

Bridge End, Newton Poppleford, Devon

Ecological Impact Assessment (Bats and Birds)

October 2023

A report on behalf of Bell Cornwell

Ref: 2103-EcIA-RB

Site Details

Site Name	Bridge End
Site Location	Newton Poppleford, Devon
Central OS Grid Reference	SY 0914 8983
Client	Bell Cornwell

Quality Assurance

Report Title	Ecological Impact Assessment (Bats and Birds)
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Approved By	N/A

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Executive Summary







This report presents the results of an Ecological Impact Assessment (Bats and Birds) at Bridge End, Newton Poppleford, Devon (central OS grid reference: SY 0914 8983) in relation to an outline planning application for demolition of an existing barn and construction of a new dwelling within the same footprint.

A desk study, building assessment and walkover survey were undertaken in 2023 to provide baseline data for the Site and assess the ecological implications of the development.




The Site is approximately 0.24 hectares (ha) and comprised a barn and smaller delapidated shelters, with areas of hardstanding and mixed scrub, hedgerows and lines of trees. The invasive non-native species Himalayan balsam is present in the south of the Site. The main barn had negligible bat roosting potential, as did other smaller structures on site. However, there was evidence of nesting birds in the main barn. The surrounding vegetation was likely to support breeding birds and reptiles, and a large rubble pile on Site also provides potential habitat for reptiles. The Site lies adjacent to the east of the River Otter, though no evidence of riparian mammals was identified on Site. The Site lies within the 10km consultation zone for the East Devon Pebblebed Heaths SPA.

The development will result in the loss of swallow nesting sites, due to the demolition of the building. Vegetation clearance on Site will be minimal. Consultation with Natural England concerning a possible European Protected Species (EPS) Licence (Bats) **will not be** required before commencement of works.

The following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:

-  A financial contribution toward the East Devon Pebblebed Heaths strategic mitigation will be required.
-  A 10m riparian zone buffer will be protected with temporary weld mesh fencing during construction and no impacts to the river or 10m riparian zone will take place including landscaping during operation.
-  The main building will be demolished between September and February inclusive, or with a pre-works check for breeding birds. Any active nests will be retained until all chicks have fledged.
-  A comprehensive drainage strategy will be required to avoid impacts through pollution and run-off into the River Otter.
-  Care will be taken to avoid the spread of the non-native invasive species Himalayan balsam.
-  New planting will include native species and those listed by RHS Plants for Pollinators.

Recommendations have been provided in order to enhance the Site for biodiversity post-development, comprising:

-  One bat box will be installed on the south or west elevation of the new building.
-  One bird box will be installed on the north or east elevation of the new building.
-  One bee brick will be installed on the south elevation of the new building.

Ecological consultant: Louise Woolley		
Date: 10/10/2023		

1. Impact assessment / survey effort		
Has the impact assessment / survey been done within the last 12 months <u>and</u> does it meet national guidance requirements? If there have been any deviations from national guidance, please select No in the right-hand column.	Yes <input checked="" type="checkbox"/> Dates: 08/09/2023	No <input type="checkbox"/>
2. Ecological impacts		
2a. Proposal impacts on bats / birds and mitigation measures are specified.	Yes (conditions needed) <input type="checkbox"/> No (no conditions needed) <input checked="" type="checkbox"/>	
2b. Proposal has other ecological impacts which the LPA needs to consider.	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
2c. Is the proposal likely to result in an offence under the Conservation of Habitats and Species Regulations?	Yes (go to 2.d) <input type="checkbox"/> No (go to 2.e) <input checked="" type="checkbox"/>	
2d. If YES (an offence IS likely) Could the works be undertaken, under a Low Impact Class Licence i.e.: <ul style="list-style-type: none"> • Three or fewer roosts are impacted by the proposals, and • The proposal will have a low or temporary impact, and • The proposal only effects: <ul style="list-style-type: none"> - Low conservation status roosts for low numbers of: common pipistrelle, soprano pipistrelle, brown long-eared, whiskered, Brandt's, Daubenton's Natterer's and/or - Feeding, day, night and/or transitional roosts for low numbers of serotine and/or - Day and/or transitional roosts for low numbers of lesser horseshoe. 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2e. If NO (an offence is NOT likely) Does the roost meet any of the following criteria: <ul style="list-style-type: none"> • maternity or hibernation roost • greater horseshoe bat roost • grey long-eared bat roost • more than three species of bat found in small numbers 	No (none are met) <input checked="" type="checkbox"/>	Yes (one or more are met) <input type="checkbox"/>
2f. Does the proposal potentially impact on barn owls?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
3. Expertise		
Are you, the ecological consultant, registered under either the Level 1 or the Level 2 Bat Survey Class Licence?	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
Are you a member of CIEEM or a Registered Consultant under Annex B of the Low Impact Class Licence for bats (or under Annex C or D for a serotine or lesser horseshoe roost where relevant)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Contents

1	Introduction	1
2	Methods	1
2.1	Desk Study	1
2.2	Walkover Survey	1
2.3	Bat Survey	1
2.4	Nesting Bird Survey	2
2.5	Survey Limitations	2
3	Results	2
3.1	Desk Study	2
3.2	Habitats	3
3.3	Bat Survey	3
3.4	Nesting Bird Survey	7
3.5	Other Protected/ Notable Species	7
4	Further Survey Work	7
5	Evaluation and Mitigation Recommendations	7
5.1	Designated Sites	7
5.2	Habitats	7
5.3	Bats	8
5.4	Nesting Birds	8
5.5	Other Protected/ Notable Species	8
6	Enhancements	9
7	Conclusions	9
8	References	10

Figures

- 1: Building Locations
- 2: Mitigation and Enhancement Plan

Appendices





Appendix 1 – Protected Species Legislation	13
Appendix 2 – Species Mentioned In Text	16

1 INTRODUCTION

This report presents the results of an Ecological Impact Assessment (Bats and Birds) at Bridge End, Newton Poppleford, Devon (central OS grid reference: SY 0914 8983) in relation to a proposed planning application for demolition of an existing barn and construction of a new residential building. The surveys were commissioned by Bell Cornwell.

The area within the application boundary is hereafter referred to as the 'Site'.

This report details the results of a desk study, building inspection for bats and birds and Site walkover, and aims to:

-  Identify any existing bat roosts within the building or any potential features which may provide roosting opportunities for bats and identify any evidence of nesting birds;
-  Ascertain whether the proposals will affect protected species, specifically bats and nesting birds;
-  Identify and describe the surrounding habitats and species in the wider Site and assess the ecological value of these features;
-  Provide recommendations for further survey, licensing, mitigation and enhancement opportunities, as applicable, in accordance with relevant planning policy, legislation and other published guidance.

Relevant planning policy and wildlife legislation is provided in **Appendix 1**.

The **Checklist for 'Devon Householder / Building Applications with only bat roost / bird nesting issues'** has been provided at the front of this report.

2 METHODS

2.1 Desk Study

An internet search was undertaken to identify statutory sites designated for nature conservation value within a 2km radius of the Site boundary and for National Site Network sites within 10km, using the Government's mapping website MAGIC (www.magic.gov.uk). Devon Environment Viewer was assessed for SAC Consultation Zones. A search was also made of MAGIC for European Protected Species (EPS) licenses for bats, dormice and reptiles issued by Natural England in the surrounding area since 2008.

2.2 Walkover Survey

A site walkover was undertaken on 08 September 2023 by Louise Woolley BSc (Hons) MCIEEM when weather conditions were dry with good visibility. All habitats within the Site were identified and described. This also involved a search to identify the presence or potential presence of notable and protected species such as breeding birds, badger, dormouse, bats, reptiles and amphibians. Target Notes (TNs) were used to record any features or habitats of ecological interest.

2.3 Bat Survey

2.3.1 Building Assessment

All buildings within the Site boundary were assessed for their potential to support roosting bats. A detailed inspection was undertaken on 08 September 2023 by Louise Woolley BSc (Hons) MCIEEM (Level 3 & 4 2017-28347/8-CLS-CLS) in accordance with current best practice methodology (Collins 2016).

This involved an external and internal inspection using close focusing binoculars and high-powered torches where appropriate. A search was made for features which could provide suitable roosting spaces for bats, including gaps around windows, door frames, pipe work and wooden cladding, and possible access under

eaves and fascia boards. A systematic search was made of all accessible spaces for the presence of bats and evidence such as bat droppings.

Buildings were then prescribed a category based on their potential to support roosting bats as detailed in **Table 1**. Building locations are shown in **Figure 1**.

Table 1: Bat Roost Potential (as detailed in Collins, 2016)

Suitability	Description of bat roosting potential
Negligible	The building is not considered suitable for bats
Low	A structure with one or more potential roost sites that could be used on a sporadic or occasional basis for feeding or solitary day roosting
Moderate	A structure with one or more areas suitable for roosting due to the features size, shelter, protection, conditions and surrounding habitat that could be attractive to bats and potentially support maternity roosts
High	A structure with many areas suitable for roosting with a large number of potential access points obviously suitable for use by larger numbers of bats on a more regular basis. These are normally sheltered locations, subject to low variation in temperature
Roost	Bats and/or evidence of bats found

2.4 Nesting Bird Survey

All buildings were inspected for evidence of and potential for nesting birds. This included a search for evidence of the schedule 1 species barn owl *Tyto alba* pellets, droppings, splashing (whitewashing) and feathers.

2.5 Survey Limitations

Care has been taken to ensure that balanced advice is provided on the information available and collected during the study period (s), and within the resources available for the project. However, the possibility of important ecological features being missed due to survey timings, absence during surveys or the year of survey cannot be ruled out. In addition the lack of evidence or records of protected species on Site does not preclude their presence from Site.

A dilapidated shed on Site could not be accessed or internally inspected for bats and nesting birds, due to the encroachment of scrub. The shed was deemed unsuitable to support roosting bats and therefore the lack of access was not deemed a constraint. Scrub prevented access close to the river bank for further survey.

3 RESULTS

3.1 Desk Study

East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and Pebblebed Heaths National Nature Reserve (NNR), which cover much of the same area, are situated 1.6km west from the Site. This area is designated for its Annex I habitat wet and dry heaths, and presence of the Annex II species European nightjar, Dartford warbler and southern damselfly. Fire Beacon Hill Local Nature Reserve (LNR), also noted for its area of lowland heath and presence of heathland specialist species, such as Dartford warbler, is located 2.0km northeast of the Site.

Within 2km, there are three European Protected Species (EPS) licences for bats:

- 👉 2014-5708-EPS-MIT – Licence for destruction of a resting place for brown long-eared and soprano pipistrelle, located 0.2km north of the Site;
- 👉 2018-34589-EPS-MIT – Licence for damage and destruction of a resting place for brown long-eared, common pipistrelle, grey long-eared, serotine and soprano pipistrelle, located 0.6km west of the Site;
- 👉 2018-33363-EPS-MIT – Licence for destruction of a resting place for common pipistrelle, lesser horseshoe and other bat species, located 0.6km south of the Site.

There is also one EPS licence for dormouse, situated 1.1km west of the Site.

3.2 Habitats

The Site is approximately 0.24 hectares (ha) and comprised a barn and various delapidated buildings, within the Site boundary. The Site was dominated by hardstanding, with occasional ephemeral vegetation, including white clover and cock's foot. The Schedule 9 (Wildlife and Countryside Act) non-native invasive species Himalayan balsam is beginning to colonise the southern edges of the hardstanding.

Mixed scrub, with buddleia, bramble and willow, is present in the west of the Site. A line of trees, comprising hawthorn, sycamore, Leyland cypress and aspen, is present to the east of the main barn (B1).

The River Otter bounds the western side of the Site beyond the trees. Species-poor hedgerows form the northern and western boundaries, a line of Leyland cypress forms the eastern boundary and a bank encroached with bramble scrub is present on the southern boundary.

3.3 Bat Survey

3.3.1 Site Description and Building Inspection Results


The Site comprises one main barn (B1), a caravan (B2), shed (B3), shepherd's hut (B4) and containers (B5). The buildings are set in an unmanaged brownfield site, within a largely rural landscape, well connected to other similar buildings, watercourses and woodland by hedgerows. The River Otter is adjacent to the western Site boundary.



No evidence of bats was recorded within the survey area and the buildings generally offered negligible bat roosting potential. The main barn was open and was deemed unsuitable for day roosting bats, and no signs of night roosting were identified. Other structures on Site were either sealed, too overgrown to provide access to roosting bats, or of unsuitable construction.



As no evidence of bats or potential for bats was recorded and therefore no impacts are predicted, it was not considered necessary to consult with the local biological records centre.

A summary of the building description and roosting potential is provided in **Table 2** below.

Table 2: Buildings Inspection Results

Building number	Description	Bat evidence/ access points/ potential features	Photograph	Category (based on Collins 2016)
B1 – Barn	<p>Exterior – A Dutch barn of metal construction, partly enclosed on three sides by corrugated metal and a corrugated metal roof, dating from approximately 1950. Half of the barn is fully enclosed with a small window on the north-eastern elevation, which is broken and another window on the south-western elevation.</p> <p>Interior – The open part of the barn is light and airy, with the enclosed section being light from windows. It currently contains car accessories and is used for storage.</p>	<p>Exterior – There were no roosting opportunities for bats externally due to the construction type and lack of features.</p> <p>Interior – The portion of the barn that is open is not suitable for day or night roosting bats due to its large size and airiness.</p> <p>The window into the enclosed section provides potential access for bats. However, it is consequently unsuitable for day roosting bats due to light ingress and deemed of very low value as a night or feeding perch due to it's construction material, with no evidence of roosting bats being found.</p>		Negligible

Building number	Description	Bat evidence/ access points/ potential features	Photograph	Category (based on Collins 2016)
B2 - Caravan	<p>Exterior – Currently unused caravan. All doors and windows were shut.</p> <p>Interior – Caravan interior</p>	<p>Exterior – No gaps or access points suitable for roosting bats were identified. Windows and doors were tight-fitting and all panes intact.</p> <p>Interior – No evidence, and not suitable for roosting bats.</p>		Negligible
B3 - Shed	<p>Exterior – Small, corrugated metal shed. The shed is in poor condition and fully encroached by bramble scrub.</p> <p>Interior – Not accessible.</p>	<p>Exterior – The metal construction is not suitable for roosting bats.</p> <p>Interior – No suitable roosting opportunities for roosting bats due to dilapidation and vegetation encroachment.</p>		Negligible

Building number	Description	Bat evidence/ access points/ potential features	Photograph	Category (based on Collins 2016)
B4 - Shepherd's hut	<p>Exterior – Shepherd's hut adjacent to the main barn, with wooden cladding, wooden fascias and a flat felt roof. Broken window on the western elevation.</p> <p>Interior – Open and full light ingress through the window.</p>	<p>Exterior – No suitable gaps under wooden fascias.</p> <p>Interior – No evidence of roosting bats.</p>		Negligible
B5 - Containers	<p>Exterior – Metal containers of tight-fitting construction.</p> <p>Interior – Not accessible.</p>	<p>Exterior – No gaps available to support roosting bats.</p> <p>Interior – Not accessible.</p>		Negligible

3.4 Nesting Bird Survey

Old swallow nests were found in the barn (B1). The building is readily accessible to birds and has the potential to be used for nesting in the future.

The scrub, hedgerows and line of trees in the wider Site provide suitable nesting habitat for garden and urban-fringe species.

3.5 Other Protected/ Notable Species

The potential for other protected or notable species on Site has been considered:

- 🍌 Small patches of grassland and rubble piles provide suitable habitat for reptiles.
- 🍌 The hedgerows, scrub and line of trees offer some potential for dormouse. There is good connectivity between vegetation on Site and neighbouring hedgerows and lines of trees.
- 🍌 Badgers may traverse the Site, though no signs of badger activity were noted on Site and neighbouring farmland likely provides preferential foraging habitat.
- 🍌 Hedgehogs may also be present on Site, with scrub and hedgerows providing shelter.
- 🍌 The River Otter has an established population of beavers (Howe and Crutchley, 2020). Given the Site's close proximity to the River Otter, the potential terrestrial habitat for beaver should be considered. The density of scrub along the river bank prevented a search of the area, but the presence of willow and alder would provide suitable foraging opportunities, and beaver activity has been recorded close to the Site (Howe and Crutchley, 2020). The proximity to the A3052 (adjacent to the north of the Site) may discourage beaver occupation due to noise, pollution, and mortality, but beavers are known to tolerate urban areas elsewhere (Baker, Fraser and Kostkan, 2006).
- 🍌 Similarly, otters are known to be present in the River Otter. The Site may offer commuting habitat and the adjacent river would provide suitable foraging habitat.

4 FURTHER SURVEY WORK

No further ecological survey work is considered necessary for this application and the results are considered valid for two years (unless local planning authority policy dictates otherwise); however any changes to the proposals or if any significant amount of time has passed since the date of this report, a re-appraisal may be required.

5 EVALUATION AND MITIGATION RECOMMENDATIONS

5.1 Designated Sites

Developments that increase the number of dwellings within 10km of East Devon Pebblebed Heaths SAC are required to pay a fee to mitigate for the increased recreational pressure on the SAC. Therefore, as the proposed development is a residential property and was previously commercial, a payment to East Devon Council will be required.

Given their distance from the Site and the small scale of the proposed development, no impacts are predicted to affect other designated Sites.

5.2 Habitats

The area surrounding the buildings largely comprised hardstanding, with mixed scrub, species-poor hedgerows, lines of trees and individual trees also being present on Site. The majority of these habitats

are understood to be unaffected by the proposals and therefore no significant vegetation removal will take place that will require compensation. The removal of hardstanding will take place. Planting within the Site will include plants from the RHS plants for pollinators and species-rich grassland such as flowering lawn seed mix such as Emorsgate EL1 or similar.

Care must be taken to avoid the spread of the non-native invasive species Himalayan balsam, for example through movement of soils or carried off Site on machinery. Where possible it will be removed from Site through appropriate management.

A 10m riparian zone buffer will be protected with temporary weld mesh fencing during construction and no impacts to the river or 10m riparian zone will take place during operation. A comprehensive drainage strategy will be provided to mitigate for pollution and run-off from the Site into the River Otter.

5.3 Bats

No evidence of bats was found and the buildings generally offered extremely low potential ingress points. Conditions within buildings were generally unsuitable for roosting bats and all buildings therefore presented **negligible** bat roosting potential.

Consultation with Natural England concerning a European Protected Species (EPS) Licence (Bats) **will not be** required before commencement of works.

Whilst the Site may be used by occasional commuting and foraging bats, given its size and proximity to a main road (A3052), it was not considered likely to provide a particularly important foraging area or commuting route for bats.

Lighting during construction and operation has the potential to prevent/ reduce bat numbers commuting and foraging within the Site during the active bat season, and as such avoiding the use of construction lighting and designing lighting to avoid illumination of boundaries should be undertaken.

5.4 Nesting Birds

Old bird nesting material was recorded within the main barn (B1). Therefore, works should be timed to avoid the bird breeding season (March – August inclusive). Alternatively, if this cannot be achieved, a check for active birds' nests must be undertaken immediately prior to commencement of works. Any active nests and access points will need to be retained and buffered until all chicks have fledged.

During enabling/ construction, retained habitats such as hedgerows should be protected using weld mesh fencing.




5.5 Other Protected/ Notable Species

Significant adverse impacts on other notable species (including reptiles, dormice, badgers, hedgehogs, beavers and otters) are not anticipated given the small size of the Site. The proposed development will fall within the same footprint as the existing barn and no significant vegetation removal is expected, and therefore impacts will be minimal to the wider Site.

However, care should be taken to avoid impacting the river and neighbouring riparian habitat. A 10m buffer from the river should be maintained during construction, and the riparian zone will be retained post-development, to allow free passage for otters and beaver across the Site.

6 ENHANCEMENTS

In line with national and local planning policy it is recommended that ecological enhancements are included in the design of the development. This will include:

-  One integrated bat box. Suitable integrated models include the Habitat box <http://www.habibat.co.uk/>, bat boxes available from <http://www.birdbrickhouses.co.uk/>, or the Vivara Pro Build-In Woodstone Bat Box. These types of boxes can either be faced with or made from the build material making them less visually intrusive than an externally mounted box. Bat boxes should be located high on the building (e.g. at a gable apex or the wall top), at least 3m high, and in a dark location and with good connectivity to hedgerows/ tree lines. Suitable locations are shown on **Figure 2**.
-  One integrated bird box. Integrated swift boxes are recommended as they are considered a 'universal box' that can be used by a wide range of building dependent species such as swifts, house sparrows and starlings. Suitable models include the WoodStone Build-in Swift Nest Box, the Green & Blue Swift Block or the Habitat Swift Box that can be purchased from www.nhbs.com, www.greenandblue.co.uk or www.wildcare.co.uk. Boxes should be positioned on a northerly, easterly or well-shaded aspect avoiding southerly elevations and the immediate vicinity of windows. They should be erected at least 3 to 5 metres above ground level with unimpeded access, ideally directly under the eaves. Suitable locations are shown on **Figure 2**
-  One inbuilt 'invertebrate' brick should be included in the design such as the solitary Bee Brick from www.greenandblue.co.uk. These are best placed on a southerly elevation at least 1m from the ground, ensuring no vegetation obstructs the brick, as shown on **Figure 2**. Any new planting should include wildlife friendly species e.g., selected from the RHS 'Plants for Pollinators' list.

7 CONCLUSIONS

In summary the Site was considered to be of relatively low ecological interest, with no adverse impacts predicted on roosting bats.

Avoidance measures and careful timing of works have been incorporated into the design to eliminate impacts to nesting birds. Care should be taken to avoid impacting the vegetation to avoid impacts on other protected/notable species and a river buffer maintained to prevent impacts to the watercourse, riparian habitat or any riparian animals that may be present.

Provided the avoidance, timing of works and mitigation measures are carried out, the proposal is considered unlikely to have significant adverse effects on ecological features.

A number of enhancement measures have been recommended with the aim of providing a net biodiversity gain, contributing to the aims of National Planning Policy Framework and local policy.

8 REFERENCES

Baker, S., Fraser, D., & Kostkan, V. (2006). A modified method for appraising the suitability of urban sites in Great Britain, for use by the Eurasian (European) beaver (*Castor fiber*). *J Practical Ecol Conservat*, 5, 22-37.

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Howe, C. V. and Crutchley, S. E. (2020) The River Otter Beaver Trial: Natural England's assessment of the trial and advice on the future of the beaver population. Natural England Evidence Review NEER018. Peterborough: Natural England.



Legend:

- Site Boundary
- Building - Negligible Bat Roosting Potential
- River Otter
- 10m River Buffer
- Rubble Pile



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Figure 1:
Ecological Constraints and Opportunities Plan

Project:
Bridge End, Newton Poppleford

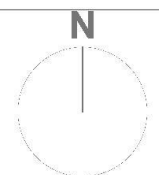
Client:
Bell Cornwell

Date:
4/10/2023

Drawn:
RB

Ref:
2103-EcIA-F1

Revision:
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A comprehensive drainage strategy will be provided to mitigate for potential pollution and run-off from the Site into the River Otter.

The river should be buffered throughout construction by at least 10m to avoid impact to the watercourse or riparian habitat. Free passage for potential beaver and otters will be retained along the river bank.

Hard-standing will be removed. Planting within the Site will use plants from the RHS 'Plants for Pollinators' and species-rich grassland such as flowering lawn seed mix (e.g. Emorsgate EL1 or similar).

Rubble piles will be dismantled by hand to protect any reptiles present.

During enabling/ construction, retained habitats such as hedgerows should be protected using weld mesh fencing.

No constraints for buildings to be demolished and removed.

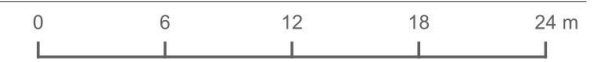
There will be no significant vegetation clearance and trees will be retained where possible.

Suggested locations for bird boxes, bat boxes and bee bricks, dependent on design.

Himalayan Balsam (Schedule 9, Wildlife and Countryside Act) will be removed from the Site and will not be allowed to spread on vehicles or carried off Site on machinery.

Legend:

- Site Boundary
- Proposed Building
- River Otter
- 10m River Buffer
- ◆ Integral Bird Box
- Integral Bat Box
- ⬡ Bee Bricks



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Figure 2:
Mitigation and Enhancement Plan

Project:
Bridge End, Newton Poppleford

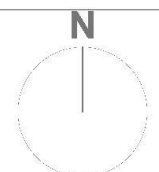
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Appendix 1 – Protected Species Legislation

Bats

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone to:

- 👉 Deliberately capture, kill or injure a bat;
- 👉 Intentionally or recklessly to disturb a bat or group of bats in a roost;
- 👉 Damage or destroy any place used by bats for shelter, (whether they are present or not);
- 👉 Intentionally or recklessly obstruct access to a bat roost;
- 👉 Possess, or offer a bat (dead or alive) or part of a bat for sale or exchange.

Licences to permit illegal activities relating to bats and their roost sites can be issued for specific purposes. These are sometimes called 'derogation licences' or 'European Protected Species EPS' licences. These are issued by the relevant Statutory Nature Conservation Organisation (SNCO) under the Habitats Regulations e.g. Natural England (NE) in England.

Breeding Birds

All wild bird species, their eggs and nests are protected by law. The Wildlife & Countryside Act 1981 (as amended) makes it an offence to:

- 👉 Intentionally kill, injure or take wild birds;
- 👉 Intentionally take, damage or destroy a wild bird's nest while it's being used or built;
- 👉 Intentionally take or destroy a wild bird's egg;
- 👉 Possess, control or transport live or dead wild birds, or parts of them, or their eggs;
- 👉 Sell wild birds or put them on display for sale; and
- 👉 Use prohibited methods to kill or take wild birds.

In addition, birds listed on Schedule 1 of the Act have extra legal protection which protects them from disturbance while they're nesting, building a nest, in or near a nest that contains their young and protects their dependent young from disturbance.

Habitat and Species Legislation

Species and habitats receive legal protection in the UK under various legislation, including:

- 👉 The Wildlife and Countryside Act (WCA) 1981 (as amended);
- 👉 The Conservation of Habitats and Species Regulation 2017 (as amended) (also known as the Habitat Regulations, it implements the EU Habitats Directive in England and Wales);
- 👉 The Countryside Rights of Way (CRoW) Act 2000;
- 👉 The Hedgerows Regulations 1997;
- 👉 The Protection of Badgers Act 1992; and
- 👉 The Natural Environment and Rural Communities (NERC) Act 2006.

Where relevant, this report takes into account the legislative protection afforded to specific habitats and species.

National Planning Policy Framework 2021

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how local planning authorities should incorporate them into their own policies and plans. Chapter 15 of the NPPF contains several policies targeted at enhancing the natural environment and requires local authorities to consider how impacts on biodiversity can be minimised and provide net gains in biodiversity. Paragraph 174 states that:




“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.”*

In addition, paragraph 179 (b) ensures that to protect and enhance biodiversity and geodiversity, plans should:




“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.”

Additional Planning Practice Guidance (PPGs) supports the NPPF and includes guidance on:

-  Landscape;
-  Biodiversity, ecosystems and green infrastructure; and
-  Brownfield land, soils and agricultural land.

East Devon District Council Local Planning Policy

East Devon Local Plan 2013-2031 was adopted in January 2016 by East Devon District Council. It sets out the overall vision and long term planning strategy for development in East Devon. It contains the following relevant strategies and policies related to nature conservation:

-  Strategy 47 – Nature Conservation and Geology
-  EN4 – Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites; and
-  EN5 – Wildlife Habitats and Features.

EN5 states, wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Details of payments relating to the East Devon Pebblebed Heaths SPA can be found here - <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/unilateral-undertakings-section-106-agreements-habitat-mitigation-and-affordable-housing-contributions/habitat-mitigation/>.

Devon BAP

The Nature of Devon – A Biodiversity and Geodiversity Action Plan was revised by the Devon Biodiversity Partnership in 2005. The document takes into account the objectives and targets of the former UK BAP and translates these within a local context. The Plan contains action plans for five common themes, 20 key habitats and 20 key species, which are a consideration in planning decisions.

Appendix 2 – Species Mentioned In Text

Common name	Scientific name
Aspen	<i>Populus tremula</i>
Badger	<i>Meles meles</i>
Beaver	<i>Castor fiber</i>
Bramble	<i>Rubus fruticosus</i> agg.
Buddleia	<i>Buddleja</i> sp.
Cock's foot	<i>Dactylis glomerata</i>
Dormouse	<i>Muscardinus avellanarius</i>
Hawthorn	<i>Crataegus monogyna</i>
Hedgehog	<i>Erinaceus europaeus</i>
Himalayan Balsam	<i>Impatiens glandulifera</i>
Leyland's cypress	<i>Cupressus x leylandii</i>
Otter	<i>Lutra lutra</i>
Swallow	<i>Hirundo rustica</i>
Sycamore	<i>Acer pseudoplatanus</i>
White Clover	<i>Trifolium repens</i>
Willow	<i>Salix</i> spp.

