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# Ecological Evaluation / Technical Summary

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Rockingham

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Harworth Estates

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# ROCKINGHAM - ECOLOGY AND NATURE CONSERVATION SUMMARY

## 1.1 INTRODUCTION

1.2 The extended survey area which includes the site is 55 hectares (ha) in size and is situated at the former Rockingham surface mine site, adjacent to the town of Hoyland to the south and the village of Birdwell to the west within the Metropolitan Borough of Barnsley. The centre of the town of Barnsley is approximately 5km to the north, and the centre of the town of Rotherham approximately 10km southeast. This document summarises the ecological surveys undertaken to date and any requirements for mitigation. It is important at this stage to point out that the extended survey area included the proposed development site and other land located at Rockingham, please see Figure 2: Phase 1 Habitat Survey Plan. The following surveys have been completed for the extended survey area which includes the site.

- Phase 1 Habitat Survey (2013)
- Breeding Bird Survey (2013)
- Winter Bird Survey (2013)
- Great Crested Newt Late Season Surveys (2013)
- Great Crested Newt Survey (2014)

1.3 The document outlines the assessment methodology; the baseline conditions existing at the site and its surroundings; the mitigation and / or enhancement measures. This summary document has been prepared by Applied Ecological Services Limited (AES - Ltd).

## 2.0 LEGISLATIVE AND POLICY CONTEXT

### **THE EC HABITATS DIRECTIVE (92/43/EEC)**

- 2.1 This Directive draws together previous European conservation legislation and conventions, such as the Bern Convention, 1982. The Directive aims to give Europe-wide protection to certain rare and threatened habitats on land and at sea. It builds on legislation already established under the Birds Directive of 1979, and aims to establish a series of protected sites known as The Natura 2000 series. These sites are intended to protect the unique and special wildlife of Europe and to preserve it for future generations. In Britain these Natura 2000 sites include those areas designated as Special Areas of Conservation (“SACs”) and Special Protection Areas (“SPAs”).
- 2.2 The Habitats Directive is implemented in the UK through: The Conservation (Natural Habitats &c.) Regulations 1994. On the 1<sup>st</sup> of April 2010 The Conservation of Habitats and Species Regulations 2010 replaced The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in England and Wales. The Conservation of Habitats and Species Regulations 2010 (which are the principal means by which the Habitats Directive is transposed in England and Wales) update the legislation and consolidate the many amendments which have been made to the regulations since they were first made in 1994.

### **THE WILDLIFE AND COUNTRYSIDE ACT, 1981 (AS AMENDED)**

- 2.3 This is the primary legislation for nature conservation in England and Wales. It confers varying degrees of protection on selected species according to their conservation status, ranging from making it an offence to take a species from the wild for profit, to full protection of a species and its habitat. Species are added or removed from the legislation from time to time, as their conservation status changes. The Act also gives guidance and instruction on statutory sites, such as sites of Special Scientific Interest (“SSSIs”). Licences exempting specific works can be granted by Natural England (NE). Such licences are only granted once a full assessment has been made and an appropriate, sustainable mitigation package devised.

## **THE COUNTRYSIDE AND RIGHTS OF WAY ACT, 2000**

- 2.4 As well as providing measures to improve countryside access for walkers, ramblers and horse riders, this Act also strengthens the protection of species and designated sites made in the Wildlife and Countryside Act. This Act also encourages the promotion of nature conservation and biodiversity issues.

## **THE PROTECTION OF BADGERS ACT, 1992**

- 2.5 Allied to the Wildlife and Countryside Act, 1981 are subsidiary Acts such as the Protection of Badgers Act, 1992. Badgers are protected under the Protection of Badgers Act, 1992 (“PBA”), which consolidated and added to previous legislation. According to the PBA it is an offence to wilfully kill, injure or maim a badger. Badger setts are also protected from interference unless such activities are licensed. Any mitigation packages devised for badgers found on development sites must be agreed by Natural England and all mitigation activities must be fully licensed.

## **NATIONAL PLANNING POLICY**

### National Planning Policy Framework (March 2012)

- 2.6 The NPPF includes policies that are relevant to ecology, these are highlighted below.
- 2.7 The Government published the NPPF on 27 March 2012. This sets out new guidance for local authorities, focusing on helping to produce planning policies that are clear and easier to understand. There is emphasis in the NPPF on the need for economic growth through designing planning policies which are in favour of development but this would not be achieved in isolation from social and environmental development. Section 11 sets out the requirements for conserving and enhancing the natural environment. Land previously used for development (brownfield sites) should be favoured as long as they are not considered to be of high environmental value. Of particular note is paragraph 152 of the Plan-Making Section which states, *“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are*

*not possible, compensatory measures may be appropriate*". The NPPF provides guidance for local planning authorities on the content of their Local Plans, but is also a material consideration in determining planning applications. The NPPF has replaced a number of former planning policy guidance documents, including Planning Policy Statement 9: Biological and Geological Conservation. However, the government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, which accompanied PPS9, remain valid.

### **3.0 METHODS**

3.1 A desktop assessment was undertaken to include an area up to a 2 kilometre radius of the centre of the Site (the extended survey area) in order to gather relevant information regarding the presence of sites designated for nature conservation and for records of protected / notable species (see Phase 1 Habitat Survey Report 2013). This involved the consultation of internet-based information resources such as the Multi Agency Geographic Information for the Countryside ("MAGIC") website and English Nature's "Nature on the Map" interactive mapping website and the National Biodiversity Network. In addition a data search was requested from the Barnsley Biological Records Centre in 2013.

#### **DOCUMENTS CONSULTED**

3.2 The range of documents consulted as a part of this work is detailed below. Of particular importance were key habitats and species identified in the Local Barnsley Biodiversity Action Plan ("LBAP"). A number of these habitats are located in a two kilometre radius of the Site and include standing water, running water and riparian habitat, grassland, scrub and urban green-space, woodland and scrub. Key species listed in the LBAP documents include great crested newt, water vole, bats and a wide range of bird species. A number of these species were included in the suite of ecological surveys. Relevant documents / databases consulted include:

- The Wildlife and Countryside Act 1981, as amended;
- The EC Habitats Directive (Directive 92/43/EEC) as translated into UK law by the Conservation (Natural Habitats etc.) Regulations 1994; (see below);

- The European Communities Council Directive on the Conservation of Wild Birds (Birds Directive) 79/409/EEC;
- The Conservation of Habitats and Species Regulations (2010);
- The Protection of Badgers Act (1992);
- Countryside and Rights of Way Act 2000;
- UK Biodiversity Action Plan (UKBAP);
- Barnsley Biodiversity Action Plan (LBAP);
- The Great Crested Newt Mitigation Guidelines, Version August 2001; and
- Water Vole Conservation Handbook 3<sup>rd</sup> Edition (2011).

### **THE UK BIODIVERSITY ACTION PLAN (UKBAP)**

3.3 In 1993, the UK government consulted over three hundred organisations throughout the UK and held a two day seminar to debate the key issues raised at the Convention of Biological Diversity. The product of this was the launch of Biodiversity: the UK Action Plan in 1994 which outlined the UK Biodiversity Action Plan for dealing with biodiversity conservation in response to the Rio Convention. The UK Biodiversity Steering Group was created in 1994 and published Biodiversity: the UK Steering Group Report – meeting the Rio challenge. This established the framework and criteria for identifying species (1250 in number) and habitat types of conservation concern. From this list, action plans for 391 species and 45 broad habitat types have been drafted. As well as having national priorities and targets, action was also taken at a local level. The Steering Group drew up a set of guidelines that were discussed with the Local Authority Association and the Local Government Board. Today there are 162 Local Biodiversity Action Plans (“LBAPs”) in England, Scotland and Wales and LBAPs are currently being set up in Northern Ireland.

### **BARNSELY BIODIVERSITY ACTION PLAN (LBAP)**

3.4 The LBAP sets out a framework for nature conservation and comprises a number of documents. This framework includes priority species/habitats and sets targets which would guide work to maintain and enhance their conservation status. The LBAP contains lists of plants and animals and habitats of conservation concern in the county as a whole and in its associated districts.

## **SURVEY METHODS**

- 3.5 Field surveys followed recognised specialist methodologies for habitat mapping, and species surveys. The ecological surveys were undertaken at the appropriate time of year for surveying terrestrial and aquatic habitats. The ecological surveys have aimed to produce a comprehensive species list for the extended survey area. Data and other information gathered during ecological surveys is limited by factors that affect the presence of plants and animals including time of year, migration patterns and behaviour. However, despite these limitations the information gained through the surveys show that a representative and comprehensive species list has been achieved and all habitats and species present on site have been identified.
- 3.6 Field surveys were initially undertaken on Site in 2012 / 2013, and commenced with preliminary walkover surveys and an Extended Phase 1 Habitat Survey being undertaken. Dedicated species surveys were undertaken during 2013 and 2014. Habitat types present on Site were identified and mapped following techniques outlined in the *“Handbook for Phase 1 Habitat Survey”*.
- 3.7 Desk studies were undertaken as a part of this work up to a 2 kilometres radius from the Site. A search was also undertaken within the same 2 kilometres radius for protected / notable species. The baseline information presented in the Phase 1 Habitat Survey report and accompanying reports relates specifically to those habitats and species surveyed for during the appropriate survey seasons in 2013 and 2014.
- 3.8 Surveys comprised of:
- The collection ecological baseline information for the study area;
  - a search for the presence of protected / notable species;
  - an evaluation of the nature conservation value of the habitats identified;

## **BASELINE DESCRIPTION**

- 3.9 Ecological surveys undertaken in 2013 and 2014 covered the Site and the extended survey area. A Phase 1 Habitat Survey Map was produced for the areas surveyed. The boundary shown on the Phase 1 Habitat Plan (see Figure 2: Phase 1 Habitat Plan) shows the area of land which forms the area for the surveys.

## DESIGNATED SITES

3.10 There were no designated site listed by BRC within the extended survey area and no Sites of Special Sites of Scientific Interest (SSSI) or other sites designated for nature conservation purposes were present within 2km of the Rockingham Site. Barnsley Records Centre (BRC) provided a list of nine Local Wildlife Sites within a 2km radius of the survey site (see Preliminary Ecological Appraisal, Phase 1 report, AES – LTD, 2013). These Local Wildlife Sites have been designated for different reasons but include semi-natural grassland, open water, swamp, semi-natural broadleaved woodland and great crested newt assemblages, indicating that there are a rich variety of natural and semi-natural habitats in the wider landscape.

## A SUMMARY OF LOCAL WILDLIFE SITES FROM WITHIN A 2KM RADIUS OF THE SURVEY SITE

LWS within the boundary of the development site						
LWS no.	Name of LWS	Area	Habitats within development area	Grid reference	Notes	Distance Km and bearing
30	Short Wood & Hay Green	15.5ha	<ul style="list-style-type: none"> <li>• Running water,</li> <li>• Semi natural broadleaved woodland,</li> <li>• Semi improved neutral grassland,</li> <li>• Tall ruderal with scattered scrub</li> </ul>	SE35474 01697		Within site
29	Wombwell wood	106.6ha	None	SE 37789 02641		1.4km NW
23	Rockley woods	69.4ha	None	SE 33236 01574		0.9km W

<b>LWS near the development site</b>						
<b>LWS no.</b>	<b>Name of LWS</b>	<b>Area</b>	<b>Habitats within development area</b>	<b>Grid reference</b>	<b>Notes</b>	<b>Distance Km and bearing</b>
24	Worsborough Reservoir	37.1ha	None	SE 34503 03194		1.8km N
43	Sowell Pond	2.4ha	None	SK 33634 99474		2.0km SW
44	Black lane	0.4ha	None	SK 36287 98412		2.1km S
45	Skier's Spring Wood	9.8ha	None	SK 36905 99439		1.5km SE
51	Barrow Colliery	101.3ha	None	SE 36048 02803		0.8m NE
56	Potter Holes Plantation	8.5ha	None	SK 34220 99876		1.0km SW

## **HABITATS**

3.11 Habitat descriptions are provided in full in the Preliminary Ecological Appraisal) and they are only very briefly covered here. Habitats located in the Site and the extended survey area were those created through the restoration of the land following cessation of mining activities and grasslands on the site were heavily influenced by horse / pony grazing. Habitats recorded included: horse grazed pasture, rough grassland, tall ruderal vegetation, hedgerows and other boundaries, immature woodland, trees, scrub, watercourses and standing water in the form of permanent and ephemeral ponds. There was no woodland located in the actual proposed development Site but immature woodland areas were present in the extended survey area and ancient woodland was present outwith the site to the north east.

## **ECOLOGICAL RECORDS**

3.12 BRC returned in excess of 15,000 records for the search area many of which were bird records from Worsborough Reservoir, located approximately 1.9Km to the north

of the site. There were records for 192 species protected under UK legislation and a further 51 records of European protected Species, 31 records of bats were reported and also 960 records for birds of conservation concern. These data are presented within the Preliminary Ecological Appraisal.

### **SPECIES SURVEYS**

- 3.13 The requirement for species surveys was determined through risk assessment undertaken as a part of the Extended Phase 1 Habitat Survey, and through analysis of the data supplied by BRC. Due to the current land use of the actual development Site there were only limited opportunities for protected / notable species. In this regard surveys for certain species were undertaken due to the presence of 'potential' suitable habitats being present in the extended survey area. Species surveys are reported in full under separate cover.

### **BADGER**

- 3.14 Surveys for characteristic signs indicating the use of the proposed development site by badger (*Meles meles*) produced negative results during the initial Phase 1 Habitat Survey risk assessment and in 2014. The results of the surveys showed that despite several records for this species' presence in the general area the proposed development Site was not utilised as a sett site or for foraging purposes or as a dispersal route. Characteristic signs of this species were recorded and reported elsewhere outside of the extended survey area, but this area will not be affected by the development proposals.

### **WATER VOLE**

- 3.15 Water vole (*Arvicola amphibious*) surveys were conducted in suitable aquatic / terrestrial habitats in the extended survey area, no suitable habitat is located in the proposed development site. Water vole is recorded in South Yorkshire although there were no such records exist for the development site. The surveys for water vole gave negative results in and adjacent to the site, although a series of characteristic burrows were observed around Pond 5. Brown rat (*Rattus norvegicus*) droppings and individuals were observed in the extended survey area near to arable field located outside of the site to the east.

## **BIRDS**

- 3.16 Breeding bird surveys were undertaken in the proposed development site which was included in the extended survey area during the appropriate seasons in 2013 using standardised Common Bird Census methodology (Bibby *et al.* 1992 and Gilbert *et al.* 1998). During the bird surveys a total of 40 bird species were recorded. Of these 40 species nine were red listed, nine amber listed and 22 green listed. Winter bird surveys undertaken throughout the 2013 / 2014 season recorded 35 bird species in the extended survey area. Seven of the species recorded during the winter season were red listed, seven were amber listed and 21 were green listed.

## **REPTILES**

- 3.17 A search for suitable reptile habitats was undertaken as a part of the Extended Phase 1 Habitat Survey which showed that habitats situated in the Site and the extended study area were suboptimal for reptile species. Limited opportunities existed around aquatic habitats in the extended survey area, terrestrial habitats were largely unsuitable and highly disturbed and reptiles were not recorded / observed during the preliminary searches.

## **AMPHIBIAN SPECIES**

- 3.18 Preliminary amphibian surveys undertaken in the Site and the wider study area in 2013 detected common frog (*Rana temporaria*), common toad (*Bufo bufo*), smooth newt (*Lissotriton vulgaris*) and a single great crested newt (*Triturus cristatus*) larva. Surveys were repeated in 2014 when a single GCN, smooth newt, common toad and common frog were found. The 2014 surveys showed that a small population of GCN were present in habitats located within the extended survey area. Common amphibian species were more widespread within the extended survey area, none were found in the site.

## **OTHER SPECIES**

- 3.19 Incidental sightings of other species were made when they occurred during the Extended Phase 1 Habitat surveys and during other dedicated species surveys. Fox (*Vulpes vulpes*) and roe deer (*Capreolus capreolus*) were observed regularly in the extended survey area. No other species were recorded.

## **PROPOSED MITIGATION AND ENHANCEMENT INCORPORATED INTO THE SCHEME**

- 3.20 The development scheme will incorporate a landscape programme where trees, shrubs and gardens will be planted up using UK provenance species. Where practicable mitigation will be incorporated into the scheme with the provision of sparrow terraces and other bird boxes placed on a minimum 10% of the buildings erected with a minimum of four sparrow terraces erected regardless of the number of buildings. In addition to bird boxes consideration will be given to the placing of owl / raptor boxes to the north of the development area, these can be located on poles or on buildings but they should face in an easterly direction along the hedgerow / footpath to the north. The development offers the retention and protection of peripheral habitats through the implementation of suitable standoff distances and through the provision of root protection zones in relation to retained / peripheral trees and hedgerows, no peripheral hedgerows will be removed to facilitate the scheme.

## **FURTHER MITIGATION AND ENHANCEMENT RECOMMENDATIONS**

- 3.21 The mitigation measures outlined in this section are based on the baseline information presented above and in the relevant reports. Mitigation in the present context would be aimed at the negation of any minor effects of the development, although the proposals would have beneficial effects in a wider 'landscape' context.

## **BREEDING BIRDS**

- 3.22 Site clearance works would not normally commence during the bird breeding season (March to August, inclusive). Where it is not possible to avoid the bird breeding season a mitigation scheme would be implemented where all vegetation stands and grassland will be inspected prior to entry of personnel and / or equipment. The breeding bird mitigation scheme will be operated in conjunction with an on-site ecological review file. All clearance work would include consideration of any Schedule 1 nesting species that may be present and suitable mitigation would be designed to avoid disturbing these birds.
- 3.23 A nest box scheme would be implemented to offset the initial reduction / disturbance of potential nesting habitats in the Site and this is described above. In addition provision would be made on any soil storage mounds for grassland creation to attract ground nesting species. This will include reduced seed sowing densities on the

mounds to create a more open sward structure and the creation / retention of bare ground areas to attract and provide nesting habitat for species.

- 3.24 Mitigation for resident / local overwintering birds includes the management of peripheral hedgerows to provide food and nest sites. Temporary bare ground areas in the Site would provide opportunities for waders and occasional wildfowl, although many of these would be passing / incidental species. No other mitigation would be required.

### **AMPHIBIAN SPECIES**

- 3.25 Additional mitigation will be targeted amphibian species located in the extended survey area. Although no amphibian species were recorded in the site a precautionary risk assessment approach is required prior to and during development. Development if the site will create temporary habitats that could attract amphibian species and in this regard such a risk assessment approach is required. GCN are European Protected Species and Common toad is a UKBAP Species and both species require consideration within the development proposals.
- 3.26 It is proposed to hand search the proposed development site prior to the onset of each stage of the development. A programme of site clearance is proposed using temporary refugia, and destructive hand searches of all terrestrial habitats. These works would be undertaken over a minimum period of 30 trap suitable nights to accord with current guidelines.
- 3.27 In addition to the trapping and relocation programme for all amphibian species a monitoring programme would also be undertaken in accordance with current guidance and any licence requirements will continue to be assessed as the developments proceed.

## **4.0 SUMMARY AND CONCLUSIONS**

- 4.1 This document presents a summary of the ecological baseline data for the proposed development site which was included in the extended survey area. The baseline data have been assessed in terms of the ecological requirements of each species surveyed and where appropriate mitigation / enhancement measures are proposed.

Mitigation attempts to reduce and / or negate the small potential effects on species through habitat retention, creation and enhancement.

- 4.2 Where appropriate risk assessment is proposed to safeguard small populations of species. No significant residual effects on these receptors were identified, and minor effects are predicted to occur as new habitats are created and become established. Breeding bird and amphibian mitigation schemes are proposed to be drafted for the management of birds and amphibian species in the Site through the clearance and operational phases of the Scheme.
- 4.3 Mitigation would focus on protecting key features and ensuring that they are not harmed by on-site activities. Subsequent mitigation and enhancement measures will focus on the creation of new and enhanced habitats that offer benefits for various species groups in both the short and longer terms.
- 4.4 Taking the above matters into account, it is concluded that the Scheme accords with planning policies, or parts thereof, that deal with ecology matters in the development plan and the NPPF.
- 4.5 The site exists is a restored surface mine supporting limited habitat types and a low species diversity. There were no significant populations of any species recorded and plant species were typical of those found on restored surface mine sites. Of all the species groups birds were the most diverse and the assemblage of birds reflects those habitats present. Some habitat within the extended survey area supported European Protected Species (EPS), although the population was very small and possibly not viable in an isolated state. As each stage of development proceeds then this could present an opportunity to extend the range of EPS within the peripheral habitats in the extended survey area and possibly greatly enhance existing species poor habitats.

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