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Ecology Report



Milton Furze Barn

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 was commissioned by P. Mulkerrins to undertake an ecological assessment of a barn at Milton Furze, Payhembury, Devon, EX14 3HE (Ordnance Survey grid reference ST082011 – see Figure 1). The survey was required to support a planning application for the conversion of the barn to a dwelling. The Devon Wildlife Checklist is appended to this report.

Figure 1. Location of the barn. 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 building;
- 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) 2017¹.

1.3 Report Lifespan

In accordance with CIEEM guidance² this report remains valid for 12 months from the date of the survey.

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 (2023) includes the Government's national planning policy guidance on the protection of biodiversity. The NPPF sets out the role that the planning system must 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 180 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 – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- 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.

Paragraph 186 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 reasons 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 Biodiversity Information

An online search for biodiversity data relevant to the proposal was undertaken on the 27th March 2024. The data search consisted of statutory designated sites with emphasis placed on bats⁶ within 0.5 km of the barn.

3.2 PRA

A Preliminary Roost Assessment (PRA) of the building was undertaken on the 26th March 2024 in line with Bat Conservation Trust (BCT, 2016)⁷ 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 dry, 10°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 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.

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

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.

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 dusk emergence or pre-dawn 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 and/or pre-dawn 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.	Three dusk emergence and/or pre-dawn 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 and/or pre-dawn surveys between May and September. Two surveys within the optimum period (May – August).

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

There are no statutory conservation sites of bat interest within 0.5 km of the barn.

4.2 PRA Results

Milton Furze is located within a rural area dominated by grassland fields bounded by hedgerows with trees, with small broadleaf woodlands and areas of rough grassland. The landscape has high potential for commuting and foraging bats.

The details of the PRA are provided in Table 2.

Table 2. Barn description and protected species evidence. See Figure 1 for barn location.	
Photos	Description
<p>Southwest elevation</p> 	<p>A small block-built outbuilding with a timber framed sloping roof overlaid with unlined metal sheeting. The floor is concrete. The barn is open to the southwest and as such is well lit.</p> <p>No evidence of roosting bats was found on or within the barn. There were no features suitable for day roosting bats on or within the barn. The barn had Negligible potential for roosting bats.</p>
<p>Northeast and southeast elevations</p> 	<p>No evidence of nesting birds was found; however, the barn has potential to be used by smaller species such as robin in the future.</p>

Table 2. Barn description and protected species evidence. See Figure 1 for barn location.

Internal view



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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 conversion proposal.

5.1 Designated Sites

The proposal would no impact on any statutory site designated for bats.

5.2 Roosting Bats

The barn contained no evidence of roosting bats. Given the barns structure, level of internal lighting, and lack of features suitable for roosting bats, **no further survey, mitigation, or compensation measures are required regarding bats.**

Regardless of the lack of evidence or suitability of the barn for roosting bats the following should be noted regarding the proposed works:

- 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 barn is located within a landscape which is optimum for bats. It recommended that 1 no. bat box is included within the plans for the converted barn. A suitable bat box would be the Elisa Bat Box (available at nhbs.com – see Figure 2) or equivalent. The box should be located at height away from artificial light sources and placed on the east or the south facing elevation (possibly on the adjacent south facing wall of the new barn to the north).

5.3 Nesting Birds

No evidence of nesting birds was found within the barn, however there is potential that it could be used in the future. Therefore, precautionary mitigation measures are advised.

The conversion of the barn 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.

Enhancement for nesting birds as part of the planning application should comprise of 1 no. Vivara Pro Seville 32 mm WoodStone Nest Box (Figure 3) and 1 no. Vivara Pro Seville 28 mm WoodStone Nest Box or equivalent. The boxes should be located as high as possible to the northeast elevation of the converted barn.

Figure 2. Elisa Bat Box.

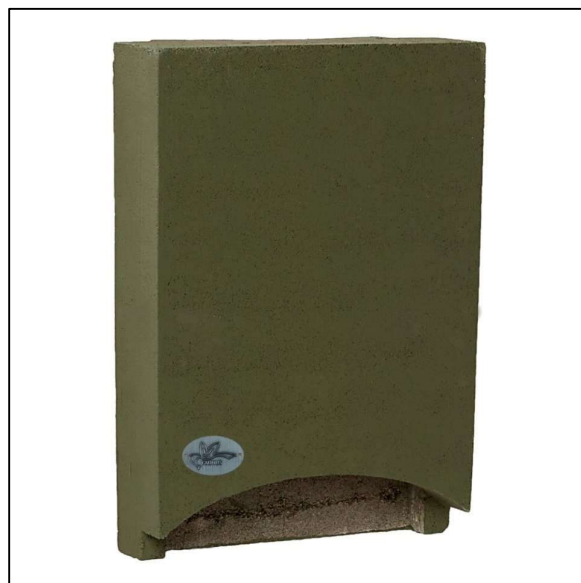


Figure 3. Vivara Pro Seville 32mm WoodStone Nest Box.



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 P. Mulkerrins; 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: Milton Furze, Payhembury, Devon, EX14 3HE

Grid reference for centre of site: ST082011

Planning App reference: unknown

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

Date that surveys carried out: 26.03.24

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	y	No	N/A	A – potential for various bird species to nest within the barn.	Potential to disturb, injure, kill nesting birds during barn	Measures detailed within section 5.3 of this report.	N/A	N/A

					conversion.			
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. <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				

