

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



**LAND OFF SPICER HOUSE LANE.
PROTECTED FAUNA SURVEY.**

Ref No:- 070775.

Date:- 21st August 2007.

Cliff Edge, Cliff Road, Darfield, Barnsley, S73 9HR.
Tel. 01226 753271. Fax. 01226 270993.
info@whitcher-wildlife.co.uk www.whitcher-wildlife.co.uk
Company No. 4401613.

TABLE OF CONTENTS.

	Page Number
1. INTRODUCTION.	3
2. SURVEY METHODOLOGY.	4
3. SURVEY RESULTS.	5
4. EVALUATION OF FINDINGS.	7
5. RECOMMENDATIONS.	8
Appendix I.	
GREAT CRESTED NEWT INFORMATION.	9
Appendix II. NESTING BIRD INFORMATION.	11

1. INTRODUCTION.

1.1. A planning application has been submitted for the quarrying of an area of land off Spicer House Lane near the junction with Annat Royd Lane.

1.2. A protected fauna survey of the site has been commissioned to accompany the application for planning permission on the site.

1.3. Derek A Whitcher Ltd carried out the survey on the 16th August 2007, this report outlines the findings of the survey and makes appropriate recommendations.

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

2. SURVEY METHODOLOGY.

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

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

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

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

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

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

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

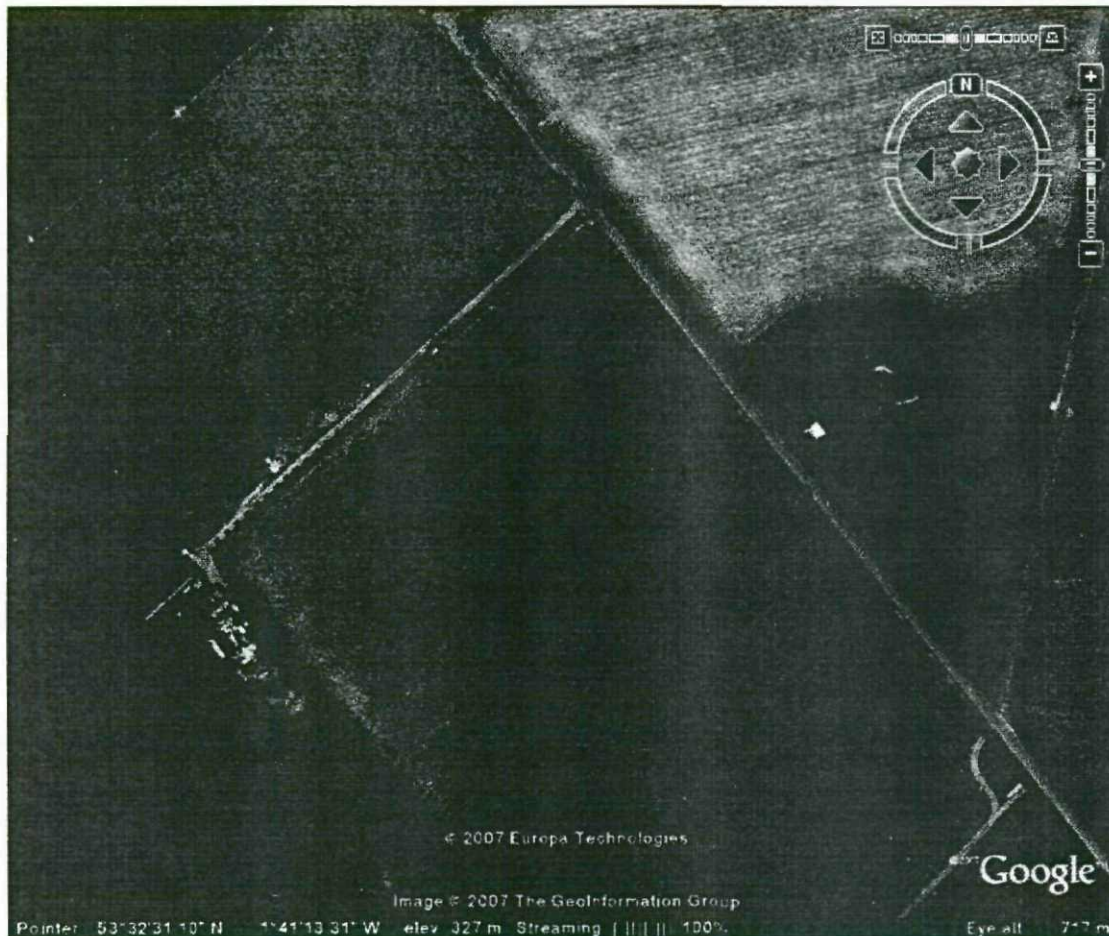
- * Holes, cracks or crevices.
- * Bat Droppings.

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

3. SURVEY RESULTS.

3.1. Site Description.

3.1.1. The surveyed area is an area of land off Spicer House Lane near Penistone and is outlined in red on the plan below.



3.1.2. The site is currently a field comprising long untended grass with dry stone walls on all sides and Spicer House Lane running along the northeast boundary of the site.

3.1.3. The land surrounding the site is predominantly grazing fields with an old disused quarry area to the northeast of the site on the opposite side of Spicer House Lane.

3.2. Desk Top Data Search Results.

3.2.1. In their letter of objection to the planning application, The Environment Agency suggested there was a record of great crested newts at Inbitchworth Reservoir. In a subsequent telephone conversation this was amended to Royd Moor Reservoir.

3.2.2. Reference to the National Biodiversity Network Gateway website identified a record for great crested newts in a pond at Royd Moor Reservoir, approximately 1.2km to the south east of the site.

3.3. Site Survey Results.

3.3.1. The site has been grazing land in the past and therefore comprises semi-improved grassland that has grown to be long and rank.

3.3.2. No badger setts or other badger field signs were identified within the survey area. A number of animal paths were identified within the grass although there were no signs to indicate these paths were made by badgers.

3.3.3. No watercourses that would provide a suitable water vole or otter habitat were identified within the survey area.

3.3.4. No mature trees or derelict buildings that would provide suitable bat roosting sites were identified within the surveyed area.

3.3.5. Three ponds were identified within 500m of the site. These ponds lie within the old quarry located to the northeast of the site. All three of the ponds were assessed as potential great crested newt (GCN) habitats with shallow water, a margin of reeds and grass around the banks and water plants within the water.

3.3.6. An evening torch search of the three ponds was carried out on the 16th August 2007. No great crested newts were identified within any of the ponds.

3.3.7. The vegetation on the site may provide a suitable habitat for species of ground nesting birds although no nests were identified during this survey.

4. EVALUATION OF FINDINGS.

4.1. Although animal tracks were identified crossing the site there were no signs to imply that these paths were made by badgers.

4.2. The three ponds identified within 500m of the site appear to provide a suitable great crested newt breeding habitat. There are no existing records of great crested newts close to the site although there is a record for a pond approximately 1.2km to the east of the site, at Royd Moor Reservoir.

4.3. An evening torch search of the ponds was carried out on 16th August 2007. This is outside the guideline survey season for carrying out newt surveys and therefore the absence of newts within the ponds during this survey is inconclusive.

4.4. The grass within the site may provide a suitable habitat for ground nesting birds during the nesting season although no nests were identified during this survey.

5. RECOMMENDATIONS.

5.1. The Natural England Great Crested Newt Guidelines state that to carry out a presence/absence survey four surveys must be carried out between mid March and Mid June with two of those surveys being between mid April and mid May. If great crested newts are identified on a site, a further two surveys are required to determine a population class size for the site.

5.2. While there are no records of great crested newts within 500m of this site, it is recommended that surveys are carried out of the three ponds close to the site to establish presence/absence during the 2008 survey season. Further recommendations and the need for a licence will be made based on the outcome of these surveys.

5.3. It is recommended that any vegetation clearance carried out on the site is carried out outside the nesting bird season, which extends from March to September.

5.4. If any vegetation clearance is carried out within the nesting bird season, it must be immediately preceded by a nesting bird survey and any nests found must be left undisturbed until the young have fledged.

Steven Whitcher.

21.08.2007.

Appendix I.

BACKGROUND GREAT CRESTED NEWT INFORMATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix II. NESTING BIRD INFORMATION.

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

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

If any person intentionally:-

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

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

If any person intentionally:-

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

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

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

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

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

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