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Client: A. Vickery



Ecology Report



Oak Tree House

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.

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1.0 INTRODUCTION

1.1 Background

SWE Limited was commissioned by A. Vickery to undertake an ecological assessment of Oak Tree House, Old Ebford Lane, Ebford, Exeter, EX3 0QR (Ordnance Survey grid reference SX981876– see Figure 1). The survey was required in relation to a proposal to demolish the current dwelling and replace it with a new dwelling. The new dwelling would have a larger footprint (as per Drawing No. 277 1 01, Rev E; Darrell Willcocks). The Devon Wildlife Checklist is appended to this report.

Figure 1. Location of the current house (red line) and approximate extent of proposed house (blue line).



1.2 Report Purpose

The purpose of this report is:

- to report on the results of a Potential Roost Assessment (PRA) and Preliminary Ecological Appraisal (PEA);
- to identify ecological constraints in relation to the proposal;
- to identify further surveys that may be required i.e. for protected species;
- 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) 2017¹.

1.3 Report Lifespan

In accordance with CIEEM guidance² 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 CIEEM. 2019. On the Lifespan of Ecological Reports and Surveys. Advice Note. April 2019.

2.0 RELEVANT LEGISLATION AND POLICY³

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 disturb⁴ 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

³ 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.

⁴ 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)⁵.

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.

⁵ Department for Communities and Local Government. 2019. *National Planning Policy Framework*.

3.0 METHODOLOGY

3.1 Historical Biodiversity Information

An online search for biodiversity data relevant to the proposal was undertaken on the 19th May 2023. The data search consisted of statutory designated sites⁶. Online data was accessed from MAGIC⁷.

3.2 PEA

A PEA assessment of the Site was conducted on 11th May 2023. The weather at the time of survey was 16°C, sunny, with F1 winds (wind speed is categorised in accordance with the Beaufort Scale⁸). The survey was undertaken in the area shown on Figure 1.

The PEA was informed by an 'extended' Phase 1 Habitat Survey which was conducted in line with CIEEM guidance (2017⁹). The field methodology was based on the Joint Nature Conservation Committee (JNCC, 2010¹⁰) advice. All principal habitats within the Site were mapped and the presence or potential for presence of protected and / or notable species noted.

3.3 PRA

A Preliminary Roost Assessment (PRA) of the dwelling was undertaken on the 11th May 2023 in line with Bat Conservation Trust (BCT, 2016)¹¹ 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 sunny, 16°C, with F1 winds.

The exterior of the building was visually assessed for potential bat access points and evidence of bat activity, using binoculars where necessary. Features, such as small gaps/ crevices

⁶ 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).

⁷ <http://www.natureonthemap.naturalengland.org.uk/magicmap.aspx>

⁸ The Beaufort scale measures wind speed on a twelve point scale from zero (calm) to 12 (hurricane).

⁹ CIEEM 2017. Guidelines for Preliminary Ecological Appraisal. 2nd Edition. Technical Guidance Series.

¹⁰ Joint Nature Conservation Committee. 2010. Handbook for Phase 1 Habitat Survey. A Technique for Environmental Audit.

¹¹ Collins 2016. Bat Surveys for Professional Ecologists. Good Practice Guidance. 3rd Edition.

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 space was 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.

The building was assessed for its potential to support roosting bats, with the building categorised according to the description shown in Table 1 below.

A search for historic evidence of nesting birds (e.g. active nests, feathers, old nesting material, eggs or pellets) was conducted during the PRA. The immediate surrounds of the building were also assessed for evidence or potential for protected species.

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 building bat roost potential and the survey effort required.

Bat Roost Potential	Description	Survey effort required to determine the likely presence or absence of bats
Negligible	Negligible features likely to be used by roosting bats.	No further surveys required.
Low	A structure with one or more potential roost features that could be used by individual bats opportunistically. 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 or two dusk emergence and/or pre-dawn surveys between May and September (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 of three dusk emergence and/or pre-dawn surveys between May and September (but only if features will be affected by the proposals).

Bat Roost Potential	Description	Survey effort required to determine the likely presence or absence of bats
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.	Three dusk emergence and/or pre-dawn surveys. Optimum period – May – August. Two surveys within the optimum period. At least one surveys should be a pre-dawn survey.
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. Generally, three dusk emergence and/or pre-dawn surveys. Optimum period – May – August. Two surveys within the optimum period. At least one surveys should be a pre-dawn survey.

3.4 Limitations

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

The scope of the habitat survey did not attempt to quantify the absolute number of plant species present within the site and did not include a survey for lower plants. This is in accordance with best practice guidance for Phase 1 Habitat Surveys.

This ecological appraisal does not include a search for Tree Preservation Orders (TPO's) or Conservation Area status.

Data from biological records centres or online databases is historical information, and datasets may be incomplete or inaccurate. It is important to note that a lack of records for a defined geographical area does not necessarily mean that a given species is absent: the area may simply be under-recorded.

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

The dwelling is located within manicured grounds consisting of closely mown lawn, low planted ornamental borders, small ornamental trees, and areas of paving, decking, and permeable hardstanding (Figures 2 and 3). The grounds held negligible ecological interest and would not support protected and / or notable species.

The wider landscape consisted of residential dwellings with gardens, small broadleaf woodlands, fishing ponds, and agricultural fields bounded by hedgerows. The landscape had high suitability for commuting and foraging bats.

There are no statutory or non-statutory conservation sites of bat interest within 0.5 km of the dwelling. The Exe Estuary Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) is just over 0.5 km to the west of the dwelling.

The dwelling is within a Special Area of Conservation (SAC) Recreation Zone for Dawlish Warren (10 km buffer) and SPA Recreation Zone Exe Estuary (10 km buffer).

The dwelling is within a Great Crested Newt Consultation Zone.

Figure 2. Gardens to northeast of the dwelling.



Figure 3. Gardens to the south of the dwelling.



The details of the PRA are provided in Table 2.

Table 2. Building description and protected species evidence	
Photos	Description
<p>The northwest elevation</p>	<p>A large dwelling consisting of a ground floor and rooms to the roof space. The dwelling was occupied with all rooms unsuitable for protected species.</p> <p>The dwelling was constructed of block and external brickwork with window and door frames in an excellent condition with no ingress points for bats or birds. The dormer windows were also in an excellent condition with no gaps suitable for protected species ingress. There was external timber to some wall elevations – this was in a good condition with no gaps suitable for bat or bird ingress. The barge boards and eaves were sealed to the walls with plastic mesh.</p> <p>The timber framed roof was overlaid with cement tiles and ridge tiles which were in a good condition</p>

Table 2. Building description and protected species evidence

The southeast elevation



with no discernible gaps. No external evidence of bat or bird use of the dwelling was found.

The roof space timbers were complex, and the roof insulated with Rockwool and the tiles were underlaid with roofing felt. The roof space was very clean with light cobwebbing to the ridge beams. No evidence of roosting bats or nesting birds was found within the roof space.

Internal view of part of the roof space



Given the findings of the survey the dwelling was classified as having **negligible potential for roosting bats and nesting birds.**

5.0 ASSESSMENT

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

5.1 Designated Sites

The proposed demolition of the dwelling and construction of a new dwelling, part of which will be within a manicured garden, would not directly impact on any site designated for nature conservation due to the small scale of the works, that it involves a dwelling and garden, and the distance of the dwelling from any designated site. Furthermore, the proposal would not impact on the 10 km buffer zones for Dawlish Warren or Exe Estuary.

The site is considered unsuitable habitat for great crested newts.

5.2 Habitats

The proposal would impact on a manicured garden of negligible ecological interest. However, a proportionate level of biodiversity enhancement should be provided within the grounds of the property, for example through the planting of an area with native shrubs and trees.

5.3 Roosting Bats

The building had negligible potential for roosting bats. No evidence of roosting bats was found. **No further survey, mitigation, or compensation measures for bats are required regarding the proposed works.**

The proposed dwelling should have features built within the fabric of the walls to provide roosting opportunities for bats. It is recommended that two integrated bat boxes are built into the dwelling walls. The type of box will depend on the materials used for the walls and would comprise of a bat block which includes inbuilt roosting provision. The bat blocks must be located as high as possible and be away from artificial light sources. Ideally one block should be located within an east facing wall and one to a south facing wall.

5.4 Nesting Birds

No evidence of nesting birds was found. No **further survey, mitigation, or compensation measures for nesting birds are required regarding the proposed works.**

Enhancement for nesting birds as part of the planning application may comprise of 2 no. Vivara Pro Woodstone House Sparrow Nest Boxes (double chamber)¹² or equivalent. The boxes should be located at least 3 m above the ground to the north or east elevation of the proposed dwelling.

¹² <https://www.nhbs.com/vivara-pro-woodstone-house-sparrow-nest-box?bkfno=210670>

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 A. Vickery; 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: Oak Tree House, Old Ebford Lane, Ebford, Exeter, EX3 0QR

Grid reference for centre of site: SX981876

Planning App reference: unknown

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

Date that surveys carried out: 11.05.23

Sent to DBRC: N

Species - terrestrial, intertidal, marine	Walkover shows that suitable habitat present and reasonably likely that the species will be found? <u>Yes 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)
Bats (roost)	x							
Bats (foraging, flight line)	x							
Dormice	x							
Otters	x							
Great crested newts (<i>*check consultation zone</i>)	x							
Cirl buntings (<i>*check consultation zone</i>)	x							
Barn owls	x							
Other Schedule 1 birds	x							
Breeding birds	x	Not required						
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 (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 Terrestrial, intertidal, marine	Within site or potential impact. <u>Tick or cross</u>	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) (<i>not before 2012</i>)	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				
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