA), 1995 and JNCC 2010). Each of the main habitats were classified according to the relevant criteria including vegetation composition expressed according to the DAFOR<sup>4</sup> system.

2.2.3 In addition to the mapping and description of habitats, incidental observations of protected and/or notable species and the potential for such species to occur on site

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<sup>1</sup> Locations provided by MAGIC <http://magic.defra.gov.uk/MagicMap.aspx>

<sup>2</sup> As defined by Natural England in their Inventory of Ancient Woodlands  
[http://www.gis.naturalengland.org.uk/pubs/gis/tech\\_aw.htm](http://www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm)

<sup>3</sup> As defined under Section 41 (England) and Section 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006, which have superseded UK Biodiversity Action Plan lists.

<sup>4</sup> D – Dominant, A – Abundant, F – Frequent, O – Occasional, R – Rare.

(and in the surrounding landscape where relevant) were also recorded onto secure digital media for mapping and data collection.

- 2.2.4 Specific habitat features are mapped on Drawing ST1566-E-BAR-001 with appropriate reference numbers identifying waterbodies, buildings and trees of particular note

### **2.3 Nomenclature**

- 2.3.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace, 1997) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013). All other flora and fauna names following the National Biodiversity Network (NBN) Gateway (NBN, 2013). The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

### **2.4 Caveat**

- 2.4.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in August and therefore represents a valid sample of ecological evidence present on that date/season. The report is not designed, nor is it required to present a complete inventory of fauna/fauna.
- 2.4.2 The absence of desk study records is not relied upon to determine absence of a particular species/habitat. Often, the absence of records is a result of under-recording within the given search area and as such the experience of the ecologist concerned together with a range of additional factors, in particular the presence/absence of potentially supporting habitat; is used to infer likely presence/absence of ecological receptors.

### **2.5 Quality Assurance and Environmental Management**

- 2.5.1 The surveys and assessments have been overseen by and the report checked and verified by a member of CIEEM, who is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.

### **3 RESULTS AND EVALUATION**

#### **3.1 Statutory and Non- Statutory Designated Sites**

- 3.1.1 Desk study results for designated sites within a 2km search radius are evaluated in Table 1, below.
- 3.1.2 The search area is extended to allow for the inclusion of Impact Risk Zones (IRZ)<sup>5</sup> for more distant Sites of Special Scientific Interest (SSSIs) or European protected sites. Where present, IRZ's promote consultation between Natural England and the Planning Authority on the likelihood of adverse environmental effects.
- 3.1.3 Sites which are considered potentially sensitive to the development proposals by virtue of their supported species or habitat assemblages, the distance/ecological connectivity to the application site and the nature of the perceived impacts, are highlighted in bold text and are discussed in detail in the final sections of the report.
- 3.1.4 Sites for which potential adverse effects are not anticipated are excluded from further assessment.
- 3.1.5 The, Hatfield Moor Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies within 2.5 Km of the development site; and within the Impact Risk Zones (IRZ) associated with the SSSI.

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<sup>5</sup> <https://data.gov.uk/dataset/ssi-impact-risk-zones>

<b>Table 1: Designated Sites Evaluation.</b>		
<b>Site Name and Status<sup>6</sup></b>	<b>Reason for Designation</b>	<b>Potential Adverse Effects</b>
Denby Grange Colliery Ponds Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).	<p>The site supports the largest known breeding colony of great crested newts <i>Triturus cristatus</i> in West Yorkshire. Counts in recent years indicate that the site has the sixth highest recorded count of great crested newts in Great Britain.</p> <p>Large numbers of four other amphibian species also occur.</p> <p>The two breeding ponds with associated terrestrial habitat of mainly birch and oak dominated woodland and rough grassland contain the most outstanding known amphibian assemblage in West Yorkshire.</p>	<p>The application site lies wholly outside the designated area (all infrastructure will be at least 7km distant), with no direct ecological connectivity.</p> <p>The development site lies within IRZ's associated with the conservation areas. However, the development lies below the threshold for adverse effects arising from combustion and as such no adverse effects are predicted.</p>
Daking Brook LWS	<p>The brook is relatively fast flowing and shallow which does not allow much aquatic vegetation to develop. However, the water is unpolluted and the brook is largely unmodified.</p> <p>The brook provides habitat for a range of faunal species such as brown trout, bullhead and white-clawed crayfish, all of which important biodiversity priority and/or protected species. Stone loach, an important indicator species for unpolluted waters, was also confirmed in the brook. Daking Brook has strong ecological interest and good faunal diversity.</p>	<p>None. Application area lies outwith the LWS with no ecological connectivity.</p>

<sup>6</sup> SPA – Specially Protected Area, SAC – Special Area for Conservation, Ramsar – site designated under the Ramsar Convention, SSSI – Site of Special Scientific Interest, NNR – National Nature Reserve, LNR – Local Nature Reserve.

Table 1: Designated Sites Evaluation.		
Site Name and Status <sup>6</sup>	Reason for Designation	Potential Adverse Effects
Hugset Wood LWS	<p>Hugset Wood lies between the settlements of Silkstone, Higham and Dodworth, on the western side of Barnsley. Occupying a low hill between the valley of Silkstone Beck and the M1 motorway, to the east, most of this site is classed as replanted ancient woodland. The eastern and western flanks are on the register of ancient and semi-natural woodlands. Until the 1930s the wooded area extended further to the west, up to Low Mill on the banks of Silkstone Beck, at its western-most extent.</p> <p>The coniferous plantation is dominated by, Corsican Pine, a subspecies of black pine (<i>Pinus nigra</i> ssp.) throughout. Sycamore (<i>Acer pseudoplatanus</i>) dominates the canopy in some areas of the broadleaved semi-natural woodland, while in other areas sycamore along with dog's mercury (<i>Mercurialis perennis</i>) and ash (<i>Fraxinus excelsior</i>) are abundant</p>	None. Application area lies outwith the LWS with no ecological connectivity.
Barnsley Canal at Wilsthorpe LWS	<p><b>The Barnsley Canal at Wilsthorpe LWS Site includes a stretch of the disused Barnsley Canal and adjacent pastoral farmland. The River Dearne is to the north of the site and an active railway line lies to the south, with a mix of arable and pastoral farmland comprising the majority of the wider area. An old section of the river, which was cut off following channel straightening upstream, forms part of the northern site boundary.</b></p> <p><b>The section of canal with standing water and the cut off section of the River Dearne offer potential habitat for great crested newts (<i>Triturus cristatus</i>) and water vole (<i>Arvicola aquaticus</i>). It is likely that UKBAP priority species common toad (<i>Bufo bufo</i>) is present in these areas.</b></p>	None. Application area lies outwith the LWS with no ecological connectivity.

Table 1: Designated Sites Evaluation.		
Site Name and Status <sup>6</sup>	Reason for Designation	Potential Adverse Effects
Red Brook Pastures LWS	<p>This site lies on the western side of the settlement of Gawber and to the east of the course of Red Brook. It consists of two fields lying north and south of the Church Lane (lane leading into Gawber from the west). Each field possess clearly visible traces of ridge and furrow.</p> <p>Bluebell (<i>Hyacinthoides non-scripta</i>) and wood millet (<i>Milium effusum</i>) were found on site, which are considered to be ancient woodland indicator species for South Yorkshire. Other locally important species are devilsbit scabious (<i>Succisa pratensis</i>) and quaking grass (<i>Briza media</i>).</p>	<p>None. Application area lies outwith the LWS with no ecological connectivity.</p>

## 3.2 Habitats

- 3.2.1 All habitats within the survey area are described in Table 2, below, together with an indication of their NERC s41<sup>7</sup> and within the Sheffield Local Biodiversity Action Plan<sup>8</sup>. The table also provides an evaluation of the sensitivity of the habitats relative to the application proposals.
- 3.2.2 Habitats which are could be subject to adverse effects are indicated with bold text and are discussed in the latter sections of the report. Habitats for which potential adverse effects are not anticipated are excluded from further assessment.
- 3.2.3 The location and extent of habitats is shown on Drawing ST1566-E-BAR-001, Extended Phase 1 Habitat Survey Results.

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<sup>7</sup> Habitats listed under section 41 of the Natural Environment and Rural Communities (NERC) Act as habitats of principal importance

<sup>8</sup><https://www.sheffield.gov.uk/out--about/parks-woodlands--countryside/ecology-unit/biodiversity-conservation-in-sheffield/sheffield-local-biodiversity-action-plan.html>



Table 2: Habitat Description and Evaluation		NERC s.41	LBAP	Adverse Effects?
<b>Phase 1 Habitats</b>				
<p><i>Bare Ground (Hard Standing)</i>            The dominant habitat type within the application area.            Devoid entirely of vegetation.</p>		x	x	None. The habitat has negligible intrinsic ecological value.

Table 2: Habitat Description and Evaluation		NERC s.41	LBAP	Adverse Effects?
<b>Phase 1 Habitats</b>				
<p><i>Tall Ruderal</i></p> <p>A low bund adjacent to the northern and eastern site boundary supports frequent Silver birch <i>Betula pendula</i>, Ash <i>Fraxinus excelsior</i> and Grey willow <i>Salix cinerea</i> and abundant Bramble <i>Rubus fruticosus</i> other species present include Rosebay willowherb <i>Chamerion angustifolium</i>, Dog rose <i>Rosa canana</i>, Common ragwort <i>Jacobaea vulgaris</i>, Hogweed <i>Heracleum sphondylium</i> Groundsel <i>Senecio vulgaris</i>, Prickly sow thistle <i>Sonchus asper</i>, Common knotgrass <i>Polygonum aviculare</i>, Creeping bent <i>Agrostis stolonifera</i> Ribwort plantain <i>Plantago lanceolata</i>, and Bristly oxtongue <i>Helminthotheca echioides</i>.</p> <p>A stand of Japanese knotweed is also present within a central area on site (see drawing ST1566-E-BAR-001 for location).</p>		x	x	None. The habitat has negligible intrinsic ecological value.
<p><i>Adjacent Habitats</i></p> <p>Adjacent to the site to the north, south and west are other industrial/business units. To the east lies an embankment adjacent to Whaley Road which supports young Silver birch and Ash trees, and an area of open disturbed land beyond.</p>	No photo.	x	x	None. The habitat has negligible intrinsic ecological value.

### **3.3 Species**

3.3.1 No protected species, or evidence of their presence was recorded by the surveys.

#### *Invasive Plants/species*

3.3.2 A stand of Japanese knotweed is located centrally within the site boundary. The approximate location is mapped as ST15665.004.

### **3.4 Ecological Evaluation**

3.4.1 Protected, UK and Local Biodiversity Action Plan species are evaluated in order to identify potential adverse effects in Table 4 below, based on the desk study records, presence extent and viability of supporting habitat, and ecological connectivity.

3.4.2 Species for which adverse effects are predicted are indicated in bold text and are discussed in more detail in the discussion section. Species/taxa for which potential adverse effects are not anticipated are excluded from further assessment.

Table 4: Species Evaluation				
Receptor(Species/taxa)	Desk Study record?	Status <sup>9</sup>	Supporting Habitat Present?	Adverse Effects?
Bats <i>Chiroptera</i>	Common Pipistrelle <i>Pipistrellus pipistrellus</i> Soprano Pipistrelle <i>Pipistrellus pygmaeus</i> Brown Long-eared Bat <i>Plecotus auritus</i> Noctule <i>Nyctalus noctula</i> Leisler's bat <i>Nyctalus leisleri</i>	EPS, WCA, s.41,	No.	No.
Badger <i>Meles meles</i>	✓	BA	No.	No.
Brown Hare <i>Lepus europaeus</i>	✓	s.41	No.	No.
European Hedgehog <i>Erinaceus europaeus</i>	✓	s.41	No.	No.
Dormouse <i>Muscardinus avellanarius</i>		EPS, WCA, s.41	No.	No.
Otter <i>Lutra lutra</i>		EPS, WCA, s.41	No.	No.
Water Vole <i>Arvicola amphibia</i>		WCA, s.41	No.	No.
Reptiles	Grass snake <i>Natrix natrix</i>	WCA, s.41	No.	No.
Great Crested Newt <i>Triturus cristatus</i>	✓	EPS, WCA, s.41	No.	No.
Common Toad <i>Bufo bufo</i>	✓	s.41	No.	<b>No.</b>

<sup>9</sup> EPS – European Protected Species, WCA – Wildlife and Countryside Act, A1 – Annex 1 (Birds Directive), BA – Protection of Badgers Act, s.41- species listed under section 41 of the NERC Act as species of principal importance

Table 4: Species Evaluation					
Receptor(Species/taxa)	Desk Study record?	Status <sup>9</sup>	Supporting Habitat Present?	Adverse Effects?	
White-clawed Crayfish <i>Austropotamobius pallipes</i>	✓	EPS, WCA, s.41	No.	No.	
Terrestrial Invertebrates	✓		No.	No.	
Birds	A wide range of BoCC and Red List species and WCA Schedule listed species including: Bullfinch Grasshopper warbler Dunnock Grey Partridge House Sparrow Linnet Lapwing Reed Bunting Skylark Song Thrush Starling Tree Sparrow Yellowhammer	s.41, WCA BoCC	No.	No.	
Protected Plant Species		WCA, s.41	No.	No.	

## **4 DISCUSSION AND RECOMMENDATIONS**

### **4.1 Sensitive Receptors**

- 4.1.1 A single stand of Japanese knotweed lies within the central part of the application site. It is recommended that this stand is subject to appropriate removal/encapsulation to prevent its spread during the development works.
- 4.1.2 In conclusion, it is considered that there are no significant ecological constraints to the development, within/adjacent to the development site. No additional ecological surveys or assessments are required other than remedial measures for addressing the stand of Japanese knotweed.

## 5 REFERENCES

Botanical Society of the British Isles (2013) *Online atlas of the British and Irish Flora*  
[http://www.brc.ac.uk/plantatlas/index.php?q=title\\_page](http://www.brc.ac.uk/plantatlas/index.php?q=title_page)

Institute of Environmental Assessment, *Guidelines for Baseline Ecological Assessment*  
(1995).

Institute of Ecological and Environmental Management. (2012). Guidelines for  
Preliminary Ecological Appraisal.

JNCC, *Handbook for Phase 1 habitat survey: A technique for environmental audit*  
(2007), English Field Unit, Nature Conservancy Council.

National Biodiversity Network (2013) NBN Gateway <http://data.nbn.org.uk/>

Stace. C. A, '*New Flora of the British Isles*' (1997), Cambridge University Press.

**Appendix 1**  
**Legislation and Policy Summary**

## Appendix 1 – Legislation and Policy Summary

### Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs are classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), the Birds Directive. They are they seek to protect the habitats of rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Birds Directive in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent typical European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Habitats Directive in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.

Designated Site/Habitat	Status
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

### Legislation for Species

Species	Legal Status
<i>European Legislation</i>	
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killaney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2010 (and as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	<p>These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (and as amended), which makes it illegal to:</p> <ul style="list-style-type: none"> <li>• Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs;</li> <li>• Deliberately disturb<sup>10</sup> such an animal; and</li> <li>• Damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely:</p> <ul style="list-style-type: none"> <li>• The development is for reasons of overriding public interest;</li> <li>• There is no satisfactory alternative; and</li> <li>• The favourable conservation status of the species concerned will be maintained and/or enhanced.</li> </ul>

<sup>10</sup> Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
	Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a duty to ‘have regard to the requirements of the EC Habitats Directive’ i.e. LPA’s must consider the above 3 ‘tests’ when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.
<i>Domestic (UK) Legislations</i>	
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to: <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any such animal;</li> <li>• Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and</li> <li>• Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.</li> </ul>
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	These animals receive partial protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which provide protection against intentional killing or injury of any such animal.
Nesting Birds	All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to exceptions) to: <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any wild bird;</li> <li>• Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.</li> </ul>
WCA Schedule 1 listed Birds	Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to: <ul style="list-style-type: none"> <li>• Intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.</li> </ul>
Badgers	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes: <ul style="list-style-type: none"> <li>• damaging or destroying an active sett;</li> <li>• obstructing access to a sett; and</li> <li>• disturbing a Badger while it is occupying a sett.</li> </ul>

Species	Legal Status
	Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).
Wild Mammals	The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
<i>Invasive Species</i>	
WCA Schedule 9 listed animals (Part 1) and plants (part 2)	Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species that are:  <i>“not ordinarily resident in and is not a regular visitor to Great Britain in a wild state”</i>

### *Policy Summary*

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to ‘have regard’ to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Biodiversity Action Plan (BAP) Habitats and Species (2007) do not offer the species any specific protection but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government’s planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.

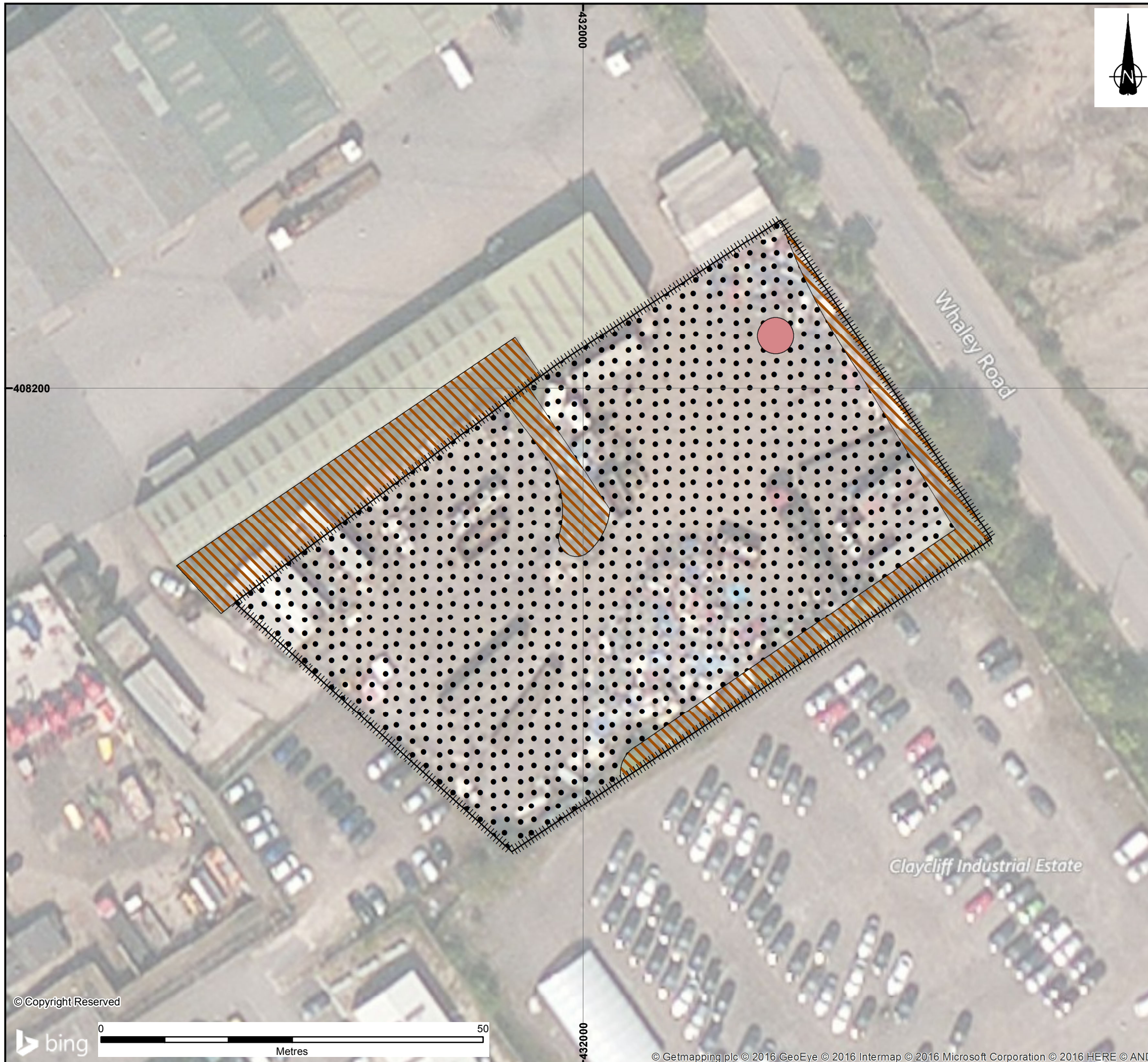
The NPPF states:

*'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*





- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs;*
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- opportunities to incorporate biodiversity in and around developments should be encouraged;*
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- the following wildlife sites should be given the same protection as European sites: potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC); listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites.'*

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

## DRAWINGS



**KEY**

	Tall Ruderal
	Bare Ground
	Japanese Knotweed
	Fence

Notes:  
Coordinates to British National Grid.

Boundaries are indicative. Aerial imagery shown for context purposes only.

Classifications in accordance with Handbook for Phase 1 Habitat Survey - A technique for Environmental Audit (JNCC 2010)

REVISION	DETAILS	DATE	DRAWN	CHKD	APP'D

CLIENT

Peak Power Connections Ltd

PROJECT

Joe Pole Storage, South Yorkshire Industrial Estate, Barnsley

DRAWING TITLE

Phase 1 Habitat Survey

DRG No ST15665-E-BAR-001	SCALE 1:500 @ A3	DATE 06/09/2016
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DRAWN BY JP	CHECKED BY CM	APPROVED BY CM
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<input type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943	<input type="checkbox"/> LEIGH TEL 01942 260101
<input type="checkbox"/> WEST BROMWICH TEL 0121 580 0909	<input type="checkbox"/> SHEFFIELD TEL 0114 245 6244
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