

My Ref: 2023\_070\_MM

Mark McPhee  
MJM Architecture  
15 Barnardo Road  
Exeter  
EX2 4ND

12<sup>th</sup> October 2023

Dear Mark,

**Re: UPDATE ECOLOGY ASSESSMENT/STATEMENT for 'HELE VIEW', CLAYHANGER**

### **BACKGROUND**

Planning permission was granted by Mid Devon District Council (ref: 22/00414/FULL) in July 2022 for "*Conversion and extension of agricultural building to dwelling, to include demolition of washroom, erection of detached ancillary annexe and workshop/store, ground mounted solar array and associated works.*"

The application was informed by an ecological assessment (Greenwood Ecology, 2021), a copy of which is provided at **Annex I**.

Work has commenced on site in accordance with the above planning consent, with the demolition of outbuildings and associated works having already commenced. A fresh application is to be submitted due to the proposed change in location of the attenuation pond. Given the time that has lapsed since the previous survey was undertaken, Mid Devon Council has requested that either a fresh survey is undertaken, or a statement provided to confirm that the previous report remains valid.

### **CHANGES IN SCHEME DESIGN**

The works that have commenced on site have been undertaken in accordance with the consented scheme (ref: 22/00414/FULL). The only changes between the consented and proposed schemes are:

1. Location of attenuation pond (now in a field to the south); and
2. Change in proposed cladding.

The change in the proposed cladding has no effect on site ecology or biodiversity and is therefore not considered further within this report.

### **CONSIDERATIONS**

The new proposed location of the attenuation pond is in an area of improved grassland (G4 Modified Grassland) located to the south of the previous application site.

The grassland shows signs of previous agricultural improvement, with the sward dominated by perennial rye-grass (*Lolium perenne*) and clover (*Trifolium repens*). It has been intensively grazed by sheep, resulting in a short sward height and a lack of any scrub vegetation and structural habitat

diversity. G4 Modified Grassland is not listed as a 'Habitat of principal importance' under Section 41 of the NERC Act 2006 and is a common and widespread habitat in the local area.

The short nature of the sward means that the site of the attenuation pond does not provide suitable habitat that could support notable or protected species of fauna.

The provision of an attenuation pond within G4 Modified Grassland has been approved as part of the previous planning consent, with the only change being the location of the pond. Given that the remainder of the work is already proceeding in accordance with the previously granted planning permission, it is therefore considered that the results, conclusions and recommendations of the previously produced Ecological Assessment remain valid and pertinent in informing the new planning application.

If you need any further information or clarifications, please do not hesitate to contact me.

With kind regards,



**Pete Etheridge BSc MCIEM MCMA**  
***Owner & Principal Ecologist***

ANNEX I: PREVIOUS REPORT



## Devon Wildlife Checklist (to be filled in by the ecological consultant and included in the front of the Wildlife Report)

### A.1 Protected and priority species (relates to question 13a in the planning application form).

A tick or cross must be placed in all boxes in column two (shaded) and then, where there is a tick, all other boxes in that row. Where species are present please email this form to Devon Biodiversity Records Centre - [DBRC@dbrc.org.uk](mailto:DBRC@dbrc.org.uk).

Location: **Hele View, Clayhanger**

Grid reference for centre of site (6 digit): **ST029235**

Planning Application reference: **Tbc**

Name of surveyor and consultancy: **Pete Etheridge (t/a Greenwood Ecology & Countryside Management)** Date that surveys carried out: **September 2021** Sent to DBRC: **n/a**

Species - terrestrial, intertidal, marine	Walkover shows that suitable habitat present and reasonably likely that the species will be found? <u>Tick or cross</u>	Detailed survey needed to clarify impacts and mitigation requirements?	Detailed survey carried out and included ?	Species Present or Assumed to be present on site <u>Indicate with P or A and name the species</u>	Impact on species?	Detailed Conservation Action Statement included?  Sets out actions needed in relation to avoidance / mitigation / compensation / enhancement	EPS offence committed? Three tests met?	Grid reference for specific location of species (if required for large sites)
<b>Bats (roost)</b>	X	No				Hele View has negligible-low suitability, but a precautionary sensitive method of working has been proposed		
<b>Bats (flight line / foraging habitat)</b>		No				Adjacent hedgebank will remain unlit & has the potential to be enhanced		
<b>Dormice</b>	X							
<b>Otters</b>	X							
<b>Great crested newts (*check consultation zone)</b>	X							
<b>Cirl buntings (*check consultation zone)</b>	X							
<b>Barn owls</b>		Yes				Full inspection by licensed surveyor and no evidence recorded. One new barn owl box to be installed.		
<b>Other Schedule 1 birds</b>	X							
<b>Breeding birds</b>		No				Contractors to remain vigilant for the presence of nesting birds and		

						instructions given to retain nests should they be found.		
Reptiles	X							
Native crayfish	X							
Water voles	X							
Badgers	X							
Other protected species	X							
UK BAP priority species	X							
Devon BAP key species	X							
Invasive species	X							

Devon consultation zones for cirl buntings and great crested newts - <http://www.devon.gov.uk/index/wildlife.htm>  
 UK BAP priority species - <http://jncc.defra.gov.uk/page-5717>  
 Devon BAP key species - [http://www.devon.gov.uk/dbap-section\\_e.pdf](http://www.devon.gov.uk/dbap-section_e.pdf) (note that this list is currently being updated)

**A.2 Designations / important habitats / sites of geological importance** (relates to questions 13 b & c in the planning application form)  
 A tick or cross must be placed in all boxes in column two and then, where there is a tick, all other boxes in that row.

Designation	Within site or potential impact. <small>Tick or cross</small>	Name of site / habitat	Detailed Conservation Action Statement included in report ?	Habitat balance sheet included (showing area of habitats lost, gained and overall net gain)	Relevant organisation consulted & response included in the application?
<b>Terrestrial, intertidal, marine</b>					
<b>Statutory designations</b>					
European designations - Special Area of Conservation (SAC), Special Protection Area (SPA) and RAMSAR site or within Greater Horseshoe consultation zone	X		Sufficient information included in order for the LPA to undertake an HRA?		
Site of Special Scientific Interest (SSSIs)	X				
Marine Conservation Zone (MCZ)	X				
Local Nature Reserve (LNR)	X				
<b>Non statutory wildlife designations</b>					
Special Verge	X				
UK BAP Priority habitat	X				
Local Biodiversity Network (mapped by Devon Wildlife Trust / through Green Infrastructure work)	X				
<b>Non statutory geological designation</b>					

County Geological Site (CGS or RIGS)	x				

List of UK BAP priority habitats - <http://jncc.defra.gov.uk/page-5718>

Table headings last updated: 22nd September 2014

# HELE VIEW, CLAYHANGER

## Preliminary Ecological Appraisal

Client: Ms Hazel Walker

Date: October 2021



'Rose Cottage', Chettle, Dorset, DT11 9DB  
[www.greenwood-ecology.co.uk](http://www.greenwood-ecology.co.uk)

### Report Revision Record

Date	Reference	Amendment

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## 1.0 INTRODUCTION

### Background

- 1.1 Greenwood Ecology & Countryside Management was instructed by Ms H Walker (hereafter referred to as 'the applicant') in September 2021 to undertake a Preliminary Ecological Appraisal to inform a planning application for modifications to Hele View and construction of a new annex to the rear of the property.
- 1.2 Mid Devon District Council granted a change of use prior approval for Hele View to be a dwelling under Class Q, reference 20/00599/PNCOU on the 10<sup>th</sup> June 2020. A second application for change of use of land to domestic garden and two buildings for ancillary residential use was granted by Mid Devon District Council on the 10<sup>th</sup> June 2020, reference 20/00607/FUL.

### Site Location & Description

- 1.3 The site location is shown in Figure 1, which also shows the application site boundary & ownership boundary. Hele View is located in agricultural fields on a hillside overlooking Clayhanger, Devon. The Ordnance Survey grid reference for the site is ST 02963 23506 and the postcode is EX16 7NZ.
- 1.4 Hele View sits within a field of improved grassland adjacent to a typical Devon banked hedge. This wider site is surrounded on all sides by heavily managed farmland.

### Development Proposals

- 1.5 Details of the proposed development are shown in detail on the documents & plans provided by APG Design which accompany the application.
- 1.6 In summary, the proposals are to renovate Hele View into a habitable dwelling (already consented) along with the construction of a replacement annexe to the rear. This would involve removal of one of the existing outbuildings and conversion of the other for water storage and/or ancillary residential use. The existing surfaced access track will also be improved.

## 2.0 PLANNING POLICY & LEGISLATION

### Legislation

- 2.1 A range of sites and species that may actually or potentially be relevant to the application site are afforded legal protection under national and international legislation. Further details regarding the legal protection afforded to specific species that may be affected by the proposed development are provided in Section 5.0 where pertinent.

### Biodiversity

- 2.2 Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006 requires the Secretary of State to publish a list (in consultation with Natural England) of habitats and species which are of principal importance for the conservation of biodiversity in England. The Government has a duty to take reasonably practicable steps to further the conservation of the species and habitats that are included in lists published under Section 41.
- 2.3 Biodiversity 2020: A strategy for England's wildlife and ecosystem services sets out the means by which the Government will comply with its duty under Section 41 of the NERC Act to take or promote the taking by others of steps to further the conservation of listed habitats and species, including through the continued implementation of Action Plans.

### Planning Policy

#### National Planning Policy Framework (NPPF)

- 2.4 The NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- “Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

#### Local Planning Policy

2.5 The Mid Devon Local Plan 2013 - 2033 was adopted in July 2020 and guides development within the district. The specific policies relevant to nature conservation and ecology are Policy S1: Sustainable Development Priorities and Policy S9: Environment of which the relevant sections are reproduced below:

##### Policy S1

“The following strategic priorities outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon. All development will be expected to support the creation of sustainable communities by:

L) Minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites.”

##### Policy S9

“Development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets and minimise the impact of development on climate change through:

F) The protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species populations and linking habitats. If significant harm resulting from development cannot be avoided impacts should be adequately mitigated. Compensation measures will only be considered where appropriate as a last resort.”

## 3.0 METHODS

- 3.1 The following chapter outlines the scope of works undertaken and the survey and assessment methods used.

### Desktop Study

- 3.2 The MAGIC website ([magic.defra.gov.uk](http://magic.defra.gov.uk)) was accessed in October 2021 to provide information relating to sites designated for their ecological interest. A data request was also submitted to Devon Biodiversity Records Centre (DBRC) in September 2021.

### Field Surveys

#### Extended Phase 1 Habitat Survey

- 3.3 An Extended Phase 1 Habitat survey (IEA, 1995) was conducted of the application site in September 2021 by Pete Etheridge MCIEEM. The survey covered all parts of the application site and up to 30 m beyond where access was available.
- 3.4 The Phase 1 Habitat survey method (JNCC, 2010) classifies and maps habitats using standard colour codes, with further information provided by means of dominant species codes and descriptive target notes. The potential of the habitats within the survey area to support protected/notable species is also assessed in accordance with the Guidelines for Baseline Ecological Assessment (IEA, 1995).

#### Preliminary Roost Assessment

- 3.5 A Preliminary Roost Assessment was undertaken on 13<sup>th</sup> September 2021 by an experienced & licensed bat ecologist (licence no. 2015-13625-CLS-CLS). The inspection entailed searching Hele View and its outbuildings, both externally and internally, for evidence of roosting bats. As well as an inspection for live bats, other evidence searched for included droppings, urine stains and feeding remains. Potential access and egress points for bats were also noted as well as crevice roosting potential.
- 3.6 The building was then placed in one of the following bat roost potential categories, based on current best practice guidelines (Collins, 2016).

Level of Bat Roosting Potential	Rationale
Confirmed Roost	Presence of bats or evidence of use by bats.
High	Building with features that are highly suitable for roosting bats and with good connectivity to quality foraging habitat, such as woodland or lakes. Building has no evidence of current use by bats.
Moderate	Building with features present that are suitable for roosting bats and with connectivity to foraging habitat. Building has no evidence of current use by bats.
Low	Building with a low number of roosting opportunities and with limited connectivity to foraging habitat. Building has no evidence of current use by bats.

Level of Bat Roosting Potential	Rationale
Negligible	Building with no or very limited roosting opportunities for bats. No evidence of use of bats and where the structure is isolated from foraging habitat.

### Assessment

3.7 Where possible, habitats and species which have the potential to be affected by the proposed development are assigned a level of value as prescribed by The Guidelines for Ecological Impact Assessment (2nd Edition) (CIEEM, 2019). Levels of value are determined based on a geographical scale as follows:

International & European;

National;

Regional;

County;

Local;

Site<sup>1</sup>; and

Negligible<sup>1</sup>.

### Limitations

3.8 Due to the presence of asbestos within Hele View, an internal inspection was undertaken from outside the property and viewed through open windows and doorways. Binoculars were used to search for evidence of bats and/or nesting birds. All interior parts of the building could be viewed, so the lack of access is not considered to pose a constraint to the survey.

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<sup>1</sup> 'Site' and 'negligible' values have been included to help better assess sites of limited biodiversity value.

## 4.0 RESULTS

### Designated Sites

- 4.1 There are no statutory designated sites located within 2 km of the application site and no non-statutory sites within 1 km.
- 4.2 DBRC further confirmed that they also hold no species records from any location within 1 km of the application site.

### Habitats

- 4.3 The application site is dominated by heavily improved/modified grassland that is comprised almost entirely of perennial rye-grass (*Lolium perenne*) and clover (*Trifolium repens*). This is a low value habitat type that is typical of agricultural modification through the use of seeding and artificial fertilisers.
- 4.4 A traditional Devon hedgebank bisects the application site on a north-south axis. The hedge is considered to be defunct and is heavily impacted by grazing livestock which have left large denuded areas of bare soil and a lack of herb/shrub flora. Due to a lack of past ongoing management, the hedgebank is now considered to be a 'line of trees', comprising mature specimens of beech (*Fagus sylvatica*), ash (*Fraxinus excelsior*), oak (*Quercus robur*) and some overstood hazel (*Corylus avellana*).
- 4.5 The application site is considered to be of no more than site value due to the lack of floral diversity and notable habitats. Both the defunct hedge and grassland provide opportunities for ecological enhancement through a more sensitive management regime.

### Species

#### Invertebrates

- 4.6 The lack of habitat diversity within the application site, coupled with its lack of floristic diversity and low sward means that it is unlikely to support important populations of invertebrate species. The site is unlikely to be of more than site value in relation to its invertebrate interest.

#### Amphibians

- 4.7 The application site does not fall within a 'Devon Great Crested Newt Consultation Zone' and there are no standing waterbodies on site or within 250 m. Coupled with the lack of suitable GCN habitat, it is therefore considered that GCN are highly unlikely to be present on site and are therefore not considered further within this report.

#### Reptiles

- 4.8 The grassland within the site does not provide optimal habitat for reptile species due to the heavy grazing regime and lack of a shrub layer within the hedgerow. A reduction in grazing pressure could make it suitable for species such as slow worm (*Anguis fragilis*), although no records of this species within 1km of the application site were returned by DBRC. It is therefore considered that reptiles are unlikely to be present on site.

### Birds

- 4.9 The hedgerow trees that run through the site provide nesting opportunities for a range of common passerine species of bird. The short sward of the site makes it sub-optimal for ground nesting birds such as skylark (*Alauda arvensis*), although their potential presence cannot be ruled out.
- 4.10 No evidence of barn owl (*Tyto alba*) such as pellets, feathers or nesting material was recorded in any of the outbuildings, despite a thorough search by a licensed barn owl surveyor.
- 4.11 It is considered that the site is of no more than site value for birds, although measures are provided in Section 5.0 to ensure compliance with legislation.

### Bats

#### Preliminary Roost Assessment

- 4.12 Photographs of Hele View and its outbuildings are provided at Annex I.
- 4.13 Natural England granted a mitigation licence for the destruction of a 'resting site' for brown long-eared bats (*Plecotus auritus*) for a site approximately 800m to the north of the application site in 2015.

#### Hele View

- 4.14 Hele View is a single storey timber frame dwelling, constructed in the 1930s and has not been occupied since the 1960s. It is now used effectively as a livestock shelter, with no doors preventing livestock access.
- 4.15 The walls of the property are wooden, clad in metal sheeting and it has a single pitched corrugated metal roof. A sloping lean to is present on the northern (rear) aspect of the property. The floor is a suspended wooden structure, although this is now covered in soil and sheep excrement. Internally, thin hardboard has been used to create stud walling, although much of this is in a poor state of repair (presumably due to livestock damage).
- 4.16 No evidence of bat presence (such as droppings, feeding remains or urine staining) was recorded anywhere within Hele View and there are no suitable cavities that could support an important maternity or hibernation roost for bats.
- 4.17 Externally there are a few small gaps between corrugated metal sheeting that provide crevices of a suitable size to be utilised by one or two roosting bats. The exposed nature of the property coupled with the likely high variations in temperature regime (gaps being between metal sheets) mean that these crevices provide sub-optimal roosting conditions.

In line with best practice guidelines (Collins J, 2016), Hele View is considered to be of negligible - low suitability to support roosting bats.

#### Outbuildings

- 4.18 There are three outbuildings within the applicant's ownership which have been assessed collectively due to their similar construction and potential for bats. One of these is outside of the application site and will be unaffected by works.



- 4.19 All three outbuildings are agricultural shelters constructed from single skin corrugated metal sheeting on timber frames. They are open to the elements with no cavities or voids. All three barns are in a poor state of repair with the two nearest to Hele View being in a state of partial collapse. None of the outbuildings provide suitable gaps, crevices, cavities or voids that could be used by roosting bats and are all considered to be of negligible suitability.

Foraging & Commuting Habitat

- 4.20 The line of trees that form the Devon hedgebank may provide a foraging resource and/or bat commuting route, although their exposed position atop a hillside and with limited connectivity to other linear features reduces their suitability.

- 4.21 No Potential Roost Features were recorded in any of the trees that are adjacent to Hele View.

Badger

- 4.22 No evidence of badgers (*Meles meles*) was recorded within the application site.

Dormice

- 4.23 The lack of a viable shrub layer within the hedgerow, coupled with its lack of connectivity to woodland and/or scrub habitats means it is unlikely to support dormice.

## 5.0 DISCUSSION & RECOMMENDATIONS

### Designated Sites

- 5.1 The site is not subject to any designation and there are no designated sites located within 1km. It is therefore concluded that the proposed development work would not result in any impacts on designated sites.

### Habitats

- 5.2 The proposed development would result in a small loss of modified/improved grassland. This is not a priority or rare habitat type and it is likely that conversion of part of the field to a residential garden would increase floral diversity and habitat heterogeneity.

### Bats

- 5.3 Bats are afforded legal protection under the Conservation of Habitats & Species Regulations 2019 (as amended) as well as the Wildlife & Countryside Act 1981 (as amended). This makes it an offence to:

capture, kill, disturb or injure a bat (on purpose or by not taking enough care)

damage or destroy a breeding or resting place (deliberately or by not taking enough care)

obstruct access to their resting or sheltering places (deliberately or by not taking enough care)

possess, sell, control or transport live or dead bats or parts of bats

intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection

- 5.4 Many species of bats are also listed on Section 41 of the NERC Act 2006 as 'species of principal importance'.

- 6.1 The outbuildings have negligible suitability to support roosting bats and their removal or conversion would therefore not result in any negative impacts.

- 6.2 Hele View itself is considered to be of negligible – low suitability, with the recorded gaps/crevices being considered sub-optimal to support roosting bats. Given the low risk of encountering bats, it is recommended that any removal of roofing sheets be undertaken by hand, with the sheets lifted off vertically. In the small chance that bats are encountered whilst works are taking place, work must cease immediately and a suitably qualified & licensed bat ecologist contacted for further advice.

- 6.3 Construction of the replacement annexe would increase the amount of artificial lighting through internal light spill. This would, however, be focussed on the new garden to the rear of Hele View and not on the adjacent hedgebank. Provided that the hedgebank remains unlit, it is unlikely that the proposed development would have a negative impact on bats that may be using this feature or foraging/commuting.

## Birds

- 6.4 All wild birds are afforded legal protection under the Wildlife & Countryside Act 1981 (as amended). Whilst no nesting birds (or evidence of past nesting) was recorded during the site survey, it is recommended that contractors remain vigilant for nesting birds whilst work is being carried out. If nesting birds are recorded, the nest site should be protected and retained until any dependant chicks have fledged (left the nest).

## Biodiversity Net Gain

- 6.5 National Planning Policy and the upcoming Environment Bill require developments to result in a net gain for biodiversity. Whilst this site has not been assessed using the Defra 'Net Gain Metric', adoption of the following options should ensure an overall net gain for biodiversity:

Installation of 2no. integrated bat boxes on the northern (rear) aspect of the replacement annexe. These would be in an unlit location and would provide secure long-term roosting opportunities for bats;

Installation of 1no. barn owl box on one of the mature trees within the Devon hedgebank. This would provide a potential nesting and roosting site for this species;

Exclude grazing livestock from the hedgebank to prevent further damage. Consider removal of two or three of the mature trees to allow more light to fall on the base of the hedgebank and fill in the existing gaps by planting a combination of hazel, hawthorn (*Crataegus monogyna*) and English elm (*Ulmus procera*). This would improve the structure of the hedgerow and provide increased habitat opportunities for a range of species such as invertebrates, birds and bats; and

The grassland within the site is of low ecological value due to its monoculture of rye grass and clover. Opportunities exist to improve the floral diversity through plug planting of species such as yellow rattle (*Rhinanthus minor*) and/or light scarification and scattering of wildflower seed such as Emorsgate EM1 - Basic General Purpose Meadow Mixture.

## REFERENCES

Collins, J (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> Edition). The Bat Conservation Trust, London.

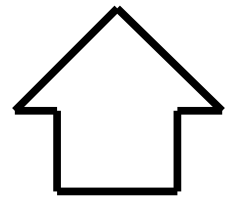
English Nature (2004) Bat Mitigation Guidelines

HMSO (2019). The Conservation of Habitats and Species Regulations 2019 (as amended).

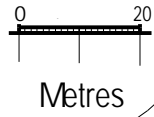
Wildlife and Countryside Act 1981 (as amended)

## Annex I: Site Location Plan

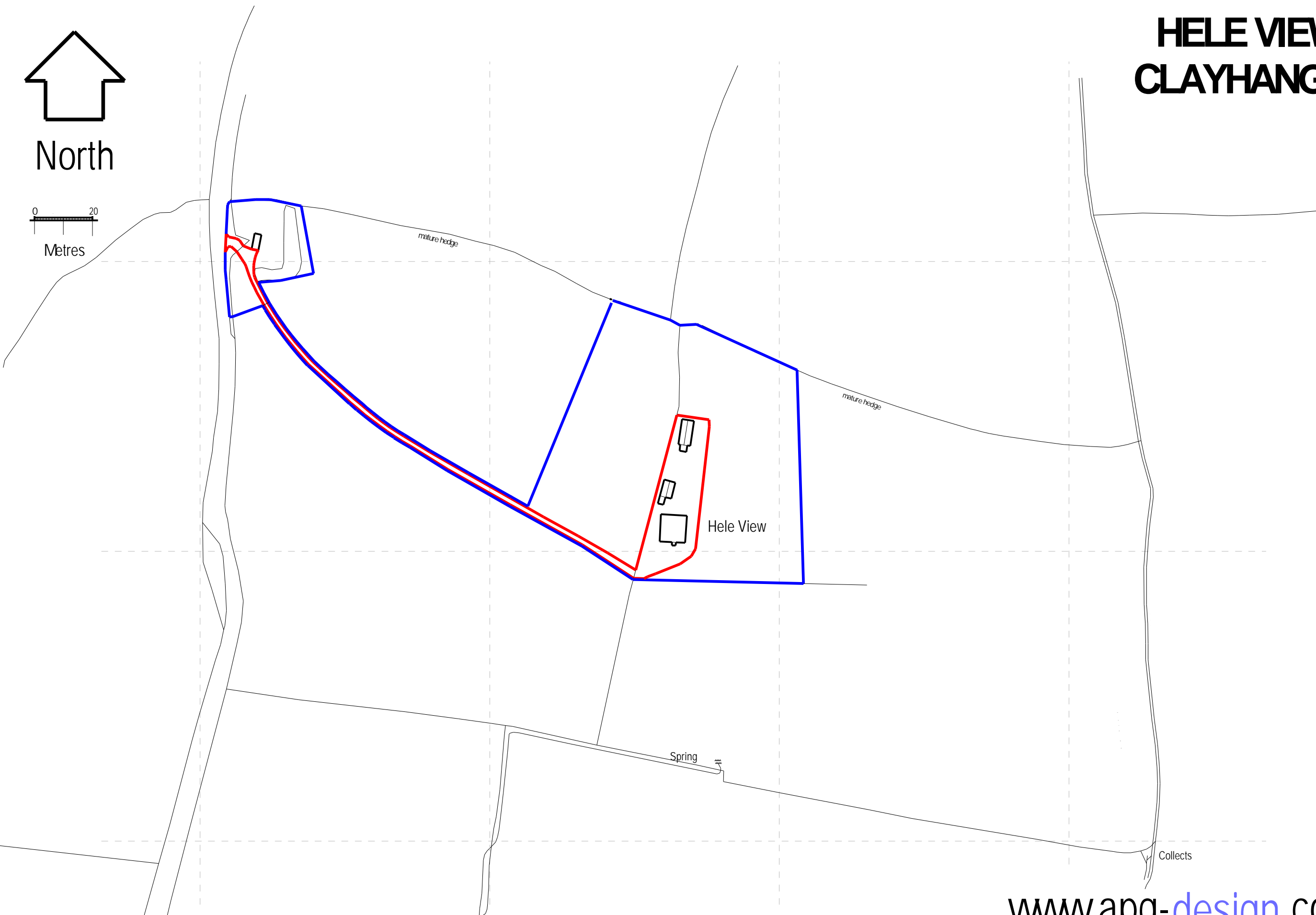
# HELE VIEW CLAYHANGER



North



Metres



L O C A T I O N P L A N 1 : 1 2 5 0



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alex p gath

collaborative planning and design

## Annex II: Site Photographs



Photograph 1: Hele View from the front (south)



Photograph 2: Hele View from the rear (north)





Photograph 3: Interior of Hele View







Photographs 4a & 4b: Outbuilding 1 (to be replaced with new annexe)



Photograph 5: Outbuilding 2 (to be converted into water storage/ancillary usage)



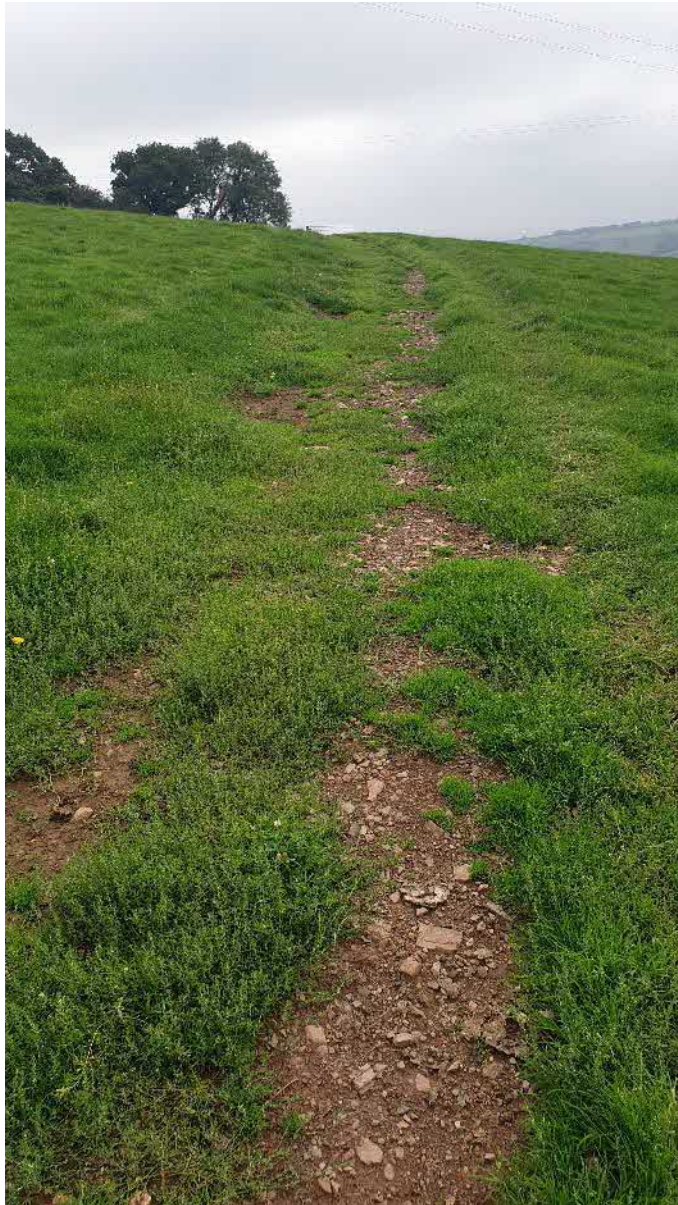


Photograph 6: Outbuilding 3 (outside of application site; to be retained)



Photograph 7: Devon hedgebank showing livestock damage and exposed roots





Photograph 8: Existing farm access track to be improved