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Client: B. Tancock

South West Ecology

Ecology Report

The Robins - garages

Disclosure

The information, opinion, and advice which I have prepared and provided is true and has been prepared and provided in accordance with the CIEEM's Code of Professional Conduct and the British Standard for Biodiversity – Code of Practice for Planning and Development (2013). I confirm that the opinions expressed are my true and professional bona fide opinions.

SWE
T: 07931 332925
E: steve@swecology.co.uk

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1.0 INTRODUCTION

1.1 Background

SWE was commissioned by B. Tancock to undertake an ecological assessment of two garages at The Robins, Luppitt, Devon, EX14 4TR (Ordnance Survey grid reference ST184041 – see Figure 1). The survey was required to support a planning application for demolition of the buildings and their replacement with a single double garage. The Devon Wildlife Checklist is appended to this report.

Figure 1. Location of the garages. GoogleEarth June 2022.

1.2 Report Purpose

The purpose of this report is:

- to report on the results of a Potential Roost Assessment (PRA) of the garages;
- to identify ecological constraints in relation to the proposal;
- to identify further surveys that may be required i.e. for roosting bats;
- to identify mitigation measures required to ensure compliance with nature conservation legislation; and
- identify appropriate and proportionate biodiversity enhancement and compensation measures to ensure a biodiversity net gain.

This report was written in accordance with the guidance produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) 2017[1] and Bat Conservation Trust (BCT) 2023[2].

1.3 Report Lifespan

In accordance with CIEEM guidance[3] this report, and the results of the ecological survey contained within, remains valid for 12 months.

1.4 Author

The author of this report, Dr S. Holloway, has over twenty-five years' professional experience of ecology, environmental management, and nature conservation in the private, public, and voluntary sectors. Dr Holloway is a full member of CIEEM and is a Chartered Environmentalist (CEnv).

All work was undertaken in accordance with CIEEM recommendations, the most up-to-date and relevant survey guidance available at the time, and in compliance with BS:42020:2013 Biodiversity. Code of Practice for Planning and Development.

[1] CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester.
[2] Bat Conservation Trust. 2023. Bat Surveys for Professional Ecologists. Good Practice Guidelines. 4th Edition.
[3] CIEEM. 2019. On the Lifespan of Ecological Reports and Surveys. Advice Note. April 2019.

2.0 RELEVANT LEGISLATION AND POLICY[4]

2.1 Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb[5] wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time). Species include all bats.

The Habitats Regulations 2017 will continue to implement the Habitats Directive and certain elements of the Birds Directives in England. The Habitats Regulations 2010 have been amended ten times since they were last consolidated (in 2010).

2.2 Wildlife & Countryside Act 1981

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take *any* wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act e.g. all bat species;
- Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; or

[4] Please note that the summary of relevant legislation provided here is intended for general guidance only. The original legislation should be consulted for definitive information.

[5] Disturbance, as defined by the Conservation of Habitats and Species Regulations 2010, includes in particular any action which impairs the ability of animals to survive, breed, rear their young, hibernate or migrate (where relevant); or which affects significantly the local distribution or abundance of the species.

- Intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection.

2.3 Natural Environment & Rural Communities (NERC) Act 2006

The NERC Act 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.

2.4 National Planning Policy Framework (NPPF)

The NPPF (2021) includes the Government's national planning policy guidance on the protection of biodiversity. The NPPF sets out the role that the planning system has to play in the protection of biodiversity in relation to the natural environment. The following section details the most relevant biodiversity guidance to the proposed Development.

Paragraph 174 states that "The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites for biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services;
- minimising impacts on and providing net gains for biodiversity…;

Paragraph 180 states that 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), 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 reasons63 and a suitable compensation strategy exists; and

D) development whose primary objective is to conserve or enhance biodiversity should be supported; while 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 where this is appropriate.

2.5 Government Circular 06/20059

The Government Circular 06/20059 remains valid despite the cancellation of the former Planning Policy Statement 9 (PPS9) which it accompanied, and which was replaced by the NPPF. Of relevance to this site, the circular advises that potential effects of a development on priority habitats or species (i.e. Habitats and Species of Principal Importance – see below) are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions.

2.6 Species and Habitats of Principal Importance

Hedgerows are a National Biodiversity Action Plan Priority Habitat. Through Section 41 of the Natural Environmental and Rural Communities Act, 2006, local planning authorities have a duty to consider habitats and species listed within the national biodiversity action plan (priority species and priority habitats) and local BAPs when considering a planning application. BAP habitats and species are also a material consideration in the planning process under the National Planning Policy Framework (NPPF) [6].

Section 41 of the Act requires the publication of a list of species which are of principal importance for the purpose of conserving biodiversity. The Section 41 list is used to guide authorities in implementing their duty to have regard to the conservation of biodiversity.

[6] Department for Communities and Local Government. 2019. *National Planning Policy Framework*.

3.0 METHODOLOGY

3.1 Biodiversity Information

An online search for biodiversity data relevant to the proposal was undertaken on the 25th October 2023. The data search consisted of statutory designated sites within 0.5 km of the buildings with emphasis placed on bats[7].

3.2 PRA

A Preliminary Roost Assessment (PRA) of the buildings was undertaken on the 23rd October 2023 in line with Bat Conservation Trust (BCT, 2016)[8] guidance. The PRA involved a detailed external and internal inspection to compile information on the potential and actual bat entry/exit points; potential and actual bat roost locations; and evidence of bats such as droppings. The weather at the time of survey was overcast, 12°C, with F0 winds.

The exterior of the buildings was visually assessed for potential bat access points and evidence of bat activity, using binoculars where necessary. Features, such as small gaps/ crevices beneath eaves, along the ridges or within the stonework; lifted or missing tiles; or gaps around doorways which had potential as bat access points into the building were sought. Evidence that these potential access points were actively used by bats typically would include staining within gaps and/ or bat droppings or urine staining under gaps and/ or on walls. These signs were recorded wherever they were present. The presence of cobwebs and general detritus within the features were also recorded as these indicate that potential access points were likely to be inactive.

The internal spaces were assessed for evidence of bat activity, or potential roost features. Evidence, including droppings and urine staining, was sought beneath features that bats may use for roosting and/ or as an access point. Features included gaps within mortise joints, above beams and lintels and gaps within walls. The presence of a bat roost is typically indicated by the presence of live/ dead bats; a concentration of, or scattered bat droppings; food remains, for example moth and butterfly wings; scratch marks; and fur, or urine stains.

[7] Statutory designated sites include those protected under national or international legislation, such as Sites of Special Scientific Interest (SSSI). Non-statutory sites include Local Wildlife Sites (LWS) and County Wildlife Sites (CWS).
[8] Collins 2016. Bat Surveys for Professional Ecologists. Good Practice Guidance. 3rd Edition.

The buildings were assessed for their potential to support roosting bats, with the buildings categorised according to the description shown in Table 1 below.

A Clulite red-filtered torch, a Pulsar Helion 2 XP50 Pro thermal camera, angled mirror, and close-focussing binoculars were used as required during the survey.

Table 1. Description of the categories used to classify bat roost potential and the survey effort required[9].

Potential suitability	Description	Survey effort required to determine the likely presence or absence of bats
None	No features likely to be used by any roosting bats at any time of year i.e. a complete absence of crevices/suitable shelter at all ground/underground levels.	No further surveys required.
Negligible	No obvious features likely to be used by roosting bats; however, a small element of uncertainty remains.	No further surveys required.
Low	A structure with one or more potential roost features that could be used by individual bats opportunistically at any time of year. However, these potential sites do not provide enough space, shelter, protection and /or appropriate conditions to be used on a regular basis by larger numbers of bats.	One dusk emergence survey between May and August (but only if features will be affected by the proposals).
Moderate	A structure with one or more potential roost features that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status.	Two dusk emergence surveys between May and September with at least one survey between May and August (but only if features will be affected by the proposals).
High	A structure with one or more potential roost features that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat. These structures have the potential to support high conservation status roosts i.e. maternity or a hibernation site.	Three dusk emergence surveys between May and September. Two surveys must be within the May – August period.
Confirmed	Contains features confirmed to be used by roosting bats either by historic records or evidence recorded during the survey.	Surveys required to establish the status of the roost. Three dusk emergence surveys between May and September. Two surveys within the optimum period (May – August).

[9] Bat Conservation Trust. 2013. Bat Surveys for Professional Ecologists. Good Practice Guidelines. 4th Edition.

A search for historic evidence of nesting birds (e.g. active nests, feathers, old nesting material, eggs or pellets) was conducted during the PRA.

3.3 Limitations

This report is based on the evidence recorded at the site at the time of the survey.

Bats and birds are highly mobile species groups and therefore the findings and assessments provided should be regarded as a ‘snapshot’ of activity during part of the season.

4.0 RESULTS

4.1 Biodiversity Information

The buildings are within the Impact Risk Zone (IRZ) for Hence Moor Site of Special Scientific Interest (SSSI). The buildings are *c*. 2.67 km southeast from the designated site. *Hence Moor includes some of the best remaining examples of lowland mixed valley bog in Devon, and is typical of this habitat in south-western England* (SSSI Citation Sheet).

4.2 PRA Results

The garages are located within a garden. There are overgrown hedges to the north and east consisting of Leylandii, beech, hawthorn, and ivy. The wider landscape consists of gardens, grassland fields bounded by hedgerows with trees, and broadleaved woodlands. The local landscape has high potential for commuting and foraging bats.

The details of the PRA are provided in Table 2.

Table 2. Building description and protected species evidence	
Photos	**Description**
Garage 1 – south and west elevations  **Garage 1 – internal view** 	A small garage that is in a very poor state of repair. Constructed of concrete sheet sides with a metal garage door to the west elevation. Windows, partially glazed to the south and east elevations. The pitched roof consists of a steel frame with unlined asbestos sheeting. There are no features suitable for roosting bats within or on the garage. No evidence of roosting bats was found. The garage is open, well-lit throughout, and has poor thermodynamic properties. The garage was classified as having **Negligible potential for roosting bats.** The garage is unsuitable for barn owl. No evidence of nesting birds was found within or on the garage. The garage is partially overgrown with ivy – it is possible birds nest within the ivy.
Garage 2 – southwest elevation  **Garage 2 – internal view** 	A garage constructed of concrete sheet sides with a metal and a timber garage door to the northwest elevation. Timber cladding above the garage doors. Glazed windows. Used as a workshop so high disturbance levels. The pitched roof consists of a steel frame with unlined asbestos sheeting. There were no features suitable for roosting bats within the garage. No evidence of roosting bats was found. The garage is open, well-lit throughout, and has poor thermodynamic properties. The garage was classified as having **Negligible potential for roosting bats.** The garage is unsuitable for barn owl. No evidence of nesting birds was found on or within the garage.

5.0 ASSESSMENT

The results of the field survey were assessed in accordance with current legislation and policy. A proportionate approach was taken in relating the findings to the proposed conversion.

5.1 Designated Sites

Although within the IRZ for Hence Moor SSSI the proposed demolition of the two garages and new garage would not impact on the integrity of the SSSI.

5.2 Roosting Bats

The garages contained no evidence of roosting bats and had negligible potential for roosting bats. Given the lack of features suitable for roosting bats no **further survey, mitigation, or compensation measures are required regarding bats and the proposed demolition and new build.**

Regardless of the lack of evidence or suitability of the buildings for roosting bats the following should be noted:

- If at any point during the works bats are discovered, contractors should stop work immediately and telephone SWE on 07931 332925.
- SWE will either provide a licensed bat ecologist to the site or liaise directly with Natural England. Actions will then be taken following advice given by Natural England. This may include removal of bats, but only where direct written or verbal permission is gained from Natural England.
- Only when Natural England is satisfied that the risk to bats is no longer an issue will works recommence.
- Should it be found that the operation being carried out is of more risk to bats than was originally thought, then it is likely that works will only be able to proceed under a development licence from Natural England.
- If a bat is found on or within a feature, works will stop immediately (as above). If the bat does not voluntarily fly out, then the feature will be carefully covered over to protect the bat(s) from the elements, leaving a small gap for the bat to escape voluntarily. Further advice will then be sought from Natural England (as above). Any covering should be free from grease or other contaminants and should not be fibreglass-based materials.

- Avoid handling bats. Bats should not be handled with bare hands. If a decision is made to handle a bat (e.g. for good reason in the case of an injured bat or a bat in 'harm's way') then gloves must be worn to avoid being bitten. Any injured bats could be placed in a secure ventilated box (e.g. cardboard box) with a piece of clean cloth by the contractor for the bat's protection whilst awaiting the arrival of the bat ecologist.
- If during works anyone is bitten by a bat, then the area of the bite should be washed immediately with soap and water and medical advice sought.

The barns are located within a landscape suitable for bats. It is therefore recommended that 1 no. bat box is included within the new garage plans. A suitable bat box would be the Elisa Bat Box (available at nhbs.com – see Figure 2) or equivalent. The box should be located away from artificial light sources and placed on the southeast gable end just under the roof apex.

5.3 Nesting Birds

No evidence of nesting birds was found in or on the garages. The ivy covering part of garage 1 could contain nesting birds. No further survey for nesting birds is needed, however mitigation and compensation measures will be required.

The removal of the ivy covering part of garage 1 will not take place between 1st March and 31st August inclusive, unless a careful, detailed check for active birds' nests has been conducted immediately beforehand and/or that there are appropriate measures in place to protect nesting bird interest (as per BS 42020:2013). Any birds nesting must be left to complete breeding (i.e. until all dependant juveniles have fledged) with a suitable buffer being put in place and clearly marked to reduce disturbance potential.

Compensation for nesting birds as part of the planning application should comprise of 2 no. Vivara Pro Woodstone House Sparrow Nest Boxes (double chamber)[10] or equivalent (Figure 3). The boxes should be located as high as possible to the northeast elevation of the new garage.

[10] https://www.nhbs.com/vivara-pro-woodstone-house-sparrow-nest-box?bkfno=210670

Figure 2. Elisa Bat Box.

Figure 3. Vivara Pro Woodstone House Sparrow Nest Box.

6.0 CLOSURE

This report has been prepared by SWE Limited with all reasonable skill, care, and diligence, and taking account of the manpower and resources devoted to it by agreement with the client. Information reported herein is based on the interpretation of data collected and has been accepted in good faith as being accurate and valid.

The information presented in this report provides guidance to reduce the risk of offences under UK law. However, SWE is not a legal practice and disclaims any responsibility to the client and others for actions that lead to offences being caused, whether or not the guidance contained in this report is followed. Interpretation of UK legislation is presented in good faith; however, for the avoidance of doubt, we recommend that specialist legal advice is sought.

This report is for the exclusive use of B. Tancock; no warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SWE.

SWE disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of the work.

APPENDIX 1. DEVON WILDLIFE CHECKLIST

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

Location: The Robins, Luppitt, Devon, EX14 4TR

Grid reference for centre of site: ST184041

Planning App reference: unknown

Name of surveyor and consultancy: Dr S. Holloway, SWE

Date that surveys carried out: 23.10.23

Sent to DBRC: N

Species - terrestrial, intertidal, marine	**Walkover shows that suitable habitat present and reasonably likely that the species will be found?** Yes or cross	**Detailed survey needed to clarify impacts and mitigation requirements?**	**Detailed survey carried out and included ?**	**Species Present or Assumed to be present on site** Indicate with P or A and name the species	**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)**
Bats (roost)	x							
Bats (foraging, flight line)	x							
Dormice	x							
Otters	x							
Great crested newts *(*check consultation zone)*	x							
Cirl buntings (*check consultation zone)	x							
Barn owls	x							
Other Schedule 1 birds	x							
Breeding birds	y	Not required	N/A	A - various	Potential to disturb, injure, kill nesting birds during removal of ivy covering	Mitigation and compensation measures detailed within section 5.3 of this report.	N/A	N/A

					garage 1. Loss of nesting features.			
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 (note that this list is currently being updated)**

A.2 Designations / important habitats / sites of geological importance

Designation **Terrestrial, intertidal, marine**	**Within site or potential impact.** Tick or cross	**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?**
Statutory designations					
European designations - Special Area of Conservation (SAC), Special Protection Area (SPA) and RAMSAR site or within Greater Horseshoe consultation zone	x				
Site of Special Scientific Interest (SSSIs)	x				
Marine Conservation Zone (MCZ) (*not before 2012)*	x				
Local Nature Reserve (LNR)	x				
Non statutory wildlife designations					
County Wildlife Site (CWS)	x				
Ancient Woodland	x				
Ancient Trees	x				
Special Verge	x				
UK BAP Priority habitat	x				
Local Biodiversity Network (mapped by Devon Wildlife Trust / through Green Infrastructure work)	x				
Non statutory geological designation					
County Geological Site (CGS or RIGS)	x				