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BY EMAIL ONLY: developmentmanagement@barnsley.gov.uk

YWT Planning Consultation Response 2022/0115 Shaw Lane Carlton, Barnsley

Yorkshire Wildlife Trust **OBJECTS** to the planning application, due to insufficient baseline information and deficient Ecological Impact Assessment, meaning it would be unlawful for Barnsley Metropolitan Borough Council to determine the application based on the current submissions.

The full reasoning for our objection is detailed below, which is based on these key concerns:

- Insufficient ecological baseline information and deficient Ecological Impact Assessment.
- Sensitive location adjacent to protected wildlife sites which has not been adequately acknowledged or addressed.
- Potential impacts on willow tit, the UK's most threatened resident bird species.
- Non-compliance with the policies of the Carlton Masterplan Framework with respect to Biodiversity Net Gain provision.

1. Inadequate baseline information and EclA process

- 1.1 No desk study has been completed, and no data search with local records centre has been undertaken. Due to this omission, Local Wildlife Sites (LWS) in the locality have not been identified (See also Section 2), and therefore potential impacts on these sites have not been addressed. Undertaking a thorough desk study to establish an accurate baseline is a critical component of an Ecological Impact Assessment and therefore, the submission is not in accordance with the CIEEM Guidelines for Ecological Impact Assessment¹.
- 1.2 A previous report is referenced (Extended Phase 1 Habitat Survey of land north of Shaw Lane, Carlton, Barnsley, South Yorkshire 2019 – Rachel Hacking Ecology Ltd) which must be provided for scrutiny to consultees if it is relevant to the application.

¹ <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>





- 1.3 The ecological submission (Extended Phase 1 habitat report) discusses breeding bird potential and indicates that the hedgerows and scrub within the application site provide breeding bird habitat. We concur with this statement, and request that specific consideration is given to the potential for the site to support willow tit, the UK's most threatened resident bird, for which the Dearne Valley is a stronghold – more information is given in Section 3.
- 1.4 Further to point 1.3, as the site comprises arable land, the potential for the site to support ground nesting birds must be considered – currently absent from the assessment.
- 1.5 A pond is present within the application site which has not been surveyed, without sufficient justification. We do not agree with the conclusion that further survey work is not required and would like to see eDNA surveys of ponds on within 250 m of the site, not beyond significant barriers (or application to the District Level Licensing Scheme). If barriers to dispersal are cited as a justification not to survey, this must be backed up with evidence. At present, Shaw Lane is cited as a barrier to dispersal of amphibians, but with no evidence to this effect e.g. presence of kerbs, width of road, flow of traffic. We strongly recommend that the existing pond on site is retained and enhanced within the scheme in line with the mitigation hierarchy.
- 1.6 The report concludes that the site boundaries, particularly the eastern boundary offers potential bat foraging and commuting habitat. If boundaries are to be directly or indirectly impacted, which the report suggests may be the case (para 4.3) and cannot be avoided, surveys are required to establish the baseline, identify impacts and propose appropriate mitigation and compensation in line with the mitigation hierarchy. We strongly recommend that boundary features are retained and enhanced as part of the scheme – this must be evidenced in the application material.
- 1.7 With reference to protected species survey requirements discussed in points 1.3-1.6, the LPA has a duty to consider impacts upon protected species prior to determination, in line with case law² and ODPM circular 06/2005 (para 99). The scope of the current ecological submission is limited - the results of all surveys must be conducted and provided within an Ecological Impact Assessment (EclA) to allow full considerations for impacts to protected species to be made and appropriate mitigation designed.

² <https://www.freeths.co.uk/2015/05/06/environment-bulletin-legal-duty-of-local-planning-authorities-and-planning-inspectors-to-european-protected-species-in-planning-decisions/>





- 1.8 If a sensitive lighting scheme is proposed, this must be in line with Bat Conservation Trust/Institute of Lighting Engineers guidance³. A horizontal illuminance plan should be submitted as part of the application indicating how dark corridors are to be retained around the site, avoiding the features of value to nocturnal wildlife.
- 1.9 The report does not include an impact assessment specific to the scheme. There are generic recommendations but not firm commitments for mitigation and compensation. Once the required baseline information discussed above has been collected, the report should be comprehensively revised and a full Ecological Impact Assessment must be submitted. This should follow the methodology as set out within the CIEEM Guidelines for Ecological Impact Assessment (2018) including an assessment of the impact of the proposed development, avoidance and mitigation measures to be adopted and the subsequent residual impact.

2. Sensitive location close to protected sites for nature

- 2.1 Whilst the report mentions the very close proximity of Dearne Valley Wetlands Site of Special Scientific Interest (35 m from the site boundary – site unit 2), it does not discuss the designating features of this SSSI, or potential impacts of the scheme on the designating features. In Para 4.8 the report states '*Shaw Lane is considered to offer a suitable barrier habitat between the protected site and the proposed development*'. We strongly disagree with this statement and request that the applicant undertakes a full impact assessment, to include direct, indirect and cumulative impacts. Potential recreational impacts should also be investigated.
- 2.2 Recreational impacts on reserves close to residential developments were investigated as part of a YWT research study⁴. Recreational disturbance and damages can result in significant negative impacts on wildlife and habitats, and the addition of extra housing to an area can increase such pressures considerably. Such impacts can include: litter and fly-tipping; damage and disturbance by dogs and other domestic animals; anti-social behaviour including vandalism, graffiti and BBQ's; theft and destruction of wildlife and property; and damage by vehicles.

³ <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

⁴ Human Impacts on Nature Reserves – The Influence of Nearby Settlements, *Fin Rylatt, Lauren Garside and Sara Robin* 2017 CIEEM In practice magazine https://cieem.net/wp-content/uploads/2019/11/InPractice97_Sep2017_DiscUpdated.pdf





- 2.3 Dearne Valley Wetlands was very recently (2021) designated as a SSSI. A key factor in achieving the SSSI status was the stronghold of willow tit (*Poecile montanus klienschmidtii*). The SSSI comprises a network of 22 wetland, scrub and woodland areas that extends through the catchment of the River Dearne. It is a nationally important place for wildlife, created and restored from an area formerly used for coal mining, to form a connected landscape. In addition to willow tit, it also supports wetland birds such as bittern, garganey, lapwing, redshank and avocet. Where protected sites are designated for populations of bird species, these species may rely on land outside of the site boundary, known as 'functionally linked land'. It is therefore essential to establish if the application site comprises land functionally linked to the SSSI.
- 2.4 The application site lies adjacent to Carlton Marsh and Wharnccliffe Woodmore Yorkshire Wildlife Trusts Nature Reserves (managed on behalf of Barnsley Council). Carlton Marsh is included within the Dearne Valley SSSI designation, in recognition of it being a core wildlife site in the Dearne Valley. Further information on the habitats and species that Carlton Marsh and Wharnccliffe Woodmore support is available on request.
- 2.5 The additional designation of Carlton Marsh as a LWS and Barnsley Canal LWS (which lies approximately 50 m to the west of the application site) have not been identified within the report because a desk study with Barnsley Biological Records Centre has not been undertaken (see point 1.1). Potential impacts on this site have therefore not been assessed, which could include increased recreational impact.
- 2.6 The sensitive location of the application site in relation to the surrounding designated sites is not given adequate consideration with the ecological submission, both in terms of potential impacts, but also on the potential to positively contribute to nature's recovery in this location.

3. Potential impact on willow tit

- 3.1 The application site provides potential habitat for willow tit within the hedgerow and boundary features, which has not been assessed through appropriate survey. Potential impacts to this threatened species have therefore not been identified or discussed.
- 3.2 Willow tit is a nationally important bird species, which has declined by 94% since the 1970s and is now the UK's most threatened resident bird species. It is extinct from previous parts of its range in the south and south-east of England. However, in the Dearne Valley the connected landscape of favourable habitat is providing a stronghold for the species.





- 3.3 The habitat described within the report encompasses common species used by willow tit – bramble, elder, hawthorn/blackthorn scrub. The potential for this species at the application site is boosted by the fact that willow tit populations are relatively stable nearby at Carlton Marsh and Rabbit Ings and this species is known to utilise the linear scrub connecting these two sites (evidenced through radio tracking studies YWT have undertaken⁵).
- 3.4 A willow tit survey using the playback method should be undertaken at the appropriate time of year (Feb/March) in order to establish presence/likely absence and determine territories if present. YWT has particular expertise on willow tit and if further information is required on survey techniques this can be provided on request.
- 3.5 The information relating to the Carlton Masterplan Framework states '*It should be noted that further species surveys, where required, will be undertaken for individual planning applications throughout the site. These surveys will detail the species present and any mitigation required, as appropriate, in line with standard planning requirements*'. Therefore, the current submission is not in line with the policy requirements.
- 3.6 The potential to provide habitat enhancement for willow tit to be delivered as part of the scheme is a key opportunity to be explored.

4. Non-compliance with Carlton Masterplan Framework

- 4.1 Delivering 10% Biodiversity Net Gain (BNG) is a policy requirement of the Carlton Masterplan Framework⁶, of which this application site is a component of allocated site MU3 (Land off Shaw lane, Carlton), and therefore the lack of BNG information provided as part of the application is contrary to the policy.
- 4.2 The masterplan framework also states that '*The design team will be working with Yorkshire Wildlife Trust to identify opportunities to further enhance the biodiversity value of Wharncliffe Woodmoor*' and '*The masterplan framework will include an accessible landscape and ecology buffer between the development and surrounding Green Belt to protect sensitive landscape and ecology, including Carlton Marsh Nature Reserve*'. This has not taken place, as evidenced by the lack of information in the current submission.

⁵ <https://naturebftb.co.uk/projects/willow-tit/>

⁶ (<https://www.barnsley.gov.uk/services/planning-and-buildings/local-planning-and-development/our-local-plan/masterplan-frameworks/carlton-masterplan-framework/>).





- 4.3 In addition to the policy requirement under the masterplan framework, in accordance with National Planning Policy Framework paragraph 174d, proposals should minimise impacts on and provide net gains for biodiversity. The recently enacted Environment Act which, when fully implemented will put a requirement for all proposals to achieve a 10% net gain in biodiversity. This level is already being implemented as good practice across the country.
- 4.4 One of The Wildlife Trusts' strategic aims is to make it normal practice for all residential, commercial and infrastructure development to contribute positively to nature's recovery on land and at sea. Biodiversity Net Gain, implemented in the right way, is therefore an important mechanism to help achieve The Wildlife Trusts' ambition.
- 4.5 We would therefore wish to see the usage of a biodiversity metric to demonstrate how net gains for biodiversity can be delivered by the project. We would welcome the implementation of Defra v3.0 metric as industry standard, with sufficient justification for habitat classifications and conditions, pre and post development made clear. For ease of interpretation for use of the Defra metric which utilises UK Habitat Classification (2018), further survey in this format may prove beneficial. Management for a minimum of 30 years must be secured through the planning process.
- 4.6 If the detailed design is still evolving, the BNG assessment can be outline (applying a precautionary approach to the calculations) and updated in an iterative approach as the project develops. It is not appropriate to delay the provision of BNG information on this basis.

I trust these comments are helpful. Please keep us informed in any developments with this application, and we would be pleased to comment on further submissions.

Kind regards,

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Appendix A

Documents reviewed in producing this response:

- Rachel Hacking Ecology, Extended Phase 1 Habitat Survey.





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- Barnsley Metropolitan Borough Council, Carlton Masterplan Framework, Delivery Strategy, 22 October 2021.



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