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Preliminary Ecological Appraisal

**Land @
Raleigh
East Putford
Devon EX22 7UG**

Report # 10220/GLE

November 2020



On Behalf Of

Mr Myles Thomas

Disclaimer: This report was produced based on the baseline ecological data collected from the proposed development site on the dates stated. Green Lane Ecology cannot be held responsible for any changes in this baseline data that may affect the proposed works.

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SUMMARY

Green Lane Ecology was commissioned by Mr Myles Thomas (applicant) to undertake a Preliminary Ecological Appraisal (PEA) of land within the curtilage of Raleigh, East Putford, Devon, EX22 7UG, grid reference SS3680-1647, hereon after referred to as the survey area.

This PEA survey report is to inform a planning application to ensure that no wildlife legislation will be contravened by the proposed development of the survey area with a wooden lodge type accommodation and associated landscaping which including the zone of influence is an area of approximately 200m².

The PEA was conducted following the Extended Phase 1 Habitat Survey methodology on the 14th October 2020, a desk study was also carried out as part of the PEA.

The survey area is tall herb/grassland habitat with areas of Bramble which is not currently managed; there is also a mown field edge/track leading to it. There are no Biodiversity Action Plan (BAP) habitats present within the survey area and no evidence of protected/BAP species recorded although the tall herb/grassland maybe be suitable for common reptile species such as Slow worms. It is also acknowledged that there is a local bat population with a known roost in the house.

As the habitat within the development footprint has the potential to support common reptile species which are protected by legislation (see Appendix II) the sward height within the footprint and zone of influence should be mown and maintained at <5cm with cuttings removed before March 2021 when any reptiles present may start to come out of hibernation. This will prevent any reptiles from using the habitat whilst still allowing them to use the remaining adjacent habitat. To compensate for the loss of the habitat through development the remaining habitat should be extended.

The proposed development will not result in a significant increase in artificial light levels to have a negative impact upon the local bat population which are already tolerant of current lights levels of adjacent dwellings & farm buildings, however no permanent external lighting should be used.

The National Planning Policy Framework (NPPF) (see Appendix III) seeks to maintain and enhance biodiversity within planning policies and decisions with regards to new development. The new building should incorporate bat and bird features and any new landscape planting should be beneficial to wildlife to address this requirement.

By following the recommendations in this report it is reasonable to conclude that no wildlife legislation will be contravened by the proposed development and any adverse impact upon local wildlife will be negligible; as a result no protected species surveys are required.

1.0 INTRODUCTION

- 1.1 Green Lane Ecology was commissioned by Mr Myles Thomas (applicant) to undertake a Preliminary Ecological Appraisal (PEA) of land within the curtilage of Raleigh, East Putford, Devon, EX22 7UG, grid reference SS3680-1647, hereon after referred to as the survey area.
- 1.2 This PEA survey report is to inform a planning application to ensure that no wildlife legislation will be contravened by the proposed development of the survey area with a wooden lodge type accommodation and associated landscaping which including the zone of influence is an area of approximately 200m².
- 1.3 The PEA was conducted following the Extended Phase 1 Habitat Survey methodology on the 14th October 2020, a desk study was also carried out as part of the PEA.
- 1.4 The following report sets out the results of the survey and discusses the potential ecological constraints associated with the proposed development regarding current wildlife legislation.

2.0 METHODOLOGY

2.1 Desk Study

- 2.1.1 An ecological data search for designated wildlife sites, notable/protected habitats and European protected species (EPS) licence applications was carried out using the online resources <http://magic.defra.gov.uk> & <http://map.devon.gov.uk/dccViewer/>.

2.2 PEA: Survey Area

- 2.2.1 The survey area was walked over and all habitats and habitat features present were described and mapped following the Joint Nature Conservation Committee's Phase 1 Habitat Survey Method (1990) as amended in 1995 by the Institute of Environmental Assessment (IEA, 1995). Any features considered current and/or potential value for legally protected or notable species were also noted and searched for evidence of past/present use.

3.0 RESULTS

3.1 Desk Study

- 3.1.1 The survey area is within the curtilage of Raleigh which is in a rural location with dwellings and farm buildings close by, adjacent open countryside provides suitable habitat for some protected species.
- 3.1.2 It is located within a SSSI Impact Risk Zone which are used by local planning authorities (LPA) to assess likely impacts on SSSI's, SAC's, SPA's and RAMSAR sites; Common Moor & East Putford SSS1 is within 1km to the north.
<http://designatedsites.naturalengland.org.uk/UnitDetail.aspx?UnitId=1004055>
- 3.1.3 Biodiversity Action Plan (BAP) habitats within a 1km radius are traditional orchards and Purple moor grass and rush pasture. There are no BAP habitats attributed to the survey area.
- 3.1.4 There has been a European Protected Species mitigation licence granted (EPSM2013-6464) for Whiskered and Common pipistrelle bats for the renovation of the house in 2013.

3.2 PEA: Survey Area

- 3.2.1 The survey area is tall herb/grassland habitat with areas of Bramble which is not currently managed; there is also a mown field edge/track leading to it; overall it is approximately 200m².
- 3.2.2 The tall herb/grassland habitat which is to be developed had a sward height of approximately 40-75cm. The grass species present was False oat grass (*Arrhenatherum elatius*), Cock's foot (*Dactylis glomerata*), Yorkshire fog (*Holcus lanatus*) and Rough meadow grass (*Poa trivialis*). The dominant herb was Common nettle (*Urtica dioica*), with Hogweed (*Heracleum sphondylium*), Broad-leaved dock (*Rumex obtusifolius*), Ribwort plantain (*Plantago lanceolata*) and creeping buttercup (*Ranunculus repens*) frequent. The habitat is not considered a BAP habitat and no evidence of protected species was observed although it may be suitable habitat for common reptiles such as Slow worms (*Anguis fragilis*).

Figure 1: Photographs of the survey area.

Description	
Tall herb/grassland which may be suitable habitat for common reptile species such as Slow worms.	 A photograph showing a dense field of tall green grasses and various leafy plants, typical of a herb-rich grassland.
Mown path leading to the survey area.	 A photograph of a narrow, mown path cutting through a field of tall grasses and weeds, leading towards a line of trees in the background.
Existing track which leads to the survey area.	 A photograph of a gravel or dirt track between a wooden shed on the right and a house on the left, leading into a wooded area.

3.2.3 No evidence of other protected/notable species was recorded by the survey although it is acknowledged that there is a local bat population with a roost for both whiskered and Common pipistrelle bats in the house which may commute/forage within the vicinity.

4.0 DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

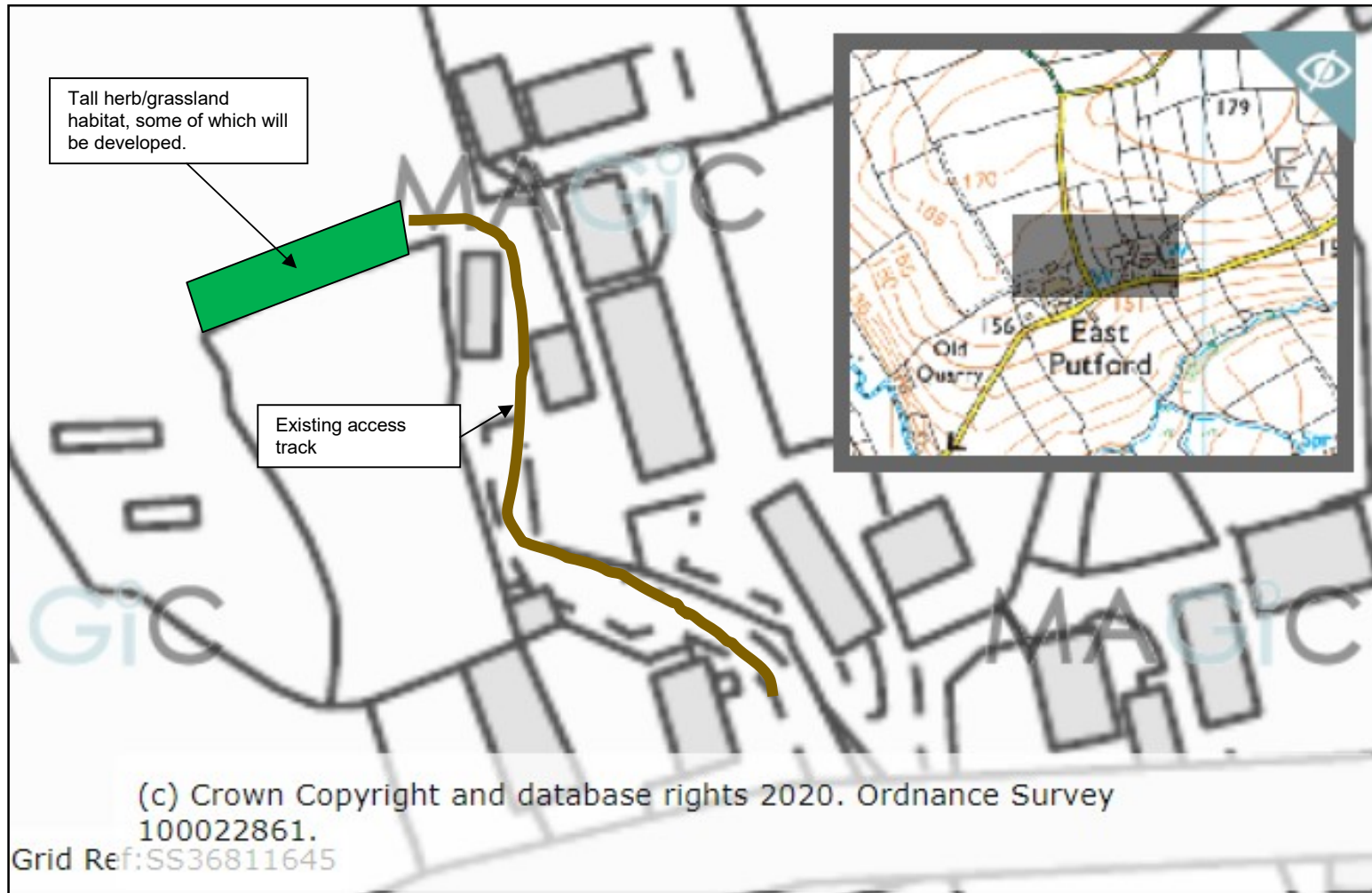
- 4.1 The following section assesses the likely nature conservation interest within the survey area and identifies potential constraints associated with the proposed development considering current wildlife legislation and policy (see Appendix II).
- 4.2 As the habitat within the development footprint has the potential to support common reptile species which are protected by legislation (see Appendix II) the sward height within the footprint and zone of influence should be mown and maintained at <5cm with cuttings removed before March 2021 when any reptiles present may start to come out of hibernation. This will prevent any reptiles from using the habitat whilst still allowing them to use the remaining adjacent habitat. To compensate for the loss of the habitat through development the remaining habitat should be extended to the same amount which is to be developed. The remaining habitat should be managed by annual mowing in the late autumn to a sward height of approximately 10cm to avoid harming any reptiles. The habitat will also be beneficial to invertebrates, small mammals & birds.
- 4.3 The proposed development will not result in a significant increase in artificial light levels to have a negative impact upon the local bat population which are already tolerant of current lights levels from adjacent buildings, however no permanent external lighting should be used.
- 4.4 The National Planning Policy Framework (NPPF) (see Appendix III) seeks to maintain and enhance biodiversity within planning policies and decisions with regards to new development. The new building should incorporate bat and bird features and any new landscape planting should be beneficial to wildlife to address this requirement.
- 4.5 By following the recommendations in this report it is reasonable to conclude that no wildlife legislation will be contravened by the proposed development and any adverse impact upon local wildlife will be negligible; as a result no protected species surveys are required.

REFERENCES

- Institute of Environmental Assessment (1995). *Guidelines for Baseline Ecological Assessment*. E & F. N. Spon, Chapman & Hall, London.
- Bat Conservation Trust (2012). *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.
- Joint Nature Conservation Committee (2004) *Bat Workers Manual 3rd Edition*
A.J. Mitchell-Jones, A.P. McCleish.

APPENDIX I

Figure 1: Phase 1 Habitat Survey Map



APPENDIX II: Relevant legislation

This is a general summary only. The original legislation should be consulted and utilised for any formal purposes.

The following link is to the The Conservation of Habitats and Species Regulation 2017 which may have relevance in part to the proposed works <http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

The National Planning Policy Framework (NPPF February 2019) seeks to maintain and enhance biodiversity within planning policies and decisions. Specific sections of particular relevance include:

Habitats and biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

⁵⁴ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁵⁵ For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁵⁶ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁵⁷ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

176. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁵⁹; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Legislation affecting bats

All bats are given full protection in the UK through the Wildlife & Countryside Act 1981 (WCA) (as amended) and the Conservation of Habitats and Species Regulations 2010. The above legislation can be summarised thus (Mitchell-Jones and McLeish, 2004):

- *Intentionally or deliberately kill, injure or capture (or take) bats*
- *Deliberately disturb bats (whether in a roost or not)*
- *Recklessly disturb roosting bats or obstruct access to their roosts*
- *Damage or destroy roosts*
- *Possess or transport a bat or any part of a part of a bat, unless acquired legally*
- *Sell (or offer for sale) or exchange bats, or parts of bats*

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording is 'any structure or place which any wild animal...uses for shelter or protection' (WCA), or 'breeding site or resting place' (Habitats Regulations). As bats generally have both a winter and a summer roost, the legislation is clear that all roosts are protected whether bats are in residence at the time or not.

Legislation affecting reptiles

All UK reptiles are protected by law. There are two different levels of legal protection for reptiles in the UK. The adder, common lizard, grass snake and slow worm are protected from killing and injuring under Schedule 5 (Section 9) and of the Wildlife and Countryside Act 1981(as amended).

The sand lizard and smooth snake and their respective habitats are fully protected under Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981 (as amended) and under Conservation of Habitats & Species Regulations 2010. It is illegal to kill, injure, capture, handle or disturb them, and the places they use for breeding, resting, shelter and protection are protected from being damaged or destroyed. It is also illegal to obstruct these animals from using such areas. The sand lizard is also identified as a Priority Species in the UK Biodiversity Action Plan.

APPENDIX III: Examples of ecological enhancement to address the requirement of NPPF.

Bird boxes can be attached to external walls or built in.



Bat boxes can be attached to external walls and bat tubes built in.



<http://www.birdbrickhouses.co.uk/shop/> make bespoke integrated bird/bat houses for this purpose which can match any brick type or can be rendered so all that can be seen is a small hole.