Stage 1/2 Barn Owl survey of land at Wenny Road, Chatteris, Cambridgeshire

Survey Report

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Notice to Interested Parties

To achieve the study objectives stated in this report, we were required to base our conclusions on the best information available during the period of the investigation and within the limits prescribed by our client in the agreement.

No investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information. Thus, we cannot guarantee that the investigations completely defined the degree or extent of e.g. species abundances or habitat management efficacy described in the report.

This report is only valid for external use in its final issued version.

Document Information

Report title:	Stage 1/2 Nesting Barn Owl of land at Wenny Road, Chatteris, Cambridgeshire
Client:	Cannon-Kirk (UK) Ltd, c/o Mr Andrew Hodgson, Savills
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0 EXECUTIVE SUMMARY

0.1 On behalf of Cannon-Kirk (UK) Ltd), Cambridge Ecology Ltd was commissioned by Savills to carry out a Barn Owl survey of land at Wenny Road, Chatteris, Cambridgeshire. The surveys were required to investigate the potential presence of roosting and nesting Barn Owls, a protected species, in trees and buildings on the land within and adjacent to the development site, which could potentially be affected by a proposed residential development at the site.

0.2 The results of the survey would indicate whether roosting and/or nesting Barn Owls could be affected by the residential development proposals, and therefore whether Barn Owls presented a potential constraint to the proposed works. For instance, the results of the survey could be used to provide guidance on the need for more detailed surveys and whether any requirements were necessary for mitigation, to meet legal and/or planning obligations pertaining to wildlife.

0.3 The Barn Owl surveys were carried out by professional, qualified and licensed ecologists, with experience in Barn Owl surveys and knowledge of Barn Owl ecology.

0.4 The information gathered from the surveys was considered to provide a robust and valid indication of the potential and actual presence of Barn Owls at the Wenny Road development site.

0.5 Within the development site and throughout the survey area there were no Barn Owls found or signs indicating that Barn Owls were present. Overall, while the habitat in the survey area had potential to support foraging Barn Owls and three trees were considered to have features to support nesting Barn Owls, the survey indicated that Barn Owls were currently absent from the development site. A number of factors have been described that could contribute to their absence.

0.6 The two buildings within the development site were considered to be unsuitable to support roosting/nesting Barn Owl, being devoid of suitable features on which to lay their eggs and exposed to high levels of disturbance.

0.7 As Barn Owls were on the currently considered to be absent from the development site, the provision of mitigation measures for Barn Owls is not considered essential. However, a number of generic measures have been recommended as a precaution. This is because, while Barn Owls are not considered to be present at the moment, the current waterlogged condition of the development site and therefore the likely absence of small mammals may have deterred Barn Owls from using the site at present, therefore they may return in the future if feeding conditions improved.

0.8 To meet the policy requirements of the NPPF a number of biodiversity enhancement opportunities have been recommended that may be incorporated into the development scheme that would be expected to result in conservation gain for Barn Owls. These could be focused on the provision of new roost features in the form of and internal and external nest boxes for Barn Owls and maintenance and creation of suitable foraging areas where possible.

0.9 It should also be remembered that various bird species would likely be breeding within the Wenny Road development site during the spring. All nesting birds are protected by law and therefore measures should be implemented to avoid disturbance, damage or destruction to any nesting birds that may be present during the maintenance programme. To avoid delays to the work programme or contravention of the wildlife legislation pertaining to nesting birds, demolition and vegetation clearance works should either take place outside the birds' breeding season (March-September inclusive) or include measures to ensure breeding birds remain unaffected by the building activities.

1 INTRODUCTION

1.1 On behalf of Cannon-Kirk (UK) Ltd), Cambridge Ecology Ltd was commissioned by Savills to carry out a Barn Owl survey of land at Wenny Road, Chatteris, Cambridgeshire. The survey was required to investigate the presence of breeding Barn Owls, a protected species, on the land within the development site, which could potentially be affected by a proposed residential development at the site.

1.2 The results of an extended Phase 1 Habitat Survey and Protected Species Scoping Survey (Cambridge Ecology Ltd 2014) indicated that suitable habitat and past biological records of Barn Owl suggested that this species has the potential to be present within the development site.

1.3 The nesting Barn Owl survey was commissioned in order to establish whether roosting and/or nesting Barn Owl were or had been present in any of the trees or buildings present within the development site.

1.4 Figure 1.1 shows the red line boundary of the Wenny Road site that formed the main area of the Barn Owl survey.

1.5 The aim of the Stage 1/2 Barn Owl scoping and field inspection surveys and this report were to:

- identify the likely presence of roosting and or nesting Barn Owls in the buildings and trees within the Wenny Road development site.
- evaluate the use of the buildings and trees by and Barn Owl, including the status of any roosts/nests if present.
- provide information to address any constraints caused by roosting/nesting Barn Owl at the site, including whether additional surveys and whether a disturbance licence would be required to ensure legal compliance is maintained during construction.
- identify appropriate mitigation measures, necessary to comply with legal requirements pertaining to protected species, and provide enhancement opportunities in relation national planning policy in terms of the National Planning Policy Framework (NPPF). The key principles in the NPPF require that *"the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible*."
- identify appropriate biodiversity habitat creation and enhancement measures that would be included in the design of any landscaping (habitat creation plans).

Site Location and Proposals

1.6 The Wenny Road development site was located approximately 1 kilometre to the south east of Chatteris town centre and was bordered to the north and west by

residential properties, part of Chatteris town and the west and south by the A142 road. Chatteris lies approximately 28km north of the city of Cambridge. The centre of the site was situated at Grid Ref TL 400 856. The total area within the red-line boundary of the development site covered an area of approximately 26 hectares (ha).

1.7 The land beyond the A142 on the east and southern boundary of the development site and in the wider area around Chatteris was primarily intensively farmed arable land.

1.8 Within the survey area the habitats comprised:

- Arable land
- Dry/Wet Ditches
- Ponds/Standing Water
- Amenity/Improved grassland
- Scattered Scrub
- Scattered Trees/Parkland/Broadleaved Woodland
- Hedgerows
- Tall Ruderal
- Bare ground and Buildings

1.9 The development site and study area were primarily used for recreational dog walking and horse grazing.

1.10 The development proposals for the site adjacent to Wenny Road, Chatteris, would comprise various residential properties.

1.11 Details of the number and layout of the scheme were not available at the time of preparing this report. However it would be expected that the results of this ecology survey (and other species specific surveys in the future) would help provide details that would influence the layout of the scheme and especially the landscaping and habitat creation.

2 METHODS

Nesting Barn Owl inspection survey (daytime search)

2.1 For the purpose of this report the red line boundary of the proposed development site will be referred to as the development site and the area covered by the Barn Owl inspection survey will be referred as the survey area.

2.2 The area for the Ban Owl inspection survey comprised the red line boundary of the development site, plus an area up to 50m beyond the site boundary to the east and south (where access was possible). Due to the size and nature of the development the 50m area was chosen as the maximum potential zone of influence. The area beyond the development site to the north and west was not included in the survey because it comprised entirely of a built environment with residential properties and roads, and therefore of very limited ecological value, in addition access to these private areas was not possible.

2.3 A Stage 1/2 Barn Owl scoping and field inspection survey was carried out on the trees and buildings within the Wenny Road development site. A plan showing the location of trees and buildings within the survey area is given in Figure 2.1.

2.4 The methods used were largely based on that described in Shawyer, C.R. (2011). Barn Owl *Tyto alba* Survey Methodology and Techniques for use in Ecological Assessment: Developing Best Practice in Survey and Reporting IEEM Winchester. In addition those described by the Barn Owl Trust in their Survey techniques leaflet no8 were also used.

2.5 The survey visits were conducted between the 5th January and 2nd February 2015, led by a professional licensed and qualified ecologist, Darren Frost (Natural England Licence number: **2014-6298-SCI-SCI**), with experience in Barn Owl inspection surveys and knowledge of Barn Owl breeding ecology.

2.6 The dates and weather conditions during the surveys are detailed in Table 2.1.

2.7 The aim of the surveys were be to:

- look for potential nest sites (PNS), occupied breeding sites (OBS) and active roost sites (ARS)
- determine whether Barn Owls are, have been or considered likely to be nesting in the buildings and trees within the Wenny Road development site. This would include evaluating the suitability of the trees and buildings to provide nesting opportunities for Barn Owls and looking for signs to indicate the presence of nesting Barn Owls.
- provide advice on the implications if nesting Barn Owls are found at the site or considered likely to be nesting.

2.8 The search entailed looking for evidence of Barn Owls including; droppings, pellets, feathers. Binoculars and high powered torches were used to aid searches of the buildings and trees from ground level and up to three metres with the use of a ladder.

2.9 The exterior of the trees and buildings were surveyed to identify gaps and crevices through which Barn Owls could gain access and to identify features on the exterior of the walls which could themselves provide potential nest sites (for example, external Barn Owl nest boxes).

2.10 Where possible the inside of the buildings and trees was searched for Barn Owls and/or signs of their presence and suitability of the building/tree to provide potential nest sites such as ledges/tree cavities. All features were checked for evidence of Barn Owl occupation. The area around these features, including the walls, ledges and floors and vegetation surrounding the trees was searched for droppings, feeding remains, regurgitated pellets and moulted feathers.

2.11 Photographs were taken to authenticate any evidence indicating the presence of nesting and/or roosting Barn Owls and to record the character of the site.

Table 2.1: Wenny Road Barn Owl Survey Dates and Weather Conditions

Date	Weather conditions				
	Temperature (^{o}C)	**Wind direction/ speed (mph)**	**Rain**	**Cloud/sun**	**Time**
05/01/15	8	S / 3	No	Sun	0800-0900 1400-1630
06/01/15	9	S / 8	No	Cloudy	0800-1030 1500-1600
07/01/15	8	SW / 8	No	Sun	0800-1130 1430-1600
08/01/15	10	SW / 4	No	Sun	0730-0915
22/01/15	3	NE / 3	No	Sun	0730-0915
02/02/15	2 4	NW / 8	No	Sun	0700-1100 1530-1650
06/02/15	0 4	NE / 9	No	Sun	0700-1100 1600-1715

3 RESULTS

Nesting Barn Owl inspection survey

3.1 During the survey visits in January and February, no Barn Owls or signs indicating the presence of Barn Owls were found within or adjacent to the Wenny Road development site.

3.2 None of the buildings within the survey area were considered to suitable to support breeding Barn Owls. Table 3.1 provide a detailed description of the building's characteristics that were surveyed and give details of the signs of Barn Owls found and their suitability to support roosting/nesting Barn Owl.

3.3 Three trees within the survey area (Trees 1,6 and 9) contained features (see Table 3.2)that were considered suitable to support nesting Barn Owl, these features included suitably sized holes, cavities and hollows within the trees

3.4 Figure 3.1 shows the location of trees containing features that were considered suitable to support nesting Barn Owl, while photographs illustrate some of the features encountered.

3.5 During the survey period the ground within the survey area was saturated and heavily waterlogged. Large areas of the grassland (feeding habitat for Barn Owls) appeared to be flooded, this suggested that the area was influenced by a high water table and that small rodents such as voles (the preferred prey of Barn Owl), would be adversely affected by the flooded grassland.

3.6 It was noted that the survey area was heavily used by dog walkers during the day and early morning, evening and at night.

3.7 Anecdotal information from local naturalists suggested that Barn Owls had been seen in previous years (M. Webber. pers. comm.).

General Habitats

3.8 Overall, it was considered that the habitat within the survey area was suitable for use by foraging Barn Owls, particularly the areas of un-managed grassland that was not heavily grazed by horses. The arable land, which did not have any significant arable field margins and heavily grazed grassland, was not suitable for foraging Barn Owls because it did not provide the structure necessary to support small rodents. It was also recognised that this winter had been particularly wet and the ground had become saturated and water-logged rendering the area unsuitable for small mammals and therefore of limited value to foraging Barn Owls.

Observations of other ecological features

3.9 At the time of the survey no nesting birds were found associated with the buildings or trees inspected during the Barn Owl survey. This was to be expected given that the inspection survey was carried out outside of the birds' breeding season.

Survey Constraints

3.10 It was considered that the inspection surveys of the trees and buildings provided a robust and valid indication of the potential of the trees and the two buildings surveyed to support roosting and/or nesting Barn Owls. The inspection survey was considered to have been carried out methodically and all accessible areas searched thoroughly to locate signs indicating the presence of Barn Owls.

3.11 It is acknowledged that the saturated ground conditions may have rendered the site unsuitable for feeding Barn Owl this year compared to other years.

3.12 It should be noted that the absence of certain protected species, such as Barn Owls, would not preclude their presence on a site. There would always be a risk that protected species were over-looked, either owing to the timing (both time of day and time of year) of the survey, the scarcity of the species at the site or the ability of protected species to move to new sites periodically and therefore move into an area after the survey had been carried out.

Table 3.1: Results of the Stage 1/2 Barn Owl inspection survey on buildings at the Wenny Road development site.

No	Feature	Stable	Brick Hut
1	Building Type	Single storey stables, 3 compartment building. Wooden construction.	Small single storey brick built building.
2	Age	30 years	80+ years
3	Aspect	East - West	North - South
4	Wall Construction	Single thickness wooden cladding with no cavities.	Single thickness brick wall with no cavities.
5	Form of Roof	Sloping roof with corrugated metal sheets	Flat concrete roof thin.
6	Hanging Tiles Weather boards Cladding	No hanging tiles. No weather boards Unlined single thickness, cladding.	No hanging tiles. No weather boards. No cladding.
7	Nature of Eaves - Soffits boxed	None	None
8	Lead flashing Condition	None	None
9	Gaps under eaves, windows, tiles, lead flashing	Gaps into building via open fronted entrances. There were gaps between corrugated roof sheets and eaves.	Gaps into building via open door way. The door was absent. A number of very small non glazed windows were situated around

No	Feature	Stable	Brick Hut
		There was no lead flashing.	the sides of the building. There was no lead flashing.
10	Presence and type of roof lining	None	None
11	Presence and type of roof insulation	None	None
12	Presence of water tank covered/uncovered	None	None
13	Structure of roof Truss type Material Condition	Basic wooden roof truss structure. No interlocking roof joints. Wooden ridge board present. Some gaps in roof allowing access into building. Poor condition exposed to the ingress of water.	The comprised a single concrete slab situated on top of the four sides of the building. Small gaps around the joints were sealed and gaps covered cobwebs. Good condition.
14	Evidence of work or disturbance to building fabric	Building used as a horse stable and haw store.	Building used for recreational purposes by local youths. Signs that fires had been lit inside the building.
15	Condition of building: good disrepair, derelict Weather proof y/n	Building in poor condition, not entirely weather proof and drafty. There were gaps in wooden wall cladding.	Building in good condition, weather proof but drafty.
16	Barn Owls found	No	No
17	Signs of Barn Owl	None	None
18	Suitability for nesting Barn Owl	No, lack of suitable ledges	No, lack of suitable ledges
19	Signs of other nesting birds	No	No
20	Comments		Building showed signs that it had been used as a refuge for people and fires had been lit.

Table 3.2: Results of the Stage 1/2 Barn Owl inspection survey on trees at the Wenny Road development site.

No	Feature	Tree Identification Code		
		1	6	9
1	**Tree Type**	Beech	Ash	Oak
2	**Age/Trunk size (dia)**	1m	1m	1.5m
3	**Aspect (isolated/in a woodland)**	Along strip of woodland	Isolated	Isolated
4	**Surrounding habitat type**	Grazing pasture/grassland	Grazing pasture/grassland	Grazing pasture/grassland
5	**Presence of suitably sized natural holes**	Yes	Yes	Yes
6	**Presence of woodpecker holes**	Yes	Yes	Yes
7	**Presence of cracks/splits in major limbs**	Yes	Yes	Yes
8	**Presence of Ivy clad trunks and/or limbs**	No	Yes	No
9	**Presence of hollows/cavities**	Yes	Yes	Yes
10	**Presence of bird boxes**	No	No	No
11	**Evidence of work or disturbance to tree**	No	No	No
12	**Overall condition of tree**	Diseased	Good	Good
13	**Barn Owl found**	No	No	No
14	**Signs of Barn Owl**	No	No	No
15	**Suitability for roosting/nesting Barn Owl**	Yes	Yes	Yes
16	**Comments**	High potential for presence of nesting Barn Owls, maintain watching brief	High potential for presence of nesting Barn Owls, maintain watching brief	High potential for presence of nesting Barn Owls, maintain watching brief

4 RECOMMENDATIONS

4.1 As a result of the Barn Owl survey carried out in January February 2015 a number of recommendations can be made that would be appropriate and proportionate considering Barn Owls are currently absent from the Wenny Road development site.

4.2 As a precaution trees that have been considered to have a potential to support nesting Barn Owl sites and which may be affected by the Wenny Road development proposals, the following measures are recommended:

- prior to commencement of preparation/clearance/construction works, a further Barn Owl survey should be carried out to update the current status of the species within the development site and therefore inform the need for specific mitigation measures if necessary.
- prior to site preparation/clearance/construction works commencing give tool-box talks relating to Barn Owl, to site personnel. All appropriate site personnel should also be informed of their legal obligations, responsibilities and what to do in the event that a Barn Owl is found on site.
- an Ecological Clerk of Works may be employed periodically to oversee the demolition/construction works to provide advice, guidance and on-site support, to address any unforeseen ecological issues that may arise. As with all ecological surveys and the nature of wildlife, the behaviour and dwellings of Barn Owls can change periodically.
- Should any of the trees that may be affected by the development proposals be used by nesting Barn Owls in the future, alternative nesting sites should be provided nearby.
- in the unlikely event that nesting Barn Owls were encountered at any stage of the development, work must stop and advice be sought. For immediate advice contact Cambridge Ecology 01954 231239. In this event, further advice can be given on how to proceed with the development whilst ensuring that nesting Barn Owls are not disturbed at the site.

4.3 Bearing in mind the ability for wildlife to periodically move to new locations, it is recommended that if the development proposals were to be delayed for 12 months or more, then a further equivalent Barn Owl inspection surveys would be required to update the results provided in this report and inform the development proposals in the future.

4.4 Barn Owl enhancement measures could be installed as part of the building maintenance programme. For instance, nest boxes suitable for Barn Owl features may be installed in suitable locations, (see Photographs 17 and 18). This enhancement opportunity, while not currently essential, may deliver a net gain in biodiversity provided it is linked with habitat creation and maintenance measures, and therefore meet the terms of the NPPF.

4.5 The Barn Owl boxes could be monitored periodically (e.g. annually) by a licensed ecologist and the information gathered would have the potential to be used for research and education purposes. Further help and advice can be given with the

supply and installation of boxes within the Wenny Road development site when required.

4.6 Finally it is recognised that other nesting birds may be present prior to construction works commencing. Therefore, it is recommended that all site clearance works, especially that involving buildings, vegetation and trees, be undertaken outside of the breeding bird season (March to August inclusive). If this is not possible all vegetation and buildings that are cleared during the breeding season must be checked for nesting birds by an experienced ornithologist acting as an Ecological Clerk of Works.

5 KEY POINTS AND FINDINGS

5.1 During January and February 2015 Barn Owl surveys were carried out on land within and adjacent to the proposed development site at Wenny Road, Chatteris, Cambridgeshire.

5.2 The Barn Owl surveys were carried out by professional, qualified and licensed ecologists, with experience in Barn Owl surveys and knowledge of Barn Owl ecology. The Barn Owl surveys were based on that described in Barn Owl Survey Methodology and Techniques for use in Ecological Assessment: Developing Best Practice in Survey and Reporting IEEM Winchester (Shawyer, C.R. 2011).

5.3 The information gathered from the surveys was considered to provide a robust and valid indication of the potential and actual presence of Barn Owls at the Wenny Road development site.

5.4 No Barn Owls were found during the site visits and no observations were made during the surveys to suggest that Barn Owls were currently foraging, roosting or setting up nesting sites within the Wenny Road development site.

5.5 The habitat was considered suitable to support foraging Barn Owls, and a local contact had indicated that Barn Owls had been observed in previous years. However, during the surveys the ground conditions comprised heavily waterlogged/ flooded grassland, which would likely reduce the suitable of the grassland for small mammals and hence limit its usefulness to foraging Barn Owls.

5.6 A small number (x3) of trees were identified as having potential to support roosting/nesting Barn Owls.

5.7 Previous records from 2012 indicated that Barn Owls had been recorded within 2km of the survey area.

5.8 The Barn Owl is primarily a farmland bird, hunting small mammals over rough grassland, grazing marshes, along field edges and roadside verges.

5.9 Barn Owls have a prolonged breeding period, they can nest very early in year and may even still be nesting in October, and therefore they have the ability to adjust their nesting cycle to the prevailing weather conditions and the availability of small mammals for prey.

5.10 In the UK the Barn Owl population decline is largely a result of reduced food supply, with less rough grassland available for hunting. The loss of old barns and increased road deaths are also significant in many areas. Barn Owls can be encouraged by providing prey-rich rough grassland and artificial nest sites.

5.11 Based on the current absence of Barn Owls from the development site, the provision of mitigation measures for Barn Owls is not considered essential. However, a number of generic measures have been recommended as a precaution.

5.12 This is precautionary because, while Barn Owls are not considered to be present at the moment, their historical presence (albeit anecdotal evidence) should not be overlooked. The current waterlogged condition of the grassland areas of the site and therefore the likely absence of small mammals may have deterred Barn Owls from using the site at present, however they may return in the future if feeding conditions improved. Breeding bird surveys that should be carried out during the spring of 2015 would be able to note whether Barn Owls have colonised the development site when conditions would likely to become more favourable for feeding and nesting.

5.13 To meet the policy requirements of the NPPF a number of biodiversity enhancement opportunities have been recommended that may be incorporated into the development scheme that would be expected to result in conservation gain for Barn Owls. These could be focused on the provision of new roost features in the form of and internal and external nest boxes for Barn Owls and maintenance and creation of suitable foraging areas where possible.

5.14 It should also be remembered that various bird species are likely to be breeding within the Wenny Road development site. All nesting birds are protected by law and therefore measures should be implemented to avoid disturbance, damage or destruction to any nesting birds that may be present during the maintenance programme. To avoid delays to the work programme or contravention of the wildlife legislation pertaining to nesting birds, demolition and vegetation clearance works should either take place outside the birds' breeding season (March-September inclusive) or include measures to ensure breeding birds remain unaffected by the building activities.

6 BIBLIOGRAPHY

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Anon (2001). Barn Conversions (2001): LEAFLET No 22. The Barn Owl Trust

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7 FIGURES

Figure 1.1: Map showing the red line boundary of the Wenny Road site and Barn Owl survey area.

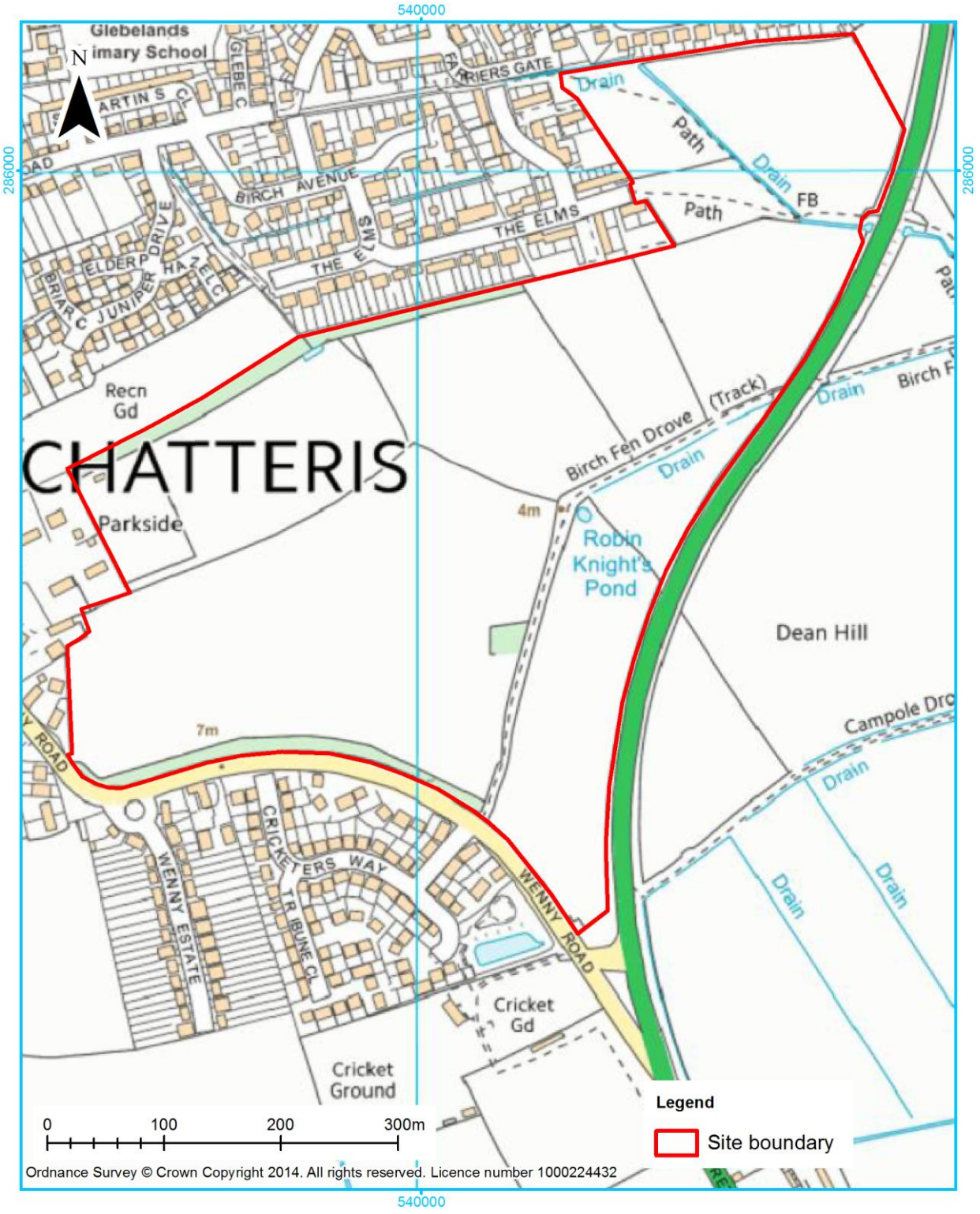


Figure 2.1: Plan showing the location of trees and buildings within the development site

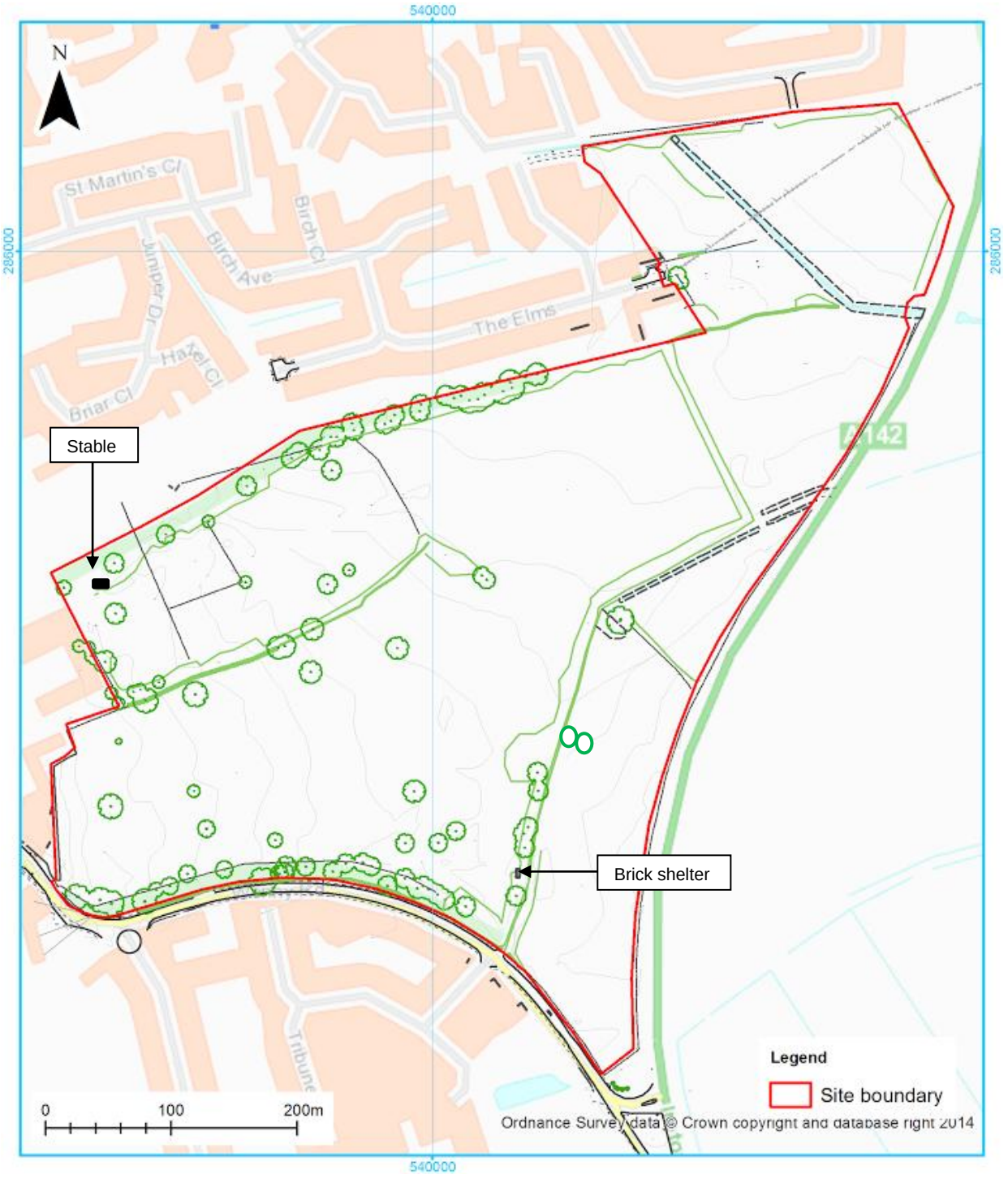
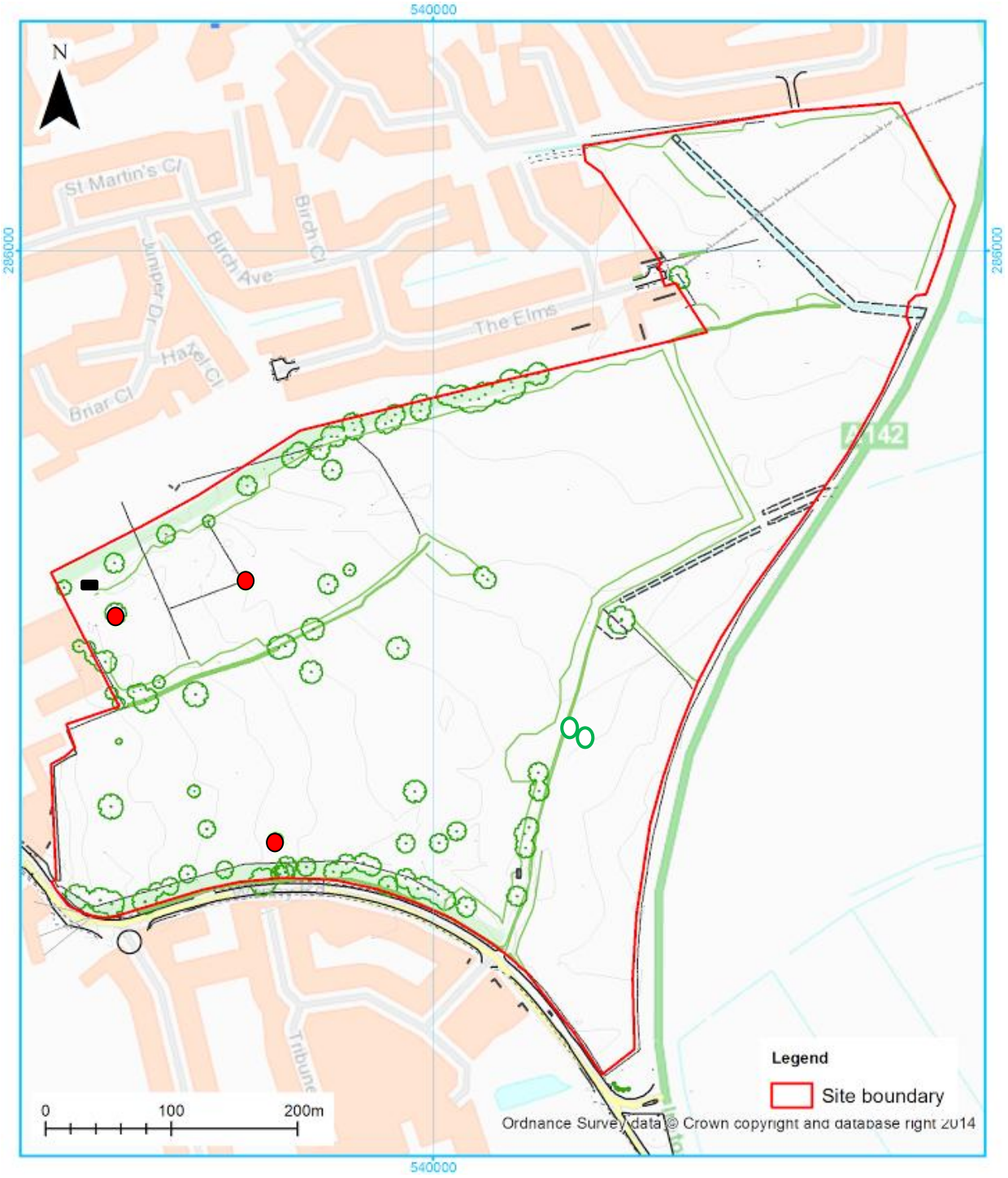


Figure 3.1: Plan showing the location of trees suitable to accommodate nesting/roosting Barn Owls.



8 PHOTOGRAPHS

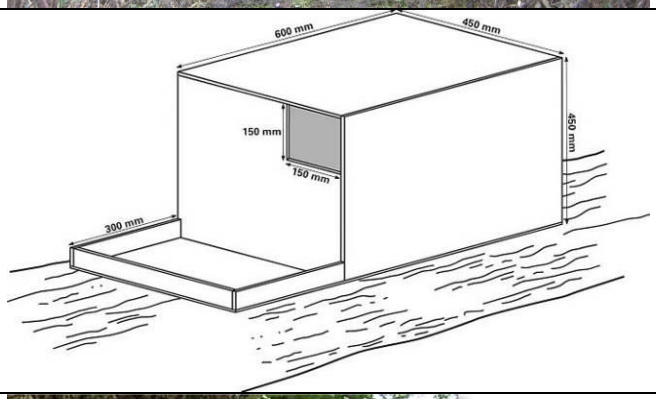
Photo No.	Photograph	Description
1		Tree No 1 suitable to support roosting/nesting Barn Owl
2		Tree No 6 suitable to support roosting/nesting Barn Owl

3		Tree No 9 suitable to support roosting/nesting Barn Owl
4		Tree No 9 suitable to support roosting/nesting Barn Owl
5		Ground waterlogged with standing water across large areas of the development site. Likely to have affected small mammal population and not suitable for foraging Barn Owls

6		Ground waterlogged with standing water across large areas of the development site. Likely to have affected small mammal population and not suitable for foraging Barn Owls
7		Residential area close the development site a source of disturbance on the northern boundary
8		Roadside of the A142 creating a barrier to safe passage to and from the development site on the eastern boundary

9		Improved grassland suitable for foraging Barn Owl but used for walking dogs a source of human disturbance
10		Scattered trees, improved grassland tall ruderal and parkland suitable for foraging Barn Owl but used for walking dogs a source of human disturbance
11		Mature trees in deciduous woodland belt habitat potential for Barn Owl roost, nesting and foraging habitat but used for walking dogs a source of human disturbance

12		Scattered trees, improved grassland tall ruderal and parkland suitable for foraging Barn Owl but used for walking dogs a source of human disturbance
13		Arable land not suitable for foraging Barn Owl, no significant arable field margins
14		Stable no considered suitable for use by Barn Owl

15		Stable no considered suitable for use by Barn Owl
16		Brick shelter not considered suitable for use by Barn Owl
17		Example of a Barn Owl nest box for interior use.
18		Example of a Barn Owl nest box for exterior use.

9 LEGISLATION

9.1 The information set out within this report does not constitute a legal opinion on the relevant legislation. The opinion of a legal professional should be sought if further advice is required.

9.2 The information below is intended only as guidance to the legislation relating to these species. The relevant legislation themselves should be referred to for the correct legal wording.

9.3 Full details of the legislation can be found at:
www.legislation.gov.uk/uksi/2010/490/contents/made,
www.legislation.gov.uk/uksi/2007/1843/contents/made
www.legislation.gov.uk/uksi/2009/6/contents/made

9.4 It remains the client's responsibility to maintain legal compliance relating to national and international wildlife legislation.

Barn Owl legislation

9.5 All wild birds (resident, visiting, and introduced species) are protected by law under the **Wildlife and Countryside Act 1981** (as amended) in England and Wales. With respect to developments it is illegal to:

- Intentionally kill, injure, or take any wild bird,
- Intentionally take, damage or destroy the nest of any wild bird while it is being built or in use
- Intentionally take or destroy the eggs of any wild bird.

9.6 Specially protected 'Schedule 1' birds including **BARN OWL** (Tyto alba) receive additional protection over and above that afforded to all wild birds, making it also illegal to intentionally or recklessly disturb any wild bird listed on Schedule 1 while nesting (building or at a nest containing eggs or young), or disturb any of its dependent young.

9.7 Disturbances can occur as a result of development works within close proximity of a nest, as well as directly through the loss of nesting sites.

9.8 If convicted of an offence the penalties can be severe, including a fine of up to £5000 (per bird, nest, or egg) and/or six months imprisonment.

9.9 Unlike other protected species there is no provision for a licence to allow wild birds to be disturbed or nests destroying as a part of land development. Best practice is to avoidance committing an offence by implementing mitigation measures to reduce the risk of disturbance – e.g. scheduling of works outside of breeding times March to August inclusive, or screening off exclusion areas around nests.