



Applied Ecological Services

LIMITED

Katharine Morgan
Cushman & Wakefield
St Paul's House, 23 Park Square South
Leeds.
LS1 2ND

Dear Katharine,

Reference: 2017/1451 Land at Wakefield Road, Athersley

Thank you for sending through the consultee response in relation to biodiversity. The majority of the comments relate to Hedgerow T3, the feature which runs through the middle of the Site. The hedgerow is assessed as being of local conservation interest and a local BAP Priority Habitat. It is also noted as being used by foraging and commuting local bats.

The hawthorn dominated hedgerow is longer than 20m, it is 'joined' to the woodland at the southern end, there are no connections to the north, it is overgrown with outgrowth and unmanaged. It is described within the Phase 1 Habitat survey as 'a remnant of a hedgerow which is now defunct (not stock proof) and overgrown. The shrubs reach a height of approximately 6m, the hedge width is 3m'. The arboricultural survey describes the feature as 'a former hedgerow now overgrown; mature trees with gnarly, multi-stemmed stem bases and minor occasional grazing damage'.

The Hedgerow Regulations 1997 (Paragraph 3.4) state that:

"Where a former hedgerow has not been actively managed and has grown into a line of trees, it is not covered by the regulations. The essential feature of a hedgerow is a row of bushes."

Strictly, the hedgerow is not covered by the Hedgerow Regulations 1997 due to its overgrown, unmanaged status. However, as the feature is greater than 20m in length and less than 5m wide it fulfils the criteria to be described as a hedgerow under the BAP Priority Habitat descriptions (Maddock 2008).

When assessed against the **Hedgerows Regulations 1997** the hedgerow does not satisfy the wildlife value criteria to be considered an ‘important hedgerow’. It does not satisfy any of the criteria set out in Part II of Schedule 1 to the Regulations which identify hedgerows of significant archaeological, historical, wildlife or landscape value (paragraphs 1 to 8).

CRITERIA FOR DETERMINING IMPORTANT HEDGEROWS (SCHEDULE 1)	SITE DETAILS
WILDLIFE VALUE	
<p>PARAGRAPH 6 - The hedgerow:</p> <p>a. Contains species:</p> <p>i. Listed in Part 1 (protection at all times) of Schedule 1 (birds which are protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981; or</p> <p>ii. Categorised as a declining breeder (category 3) in ‘Red Data Birds in Britain’¹</p> <p>iii. Categorised as ‘endangered’, ‘extinct’, ‘rare’, or ‘vulnerable’ in Britain in a document mentioned either in:</p> <p>1. The British Red Data Books²</p> <p>2. The Red Data Books of Britain and Ireland³</p>	<p>i. There were no protected bird species recorded on site. (I.e. birds listed in Part1 of Schedule 1). Bats (schedule 5 species) were noted foraging along the hedgerow, however there was no roosting potential within the hedgerow and no roosts were recorded on site. There were no Protected Plants (Schedule 8) listed on the Wildlife & Countryside Act 1981.</p> <p>ii. There were no category 3 (declining breeder) Red Data birds breeding within the central hedgerow</p> <p>iii. None recorded throughout extended Phase 1 Survey. No records within the data return from the Local Records Centre</p> <p>DOES NOT MEET THE CRITERIA FOR IMPORTANT</p>
<p>PARAGRAPH 7 - (part): The hedgerow includes:</p> <p>a. At least 7 <u>woody species</u> listed in schedule 3 to the regulations; or</p> <p>b. At least 6 woody species and has associated with it at least 3 of the <u>features</u> specified at paragraph 7.27 or;</p> <p>c. At least 6 woody species, including either a black poplar tree, a large-leaved lime, a small leaved lime or a wild service tree; or</p> <p>d. At least 5 woody species, and has associated with it at least 4 of the feature of the features specified at paragraph 7.27</p>	<p>Only 3 woody species were recorded within the canopy of the hedgerow: hawthorn (dominant) blackthorn (frequent) and dog rose (occasional). These are all included within schedule 3 to the regulations.</p> <p>There are no features specified at paragraph 7.27 associated with the hedge.</p> <p>Ground flora was dominated by nettle, creeping thistle and suckering blackthorn</p> <p>DOES NOT MEET THE CRITERIA FOR IMPORTANT</p>

¹ Bibby, LA, Bibby CJ, Clement P, Elliott GD, and Porter RF (Eds.) **1990** *Red Data Birds in Britain*. Nature Conservancy Council and The Royal Society for the Protection of Birds

² Perring FH and Farrell L. **1983** *Vascular Plants* The Royal Society for Nature Conservation. Shirt DB (Ed) **1987** *Insects* Nature Conservancy Council

Bratton JH (Ed) **1991** *Invertebrates other than Insects* Joint Nature Conservation Committee

³ Stewart NF and Church JM **1992** *Stoneworts* Joint Nature Conservation Committee

<p>PARAGRAPH 8 - The hedgerow:</p> <p>a. is adjacent to a bridleway or footpath, or a byway open to all traffic, and</p> <p>b. includes at least 4 woody species, and has associated with it at least 2 of the features specified in paragraph 7.28</p>	<p>a) There is no bridleway, footpath or byway adjacent to the hedgerow.</p> <p>b) The hedgerow only contains 3 woody species and does not have any of the associated features specified in paragraph 7.28</p> <p>DOES NOT MEET THE CRITERIA FOR IMPORTANT</p>
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With reference to the other comments made by the biodiversity officer (see bulleted text below). Our response is given below each of these comments.

- The date of the report is very close to my response dated 23/6/17 in relation to the EIA Screening Opinion request which makes me believe that none of my earlier response was taken into consideration by the applicants. This is disappointing given the time between my EIA response and the application. The Extended Phase 1 Survey report should have been updated.*

The extended phase 1 survey and other protected species surveys were undertaken at an appropriate time of year by suitably qualified ecologists in the season prior to the planning application. Data recorded throughout the survey period remains current.

- Regarding s5.48 I cannot confirm the description of the stream as effectively being like "an open sewer". On my site inspection in June I did see polluting effluent of some kind entering the stream at one of the discharges to it (which I have reported to BMBC Drainage Section), but this was not affecting the stream within 5m below the outfall and the remainder of the stream appeared to me to be satisfactory. All the stream and its banks should be retained within the development.*

The watercourse is shown as T18 on the phase 1 habitat survey plan and is described in the phase 1 habitat survey report as 'a waterbody that arises at an area where two culverts discharge, one appears to discharge surface water and the other sewage effluent. These outfall pipes lead to the area to the south of the site being periodically flooded resulting in an area of swamp. The channel is polluted and heavily shaded and there is no in-channel vegetation associated with it'.

Paragraph 2.2.2 in the Flood Risk Assessment and Drainage Strategy describes the area where the stream arises as follows: "a surface water sewer is also shown to enter the site via the eastern boundary from the commercial/industrial premises located to the south east, before terminating at an existing pond which forms part of the watercourse within the site". Appendix B within this

document shows this to be a combined sewer that originates from the residential estate and commercial units to the east of the site.

Therefore in section 5.48 of the phase 1 habitat survey the watercourse was assessed as not being a priority habitat as it was an open sewer. The masterplan indicates that the watercourse and its banks are being retained.

- *Regarding [s5.3, Old Mill Lane](#) local wildlife site (LWS) was primarily designated for the importance of its bat roost, which has not been correctly interpreted. Similarly, regarding [s5.10](#), the South Yorkshire Bat Group set of 10 records for the same bat roost are for the LWS. However, I am content that the development poses no risk to this asset.*
- *The Bat Survey Report (AES, October 2017) is also of a good quality. Regarding [s3.6](#) it should be noted that Old Mill Lane LWS was designated purely due to the importance of its Daubenton's bat roost. This is also the roost that the 10 records in [s3.9](#) relate to – however I agree that the proposal does not threaten this LWS. At [s4.5](#) they state that the valley landform vegetation should be retained, but as I have pointed out above, this has not been fully proposed by the application. The survey's recommendations are duplicated in the Extended Phase 1 Habitat Survey so need no further comment by me here.*

The bat survey report produced by AES-LTD. and paragraphs 5.9 and 5.10 of the extended phase 1 habitat survey report that both the local data centre and South Yorkshire Bat Group hold records of Daubenton's roosting at Old Mill Lane LWS. The presence of roosting bats within Old Mill Lane LWS has been interpreted correctly and considered within the report.

[s4.5](#) states 'a wedge of the area with a valley landform is to be retained as open space within the site'. The masterplan clearly shows the area to be retained, existing vegetation will be retained where practical and the area of the valley landform containing the watercourse is to be dedicated as open space retaining and enhancing existing ecological features.

- *Subject to my caveats elsewhere in this response the recommendations in [s6.6](#) could be referred to by way of a condition for full details to be provided to the satisfaction of the LPA at later stages. This should include with regards to [s6.7](#) the lighting, [s6.14](#) bat boxes and [6.15](#) bird boxes that appropriate plans support detailed wording. The proposal for a SUDS scheme to include biodiversity provision is very welcome in particular.*

We agree this can be conditioned

Yours sincerely

Charlotte Mercer MSc. BSc (Hons)
Director / Principal Ecologist