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Land South of Coniston Avenue, Darton

Ecological Appraisal

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1 Summary

1.1 BSG Ecology was commissioned by Barratt Homes and David Wilson Homes Yorkshire West in July 2021 to carry out an ecological appraisal of the Land South of Coniston Avenue, Darton (the Site), in relation to the acquisition and proposed future development of the Site for residential purposes.

1.2 The Site comprises the eastern section of agricultural land used to grow cereal crops (refer to Figure 1). There is a small section of hedge and a grassy field verge within the Site. It is anticipated that all existing habitats will be removed to facilitate the development of the Site for residential use. The hedges on Site meet the criteria for those that are listed as Habitats of Principal Importance under the provisions of the NERC Act 2006.

1.3 The data search identified one statutory designated site, and two non-statutory sites within the search area. The Site is not located within or adjacent to any statutory or non-statutory designated site and given the geographical separation of the Site from these designated sites, no direct or indirect impacts are anticipated.

1.4 The tree at the south-east of the Site has features that may provide opportunities for roosting bats. Should this tree be affected by the proposals, further survey work may be required. The proposals currently allow for the tree to be retained in its entirety.

1.5 It is not anticipated that any other survey work is required to assess impacts to ecology. Avoidance and mitigation measures have been proposed and include standard practice for avoiding harm to nesting birds and hibernating hedgehogs.

1.6 A biodiversity assessment has been undertaken using the most currently available biodiversity metric and guidance. Barnsley Metropolitan Borough Council and the local planning authority ecologist will consider this assessment with respect to the Local Plan policies (current and emerging) and the provisions within the National Planning Policy Framework.

1.7 The existing pre-development baseline habitat units on Site are calculated to be 3.94 Habitat Units and 0.94 Hedgerow Units. Proposed vegetated garden plots will measure 0.04061 ha. An additional 0.5351 ha of the proposed development will be ‘developed land; sealed surface’ habitats, and 0.2794 ha of the Site will be roads. In addition, 0.3346 ha of the Site will be a mix of other neutral grassland or mixed native shrubs, 0.0085 ha will be introduced shrubs, 0.2279 will be urban trees, and 0.1009ha of the site will be a sustainable drainage feature. Under these designs (indicated on Figure 2) the post-development habitat creation outcome will be 3.98 Habitat Units and 1.71 Hedgerow Units. The change in Habitat Units is therefore +0.04 HU, equivalent to +1.12%. The change in Hedgerow Units is +0.77 HeU, equivalent to +82.21%.

1.8 As part of the design for the greenspace provision within the development, the following habitat creation measures are proposed:

- The use of native shrubs and trees to provide additional bird nesting habitats on Site. The inclusion of species that are fruit and berry bearing will also provide an additional foraging resource for birds.
- A proportion of the new dwellings to be constructed within the developable area of the Site should include the provision of integral boxes for nesting birds, including terrace boxes for house sparrow.
- Areas of grassland created should comprise species-rich wildflower areas where possible, which will contribute to the Local BAP habitat action plan. Any amenity grassland within the developable area should use a species-rich flowering lawn mix.
- Boundaries of the Site will be marked using species rich hedgerows along the new western and southern boundaries (with other boundary hedges being retained).
- The newly created habitats should be managed for their wildlife interest and an ecological mitigation and management plan (EMMP) should be produced to provide management prescriptions to ensure the favourable management of these habitats.

2 Introduction

Site Description

2.1 The 'Site' (Land South of Coniston Avenue, Darton) is located between Sackup Lane, Coniston Avenue and Pennine View at central OS grid reference SE 32169 10868 (refer to Figure 1). The land comprises agricultural land used for growing cereal crops. Areas of residential development lie to the south, east and north of the Site, and further agricultural land lies to the west. The wider landscape to the includes areas of open countryside and pockets of woodland.

Aims of Study

2.2 The Site is proposed for future residential development. BSG Ecology was commissioned by Barratt Homes and David Wilson Homes Yorkshire West in July 2021 to carry out an ecological appraisal of the Site, to inform their planning application for development of the land.

2.3 This report details the methods and results of the surveys undertaken to establish the initial ecological baseline knowledge of the Site, highlighting any habitat, invasive species and protected species constraints that will need to be considered.

2.4 The report identifies further survey work and assessment that may be required in relation to habitats and protected species.

2.5 The report also identifies measures to inform the design of the proposed development, where possible at this stage, in relation to avoidance, reduction (mitigation) and compensation for anticipated ecological impacts based on the findings of the ecology work to date, in line with relevant planning policy and wildlife legislation, refer to Appendix 1.

2.6 The Biodiversity Assessment considers the baseline survey information collected during the survey, to enable the completion of the Defra Biodiversity Metric 3.0, to calculate the pre-development baseline value of the Site, and calculation of the habitat losses /gains as a result of the proposed development.

3 Methods

Desk study

3.1 BSG Ecology obtained records from Sheffield Biological Records Centre, South Yorkshire Badger Group, and South Yorkshire Bat Group of any non-statutory designated sites, such as Sites of Importance for Nature Conservation (SINC), and of any protected species within a 1 km radius from the central point of the Site (extended to 2km for bats).

3.2 The MAGIC.gov website was accessed on 19 July 2021 to identify any statutory designated sites of nature conservation interest within 2 km of the Site, for information on any European Protected Species Licences issued by Natural England for bats and great crested newts *Triturus cristatus*, and for priority habitats, within 2 km of the Site. In addition, a check was also undertaken of online photographs and maps (Bing Maps 1:25,000, accessed 19 July 2021) to identify any ponds within 500 m of the Site. The desk study has also considered the location of the Site with respect to Natural England's Impact Risk Zones[1] for statutorily designated sites. The Big Hedgehog Map[2] was checked for records of hedgehog *Erinaceus europaeus* within the search area.

3.3 The Barnsley Local Plan[3] and Barnsley Biodiversity Action Plan[4] were reviewed to inform the habitat and protected species assessments and the recommended enhancements for the development.

Field survey

Extended habitat survey

3.4 A habitat survey of the Site was undertaken by Senior Ecologist Emily McVean ACIEEM on the 13 July 2021. The weather conditions were fine, little cloud cover and 19 degrees Celsius. The survey was undertaken with reference to UK Habitat Classification guidelines (UK Habitat Classification Working Group, 2018) and adapted to include habitat classes used for biodiversity assessments defined by Panks *et al.* (2021). This involved a Site walkover during which all habitats present were mapped, photographs taken and target notes (TN) made of areas of specific interest.

3.5 The survey was extended to make an assessment of the presence of, or potential for, protected or notable species to be associated with the habitats present on or nearby the Site, supported by information from the desk study. The trees within and adjacent to the Site were inspected from the ground, to assess their potential to support roosting bats. Searches were also made for evidence of badger *Meles meles* (such as setts, feeding remains, dung pits, hairs and tracks). The Site was assessed for its potential to support reptiles, potential nesting habitats for breeding birds were identified and any incidental sightings of birds were noted.

3.6 The Site was also searched for the presence of invasive non-native plants such as Japanese knotweed *Fallopia japonica* and Himalayan balsam *Impatiens glandulifera*.

3.7 No ponds have been identified within 250m of the Site; therefore no assessment of suitability for amphibians was undertaken.

Biodiversity change assessment calculation

3.8 The Biodiversity Metric 3.0 (Natural England Joint Publication JP039, July 2021) was used to make the calculation.

[1] The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.
[2] PTES and British Hedgehog Preservation Society (2021) The Big Hedgehog Map [online] Available at: https://bighedgehogmap.org/ [accessed 19/07 2021]
[3] Barnsley Metropolitan Borough Council (2019) *Local Plan*. Adopted January 2019.
[4] Barnsley Biodiversity Trust (2009) *Biodiversity Action Plan*. [online] Available at: http://www.barnsleybiodiversity.org.uk/biodiversityplan.html [Accessed 19/07/2021].

3.9 Using the information obtained from the survey and supported (as appropriate) by relevant information obtained from the desk-based assessment, the habitats present on Site and their condition were identified, with reference to the UK Habitat Classification (The UK Habitat Classification Working Group, 2018) and the Biodiversity Metric 3.0 Technical Supplement (Panks *et al*., 2021), and inputted into the pre-development net gain calculation. This provides an on-site baseline from which the biodiversity value of the Site may be derived, given by the number of biodiversity units.

3.10 The post-development scenario[5] has been inputted into the calculator to determine the change in biodiversity units as a result of the proposed development of the Site.

Assumptions

3.11 The assessment of post-development habitats has been based on design drawing 106-02-01 (Revision 00) produced by DRaW (UK) Ltd. These have been translated into habitat classifications to fit the biodiversity metric (Figure 2). The habitat class and future condition of the habitats has been assumed based on realistic for the proposed design. This includes urban trees, hedgerows, mixed shrubs and neutral grasslands reaching moderate ecological condition.

Limitations to methods

3.12 There are not considered to be any significant constraints to the survey.

Personnel

3.13 Jim Fairclough[6] undertook the technical review of this report. Emily McVean[7] undertook the Phase 1 habitat survey and prepared this report and provided technical input to biodiversity change assessment.

3.14 Further information about each staff member is available on the BSG Ecology website; see relevant footnotes for the specific links.

[5] From design drawing 106-02-01 (Revision 00) dated 06 December 2021
[6] https://www.bsg-ecology.com/portfolio_page/dr-jim-fairclough/
[7] https://www.bsg-ecology.com/portfolio_page/emily-mcvean-senior-ecologist-derbyshire/

4 Results and Evaluation

Desk study

Designated sites

Statutory designated sites

4.1 The MAGIC website identified one statutory designated site within the search area. Notton Wood Local Nature Reserve is located approximately 1.5 km north-east of the Site. This site includes a mixed woodland with stream and pond features[8]. Given the geographical separation of the Site from the LNR and the nature of the proposed development, no direct or indirect impacts on the LNR are anticipated.

4.2 The Site falls within the IRZ of Seckar Wood SSSI site. However, the proposed development does not fall into any of the categories for which Natural England would need to be consulted. This SSSI is not considered any further within this report.

Non-Statutory designated wildlife sites

There are two non-statutory wildlife sites located within 2 km of the Site. These sites are summarised in Table 1 below.

Table 1: Non-statutory wildlife sites located within 2 km of the Site

Name	OS grid reference	Distance from Site	Description
Husband Wood (Site of Ecological Importance)	SE316112	330 m north-west	Woodland site (see ancient woodland below)
Mapplewell Tip Local Wildlife Site	SE323096	1.2 km south	This Site has not yet been assigned a citation but the survey report by Barnsley Metropolitan Borough Council notes the site's importance as open mosaic habitat (T Mayne 2021, pers. comm., 22 July)

4.3 Given the geographical separation of the Site from the non-statutory sites and the nature of the proposed development, no direct or indirect impacts on these sites are anticipated. No further consideration of non-statutory sites of nature conservation interest is given within this report.

Ancient Woodland

4.4 The nearest registered ancient woodland is part of Husband Wood Ancient Semi-Natural Woodland, 330 m north-west of the Site. This has limited connectivity to the Site via one hedgerow feature. Four other Ancient Semi-Natural Woodlands or Ancient Replanted Woodlands are present within 2 km of the Site and have no direct connectivity to the Site.

Priority Habitats/ Habitats of Principal Importance

4.5 The MAGIC website identified the following priority habitats (refer to Appendix 2 for further details under NPPF[9] and NERC[10] Act 2006) within the search area: deciduous woodland, traditional orchards and open mosaic habitat. These areas were not shown to occur on or adjacent to the Site.

[8] https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009053
[9] National Planning Policy Framework, 2021
[10] Natural Environment and Rural Communities Act 2006

Local Plan Policy

4.6 The following Local Plan policies are of relevance to ecology and biodiversity.

4.7 Policy BIO1 Biodiversity and Geodiversity states: *"Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:*

- *"Protecting and improving habitats, species, sites of ecological value…*
- *"Maximising biodiversity and geodiversity opportunities in and around new developments…*
- *"Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate)…*
- *"Protecting ancient and veteran trees where identified.*
- *"Encouraging provision of biodiversity enhancements."*

4.8 This policy is supported by supplementary guidance:

- Policy CC1 Climate Change states: "*We will seek to reduce the causes of and adapt to the future impacts of climate change by: …Promoting investment in Green Infrastructure to promote and encourage biodiversity gain*".
- Policy GI1: Green Infrastructure states: "*We will protect, maintain, enhance and create an integrated network of connected and multifunctional Green Infrastructure assets that: … Helps to meet the challenge of climate change; Enhances biodiversity and landscape character;… and Secures and improves linkages between green and blue spaces*".

4.9 The remainder of the Site is identified as housing allocation and described within Policy HS6: Site south of Coniston Avenue. No specific site policies are stated in relation to this allocation.

Habitats

4.10 The Site is managed as a cereal crop, with wheat actively growing at the time of survey and remnants of old oat crop scattered at field edges.

4.11 The habitats within the Site were mapped during the Phase 1 habitat survey and are described below. The frequency with which a species was recorded within the sward is indicated. The locations of the habitats are shown on the extended Phase 1 habitat survey results plan in Figure 1, which is presented in Section 7. The photographs and Target Notes (TNs) referred to in the text below are presented in Section 8.

Arable land

4.12 Most of the Site has been mapped as arable land. This was used as cereal cropland at the time of survey. Historical imagery and mapping indicate that the land was used as pasture for livestock in the past 20 years and has been in agricultural use for over 100 years. This type of habitat does not require condition assessment and is fixed at 'poor' ecological condition.

Field Margin / Poor semi-improved grassland

4.13 The southern field margin was approximately 4 m wide and included species-poor semi-improved grassland / arable field margin (see section 8, TN01). This margin is not considered to meet the UK Priority Habitat definition of arable field margins as it did not show evidence of deliberate management as a margin, nor was it considered a permanent feature. Yorkshire-fog *Holcus lanatus*, false oat-grass *Arrhenatherum elatius*, nettle *Urtica dioica,* and remnants of common oat *Avena sativa* were all frequent to locally abundant. This habitat was assessed to be modified grassland in 'moderate' ecological condition.

Amenity / Modified grassland

4.14 The parcel of land directly adjacent Coniston Avenue, in the north of the Site, is dominated by Yorkshire-fog and white clover *Trifolium repens*. It appears to be regularly mown, based on historic aerial images. For the purposes of biodiversity assessment, it is a 'modified grassland' in moderate ecological condition.

Hedgerows

4.15 Approximately 30 m of an intact, species-poor hedgerow intersects the west of Site (see section 8, TN05). This forms part of a parish boundary and continues westwards from the Site to Husband Wood. An additional 30 m of this hedge sits on the border of the Site (see Figure 1). The hedge was found to have two woody species: hawthorn *Crataegus monogyna* and elder *Sambucus nigra*. The understorey was of limited diversity with cleavers *Galium aparine* and false oat-grass abundant and common hogweed *Heracleum sphondylium* occasional. The hedge was mostly less than 1.5 m width and showed signs of disturbed ground and nutrient enrichment, as well as a lack of mature trees. It is therefore assessed as being in poor ecological condition.

4.16 In the north of the Site, a hedge with trees intersects the development area (TN04). This hedge continues along the western edge of the Site. Significant gaps were in the hedge and filled with heras-type fencing. Trees were young to mature and included silver birch *Betula pendula, Laburnum* sp.*,* and cherry *Punus avium*. The hedge was assessed to be in poor ecological condition due to gaps and damage to the hedge.

4.17 One other hedge was mapped within the Site (see section 8, TN02) and a third hedge was on the eastern boundary (TN03). The hedge within the Site was parallel to the southern border and comprised a short, 24 m section of species-poor hedge with hawthorn, holly *Ilex aquifolium,* and dog-rose *Rosa canina,* with an understorey of nettle, Yorkshire fog and false oat-grass. The hedge included gaps and inconsistent form and was assessed to be in poor ecological condition.

4.18 The hedge on the eastern boundary comprised approximately 60% species that are typical of ornamental hedges (e.g. privet *Ligustrum* sp., cypress *Thuja* sp., barberry *Berberis* sp.) and was not mapped as sitting within the Site boundary.

4.19 The hedges fall under the definition of UK priority habitats for hedgerows, also listed in the Barnsley LBAP, but do not qualify as an 'important' hedge under the Hedgerows Regulations 1997.

Scattered trees

4.20 Scattered trees on the southern boundary included two pedunculate oaks *Quercus robur,* a silver birch*,* and a sycamore *Acer pseudoplatanus*. These are not considered to form part of a hedge (see Figure 1, hedgerow with trees, which incorporate additional trees).

Protected Species

Bats

4.21 The South Yorkshire Bat Group data search returned 32 records of bats for the 2 km search area, for the following species:

- Pipistrellus sp.
  - Common pipistrelle *Pipistrellus pipistrellus*
  - Soprano pipistrelle *Pipistrellus pygmaeus*
  - Nathusius' pipistrelle *Pipistrellus nathusii*
- Nyctalus sp.
  - Leisler's bat *Nyctalus leislerii*
  - Noctule *Nyctalus noctule*
- Myotis sp.
- Unidentified bat species

4.22 The records range from 1999 to 2020. The closest record to the Site is for an emergence of a common pipistrelle from a day roost 60 m north of the Site in 2018. The MAGIC website returned no granted European Protected Species licences for bats within a 2 km radius around the Site.

4.23 The data request to Sheffield Biological Records Centre returned 33 records of bats within 2 km, which partly overlap with the bat group records but did not include records of Nathusius' pipistrelle or *Myotis* species. Many records were for foraging and no additional roost records were more proximal than those recorded by the bat group.

Roosting Resource

4.24 The penduculate oak in the south west of the Site (see section 8, TN06) has rot-holes on a lateral branch at approximately 3 m height, as well as deadwood and dense ivy cover. This tree is considered to have moderate suitability for roosting bats. The oak on the south eastern boundary of the Site had limited features and was assessed to be of low suitability for roosting bats.

Foraging and Commuting

4.25 There are opportunities for bats to forage on / commute through the Site, along hedges and scattered trees. The Site forms part of the wider agricultural landscape, which connects the Site to areas of open countryside to the west and residential gardens to the east. There are considered to be other suitable habitats for foraging elsewhere in the immediate landscape (e.g. pockets of woodland and better condition hedgerows) as well as linear features that better join up these habitats.

Badger

4.26 The South Yorkshire Badger Group data search did not identify any badger records within the search area. The Sheffield Biological Records included two records of field-signs for badger. These were 700 m and 1 km southwest of the site. No signs of badger were identified during the Site survey. Mammal paths were identified across the site but could not be attributed solely to badger

Great crested newt

4.27 The MAGIC website returned no granted European Protected Species licences for great crested newt within a 2 km radius around the Site. The Sheffield Biological Records Centre data search returned no records for great crested newt within the search area. The data search returned records of smooth newt *Triturus vulgaris*, common toad *Bufo bufo* and common frog *Rana temporaria*, with the most recent records dating from 2012 to 2019. The closest records to the Site were for common toad and common frog located approximately 800 m south.

4.28 There are no ponds located on Site, and none identified within 250 m of the Site.

Nesting birds

4.29 The Sheffield Biological Records Centre data search returned 1,148 bird records from 76 species since 1998. These included records for the following farmland bird species of conservation concern in the Barnsley LBAP: lapwing *Vanellus vanellus*, linnet *Linaria cannabina*, grey partridge *Perdix perdix*, skylark *Alauda arvensis*, tree sparrow *Passer montanus*, yellowhammer *Emberiza citronella* and migrant yellow wagtail *Motacilla flava*.

4.30 Hedges on the Site have the potential to support breeding birds. The arable habitats are regularly managed and relatively enclosed and are not considered to provide preferred nesting habitat for ground-nesting birds.

Reptiles

4.31 The Sheffield Biological Records Centre data search returned three records of reptiles within the search area. These were all within the same approximate area, 1.36 km west of the Site, recording common lizard *Zootoca vivipara* in 2019.

4.32 No suitable habitats for reptiles are considered to be present on Site. The grassland verge and amenity grassland habitats are considered to have negligible potential to support reptile species, as they are regularly and disturbed and lack a tussocky structure.

Other species – Hedgehog

4.33 The Big Hedgehog Map[11] identified several records of hedgehog, the closest record located approximately 350 m north-west of the Site. The Sheffield Biological Records Centre data search also provided one record of hedgehog within the search area, located approximately 1 km west of the Site (dead animal on M1 motorway) in 2020. The Site offers little habitat suitable for preferred foraging, though hedgehogs may make use of the boundaries of the site for navigating the landscape or the base of hedges for hibernating.

Invasive species

4.34 The data search provided records of several invasive species; Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandulifera*, and *Monbretia* sp.. Those that overlap the Site were recorded to an accuracy of 1 km only and are not considered to be associated with the Site based on the location descriptions in the records.

4.35 There were no invasive species identified on Site during the survey.

[11] PTES and British Hedgehog Preservation Society (2021) The Big Hedgehog Map [online] Available at: https://bighedgehogmap.org/ [accessed 19/07 2021]

5 Potential Impacts and Recommendations

Habitats

5.1 The proposed development footprint will result in the loss of arable land, poor semi-improved grassland (field margin), amenity grassland, and impacts to species-poor hedge, and a poor-condition hedge with trees. Boundary trees and hedges will be retained.

5.2 The hedges on Site meet the criteria for those that are listed as Habitats of Principal Importance under the provisions of the NERC Act 2006, they are however assessed to be in poor ecological condition and are poor examples of the habitats.

5.3 As part of the design, 0.4355 ha of greenspace will be provided (made up of sustainable drainage system (SuDS) habitat, species-rich neutral grassland, and mixed native shrubs). This will be located in the west of the Site, and extending into the southeast of the Site. New sections of hedgerow with trees will be planted to link up existing hedges to the north and south of the Site. Proposed vegetated garden plots will measure 0.4061 ha. An additional 0.5351 ha of the Site will be developed or 'sealed surface' habitats and 0.2794 ha of the Site is will be roads. In addition, 0.0085 ha will be 'introduced shrubs', 0.2279 will be medium-sized urban trees. The 0.4335 ha of greenspace will comprise a 0.3603 ha mix of 'other neutral grassland' or 'mixed native shrubs', and 0.1009ha of a sustainable drainage feature. These habitats are indicated on Figure 2. The following habitat creation and enhancement measures are proposed in principle within the landscaping plan to enhance the Site for biodiversity gain:

- It is recommended that the landscaping within the development uses native shrubs where possible and broadleaf trees including native hedgerow habitat and the use of fruit and berry bearing species.
- Areas of grassland created will comprise species-rich wildflower areas, which will contribute to the LBAP habitat action plan.

5.4 The newly created habitats should be managed for their wildlife interest and an ecological mitigation and management plan (EMMP) should be produced to provide management prescriptions to ensure the favourable management of these habitats. This will be in line with Local Planning Policies BIO1 Biodiversity and Geodiversity and GI1: Green Infrastructure. See also the biodiversity gain subsection later in section 5.

Bats

5.5 All UK bats are European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017 (as amended) and several are Species of Principal Importance under the provisions of the Natural Environment and Rural Communities (NERC) Act 2006. Bats are protected against disturbance, killing or injuring and their roosts are protected against obstruction, damage or destruction. National planning policy and legislation information is presented in Appendix 1.

5.6 The oak tree at the south-east of the Site (Target Note 06) has features that may provide opportunities for roosting bats. If the proposals are to affect this tree, such as a crown lift or pruning, a detailed daytime inspection, including aerial inspection, to characterise the potential roosting features, should be carried out by a suitably qualified and licenced ecologist. Subsequent to this a roost emergence surveys may need to be undertaken during the optimum survey period which is between May-August. If evidence of roosting bats is identified, and depending on the scope of the works proposed, further survey work may be required. The survey methods will take into account current best practice survey guidelines (Collins, 2016).

5.7 A proportion of the new dwellings to be constructed within the developable area of the Site should include the provision of integral boxes for roosting bats. The detail of this would be included in the EMMP.

Nesting birds

5.8 All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs.

5.9 It is recommended that the removal of any suitable bird nesting habitats (hedges) be carried out between late August and mid-February, which would avoid the bird breeding season and avoid committing an offence. If the removal of any bird nesting habitat has to take place during the bird breeding season, then it is recommended that the habitat is surveyed for active bird nests by a suitably qualified ecologist before the proposed work is carried out. If active bird nests are present, then work would have to be delayed in that area until nesting activity ceases.

5.10 The following general recommendations for inclusion within the landscape scheme will enhance the site for nesting and foraging birds. The detail of this would be included in the EMMP:

- The use of native shrubs and trees to provide additional bird nesting habitats on Site. The inclusion of species that are fruit and berry bearing will also provide an additional foraging resource for birds.
- A proportion of the new dwellings to be constructed within the developable area of the Site should include the provision of integral boxes for nesting birds, including terrace boxes for house sparrow, a species that was recorded using the Site.

Other species – hedgehog

5.11 Hedgehog is a species of principal importance listed under Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act. Hedgehog is also listed as a priority species for Barnsley.

5.12 The Site has the potential to support hedgehog, the hedges may offer potential refuge, nesting and hibernation habitat for this species. It is recommended the removal of in south of the Site is carried out under a watching brief by a suitably experienced ecologist, to check for hedgehog. The removal of the areas of hedge should take place outside of the hibernation period for hedgehog (typically November to February), whilst also avoiding the bird nesting season. Therefore, October is preferable for the removal of the dense scrub habitats. The detail of this would be included in the EMMP.

Biodiversity Metric outcome

5.13 The Biodiversity Metric 3.0 has been used to quantify potential biodiversity net gain. With the incorporation of the assumed habitat creation measures, the following 'habitat unit' scores have been calculated:

- Existing site baseline = 3.94 Habitat Units and 0.94 Hedgerow Units
- Post-development habitat creation outcome = 3.98 Habitat Units and 1.71 Hedgerow Units
    - Change in Habitat Units = +0.04 Habitat Units, which is equivalent to **+1.12%**
    - Change in Hedgerow Units = +0.77 Hedgerow Units, which is equivalent to **+82.21%**

5.14 The detail of any habitat creation, enhancements and management prescriptions would be included in the EMMP.

6 References

Barnsley Metropolitan Borough Council (2019) *Local Plan*. Adopted January 2019.

Barnsley Biodiversity Trust (2009) *Biodiversity Action Plan.* [online] Available at: http://www.barnsleybiodiversity.org.uk/biodiversityplan.html [Accessed 19/07/2021].

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7 Figures

(overleaf)

Figure 1: Habitat Map

Figure 2: Proposed Habitats

Legend

- Site Boundary
- Traget note

Tree

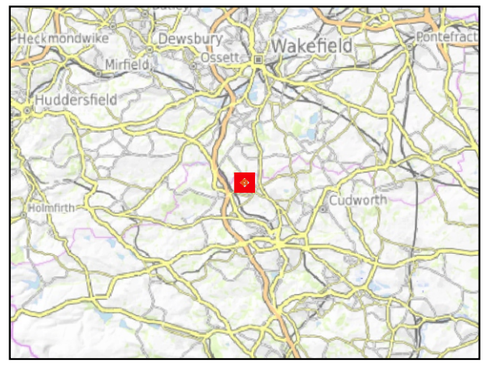
- Existing Large
- Existing Medium
- Existing Small

Hedgerow

- Native Hedgerow (h2NE5)
- Native Hedgerow with trees (h2NE4)

Habitats

- Cereal crops
- Modified grassland



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PROJECT TITLE

Land South of Coniston Avenue, Darton

DRAWING TITLE

Figure 1: Habitat Map

DATE: 06/12/2021 CHECKED: JF SCALE: 1:1000 at A3

DRAWN: EMV APPROVED: JF STATUS: FINAL

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Legend

- Site Boundary

Trees

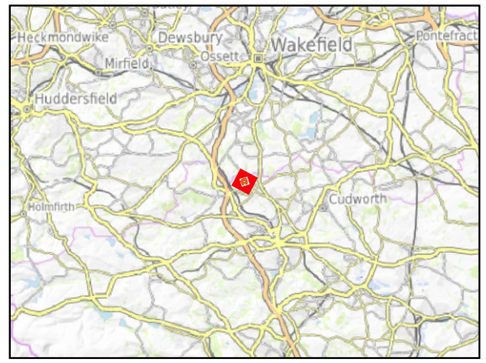
- Proposed Large
- Proposed Medium
- Proposed Small

Hedgerows

- Native Hedgerow (h2NE5)
- Native Hedgerow with trees (h2NE4)

Habitats

- Built linear features
- Developed land; sealed surface
- Introduced shrub
- Mixed scrub
- Other neutral grassland
- Sustainable urban drainage feature
- Vegetated garden



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JOB REF: P21-415

PROJECT TITLE

Land South of Coniston Avenue, Darton

DRAWING TITLE

Figure 2: Proposed Habitats

DATE: 06/12/2021 CHECKED: JF SCALE: 1:1000 at A3

DRAWN: EMV APPROVED: JF STATUS: FINAL

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8 Photographs and Target Notes

(overleaf)

Target Note	***Photograph***
1. 4m wide grassland verge with Yorkshire-fog *Holcus lanatus*, false oat-grass *Arrhenatherum elatius*, nettle *Urtica dioica*, and remnants of common oat *Avena sativa.* Similar pocket in the northeast of the Site.	
2. Species-poor intact hedge with hawthorn *Crataegus monogyna*, holly *Ilex aquifolium*, and dog-rose *Rosa canina*, with an understorey of nettle, Yorkshire fog and false oat-grass.	
3. Offsite hedge within 1 m of the boundary. With Hawthorn, holly, bramble *Rubus fruticosus* agg. privet *Ligustrum* sp., cypress *Thuja* sp., barberry *Berberis* sp. Understorey of false oat-grass, cleavers *Galium aparine*.	

Target Note	***Photograph***
4. Hedge with trees, with wild privet, hawthorn and elder *Sambucus nigra* abundant to frequent. The herb layer comprised false-oat grass, hogweed *Heracleum sphondylium* and cleavers	
5. Hedge with hawthorn and elder. Herb layer dominated by cleavers, which blanketed the hedge in places, false oat-grass abundant and common hogweed *Heracleum sphondylium* occasional. Less than 1.5 m height and width in places and signs of nutrient enrichment and disturbance. Manhole cover nearby with sound of rushing water.	
6. Pedunculate oak *Quercus robur* with rot-holes on a lateral branch at approximately 3 m height (may be inspected with a ladder), as well as deadwood and dense ivy cover. Moderate suitability for roosting bats.	

Target Note	***Photograph***
N/A. View of the site from the eastern boundary, looking south	
N/A. View from the eastern boundary, looking west.	
N/A. View from the southwest corner of the Site (near Target Note 6) looking north.	

Appendix 1: Summaries of Relevant Policy, Legislation and Other Instruments

8.2 This section briefly summarises the legislation, policy and related issues that are relevant to the main text of the report. The following text does not constitute legal or planning advice.

National Planning Policy Framework (England)

8.3 The Government issued the National Planning Policy Framework (NPPF) in July 2021. Text excerpts from the NPPF are shown where they may be relevant to planning applications and biodiversity including protected sites, habitats and species.

8.4 The Government sets out the three objectives for sustainable development (economy, social and environmental) at paragraphs 8-10 to be delivered through the plan preparation and implementation level and 'are not criteria against which every decision can or should be judged' (paragraph 9). The planning system's environmental objective is 'to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity…'(paragraph 8c).

8.5 In conserving and enhancing the natural environment, the NPPF (Paragraph 174) states that 'planning policies and decisions should contribute to and enhance the natural and local environment' by:

- Protecting and enhancing...sites of biodiversity value... '(in a manner commensurate with their statutory status or identified quality in the development plan)'.
- Recognising the wider benefits from natural capital and ecosystem services including trees and woodland.
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

8.6 In respect of protected sites, at paragraph 175, the NPPF requires local planning authorities to distinguish, at the plan level, '…between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.' A footnote to paragraph 175 refers to the preferred use of agricultural land of poorer quality if significant development of agricultural land is to take place.

8.7 Paragraph 179 refers to how plans should aim to protect and enhance biodiversity. Plans should: 'identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity [a footnote refers to ODPM Circular 06/2005 for further guidance in respect of statutory obligations for biodiversity in the planning system], wildlife corridors and stepping stones that connect them and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;' and to 'promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

8.8 Paragraph 180 advises that, when determining planning applications, '…local planning authorities should apply the following principles:

- if significant harm to biodiversity 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;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats, (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

8.9 In paragraph 181, the following should be given the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'

8.10 In paragraph 182 the NPPF refers back to sustainable development in relation to appropriate assessment and states: 'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'.

8.11 In paragraph 183, the NPPF refers to planning policies and decisions taking account of ground conditions and risks arising from land instability and contamination at sites. In relation to risks associated with land remediation account is to be taken of 'potential impacts on the natural environment' that arise from land remediation.

8.12 In paragraph 185 the NPPF states that planning policies and decisions should ensure that development is appropriate to the location and take into account likely effects (including cumulative) on the natural environment and, in doing so, they 'should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation' (paragraph 185c).

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation (England only)

8.13 Paragraph 98 of Government Circular 06/2005 advises that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned..."

8.14 Paragraph 99 of Government Circular 06/2005[12] advises that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted".

Standing Advice (GOV.UK - England only)

8.15 The GOV.UK website provides information regarding protected species and sites in relation to development proposals: 'Local planning authorities should take advice from Natural England or the Environment Agency about planning applications for developments that may affect protected species.' GOV.UK advises that 'some species have standing advice which you can use to help with planning decisions. For others you should contact Natural England or the Environment Agency for an individual response.'

8.16 The standing advice (originally from Natural England and now held and updated on GOV.UK13) provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides advice on survey and mitigation requirements.

8.17 When determining an application for development that is covered by standing advice, in accordance with guidance in Government Circular 06/2005, Local planning authorities are required to take the standing advice into account. In paragraph 82 of the aforementioned Circular, it is stated that: 'The standing advice will be a material consideration in the determination of the planning application in the same way as any advice received from a statutory consultee…it is up to the planning authority to decide the weight to be attached to the standing advice, in the same way as it would decide the weight to be attached to a response from a statutory consultee.'

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation (England only)

8.18 Paragraph 98 of Government Circular 06/2005 advises that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned..."

8.19 Paragraph 99 of Government Circular 06/2005[14] advises that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted".

[12] *ODPM Circular 06/2005. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System* (2005). HMSO Norwich.

[13] https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species

[14] *ODPM Circular 06/2005. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System* (2005). HMSO Norwich.

Standing Advice (GOV.UK - England only)

8.20 The GOV.UK website provides information regarding protected species and sites in relation to development proposals: 'Local planning authorities should take advice from Natural England or the Environment Agency about planning applications for developments that may affect protected species.' GOV.UK advises that 'some species have standing advice which you can use to help with planning decisions. For others you should contact Natural England or the Environment Agency for an individual response.'

8.21 The standing advice (originally from Natural England and now held and updated on GOV.UK15) provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides advice on survey and mitigation requirements.

8.22 When determining an application for development that is covered by standing advice, in accordance with guidance in Government Circular 06/2005, Local planning authorities are required to take the standing advice into account. In paragraph 82 of the aforementioned Circular, it is stated that: 'The standing advice will be a material consideration in the determination of the planning application in the same way as any advice received from a statutory consultee…it is up to the planning authority to decide the weight to be attached to the standing advice, in the same way as it would decide the weight to be attached to a response from a statutory consultee.'

Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and species of principal importance (England)

8.23 The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 41 (S41) of the Act require the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England as required by the Act. In accordance with the Act the Secretary of State keeps this list under review and will publish a revised list if necessary, in consultation with Natural England.

8.24 The S41 list is used to guide decision-makers such as public bodies, including local authorities and utilities companies, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions, including development control and planning. This is commonly referred to as the 'Biodiversity Duty.'

8.25 Guidance for public authorities on implementing the Biodiversity Duty[16] has been published by Defra. One of the key messages in this document is that 'conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them.' In England the administration of the planning system and licensing schemes are highlighted as having a 'profound influence on biodiversity conservation.' Local authorities are required to take measures to "promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species. The guidance states that 'the duty aims to raise the profile and visibility of biodiversity, clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.'

8.26 In 2007, the UK Biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for rarer species and habitats in the UK. The UK Post-2010 Biodiversity Framework[17], which covers the period from 2011 to 2020, now succeeds the UK BAP. The UK priority list contained 1150 species and 65 habitats requiring special protection and has been used as a reference to draw up the lists of species and habitats of principal importance in England.

8.27 In England, there are 56 habitats of principal importance and 943 species of principal importance on the S41 list. These are all the habitats and species found in England that were identified as requiring

[15] https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species
[16] Defra, 2007. *Guidance for Public Authorities on Implementing The Biodiversity Duty*. (http://www.defra.gov.uk/publications/files/pb12585-pa-guid-english-070516.pdf)
[17] JNCC and Defra (on behalf of the Four Countries' Biodiversity Group). 2012. *UK Post-2010 Biodiversity Framework*. July 2012. (http://jncc.defra.gov.uk/page-6189)

action in the UK BAP and which continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

European protected species (Animals)

8.28 The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates various amendments that have been made to the original (1994) Regulations which transposed the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

8.29 "European protected species" (EPS) of animal are those which are shown on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). They are subject to the provisions of Regulation 43 of those Regulations. All EPS are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

a. Intentionally or deliberately capture, injure or kill any wild animal included amongst these species
b. Possess or control any live or dead specimens or any part of, or anything derived from a these species
c. deliberately disturb wild animals of any such species
d. deliberately take or destroy the eggs of such an animal, or
e. intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place

8.30 For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

a. to impair their ability—
    i. to survive, to breed or reproduce, or to rear or nurture their young, or
    ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
b. to affect significantly the local distribution or abundance of the species to which they belong.

8.31 Although the law provides strict protection to these species, it also allows this protection to be set aside (derogated) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works and by Natural Resources Wales in Wales. In accordance with the requirements of the Regulations (2017, as amended), a licence can only be issued where the following requirements are satisfied:

a. The proposal is necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
b. 'There is no satisfactory alternative'
c. The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Definition of breeding sites and resting places

8.32 Guidance for all European Protected Species of animal, including bats and great crested newt, regarding the definition of breeding and of breeding and resting places is provided by The European Council (EC) which has prepared specific guidance in respect of the interpretation of various Articles of the EC Habitats Directive.[18] Section II.3.4.b) provides definitions and examples of both breeding

[18] Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC. (February 2007), EC.

and resting places at paragraphs 57 and 59 respectively. This guidance states that 'The provision in Article 12(1)(d) [of the EC Habitats Directive] should therefore be understood as aiming to safeguard the ecological functionality of breeding sites and resting places.' Further the guidance states: 'It thus follows from Article 12(1)(d) that such breeding sites and resting places also need to be protected when they are not being used, but where there is a reasonably high probability that the species concerned will return to these sites and places. If for example a certain cave is used every year by a number of bats for hibernation (because the species has the habit of returning to the same winter roost every year), the functionality of this cave as a hibernating site should be protected in summer as well so that the bats can re-use it in winter. On the other hand, if a certain cave is used only occasionally for breeding or resting purposes, it is very likely that the site does not qualify as a breeding site or resting place.'

Birds

8.33 All nesting birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.