WHARTON
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Herpetofauna Method Statement

SITE LOCATION
Premier Foods Bakery, Carlton, South Yorkshire

ISSUE DATE
20 December 2023

OUR REFERENCE
231218 1532 EMS V1a

PREPARED FOR
Premier Foods Plc

PRINCIPAL AUTHOR
Byron Humphries



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Prepared by	Ester Konecna Seasonal Ecologist	Katrina Wells Senior Ecologist
Principal Author	Byron Humphries Ecological Consultant	
Qualifications	BSc (*Hons*) *ACIEEM*	
Signature	[redacted]	
Review by	Morgan Hughes Principal Ecologist	
Qualifications	PhD, CEcol	
Signature	[redacted]	
Authorised by	Laura Carter Senior Ecologist	
Signature	[redacted]	
Project number	1532	

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1. Introduction/Background

1.1 Author

1.1.1 The Principal Author of this report is Byron Humphries BSc (*Hons*) *ACIEEM* (Ecologist). The Principal Author has over five years of experience in ecological consultancy and has worked on projects ranging from large scale national infrastructure developments to residential sites across the country. The Principal Author holds a Class 2 survey licence from Natural England for great crested newt (*Triturus cristatus*) (GCN). He is an Associate member of the Chartered Institute of Ecology and Environmental Management (CIEEM), he is therefore subject to CIEEM's Code of Professional Conduct.

1.1.2 The Reviewer of this report is Morgan Hughes PhD CEcol (Principal Ecologist). The Reviewer has over 20 years of professional experience in the ecological sector, and seven years in ecological consultancy, having worked on projects ranging in scale from small commercial and residential sites to large-scale (road and rail) infrastructure. The Reviewer holds a Class 1 survey licence for GCN, has been a full member of CIEEM since 2008 and a Chartered Ecologist since 2017 and is therefore subject to CIEEM's Code of Professional Conduct

1.1.3 The detail provided within this report is a true and accurate reflection of both the Site conditions at the time each survey was completed, as well as the professional opinion of the Principal Author.

1.2 Purpose and Brief

1.2.1 Premier Foods Plc (the Client) commissioned Wharton Natural Infrastructure Consultants Ltd (Wharton) to produce a Herpetofauna Method Statement for the proposed removal of bramble (Rubus fruticosus) scrub at an area of land known as Premier Foods Bakery, Carlton, South Yorkshire (see Site Location Plan provided at Appendix 1), known herein as 'the Site').

1.2.2 An extended Phase 1 Habitat Survey by Wharton (WNIC, 2022) assessed that the mixed scrub, bramble scrub, and areas of the neutral grassland provides suitable habitat for common reptiles. Given the historical management strategy of mowing the grassland annually, it is not expected that the grassland habitat on Site is suitable to support a significant population of reptiles.

1.2.3 The extended Phase 1 Habitat Survey by Wharton (WNIC, 2022) also found a pond (P1) located 10m west of the Site within a residential garden area. The Habitat Suitability Index (HSI) for P1 returned a score of 0.58 with below-average suitability to support GCN. The Site supports suitable habitat for GCN and other amphibians via the hedgerow and scrub. Although it is considered sub-optimal to support GCN, given the proximity of P1 to the Site, there is potential for GCN and other amphibian species to be utilising these habitats on Site (if present within P1).

1.2.4 Further surveys to determine the presence/absence of GCN within P1 could not be undertaken due to access being denied by the landowner.

1.2.5 The majority of the habitats with suitability to support common reptiles and GCN are to be retained and enhanced under the Proposed Development with the exception of small areas of bramble and mixed scrub encroaching from the boundary features and within the grassland itself. It is not expected that any significant effects to common reptile or GCN populations will occur as a result of the Proposed Development. However, the construction phase of the Proposed Development has the potential to adversely effect low numbers of individual common reptile or GCN utilising the Site.

1.2.6 The purpose of this herpetofauna method statement (HMS) is to detail a method of working in relation to the Proposed Works (as described in Section 1.4 below) to ensure that the Proposed

Works do not result in a breach of the relevant legislation (see Section 2) in relation to herpetofauna.

1.3 Description of Site and Local Area

1.3.1 The Site is located to the east of Fish Dam Lane in Carlton. It is centred approximately at National Grid reference SE 37227 09987.

1.3.2 The habitats within the Site comprise an area of grassland with areas of scrub and hedgerow on the borders. The Site is bordered to the north by a main road with agricultural land beyond, and to the west by residential buildings and allotments, a small area of scrub and the Premier Foods industrial bakery building. To the south, the Site is bordered by grassland and agricultural land, and to the east by a small road with an area of scrubland beyond which appears to have previously been the site of a quarry.

1.3.3 The Site is relatively well connected from an ecological perspective due to grassland and scrub to the south and east of the Site. However, the railway c.0.44km east of the Site could act as a dispersal barrier for wildlife beyond this point.

1.4 The Proposed Works

1.4.1 A planning application (2023/0845) has been submitted for the installation of a solar farm of up to 2.5MW of generating capacity within land adjacent to Premier Foods' bakery, to provide 50% of their energy needs. This HMS relates to that planning application and enabling works as detailed below.

1.4.2 It is understood that the proposed works will comprise the clearance of small areas of bramble and mixed scrub within the grassland towards the south-west of the Site and in some locations where encroachment has occurred from the site's boundary features, as shown in Appendix 3, followed by the installation of the solar panels and perimeter fence. It is further understood that new mixed, native scrub will be planted within existing gaps around the site boundaries.

1.4.3 The existing areas of scrub to be removed are considered to be of low ecological importance due to their lack of floral diversity, relatively undeveloped nature and relatively small size. However, they may provide some suitability for individual herpetofauna including GCN and common species of reptile, should those species be present in the immediate surroundings.

1.4.4 The proposals detailed above will be referred to throughout this report as the 'Proposed Works'.

2. Relevant Legislation

2.1 Relevant Legislation

2.1.1 National and international legislation relevant to the Planning Approved Development is summarised below in Table 1.

Table 1. Legislation Relevant to the Planning Approved Development

Legislation*	Relevance to this assessment
The Conservation of Habitats and Species Regulations 2017 (HMSO, 2017) ***Amended by***[1] **The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (HMSO, 2019)**	Protects GCN against: • Deliberate capture • Deliberate disturbance (in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young or to hibernate • Deliberately takes or destroys the eggs • Damages or destroys a breeding site or resting place
The Wildlife and Countryside Act 1981 (as amended) (HMSO, 1981)	Affords protection to species listed under Schedule 5 of the Act including GCN and reptiles.
The Natural Environment and Rural Communities (NERC) Act 2006 (HMSO, 2006)	GCN and all of the UK's native reptile species are Species of Principal Importance (SPI) and have been adopted in England under Section 41 of the NERC Act 2006

*Full legislative text should be referred to as table text is a summary only
[1] - The Conservation of Habitats and Species Regulations 2017 provides safeguards for European Protected Sites and Species (as listed in the Habitats Directive). This has recently been amended by the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 which continue the same provision for European protected species, licensing requirements, and protected areas after Brexit.

3. Site Suitability for Herpetofauna

3.1 Biological Records

3.1.1 Records were provided by Sheffield Biological Records Centre (SBRC, 2022) within a 1 km radius of the Site.

3.1.2 There are no records for GCN within 1km of the Site.

3.1.3 A search for granted GCN European Protected Species Mitigation Licences (EPSML) and GCN Class Licence returns was also undertaken on MAGIC.go.uk.

3.1.4 The nearest EPSML for GCN was granted in for a project located c.1.96km to the north-east of the site. The nearest records of Class Licence returns were located over 4km to the west of the site.

3.1.5 The majority of the site (c.75%) falls within a green zone for GCN as published by Natural England's data for District Level Licensing. The remainder of the site (towards the southern end) falls within an amber zone for GCN.

3.1.6 There are five records for reptiles within 1km of the Site. Species include grass snake (*Natrix helvetica*) and slow worm (*Anguis fragilis*). The closest record was for grass snake c.0.7km northwest of the Site in 2011.

3.2 Aquatic Habitat

3.2.1 Reference to Ordnance Survey mapped data and aerial imagery confirms the presence of two ponds within a 250m radius of the Site:

- Pond 1 (P1) is located 10m west of the Site within a residential garden area.
- Pond 2 (P2) is located c.245m north of site within an agricultural field (see Appendix 2).

3.2.2 A GCN Habitat Suitability Index (HSI) Assessment was conducted of one pond located within a 250m radius of the Site. Pond 1, which is located c. 10m west of the Site, returned a score of 0.58 with below-average suitability to support GCN. The results of the HSI Assessments are provided below in Table 2. Access to the Pond 2, which is located c.245m north of the Site, was not permitted during the survey. The pond is located on the edge of the 250m radius from the Site and is poorly connected to the Site with a busy road between, so it is not considered the Proposed Development will have any significant impact on this waterbody and any populations of GCN associated with it. This pond has therefore not been brought forward for further assessment.

Table 2. Pond 1 – Results of the Habitat Suitability Index for GCN

Factor	Result	HSI Score
Location	A	1.00
Area	100m2	0.20
Permanence	Dries Annually	0.10
Water Quality	Moderate	0.67
Shade	20%	1.00
Waterfowl	Absent	1.00
Fish	Absent	1.00
Pond Count	16	1.00
Terrestrial Habitat	Moderate	0.67
Macrophytes	20%	0.50

3.2.3 Further surveys to determine presence/absence of GCN within P1 could not be undertaken due to access being denied by the landowner.

3.3 Terrestrial Habitat

Reptiles

3.3.1 The mixed scrub, bramble scrub and areas of the neutral grassland where the sward height is relatively tall and somewhat tussocky, provides suitable habitat for common reptiles. The majority of the site consist of the neutral grassland, with areas of scrub restricted to the borders. Given the historical management strategy of mowing the grassland annually, preventing a more complex and varied habitat to form, and effectively returning its suitability for reptiles to negligible, it is not expected that the habitat on Site is suitable to support a significant population of reptiles.

3.3.2 With the exception of a small amount of scrub encroaching from the boundary features and the small areas of bramble scrub situated within the grassland, the habitats with suitability to support common reptiles are to be retained and enhanced under the Proposed Development. It is therefore not expected that any significant effects to common reptile populations will occur as a result of the Proposed Development.

3.3.3 While it is unlikely to have a significant effect on reptile populations, the construction phase of the Proposed Development may have an adverse effect on individuals utilising the Site.

GCN and Common Amphibians

3.3.4 The Site supports suitable habitat for GCN and other amphibians via the hedgerow and scrub. Although it is considered sub-optimal to support GCN, given the close proximity of P1 to the Site there is potential for GCN and other amphibian species to be utilising these habitats on Site (if present within P1).

3.3.5 With the exception of the small areas of bramble scrub situated within the grassland, the habitats with suitability to support GCN are to be retained and enhanced under the Proposed Development. It is not expected that any significant effects to GCN populations will occur as a result of the Proposed Development.

3.3.6 While it is unlikely to have a significant effect on GCN populations, the construction phase of the

Proposed Development may have an adverse effect on individuals utilising the Site.

3.3.7 There is a risk of breach of section 9 of The Wildlife and Countryside Act 1981 (as amended) (HMSO, 1981) in relation to the killing or injury and/or destroying, obstructing access to or disturbing an animal while in, a structure used for shelter or protection. There is also risk of breach under section 3 of The Conservation of Habitats and Species Regulations 2019 (HMSO, 2019) in relation to killing, injury, disturbance and/or damaging or destroying a breeding or resting site of a protected species.

4. Assessment of Impacts and Effects

4.1.1 Table 4 below provides detail on the types of impacts that may occur as a result of the Proposed Works, the likelihood of the impact occurring, and the phase(s) of the Proposed Works when the impact may occur.

Table 3. Impacts of the Proposed Works on Herpetofauna

Impact	Likelihood of Occurrence	Phase*
Disturbance of individuals migrating to/from breeding ponds	Negligible – if clearance is conducted within the hibernation period. Low – if works progress within the active season	SC & C
Injury/killing of individuals via movement and/or action of plant machinery	Negligible – if clearance is conducted within the hibernation period. Low – if works progress within the active season	SC & C
Capture of individuals in excavations (ultimately leading to injury/death)	Negligible – excavations are not included within the proposed works (metal framework for panels will be driven into the soil)	C
Creation of suitable hibernacula through inappropriate material storage	Negligible – if equipment is stored on wooden pallets to prevent the creation of suitable hibernacula	SC & C
Loss of potential foraging habitat of low suitability	Negligible – Although small areas of scrub are to be removed, this is considered to have a negligible effect on potential foraging habitat given its size of 0.03ha and the retention/creation of suitable foraging habitat around the perimeter of the Site	SC
Indirect impacts upon adjacent habitats of high suitability	Negligible – no impacts on adjacent habitats	N/A

**Site Clearance (SC), Construction (C), Operational/Occupation (O), Not Applicable (N/A)*

5. Reasonable Avoidance Measures

5.1 Justification

5.1.1 OS maps identified two ponds within 250m of the Site; given the relatively small size of the Site (2.9ha) any GCN breeding in more distant ponds are highly unlikely to be impacted. Of the two ponds identified, one fell on the edge of the 250m radius from the Site and is poorly connected to the Site with a busy road between providing a significant barrier to the dispersal of amphibians. The other pond lay 10m to the west of the Site and an HSI assessment returned a result of 0.58 – 'Below Average', which equates to a 20% likelihood of occupancy by GCN (ARG-UK, 2010). This result triggers the requirement for further survey for GCN, however the landowner of the pond refused access. Although the pond is very close to the Site, given the low HSI score and lack of other connected ponds within 250m, the likelihood of GCN occurring within P1 was considered to be low. Furthermore, the majority of suitable habitat on Site (hedgerow and scrub) will be retained, with additional scrub planting proposed, meaning there will be negligible loss of suitable habitat and disturbance of only small amounts of suitable habitat.

5.1.2 Given these combined factors, it was considered that a District Level Licence would be disproportionate to the low risks of harm to GCN, which can be reduced to negligible by managing the works via a precautionary Method Statement.

5.2 Appointment of an Ecological Clerk of Works

5.2.1 An Ecological Clerk of Works (ECoW) must be appointed prior to the commencement of any works in relation to the Planning Approved Development.

5.2.2 The ECoW must:

- Hold a GCN survey licence from Natural England;
- Have previous experience of observation of construction-related works in relation to GCN and reptiles;
- Have an in-depth understanding of the relevant legislation; and,
- Be capable of making decisions on-site in relation to GCN and reptiles, fully understand this method statement and be able to relate the method statement to works occurring on the ground as well as advise Site staff on protocols for any situations that may arise on Site.

5.2.3 All works within the Method Statement below will be overseen by the appointed ECoW.

5.3 Procedure for Immediate Cessation of Works

5.3.1 **Should GCN or reptiles be found at any time during Site clearance or construction works, work must cease immediately and the ECoW must be informed**. Natural England must be contacted for advice on how to proceed should GCN be found during work.

5.3.2 If the ECoW is not present at the Site at the time GCNs or reptiles are found (or if the contractors are uncertain if an amphibian is a GCN, for example), then photographs of the amphibian or reptile must be sent to the ECoW immediately for verification, or the ECoW must attend the Site to confirm identification.

5.3.3 All on-site personnel must not handle GCN or reptiles.

5.3.4 Any common amphibians found during the course of the works must be captured and relocated to an area unaffected by works by hand.

5.3.5 If GCN or reptiles are confirmed to be present on Site during the proposed works, the ECoW will advise the Site Manager to cease works immediately due to the potential risk of legislative breach.

5.3.6 The ECoW will then contact Natural England and agree on measures as to how to progress with the remainder of the works. This may include a licence application to Natural England.

5.3.7 Works may not continue to progress until written confirmation from the ECoW has been provided which explicitly states that works may continue, this written confirmation must include details of any further measures that must be implemented at the Site (additional to this method statement) following correspondence with Natural England.

5.4 Method Statement

Preparatory Works and Toolbox Talk

5.4.1 Prior to any works commencing on Site, a toolbox talk will be given to all contractors at the Site by the ECoW to make them aware of the possible presence of GCN or reptiles and the avoidance measures to be implemented. The relevant wildlife legislation and implications for breaches of this will be discussed with contractors.

5.4.2 Identification sheets for UK amphibian and reptile species and this method statement will be provided and kept on-Site for the duration of the project.

5.4.3 All contractors will sign an attendance sheet to confirm that they have understood the toolbox talk and will abide by the requirements of this method statement.

Clearance of Vegetative Habitats

5.4.4 The required areas of scrub will be cleared prior to commencement of formal construction works on Site.

5.4.5 The areas of scrub and hedgerow around the perimeter of the Site will be retained with a buffer of at least 5m.

5.4.6 A walkover of the Site must be conducted immediately prior to commencement by the ECoW, followed by phased scrub removal as detailed below.

5.4.7 The ECoW will undertake a visual check of the clearance of all areas of scrub for herpetofauna immediately prior to removal.

5.4.8 Any brick piles, corrugated metal sheeting or other large material items that could potentially provide refuge for herpetofauna are to be dismantled by hand and removed from the Site under the supervision of the ECoW.

5.4.9 The scrub will be cut using hand-held machinery or a small robot-flail to avoid heavy machinery driving over areas of scrub during cutting. Larger machinery with an extendable arm which allows scrub to be cut with the machinery remaining on the grassland may also be utilised. Scrub and/or trees to be removed will be cut, not pulled or dug out, to limit disturbance to the ground.

5.4.10 It is understood that no excavations will be required for the proposed works at the Site.

5.4.11 All cut vegetation material will be collected within 48hours of cutting and will either be stored off-ground on pallets, taken away from the works area (such as being placed within the retained areas around the perimeter of the Site) or chipped.

6. Conclusion

6.1.1 Providing that all measures detailed within this report are implemented in full, no impacts resulting in significant effects to GCN, other amphibians, or reptiles are anticipated. The measures are also considered to be sufficient to reduce the risk of a breach of legislation in respect of GCN and reptiles to a negligible level.

References

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Appendix 1 – Site Location Plan



Appendix 2 – Ponds within 250m Radius of the Site



Scale: 1:3000 @ A3

Si e Boundary

250m Buffer

Ponds

Date: 07/10/22

Client: T n OR uk

Project: P m s Bak y, Ca t n

Title: P n s w th n 250m f th St

Map file reference	Plan No
221007 1532 POND V1	001

WHARTON
Natural Infrastructure Consultants
MINERVA MILL | STATION ROAD | ALCESTER | B49 5ET
E. info@wnic.co.uk
T. +44 (0)1789 459458
www.wnic.co.uk

Appendix 3 – Method Statement Plan



Scale: 1:1500 @A4

N

Site Boundary

Herpetofauna Checks Required

Date: 18/12/23

Client: Terence O'Rouke

Project: Premier Foods Bakery, Carlton, South Yorkshire

Title: Method Statement Plan

Map file reference	Plan No.
231218 1532 MS V1a	E001

WHARTON
Natural Infrastructure Consultants
MINERVA MILL | STATION ROAD | ALCESTER | B49 5ET
E. info@wnic.co.uk
T. +44 (0)1789 459458
www.wnic.co.uk

WHARTON NATURAL INFRASTRUCTURE CONSULTANTS

Head Office
The Coach House,
Birmingham Rd,
Coughton,
Alcester

T. 01789 459 458
E. hello@wnic.co.uk

WNIC.CO.UK

Land
Trees
Ecology