MIDDLEMARCH

Preliminary Ecological Appraisal

Balk Farm Court, Birdwell, Barnsley, South Yorkshire

A Report To: Galliford Try Construction - Environment
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Quality Assurance

Date	Version	Author	Checked and Approved by
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Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide **opinions.**

Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned **and prepared.**

Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

Non-Technical Summary

Project Background

In December 2024, Galliford Try commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Balk Farm Court, Birdwell, Barnsley. This assessment is required to inform proposed works and a potential planning application associated with sewage infrastructure repair works at the site.

Scope of Appraisal

To fulfil the above brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey) were undertaken. The survey was carried out on 23rd January 2025 by Anna Evans, Senior Ecological Consultant. An initial review of the ecological data was subsequently carried out to determine the features of ecological importance on site as well as a preliminary assessment of the potential impacts the proposed development could have on these features.

Preliminary Evaluation and Impact Assessment

Key ecological features in proximity to the site include Impact Risk Zones for Dearne Valley Wetlands SSSI. Within the site, the most notable features comprise the mature and semi-mature trees as they have intrinsic ecological value. The other habitats on site have limited ecological value; however they contribute to overall site biodiversity. The on-site habitats have the potential to support a range of wildlife.

Potential impacts which could occur as a result of the proposals include damage to designated sites; the loss or fragmentation of habitats; the killing, injury or disturbance of protected and notable species, including nesting birds, bats, terrestrial mammals and herpetofauna; and potentially the spread of invasive species.

Whilst the proposed development has the potential to adversely impact ecological features, it also presents opportunities to deliver new or enhanced habitats and benefits to biodiversity; please refer to Section 5.6 for full details.

Recommendations

In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity overall, the following recommendations are made (see Chapter 6 for full details):

Further Work Required – Designated Sites	Once site plans have been finalised, the proposed works should be assessed to determine if they fall within any of the development types highlighted within the SSSI Impact Risk Zone for Dearne Valley Wetlands SSSI. Consult with Natural England if the works are likely to fall within one of the highlighted development types.
Scheme Design and Biodiversity Net Gain	The proposals should be designed to avoid/minimise losses of semi-natural habitats, particularly mature and semi-mature trees; and incorporate these habitats in the landscaping layout of the scheme accordingly. Where losses or impacts are unavoidable, compensation should be provided. In accordance with the principles of the Environment Act 2021 the development should secure an overall net gain for biodiversity. See Section 6 for more details.
Further Ecological Surveys	Once plans for the site have been finalised, the proposed works should be re-assessed to determine their likely impact on great crested newt and roosting bats; and identify any requirements for further survey work.
Construction Ecological Management Plan (CEcMP)	A CEcMP should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation (see Section 6 for details).

Contents

1. Introduction

1.1. Project Background

In December 2024, Galliford Try Construction - Environment commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Balk Farm Court, Birdwell, Barnsley. This assessment is required to inform proposed sewage infrastructure repair works at the site and may be required to inform a planning application, dependent on the extent of works required.

In addition, Middlemarch has been commissioned to undertake a Biodiversity Metric Assessment for the project, if needed to support any planning application that may be required to deliver the development once the proposed works scope has been finalised.

1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Location	Balk Farm Court, Birdwell, Barnsley
National Grid Reference	SE 3449 0219
Site Area (ha)	1.6 ha
Topography	Flat, with a shallow slope at the western edge
Land Cover (on site)	The site is largely dominated by the built environment, comprising residential properties, vegetated gardens, a small area of greenspace and hardstanding roads. The remaining land to the north comprises sections of larger grassland fields along with a linear band of dense bramble scrub and an area of tall ruderal vegetation covering below-ground standalone sewage infrastructure in the form of septic tanks.
Land Cover (site surrounds)	The wider landscape is dominated by the built-up area of Birdwell to the south and south-east; agricultural land to the north and north-west; and a large area of woodland (Birdwell Wood) to the west, beyond the main A61 road which delineates the eastern extent of the survey area. The M1 motorway also runs north-south just under 0.5 km to the west.

Table 1.1: Summary of Site and Surroundings

1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
Ecological Survey / YW.205642-GAL-WTN-NCS-DR-G0004 Rev P01	Galliford Try

Table 1.2: Documentation Provided by Client

2. Methods

2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites;
- Barnsley Metropolitan Borough Council (https://www.barnsley.gov.uk/); and
- Sheffield Biological Records Centre.

The desk study included a search for:

- Relevant local planning policy/strategies with regard to biodiversity and nature conservation;
- European statutory nature conservation sites in the UK (collectively the 'National Sit)e Network') within a 10 km radius of the site;
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

2.2 Phase 1 Habitat / UK Hab Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee[1] and the Institute of Environmental Assessment[2]. Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site.

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles). A full detailed assessment of any built structures and/or trees was not undertaken as part of the survey, however their potential to support roosting bats was considered.

[1] Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint).* Joint Nature Conservation Committee, Peterborough.
[2] Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment, Institute of Environmental Assessment*. E&FN Spon, An Imprint of Chapman and Hall. London.

The survey was carried out on 23rd January 2025 by Anna Evans, MSc, Senior Ecological Consultant. Table 2.1 details the weather conditions at the time of the survey

Parameter	Condition
Temperature (ºC)	3
Cloud (%)	100
Wind (Beaufort)	F2
Precipitation	Dry initially, then rain

Table 2.1: Weather Conditions During Field Survey

Field Survey Constraints and Limitations

The recommended timeframe for completing a Phase 1 Habitat Survey is April – September. The survey was carried out in January; and therefore it is possible that some plant species were within a period of winter dormancy and so may have been under-recorded or under-estimated. However, this did not constrain the assignment of habitats on site to broad Phase 1 habitat types.

2.3 Preliminary Evaluation and Impact Assessment

An initial review of the ecological data (desk study and Phase 1 Habitat Survey) has been undertaken to identify ecological features that by virtue of their legal status, their inclusion in any national policy or plan, or their rarity or contribution to local ecological networks, are worthy of further consideration in the planning system. This typically includes statutory or non-statutory nature conservation sites, species protected by law, Habitats and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and Biodiversity Opportunity Areas outlined in local policy. A preliminary assessment of the potential impacts on these features that could occur as a result of the proposed development has been undertaken. This initial assessment of impacts is based on Middlemarch's current understanding of the project.

3. Desk Study

3.1 Local Planning Policies/Strategies

Local Planning Policies/Strategies of relevance to ecology in the context of the development are described in Table 3.1. Full details are provided in Appendix 1.

Policy Document/Strategy	Relevance to Ecology/Development
The Barnsley Local Plan	**Policy GI1 Green Infrastructure** – describes how new developments will be expected to protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets.
	Policy GI2: Canals - Safeguarded Routes – describes how the parts of canal routes which are in water and/or have a green infrastructure function; or where a towpath exists that is a public right of way; are protected from other forms of development to safeguard their existing and potential green infrastructure role.
	Policy GS1: Green Space – describes how green space will be protected and how qualifying new residential developments will have to provide or contribute towards green space in line with the standards set out in the Green Space Strategy.
	Policy BIO1: Biodiversity and Geodiversity – describes how development will be expected to conserve and enhance the biodiversity and geological features of the borough
Barnsley Supplementary Planning Documents	Supplementary Planning Documents contain advice for people applying for planning permission; and inform decisions alongside the Local Plan. Those of relevance to ecology are: • Trees and Hedgerows; and • Biodiversity and Geodiversity.
Local Nature Recovery Strategy	The Local Nature Recovery Strategy for South Yorkshire is currently in development and is due to be published in 2025. Current alternative documents include the Barnsley Biodiversity Action Plan; and the South Yorkshire Green Infrastructure Strategy; Reference to available documents indicates that the application site falls within the Dearne Valley Green Heart Nature Improvement Area. Although funding for this project ended in 2015; the development site offers some opportunities for enhancements that could continue the legacy of this project.

Table 3.1: Summary of Relevant Local Planning Policies/Strategies

3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.2.

Site Name	Designation	Proximity to the Survey Area	Description
UK Statutory Sites			
Dearne Valley Wetlands	SSSI	350 metres north-west	Dearne Valley Wetlands SSSI is of special interest for the following nationally important features: • Breeding gadwall *Mareca strepera*, shoveler *Spatula clypeata*, garganey *Spatula querquedula*, pochard *Aythya ferina*, bittern *Botaurus stellaris*, black-headed gull *Chroicocephalus ridibundus* and willow tit *Poecile montanus klienschmidti*; • Non-breeding gadwall and shoveler; and • Diverse assemblages of breeding birds of lowland damp grasslands, lowland scrub and a mixed assemblage of lowland open waters and their margins and lowland fen
Worsborough Country Park	LNR	530 metres north	The site is good for waterfowl. Habitats include a reservoir, willow carr, managed grassland/meadowland, reed bed and woodland.
Non-statutory Sites (continues)			
Worsborough Reservoir	LWS	350 metres north-west	A large site on the southwestern fringe of Worsborough. The reservoir dominates the northeast of the site, with areas of woodland extending westwards along the valley of Brough Green Brook; and south-westwards along the valley of Rockley Dike. A network of overflow channels are present around the reservoir, from which the River Dove flows. Smaller areas of grassland, scrub, swamp and tall ruderal are also present across the site and the complex of habitats makes this a highly diverse site in the Barnsley context, with a range of locally notable plant species found.
Rockley Woods	LWS	510 metres west	Rockley Woods LWS comprises a series of distinct woodlands spreading westwards from the M1, areas of which are ancient woodland sites. There are a wide range of native tree and ancient woodland indicator plant species scattered through the site; along with areas of more recent plantation, much of it dense coniferous planting dominated by pines. There is a small, shaded pond in the northwest corner of Rockley Woods and various water courses flow through the site.

Table 3.2: Summary of Nature Conservation Sites (continues)

Site Name	Designation	Proximity to the Survey Area	Description
Non-statutory Sites (continued)			
Bell Bank Wood and Woolley Bank Wood	LWS	530 metres north-east	Bell Bank Wood is situated to the west of Worsbrough Road and is a linear woodland, extending along steeply-sloping ground on the south-eastern edge of the Dove Valley. Woolley Bank Wood is irregularly shaped and lies to the east of Worsbrough Road, with the River Dove running along its northern boundary. The canopy of both woodlands comprises a range of species, including oak *Quercus sp.;* sycamore *Acer pseudoplatanus,* ash *Fraxinus excelsior,* beech *Fagus sylvatica,* sweet chestnut *Castanea sativa*, common lime, horse chestnut *Aesculus hippocastanum,* birch *Betula sp.* and Wild Cherry *Prunus avium,* with willows *Salix sp.,* and alder *Alnus glutinosa* present in wetter areas. Diverse shrub and ground layers are also present in both woods, including a range of Ancient Woodland Indicator species. Both woods support a diverse range of fauna, including species of national importance for nature conservation.
Short Wood and Hay Green	LWS	770 metres south-east	A small area of ancient woodland along the eastern bank of Short Wood Dike. The main area comprises oak *Quercus robur*, bracken *Pteridium aquilinum* and bluebells *Hyacinthoides non-scripta,* with frequent sycamore along an extension to the north-east. Further woodland extends along the banks of a dismantled railway line to the east. This area is younger, with more silver birch *Betula pendula*, goat willow *Salix caprea* and sycamore. A range of Ancient Woodland Indicator species are present, along with significant patches of Himalayan balsam *Impatiens glandulifera*. Various watercourses run alongside and through the woodland; and there is a small, shaded pond in the northern tip of the main woodland block. To the southwest, the site includes a field of semi-improved neutral grassland, with a species-poor hedgerow along its southern edge.
Key: SSSI: Site of Special Scientific Interest LNR: Local Nature Reserve LWS: Local Wildlife Site			

Table 3.2: Summary of Nature Conservation Sites

The survey site is also located within a SSSI Impact Risk Zone for Dearne Valley Wetlands SSSI, which is located 350 metres north-west at its closest point and is included within Table 3.2 above. Within this zone the following development types have been identified as potentially posing a risk to the SSSI:

- Infrastructure, including new pipelines and cables, transport and aviation;
- Wind turbines and solar schemes >0.5ha;
- Minerals, oil and gas proposals;
- Rural non-residential developments above set thresholds;
- Urban and rural residential developments above set thresholds;
- Developments causing air pollution;
- Proposals involving combustion, waste, composting or discharges; and
- Developments requiring separate water supplies.

3.3 Habitats

Reference to MAGIC maps indicates that there is a block of deciduous woodland (priority habitat) approximately 40 metres west of the survey area, on the opposite side of the main A61 road, with further woodland extending beyond this to the west, including Wigfield Wood, an area of ancient & semi-natural woodland located approximately 200 metres west; and a further un-named area of ancient re-planted woodland located approximately 265 metres west. A further area of deciduous woodland is present approximately 130 metres to the north and incorporates a small section of ancient & semi-natural woodland.

From a review of aerial imagery, four large waterbodies are located within a 500 m radius of the site, the nearest of which is located approximately 350 m north-east. A single garden pond is also present within one of the residential gardens within the site and appears to have been recently cleared of aquatic and marginal vegetation. In addition, Rockley Dyke is located approximately 360 m north-west.

3.4 Protected / Notable Species

Table 3.3 overleaf and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - Bats					
Noctule *Nyctalus noctula*	94	2020	290 m north	✓	ECH 4, WCA 5, WCA 6
Unidentified Pipistrellus *Pipistrellus* sp.	101	2019	290 m north	#	ECH 4, WCA 5, WCA 6
Soprano pipistrelle *Pipistrellus pygmaeus*	18	2023	460 m south	✓	ECH 4, WCA 5, WCA 6
Daubenton's bat *Myotis daubentonii*	74	2019	490 m west	-	ECH 4, WCA 5, WCA 6
Natterer's bat *Myotis nattereri*	37	2023	490 m west	-	ECH 4, WCA 5, WCA 6
Unidentified bat *Chiroptera* sp.	159	2001	490 m west	#	ECH 2 #, ECH 4, WCA 5, WCA 6
Unidentified Myotis *Myotis* sp.	12	2020	490 m west	#	ECH 2 #, ECH 4, WCA 5, WCA 6
Brown long-eared bat *Plecotus auritus*	17	2019	560 m north	✓	ECH 4, WCA 5, WCA 6
Common pipistrelle *Pipistrellus pipistrellus*	37	2020	590 m west	-	ECH 4, WCA 5, WCA 6
Leisler's bat *Nyctalus leisleri*	5	2002	750 m north-east	-	ECH 4, WCA 5, WCA 6
Unidentified Nyctalus *Nyctalus* sp.	17	2018	750 m north-east	#	ECH 4, WCA 5, WCA 6
Whiskered bat *Myotis mystacinus*	13	2002	Potentially within 1 km radius*	-	ECH 4, WCA 5, WCA 6
Whiskered/Brandt's bat *Myotis mystacinus/M. brandtii*	1	1989	Potentially within 1 km radius*	-	ECH 4, WCA 5, WCA 6
Mammals – Other (continues)					
Badger *Meles meles*	8	2023	†	-	WCA 6, PBA
Hedgehog *Erinaceus europaeus*	36	2021	20 m north-east	✓	WCA 6

Table 3.3: Summary of Protected/Notable Species Records (continues)

Mammals – Other (continued)					
Brown hare *Lepus europaeus*	41	2021	330 m north	✓	-
Harvest mouse *Micromys minutus*	8	2014	340 m north-west	✓	-
Water vole *Arvicola amphibius*	87	2002	530 m north	✓	WCA 5
Otter *Lutra lutra*	2	2023	Potentially within 1 km radius*	✓	ECH 2, ECH 4, WCA 5, WCA 6
Amphibians					
Common frog *Rana temporaria*	34	2020	410 m north-west	-	WCA 5 S9(5)
Common toad *Bufo bufo*	28	2020	840 m south-east	✓	WCA 5 S9(5)
Smooth newt *Lissotriton vulgaris*	13	2020	840 m south-east	-	WCA 5 S9(5)
Great crested newt *Triturus cristatus*	3	2011	Potentially within 1 km radius*	✓	ECH 2, ECH 4, WCA 5
Palmate newt *Lissotriton helveticus*	1	2002	Potentially within 1 km radius*	-	WCA 5 S9(5)
Reptiles					
Grass snake *Natrix helvetica*	17	2021	360 m north	✓	WCA 5 S9(1), WCA 5 S9(5)
Slow worm *Anguis fragilis*	1	1970	Potentially within 1 km radius*	✓	WCA 5 S9(1), WCA 5 S9(5)
Fish					
Brown trout *Salmo trutta*	2	2021	790 m west	✓	-
Birds (continues)					
Fieldfare *Turdus pilaris*	53	2020	80 m north-east	-	WCA 1i
Redwing *Turdus iliacus*	94	2021	80 m north-east	-	WCA 1i
Red kite *Milvus milvus*	3	2019	160 m north-east	-	WCA 1i
Quail *Coturnix coturnix*	2	2010	650 m east	-	WCA 1i
Hobby *Falco subbuteo*	15	2021	690 m west	-	WCA 1i

Table 3.3: Summary of Protected/Notable Species Records (continues)

Birds (continued)					
Barn owl *Tyto alba*	19	2020	Potentially within 1 km radius*	-	WCA 1i
Brambling *Fringilla montifringilla*	26	2004	Potentially within 1 km radius*	-	WCA 1i
Firecrest *Regulus ignicapillus*	1	1993	Potentially within 1 km radius*	-	WCA 1i
Merlin *Falco columbarius*	15	2003	Potentially within 1 km radius*	-	WCA 1i
Peregrine *Falco peregrinus*	3	2012	Potentially within 1 km radius*	-	WCA 1i

Key:

#: Dependent on species.

†: Badger records are confidential and therefore proximity is not provided within the report.

*: Potentially within a 1 km radius. Grid reference given to four figures only.

ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.

ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

PBA: Protection of Badgers Act 1992.

WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.

WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).

WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking.

WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.

WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.

Note. These tables do not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Table 3.3: Summary of Protected/Notable Species Records

Birds

In addition to the species included within Table 3.3 above, the desk study also identified records of a range of other Schedule 1 bird species, none of which came from on or immediately adjacent to the development site. These comprised: avocet *Recurvirostra avosetta*, bittern *Botaurus*

stellaris, black-necked grebe *Podiceps nigricollis*, black redstart *Phoenicurus ochruros,* black tern *Chlidonias niger*, black-tailed godwit *Limosa limosa*, Cetti's warbler *Cettia cetti*, common scoter *Melanitta nigra*, crossbill *Loxia curvirostra*, garganey *Anas querquedula*, goldeneye *Bucephala clangula*, goshawk *Accipiter gentilis*, green sandpiper *Tringa ochropus*, greenshank *Tringa nebularia*, greylag goose *Anser anser*, hen harrier *Circus cyaneus*, kingfisher *Alcedo atthis*, Leach's petrel *Oceanodroma leucorhoa*, little ringed plover *Charadrius dubius*, little tern *Sterna albifrons*, mediterranean gull *Larus melanocephalus*, osprey *Pandion haliaetus*, pintail *Anas acuta*, purple sandpiper *Calidris maritima*, red throated diver *Gavia stellata*, ruff *Philomachus pugnax*, scaup *Aythya marila*, whimbrel *Numenius phaeopus*, whooper swan *Cygnus cygnus* and woodlark *Lullula arborea*.

The desk study also identified records of a number of other Species of Principal Importance, though again none came from on or immediately adjacent to the development site. These comprised: brent goose *Branta bernicla*, bullfinch *Pyrrhula pyrrhula*, corn bunting *Miliaria calandra*, cuckoo *Cuculus canorus*, curlew *Numenius arquata*, dunnock *Prunella modularis*, grasshopper warbler *Locustella naevia*, grey partridge *Perdix perdix*, hawfinch *Coccothraustes coccothraustes*, herring gull *Larus argentatus*, house sparrow *Passer domesticus*, lapwing *Vanellus vanellus*, lesser spotted woodpecker *Dendrocopos minor*, linnet *Carduelis cannabina*, reed bunting *Emberiza schoeniclus*, ring ouzel *Turdus torquatus*, skylark *Alauda arvensis*, song thrush *Turdus philomelos*, spotted flycatcher *Muscicapa striata*, starling *Sturnus vulgaris*, tree pipit *Anthus trivialis*, tree sparrow *Passer montanus*, tundra swan *Cygnus columbianus*, turtle dove *Streptopelia turtur*, twite *Carduelis flavirostris*, white-fronted goose *Anser albifrons*, willow tit *Poecile montana*, wood warbler *Phylloscopus sibilatrix*, yellow wagtail *Motacilla flava* and yellowhammer *Emberiza citrinella*.

Finally, the desk study also identified records of a number of other birds of conservation concern, though again none came from on or immediately adjacent to the development site. These included: black-headed gull *Chroicocephalus ridibundus*, common redpoll *Carduelis flammea*, greenfinch *Carduelis chloris*, grey wagtail *Motacilla cinerea*, house martin *Delichon urbicum*, jay *Garrulus glandarius*, kestrel *Falco tinnunculus*, lesser redpoll *Acanthis cabaret*, meadow pipit *Anthus pratensis*, mealy redpoll Carduelis *flammea flammea*, mistle thrush *Turdus viscivorus*, moorhen *Gallinula chloropus*, redstart *Phoenicurus phoenicurus*, rook *Corvus frugilegus*, short-eared owl *Asio flammeus*, snipe *Gallinago gallinago*, sparrowhawk *Accipiter nisus*, stock dove *Columba oenas*, swift *Apus apus*, tawny owl *Strix aluco*, wheatear *Oenanthe oenanthe*, whinchat *Saxicola rubetra*, whitethroat *Sylvia communis*, willow warbler *Phylloscopus trochilus*, woodcock *Scolopax rusticola*, woodpigeon *Columba palumbus*, and wren *Troglodytes troglodytes*.

Plants

The desk study identified records of a range of notable plant species, including bluebell *Hyacinthoides non-scripta,* a range of orchid species including bee orchid *Ophrys apifera* and pyramidal orchid *Anacamptis pyramidalis*; and a range of waxcap mushroom species. The closest bluebell record came from 30 metres to the north of the development site; however, none of the other identified plant species came from on or adjacent to the development site.

Invertebrates

The desk study identified twelve notable butterfly and moth species within a 1 km radius of the development site, comprising cinnabar *Tyria jacobaeae*, clouded yellow *Colias croceus*, dingy skipper *Erynnis tages*, feathered gothic *Tholera decimalis*, ghost moth *Hepialus humuli*, grey dagger *Acronicta psi*, latticed heath *Chiasmia clathrate*, purple hairstreak *Favonius quercus*, shaded broad-bar *Scotopteryx chenopodiata*, small heath *Coenonympha pamphilus*, wall

Lasiommata megera and white-letter hairstreak *Satyrium w-album*. None of these records came from on or adjacent to the site.

3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
American mink *Neovison vison*	5	2006	340 m north-west	WCA 9
Japanese knotweed *Fallopia japonica*	6	2015	390 m north	WCA 9
Himalayan balsam *Impatiens glandulifera*	38	2020	540 m north	WCA 9
Signal crayfish *Pacifastacus leniusculus*	3	2021	590 m west	WCA 9
New Zealand pigmyweed *Crassula helmsii*	4	2020	840 m south-east	WCA 9
Canadian waterweed *Elodea canadensis*	2	2008	Potentially within 1 km radius*	WCA 9
Giant hogweed *Heracleum mantegazzianum*	2	1981	Potentially within 1 km radius*	WCA 9
Key: *: Potentially within a 1 km radius. Grid reference given to four figures only. WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 3.4: Summary of Invasive Species Records

4. Survey Results

4.1 Habitats

The habitat types recorded on site during the field survey are described in Table 4.1. A Phase 1 Habitat Survey Drawing (Drawing C181667-01-01), illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 7. Photographs taken during the field survey are presented in Chapter 8.

Polygon/ Line Ref.	Phase 1 Habitat Type	Habitat Description
Area Habitats (continues)		
TN1	Amenity grassland	An area of managed amenity grassland in a publicly accessible greenspace (Plate 8.1). The grassland had an even sward of approximately 10 cm at time of the survey; and was dominated by grasses including perennial rye-grass *Lolium perenne* and red fescue *Festuca rubra*, along with occasional forbs including broad-leaved dock *Rumex obtusifolius,* creeping buttercup *Ranunculus repens,* dandelion *Taraxacum officinale agg.,* ribwort plantain *Plantago lanceolata,* white clover *Trifolium repens,* shepherd's purse *Capsella bursa-pastoris*, ragwort *Jacobaea vulgaris,* selfheal *Prunella vulgaris* and common mouse-ear *Cerastium fontanum*.
TN2	Hardstanding	Hardstanding roads, pavements and driveways were present across the survey area and mostly comprised tarmac, with some block- and concrete slab paved areas (Plate 8.2). These were almost completely devoid of vegetation at the time of the survey.
TN3	Vegetated gardens	A number of vegetated garden areas linked to residential properties were present within the survey area (Plate 8.3). These comprised common garden habitats including amenity grass, lengths of native and non-native hedgerow, introduced shrubs, flower beds and occasional trees. The gardens were bounded and subdivided by fencing, walls and hedgerows; and often contained structures including greenhouses and sheds. A pond was also present within one of the residential gardens.
TN4	Dense scrub	A linear strip of bramble *Rubus fruticosus*-dominated scrub approximately four metres wide and one metre high was located along the northern edge of residential property boundaries (Plate 8.4). Bracken *Pteridium aquilinium* was an increasingly frequent presence towards the eastern end, with hazel *Corylus avellana* also an increasing presence at the very east. The scrub was mostly very dense, with some paths providing access to the residential properties to the south; and a footpath ran along its northern edge.
TN5	Poor semi-improved grassland	A field of poor semi-improved grassland sub-divided into horse paddocks by temporary fencing (Plate 8.5). The grass was grazed very short at the time of the survey, to approximately two or three centimetres; was dominated by grasses; and comprised a small range of fast-growing common species including perennial rye-grass, Yorkshire fog *Holcus lanatus,* red fescue, white clover creeping buttercup, ribwort plantain, daisy *Bellis perennis* and common mouse-ear.

Table 4.1: Summary of Habitats on Site (continues)

Area Habitats (continued)		
TN6	Poor semi-improved grassland	A section of a larger semi-improved grassland field in the west of the survey area which is likely to be grazed at times but was not being grazed at the time of the survey and had an even sward averaging approximately 10 cm. The grassland comprised a relatively small range of fast-growing, common species including perennial rye grass, Yorkshire fog, cock's-foot *Dactylis glomerata,* red fescue, meadow-grass *Poa sp.,* daisy, creeping buttercup, white clover, common mouse-ear ribwort plantain and broad-leaved dock, along with tall ruderal species including nettle *Urtica dioica* and cleavers *Galium aparine.* Occasional scattered scrub including bramble was present at the western edge, along the road boundary; and a public footpath ran along the southern edge of the field.
TN7	Tall ruderal vegetation	A rectangular area of tall ruderal vegetation which showed evidence of past strimming, with a sward height of approximately 10 cm at the time of the survey (Plate 8.7). The area was species-poor and largely appeared to comprise nettle and umbellifers, with some grasses including Yorkshire fog also recorded. Ground-level manholes are present within the area, and provide access to below-ground sewage infrastructure linked to the adjacent residential properties. This infrastructure was leaking to the west at the time of the survey. Old Christmas trees had also been dumped within the area.
TN8	Buildings	A number of buildings were included in the west of the survey area (Plate 8.8). These comprised detached, stone-built, one- and two-storey structures with multi-pitched and occasionally hipped tiled roofs. One building also had rendered and painted walls. All of the properties appear to have either uPVC or wooden windows and doors, with both integral and separate garages. The buildings generally appeared to be in good condition at the time of the survey; however a close inspection was not possible; and so features suitable for use by fauna may be present within the buildings.
TN9	Amenity grassland	Small areas of managed amenity grassland verge were located along Balk Farm Court (Plate 8.9). These areas had a very short sward of 2-5 cm at the time of the survey; were dominated by grasses; and comprised species including perennial rye-grass, Yorkshire fog and fescue, with forbs including daisy, white clover, creeping buttercup and selfheal an occasional to locally frequent presence. Very small areas of damage were noted within the area adjacent to the A61 road where a vehicle had driven on to the grass.
TN10	Introduced shrubs	A small area of dense introduced shrubs up to 5 metres tall (Plate 8.10), comprising mostly non-native ornamental species including bay laurel *Laurus nobilis*, barberry *Berberis sp*., holly *Ilex sp.*, Mexican orange *Choisya ternata*, and cotoneaster *Cotoneaster sp.*
-	Scattered Trees	A small number of mostly young to semi-mature scattered sycamore *Acer pseudoplatanus,* silver birch *Betula pendula,* cherry *Prunus sp.* and willow *Salix sp.* trees located primarily within gardens towards the west of the survey area, with a single mature oak tree located to the north-east (Plate 8.11). The trees were mostly in good condition at the time of the survey; however small amounts of minor lifted bark and occasional potential splits and hollows were noted at height. A slightly damaged bird box was also noted on one of the trees (Plate 8.12).

Table 4.1: Summary of Habitats on Site (continued)

4.2 Protected/Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Species/Group	Description
Amphibians	No amphibians were recorded on site during the field survey; however the survey was undertaken during the hibernation season. A single pond is present within one of the residential gardens on site and appeared to have been recently cleared of aquatic and marginal vegetation. This is likely to hold water year-round and thus could support breeding amphibians including great crested newts. The site contains small areas of potentially suitable terrestrial foraging and shelter habitat including grassland, tall ruderal vegetation and dense scrub; however much of the grassland is grazed or mown; and the areas of tall ruderal vegetation and dense scrub are small and subject to occasional disturbance as they are situated adjacent to public footpaths, which potentially decreases their suitability for amphibians. Nevertheless these habitats, along with the residential gardens on and immediately adjacent to the site could support amphibians, particularly common amphibians such as frog, toad and smooth newt.
Bats	Some of the more mature and semi-mature trees across the site displayed some potential low value roosting features for bats, whilst the residential properties may also contain suitable roosting features. The residential gardens, trees and linear strip of dense scrub also offer small amounts of potential foraging and commuting habitat across the site.
Badger	The habitats that make up the majority of the site are considered to provide sub-optimal habitat opportunities for sett-building badger as they are dominated by hardstanding and managed grassland and gardens which are subject to disturbance. However, the habitats do provide opportunities for foraging and commuting which link to further potentially suitable habitat within the local landscape. No confirmed evidence of the presence of badgers was recorded during the field survey.
Other terrestrial mammals	The site provides suitable shelter, foraging and commuting habitat for a range of terrestrial mammals such as brown hare and hedgehog; with links to further suitable habitat in the surrounding landscape. No evidence of terrestrial mammal presence was recorded on site during the field survey.
Birds	The site is likely to support a range of common/generalist species, as well as more notable species, which may nest or forage within the scattered trees, dense scrub and residential gardens on site. Birds recorded during the field survey included: blue tit *Cyanistes caerulus*, goldfinch *Carduelis carduelis*, great tit *Parus major,* house sparrow *Passer domesticus,* robin *Erithacus rubecula,* starling *Sturnus vulgaris* and woodpigeon *Columba palumbus.*

Table 4.2: Summary of Species/Species Evidence Recorded on Site (continues)

Species/Group	Description
Reptiles	No reptiles were recorded on site during the field survey; however the survey was undertaken during the hibernation season. The site contains small areas of potentially suitable reptile foraging and shelter habitat, including grassland, tall ruderal vegetation, dense scrub and vegetated gardens containing ponds and hedgerows; however much of the grassland is grazed or mown; and the areas of tall ruderal vegetation and dense scrub are small and subject to occasional disturbance as they are situated adjacent to public footpaths, which potentially decreases their suitability for reptiles. Nevertheless, the presence of individual or small numbers of reptiles on site, particularly grass snakes, cannot be fully discounted.
Invertebrates	The semi-natural habitats on site are widespread and comprise a relatively limited range of common species. As such they are considered likely to support a range of invertebrates at their various life stages, but are considered unlikely to support notable species assemblages.

Table 4.2: Summary of Species/Species Evidence Recorded on Site (Continued)

4.3 Invasive Species

A species of cotoneaster was recorded within the area of introduced shrub on site. No further invasive species were recorded; however, due to the time of year that the survey was undertaken, it is likely that any invasive plant species, if present, would be in a period of winter dormancy and thus may not be visible. The presence of further invasive species on site cannot therefore be fully discounted at this point.

5. Preliminary Evaluation and Impact Assessment

5.1 Summary of Proposals

It is understood that repairs to the leaking sewage infrastructure on site are required; however precise plans for the works have not yet been fully developed, and could include repair/renewal of the existing underground septic tanks and/or installation of a new section of pipeline to link into the existing mains sewage infrastructure. A new access track may also be required. Dependent on the required works, planning permission may be required; and any works would likely lead to small-scale permanent and/or temporary impacts to the habitats present on site.

The proposed development has the potential to adversely impact ecological features, but also presents opportunities to deliver new or enhanced habitats and benefits to biodiversity.

Potential activities that could be associated with the proposed development during the construction and operational phases are outlined below:

Construction Phase

- Site clearance and ground preparation;
- Use and movement of vehicles and machinery;
- Storage of plant, materials and waste;
- Presence of and movement of site personnel; and,
- Creation of landscaping / delivery of new habitats.

Operational Phase

- Permanent siting of new/repaired underground sewage infrastructure; and potential access track;
- Potential occasional movement of vehicles and operational personnel;
- Establishment of new habitats; and,
- Maintenance of landscaping.

5.2 Nature Conservation Sites

An initial review of the proposals (see Section 5.1) has been undertaken to determine whether the project has the potential to affect any nature conservation sites. The identified sites are listed in Table 5.1, and justification for scoping them in or out of further assessment is provided.

Nature Conservation Site	Evaluation of Importance and Potential Impacts	Further Action Required?
UK Statutory Sites		
SSSI Impact Risk Zones	The site is within two impact risk zones for Dearne Valley Wetlands SSSI. Reference to Natural England's SSSI Impact Risk Tool indicates that development proposals relating to infrastructure, wind turbines/solar schemes, minerals/oil/gas, residential and non-residential developments, developments causing air pollution or requiring separate water supplies; and proposals involving combustion, waste, composting or discharges pose a potential risk to this designated site. Although precise plans are not finalised, the development could potentially fall into the infrastructure or discharge categories; and those could potentially pose a risk to the associated SSSI. Once the plans have been finalised, further investigation will be required to determine the likelihood of adverse impacts and the need for any consultation with Natural England. Given the type of development (sewage infrastructure works) and distance from the SSSI, the risk of recreational impacts on the site can be scoped out.	Potential need for consultation with Natural England (refer to Recommendation R2)
Worsborough Country Park LNR	This site is located over 500 m from the survey area and has no direct connectivity. As a result; and due to the temporary and small-scale nature of the works, the risk of significant harm or disturbance to this site is considered negligible. Given the type of development (sewage infrastructure works) and distance from the site, the risk of recreational impacts on the LNR is also considered negligible.	No, site scoped out
Non-statutory Sites		
LWS	All of the Local Wildlife Sites identified within the desk study are located at least 350 m from the survey area and thus will not be directly impacted by the proposed development. As a result; and due to the temporary and small-scale nature of the works, along with the presence of intervening barriers including the M1 motorway, built development and agricultural land, the risk of significant harm or disturbance to these conservation sites is considered negligible.	No, sites scoped out.

Table 5.1: Summary of Potential Impacts on Nature Conservation Sites

5.3 Habitats

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP (if relevant). Also taken into account is the intrinsic value of the habitat, its rarity and contribution to local ecological networks.

Table 5.2 below summarises the potential adverse impacts on habitats that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the

absence of mitigation. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4.

Habitats	Evaluation of Importance and Potential Impacts	Further Action Required?
Non-Priority Notable Habitats		
Scattered trees	The mature and semi-mature trees have intrinsic ecological value and cannot be easily replaced in the short to medium term. It is not currently known if any trees will be impacted by the proposed works; however impacts on trees should be avoided where possible in the first instance. There is also potential for retained trees to be subject to damage/degradation during construction works, or as a result of inappropriate post-construction landscape management	Appropriate Scheme Design (Recommendation R2) and; Protection Measures to be incorporated into a CEcMP (Recommendation R4)
Other Habitats		
Other habitats (amenity and poor semi-improved grassland; dense scrub; introduced shrubs; tall ruderal vegetation; and vegetated gardens)	Although these habitats are not considered to be important and do not require further detailed consideration in the context of assessing impacts, they do hold some value and contribute to overall site biodiversity, which is recognised through the use of a biodiversity metric tool.	Appropriate Scheme Design (Recommendation R2)

Table 5.2: Summary of Potential Impacts on Habitats

5.4 Protected / Notable Species

Table 5.3 below summarises the potential adverse impacts on species/species groups that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the absence of mitigation.

Species/species groups discussed are based on those species highlighted in the desk study exercise and other species for which potentially suitable habitat occurs within or adjacent to the survey area. This includes species protected by law under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended), as well as those listed as Species of Principal Importance in England.

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Amphibians	There are three records of great crested newt potentially located within a 1 km radius of the site. Records of frog, toad and smooth and palmate newt were also provided. The pond located within one of the residential gardens on site has potential to support breeding amphibians, whilst reference to Ordnance Survey data and mapped aerial imagery indicates the presence of a further four ponds located between 350 and 500 m of the site. Although areas of suitable terrestrial habitat on site are small, given the presence of waterbodies on site and in the local area there remains a risk that amphibians including great crested newt could be present on site and could be adversely impacted by the proposed works, for example through direct impacts to individual amphibians or habitat loss. However, the need for any survey work and/or mitigation measures will be dependent on the extent of work required; and this should be reassessed once the plans for the works are finalised.	Potential Further Survey Work (Recommendation R3); and/or, Reasonable Avoidance Measures to be incorporated into CEcMP (Recommendation R4)
Aquatic mammals	Although the desk study identified eighty seven water vole records and two otter records within a 1 km radius of the site, no suitable habitat was located on or immediately adjacent to the site and thus aquatic mammals are considered highly unlikely to be present on site.	No, species group scoped out.
Badger	There are eight records of badger within a 1 km radius. The exact locations of records are not provided due to animal welfare reasons. Whilst no definitive evidence of badger presence was recorded during the field survey, given the suitability of the site and surrounds for badger it is likely that they use the site, particularly for foraging/commuting purposes. As such there is potential for the construction phase of the works to adversely impact upon badgers.	Reasonable Avoidance Measures to be incorporated into CEcMP (Recommendation R4)

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continues)

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Bats	There are records of at least eight bat species within a 1 km radius, with the closest records being of pipistrelle and noctule bats which were recorded 290 m north. The trees and buildings on site may provide potential roosting habitat; whilst the residential gardens, trees and linear strip of dense scrub also offer small amounts of potential foraging and commuting habitat. Dependent on the finalised plans, the development could potentially adversely impact upon roosting and foraging bats, with potential impacts including loss of roosts or injury/death of individual bats if any mature/semi-mature trees or buildings are directly impacted; or loss, fragmentation or disturbance of suitable foraging and commuting habitat. As such, the need for any further survey work and/or mitigation measures will be dependent on the extent of work required; and this should be reassessed once the plans are finalised.	Potential Further Survey Work (Recommendation R3); and/or, Reasonable Avoidance Measures required (Recommendation R4)
Birds	The desk study identified records of forty bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) within a 1 km radius, as well as numerous other notable bird species, including thirty species of principal importance. None of these records came from within the development site. A number of birds were also recorded on site during the field survey, including notable species such as starling and house sparrow, whilst the habitats on site provide small amounts of suitable nesting and foraging habitat for a range of notable and more common/generalist bird species. The development of the site has the potential to result in a net loss of suitable habitat for breeding birds. In addition, there is potential for the killing or injury of nesting birds or damage/destruction of a birds nest during the construction phase or as a result of inappropriate post construction landscape management.	Appropriate measures to be incorporated into a CEcMP (Recommendation R4)
Fish	Although the desk study identified two records of brown trout within a 1 km radius, no suitable habitat was located on or immediately adjacent to the site and thus no adverse impacts are anticipated.	No, species group scoped out

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continues)

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Invertebrates	The desk study provided records of twelve notable butterfly and moth species within a 1 km radius; however, the semi-natural habitats on site are widespread, common and relatively species-poor. As such they are considered unlikely to support notable species assemblages.	No, species group scoped out
Reptiles	The desk study identified seventeen grass snake records and a single slow worm record within a 1 km radius of the site. Although areas of suitable terrestrial habitat on site are small, given the presence of records in the local area, low value habitat on site and connectivity to potentially suitable habitat in the local landscape, there remains a small risk that individual or small numbers of reptiles could be present on site and could be adversely impacted by the proposed works, for example through direct impacts to individual reptiles or small-scale habitat loss. However, given the small risk it is felt that any residual risks can be minimised through the use of precautionary working methods for the duration of the works.	Reasonable Avoidance Measures to be incorporated into CEcMP (Recommendation R4)
Terrestrial mammals (including hedgehog and brown hare)	The desk study identified records of hedgehog, brown hare and harvest mouse within a 1 km radius of the site, the closest of which are located 20 m north, 330 m north and 340 m north-west, respectively. The habitats on site offer these species opportunities for shelter, foraging and commuting, however abundant alternative habitat is also present in the surroundings. Nevertheless, the construction phase of the development has the potential to result in the killing or injury of terrestrial mammals, for example during the removal of suitable shelter habitat, if required; or if excavations are left uncovered.	Appropriate measures to be incorporated into CEcMP (Recommendation R4)
Other species	Other species, including dormouse *Muscardinus avellanarius*, red squirrel *Sciurus vulgaris,* stag beetle *Lucanus cervus* and white-clawed crayfish *Austropotamobius pallipes,* have been scoped out of further assessment due to a lack of desk study records and absence of suitable habitats within the development site and its surroundings.	No, species/species groups scoped out

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continued)

5.5 Invasive Species

Records of a range of invasive plant and animal species, including Himalayan balsam, were identified within the 1 km search radius through the desk study; although none came from on or adjacent to the site, with the closest records being located more than 300 metres away.

A species of cotoneaster was recorded on site during the field survey. No further invasive species were recorded; however, due to the time of year that the survey was undertaken, it is likely that any invasive plant species, if present, would be in a period of winter dormancy and thus may not be visible.

The presence of invasive species on site cannot therefore be fully discounted at this point and so adequate biosecurity measures/precautionary working practices should be incorporated into a CEcMP, to minimise any risks related to the unlawful spread of invasive plant species (see Recommendation R4).

5.6 Biodiversity Opportunities

The development presents the following opportunities to enhance the site for biodiversity and work towards achieving the target of 10% net gain (if required for planning purposes):

- Enhancement of existing grassland, tall ruderal and scrub areas to provide foraging and shelter habitat for a range of fauna, including invertebrates and mammals; and,
- Creation of green corridors comprising native planting to contribute towards local nature conservation targets;

6. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

R1 **Consultation with Statutory/Non-statutory Bodies:** Once plans for the site have been finalised, the proposed works should be re-assessed to determine if they fall within any of the development types highlighted within the SSSI Impact Risk Zone for Dearne Valley Wetlands SSSI as potentially posing a risk to the SSSI. If the works do fall within one of the highlighted risk categories, Natural England should be consulted prior to any works commencing, to determine how works may proceed without adversely impacting this site. If the works do not fall within one of the highlighted risk categories, no further action will be required.

R2 **Scheme Design and Biodiversity Net Gain:** The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG). In the first instance the proposals should be designed to avoid/minimise losses of semi-natural habitats, in particular the mature and semi-mature trees; and incorporate these habitats into the landscaping layout of the scheme accordingly. This will help to further avoid and minimise impacts to protected and notable species.

Where losses or impacts are unavoidable, compensation should be provided. This could include the replacement of lost habitats and/or connectivity and the creation of new habitats of ecological value, taking into account targets within the draft emerging Local Nature Recovery Strategy.

In accordance with the principles of the Environment Act 2021 the development will need to secure an overall net gain for biodiversity. The Statutory Biodiversity Metric Calculation Tool should be used to help guide and quantify the baseline and proposed value of the scheme. A Biodiversity Statement and Metric Assessment should be produced to inform any planning application.

R3 **Potential Further Ecological Surveys:** Once plans for the site have been finalised, the proposed works should be re-assessed to determine their likely impact on the following species and identify any requirements for further survey work:

- Great Crested Newt; and
- Roosting Bats;

All further ecological surveys should be undertaken in accordance with best practice methodologies, during the appropriate survey windows. Please refer to Appendix 3.

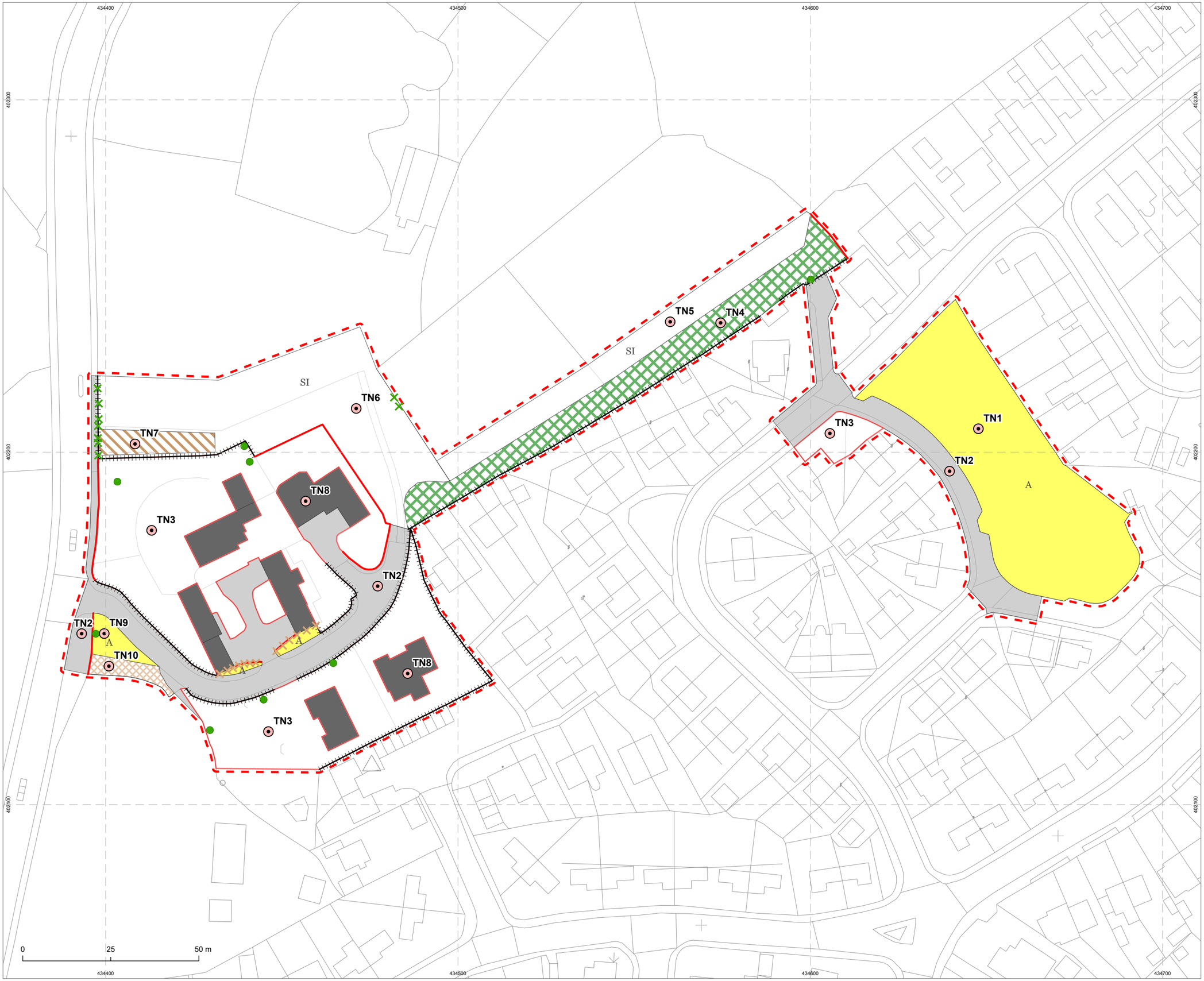
R4 **Construction Ecological Management Plan (CEcMP):** A Construction Ecological Management Plan should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. The details of the CEcMP will be informed by the final site design and ongoing ecological survey works but should include as a minimum:

- Specific measures to protect nature conservation sites (if required),
- Development standoffs and safeguards for all retained habitats,
- Construction timetables to avoid sensitive periods such as nesting bird season,
- Precautionary working methods (including any need for ecological supervision) to minimise the risks to amphibians and reptiles, birds, bats and terrestrial mammals (including badger);
- Adequate biosecurity measures to minimise any risks of spreading non-native, invasive species; and,
- Compliance with any specific mitigation measures that may be required to acquire a Development Licence for works affecting protected species

The CEcMP should be submitted to the Local Planning Authority for Approval and implemented in full thereafter.

7. Drawings

Drawing C181667-01-01 – Phase 1 Habitat Map



C181667-01-01

Legend

- Site boundary
- Scattered broad-leaved tree
- Scattered scrub
- Scattered shrub
- Fence
- Wall
- Amenity grassland
- Building
- Dense scrub
- Hardstanding
- Introduced shrub
- Other habitat
- Poor semi-improved grassland
- Tall ruderal
- Target note - habitat parcel

N

Project	Balk Farm Court
Drawing	Phase 1 Habitat Map
Client	Galliford Try
Drawing Number: C181667-01-01	Revision: 00
Scale @ A3: 1:1,000	Date: January 2025
Approved By: AE	Drawn By: BD

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8. Photographs

Plate 8.1: Amenity grassland within public greenspace

Plate 8.2: Hardstanding road within survey area

Plate 8.3: Vegetated garden with pond in west of area

Plate 8.4: Dense bramble scrub along boundary with residential gardens

Plate 8.5: Poor semi-improved grassland sub-divided into horse paddocks

Plate 8.6: Poor semi-improved grassland in west of area

Plate 8.7: Strip of tall ruderal vegetation at location of sewage leak

Plate 8.8: Residential properties in west of area

Plate 8.9: Amenity grassland verge in west of area

Plate 8.10: Introduced shrubs in west of area

Plate 8.11: Mature oak in north-east of survey area

Plate 8.12: Bird box on tree within residential garden.

Appendix 1

General Biodiversity Legislation and Policy

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)[3] recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

[3] Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?* Available: https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect

- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Environment Act 2021

The Environment Bill completed its passage through parliament on 13th October 2021 and received Royal Assent on 9th November 2021. The Environment Act introduces a new framework for setting long-term, legally binding targets for environmental improvement, including nature and biodiversity (Part 6 & 7).

The Town and Country Planning Act 1990

Schedule 7A (Biodiversity Gain in England) and regulations made under Schedule 7A contain most of the statutory framework for mandatory biodiversity gain (referred to as 'biodiversity net gain'). With some exceptions every grant of planning permission is subject to the condition that development may not begin until a biodiversity gain plan has been approved by demonstrating how the objective of delivering at least a 10% gain in biodiversity will be achieved. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The Countryside and Rights of Way (CRoW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions.

Section 40, as amended by the Environment Act 2021, places a 'biodiversity duty' on all public authorities who operate in England to consider how they can conserve and enhance biodiversity, agree policies and specific objectives based on that consideration and deliver policies to achieve their objectives. Local Authorities (excluding parish councils) and Local Planning Authorities have a duty under Section 40A to report on the performance of this duty.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These habitats and species are a material consideration in the planning process.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

National Planning Policy Framework

In December 2023, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018, 2019 and 2021. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and 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.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the Planning Practice Guidance (PPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled *'Natural Environment'*, which was updated in February 2024. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of environmental net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

Other relevant PPG sections include:

- '*Appropriate assessment: Guidance on the use of Habitats Regulations Assessment'* (updated July 2019) which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).
- *'Biodiversity Net Gain'* (updated May 2024) which provides information on the statutory framework referred to as 'biodiversity net gain' and how it is applied through the planning process, from submission of a planning application through to determination of the Biodiversity Gain Plan. Guidance is also provided on exemptions, the Biodiversity Gain Hierarchy and phased developments.

Local Planning Policy

BARNSLEY METROPOLITAN BOROUGH COUNCIL

https://www.barnsley.gov.uk/services/environment-and-planning/planning/local-plans

Barnsley's Statutory Development Plan consists of the following documents:

- Local Plan;
- Oxspring Neighbourhood Development Plan; and,
- Penistone Neighbourhood Development Plan.

Local Plan

The Local Plan was adopted by Full Council on 3rd January 2019 and sets out how the council will manage physical development of the borough on behalf of residents and businesses up to the year 2033. The policies relevant to ecology are detailed below:

Policy GI1: Green Infrastructure

We will protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets that:

- Provides attractive environments where people want to live, work, learn, play, visit and invest;
- Meets the environmental, social and economic needs of communities across the borough and the wider City Regions;
- Enhances the quality of life for present and future residents and visitors; Helps to meet the challenge of climate change;
- Enhances biodiversity and landscape character;
- Improves opportunities for recreation and tourism;
- Respects local distinctiveness and historical and cultural heritage;
- Maximises potential economic and social benefits; and
- Secures and improves linkages between green and blue spaces;

At a strategic level Barnsley's Green Infrastructure network includes the following corridors:

- River Dearne Valley Corridor.
- River Dove Valley Corridor.
- River Don Valley Corridor.
- Dearne Valley Green Heart Corridor.
- Historic Landscape Corridor.

The network of Green Infrastructure will be secured by protecting open space, creating new open spaces as part of new development, and by using developer contributions to create and improve Green Infrastructure.

The Green Infrastructure Strategy for Barnsley is informed by the Leeds City Region and South Yorkshire Green Infrastructure Strategies.

Policy GI2: Canals - Safeguarded Routes

The parts of the canal routes which are in water and/ or have a green infrastructure function, or where a towpath exists that is a public right of way, are shown on the Policies map. These parts of the canal routes are protected from other forms of development to safeguard their existing and potential green infrastructure role and contribution to the cycling, footpath and horse riding networks.

Policy GS1: Green Space

We will work with partners to improve existing green space to meet the standards in our Green Space Strategy. Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.

Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves, and its loss would not affect the existing and potential green space needs of the borough; or
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.

In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the Green Space Strategy and in accordance with the requirements of the Infrastructure and Planning Obligations Policy. The Supplementary Planning Document ‘Open Space Provision on New Housing Developments’ offers guidance to developers on what will be expected in terms of open space provision in order to achieve those standards.

Where there is a requirement to provide new green space, an assessment will be carried out to determine the most appropriate provision, taking into account site characteristics and constraints. In cases where it is deemed unsuitable to make provision for open space within or adjacent to a development site, suitable off-site open space facilities may be acceptable either as new facilities or improvements to those existing. Where appropriate new green space should secure access to adjacent areas of countryside.

Policy BIO1: Biodiversity and Geodiversity

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 and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan.
- Maximising biodiversity and geodiversity opportunities in and around new developments.
- Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.
- Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest.
- Protecting ancient and veteran trees where identified.
- Encouraging provision of biodiversity enhancements.

Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Development which adversely effects a European Site will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IROPI).

Supplementary Planning Documents (SPDs)

Following adoption of the Local Plan, a number of SPDs were developed. These contain advice for people applying for planning permission; and inform decisions alongside the Local Plan. SPDs of relevance to ecology are listed below:

- Trees and Hedgerows; and
- Biodiversity and Geodiversity.

Appendix 2

Relevant Species Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Great crested newt

Great crested newts (GCN) and the places they use for shelter or protection receive legal protection under the Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to intentionally kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to intentionally or recklessly* damage or destroy, or obstruct access to, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly* disturb any protected species while it is occupying a structure or place which it uses for shelter or protection.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

The reader should refer to the original legislation for the definitive interpretation.

GCN are listed a Species of Principal Importance for Nature Conservation in England which means they are a material consideration in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* – benefit from the greatest protection.

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica* are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.

Sand lizard and smooth snake are protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that it is illegal to kill, injure, capture, handle or disturb these animals. Places

they use for breeding, resting, shelter and protection are also protected from being damaged or destroyed. In addition, it is illegal to obstruct these animals from using such areas.

All native reptile species are listed as Species of Principal Importance for Nature Conservation in England and as such are material considerations in the planning process.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

The reader should refer to the original legislation for the definitive interpretation.

Appendix 3

Survey Calendar

MIDDLEMARCH

SPECIES SURVEY CALENDAR

This calendar helps identify the seasonal constraints associated with many ecological and protected species surveys.

Recommended survey time

Possible survey time

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Extended Phase 1 Habitat Survey	■	■	■	■	■	■	■	■	■	■	■	■
Botanical Survey				■	■	■	■	■	■			
Bats (initial bat survey)	■	■	■	■	■	■	■	■	■	■	■	■
Bats (activity survey)				■	■	■	■	■	■			
Bats (hibernation survey)	■	■	■									■
Great Crested Newt (habitat assessment)	■	■	■	■	■	■	■	■	■	■	■	■
Great Crested Newt (presence/absence survey)			■	■	■	■						
Reptiles			■	■	■	■	■	■	■			
Badger	■	■	■	■	■	■	■	■	■	■	■	■
Water Vole			■	■	■	■	■	■	■	■		
Otter	■	■	■	■	■	■	■	■	■	■	■	■
Birds (winter birds)	■	■	■								■	■
Birds (nesting bird)			■	■	■	■	■	■	■			
Dormouse	■	■	■	■	■	■	■	■	■	■	■	■
White Clawed Crayfish				■	■	■	■	■	■	■		

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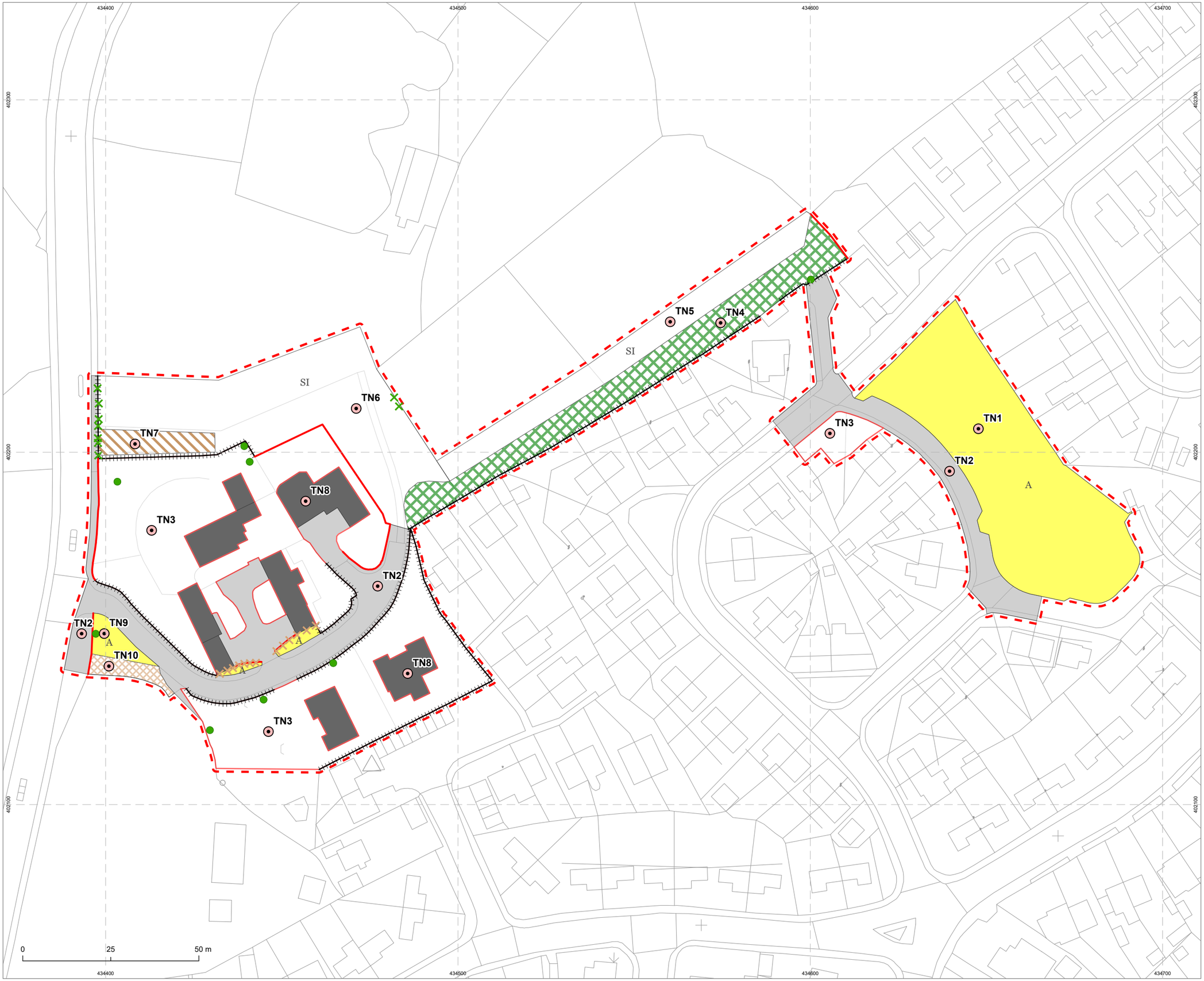

C181667-01-01

Legend

- Site boundary
- Scattered broad-leaved tree
- Scattered scrub
- Scattered shrub
- Fence
- Wall
- Amenity grassland
- Building
- Dense scrub
- Hardstanding
- Introduced shrub
- Other habitat
- Poor semi-improved grassland
- Tall ruderal
- Target note - habitat parcel

N

Project	Balk Farm Court
Drawing	Phase 1 Habitat Map
Client	Galliford Try
Drawing Number: C181667-01-01	Revision: 00
Scale @ A3: 1:1,000	Date: January 2025
Approved By: AE	Drawn By: BD

MIDDLEMARCH

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