



Barn Owls and Rural Planning Applications - a Guide



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This document contains a number of internal and external hyperlinks. A hand icon appears over text where these are present.

1. Permitted Development Rights

As of 6th April 2014, barn conversions in England outside National Parks, AONBs, SSSIs and scheduled ancient monuments (amongst others) can be carried out under the Town and Country Planning (General Permitted Development) (Amendments and Consequential Provisions) (England) Order 2014. This means they no longer require a planning application but simply a Prior Notification to the Local Planning Authority. Although some other information is still required, there is no longer any requirement for a wildlife survey to be carried out. Wildlife interests are certain to be damaged as a result.

No aspect of the new legislation alters the Biodiversity Duty placed on planning authorities under the Natural Environment and Rural Communities Act (NERC, 2006). However, even before this new policy, planning decisions often failed to achieve protection of biodiversity interests, let alone enhancement. The idea that Barn Owl interests are adequately covered via wildlife legislation is incorrect. Although the Wildlife and Countryside Act (1981, as amended) protects individual birds whilst nesting it affords no protection to the sites they use. Such protection can only be delivered by the planning system.

Although the following content only strictly applies to proposed conversions in the aforementioned areas, the Barn Owl Trust's position regarding development of known or potential Barn Owl sites outside such areas has not changed. The information in this document is therefore considered Best Practise for all proposed rural development scenarios.

2. Pre-application advice

At the early stage of proceedings, it is by far the best time to start the applicant thinking about biodiversity issues. A thorough survey by a suitably qualified person and a good survey report with appropriate mitigation and enhancement can facilitate the application process no end, and makes errors a lot less likely.

3. Getting the right survey

The whole process is greatly facilitated by helping the applicant get a good survey done. At the earliest-possible stage, the Applicants' Hand-out (see APPENDIX 1) should be given to all prospective applicants at sites where Barn Owls may be an issue. This specifies; the skill requirements for a Barn Owl Surveyor; the required contents of the Ecological Survey Report. It also describes the measures and sequence of events needed in different Barn Owl occupation scenarios and provides links to further information.

4. Front-loaded applications

Planning projects should address biodiversity issues at the pre-registration stage and a detailed scheme of works to achieve protection, mitigation and enhancement should be submitted with the application. In such cases the imposition of specific planning conditions is usually avoided. The successful front-loading of applications necessitates an Ecological Survey Report that identifies the sites' biodiversity interests and the potential impacts of the development. Specifically, such reports must identify all habitats and species interests (including both past and present occupation) and contain recommendations for achieving protection, mitigation and enhancement.

5. Checking the survey report

- Make sure the survey was carried out within the last three months.
- Ensure that the survey included these three important elements:
 1. All the right data holders were contacted; Local Barn Owl Group, County Records Centre and NBN, and the Barn Owl Trust, not just the NBN (which holds comparatively few Barn Owl records)!
 2. Nearby residents/workers were interviewed (to record sightings);
 3. A detailed physical search of the entire site was conducted.
- Ensure that the report clearly defines:
 4. the suitability of the site for Barn Owls;
 5. the birds' past and present status; either absent, roosting occasionally, roosting regularly, or nesting;
 6. The approximate time(s) of occupation and the age of the most recent evidence; fresh to one month, 1-12 months, 1-2 years, older than 2 years.
- Ensure that the report contains recommendations that are in line with the Decision Table.

5.1 Dealing with incomplete surveys and inadequate survey reports

At pre-registration stage poor quality surveys/reports should be rejected and a new survey required. However, due to time constraints some applications may need to be registered without all the necessary information. Searches of old buildings are quite often incomplete and in such cases the survey report cannot possibly prove the birds' absence. Often it is the highest part of a building that has not been searched and this is often where the Barn Owls would have nested (or are nesting now). Huge veteran trees that are full of holes pose a similar problem. Additionally, some survey reports fail to describe the amount, age or location of Barn Owl evidence. This makes it impossible to state with any accuracy the site's current, recent or historical importance to Barn Owls. At sites too dangerous for thorough searching, interviewing all site neighbours (to record sightings etc.) and contacting all local wildlife recording groups can be useful and, in any case, are important aspects of all Barn Owl surveys that are often overlooked. However, a lack of reported sightings is not evidence of absence and the only reliable and accurate way of assessing Barn Owl site status is an exhaustive physical search for material evidence. At every site that a Barn Owl could enter and information is insufficient a Precautionary Approach must be adopted.

5.2 The Precautionary Approach

The NPPF (2012) states that; "Planning policies and decisions should ensure that:

- adequate site investigation information, prepared by a competent person, is presented" and Government Circular 2005 states; "It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted"

When the survey or report is incomplete or inadequate (and a better one is unobtainable), a Precautionary Approach must be adopted and the site treated as if Barn Owls are present and nesting.

6. The proposed mitigation/enhancement scheme

At all current/historical potential roost or nest sites the required Measures should be solely* determined by the species current/historic occupation status. Proceed as follows:

- Double check that the survey and survey report are acceptable (see point 4 above) and note any recommendations made in the report.
- Note the species status (as stated in the report) and align this with the correct row in the Decision Table (see point 6 below).
- The correct row identifies which Measures need to be implemented.
- Read through the proposed scheme and ensure that all the Measures are included.
- Check in the proposed scheme that the position and design both of the temporary nestbox(es) and the permanent built-in nesting space meet the required criteria (see point 11 below) and that on-site protection measures (fences/signage) are included where required. Whether on a big tree, on a massive pole, or in a building, nestboxes for Barn Owls must meet certain criteria both in terms of their design (size, hole position etc.) and positioning (distance, height, visibility etc.) Design requirements for Barn Owl nestboxes in buildings, on trees and on poles. The same is true of permanent nesting spaces built-in to redeveloped buildings or new-builds, where criteria such as insulation and human access for future maintenance need to be considered. Design requirements for built-in Barn Owl nesting spaces.
- Double check in the proposed scheme that the sequence of events and time intervals between actions are correct as this is an area where potentially damaging mistakes/omissions are easily made (see APPENDIX 1).

If the site (ideally including its immediate surroundings) has never been a potential Barn Owl roost or nest site, a scheme is not generally required other than as enhancement.

*Generally, provision for Barn Owls should not be made within 1km of a motorway or similar fast unscreened trunk road.



7. Decision Table

Ecological survey results	Mitigation, compensation and enhancement measures				
	Make temporary alternative provision nearby	Require an immediately pre-development survey	Impose a timing restriction (March to August incl.)	Require a built-in nesting place	Require foraging habitat creation and management
No Barn Owl evidence but site suitable	No	Yes	No	Yes	Yes
Barn Owl roosted here over 2 years ago	No	Yes	No	Yes	Yes
Barn Owl roosted here within the last 2 years	Yes	Yes	No	Yes	Yes
Barn Owls nested historically/ pair roosting	Yes	Yes	Yes	Yes	Yes
Barn Owl evidence found here (unspecified)	Yes	Yes	Yes	Yes	Yes
Incomplete survey or inadequate survey report	Yes	Yes	Yes	Yes	Yes
Action Required	As soon as possible; erect one or more Barn Owl nestboxes within 200m and in clear line of sight of the development at least 30 days before any works commence. This alternative provision should be kept free from disturbance by on-site protection measures such as signage and fencing. In order of preference, nestboxes should be erected; i) in suitable buildings. If there are no suitable buildings, then; ii) in suitable trees. If no suitable trees then; iii) on poles.	Require a full survey for evidence of Barn Owl occupation by a suitably qualified person, to be conducted no more than 3 days before development works start to ensure no offence is committed under the Wildlife and Countryside Act (1981) as amended. Survey reports must identify, age and map evidence of occupation by Barn Owl, state occupation status (e.g. nest site) and provide specific recommendations stating what needs to happen (where, when, how) and in what order.	Restrict the timing of the development; works must not commence and disturbance must not increase between 1st March and 31st August. This will help ensure no offence is committed under the Wildlife and Countryside Act (1981) as amended. Approximately 75% of nesting cycles occur between March and August inclusive so at sites with evidence of nesting, either current or historic, or where a pair of birds is in residence, a timing restriction is an essential safeguard.	A permanent accessible roosting and nesting place for Barn Owls must be created inside (i.e. within) the development: typically in a roof void or within the structure of a roof or wall at least 3 metres above ground level. The owls' access should replicate the existing owl access point. If there is no existing access, face the access towards open countryside.	Create as a minimum the same amount of suitable Barn Owl foraging habitat to that which is being lost by development to ensure no net loss in biodiversity. This can be on or off-site. A habitat management plan should specify a topping regime of not more than once a year and not before 15th July. Annual topping on a rotational basis can help ensure there is always some optimum foraging habitat available for the Barn Owls.

<p>Sources of information (hyperlinks)</p>	<p>How to choose the best nestbox design</p> <p>Nestboxes for use in barns and other buildings</p> <p>Nestboxes for use on trees</p> <p>Polebox design</p>	<p>Barn Owl field signs</p> <p>What is a Barn Owl pellet?</p> <p>Training for ecologists and planners</p>	<p>Legal protection of wild Barn Owls</p> <p>Additional protection against disturbance whilst nesting</p>	<p>Accommodating Barn Owls within building projects</p> <p>Pictures of barn conversions with provision incorporated</p>	<p>How to manage land for Barn Owls</p> <p>Pictures of litter layers and evidence of field voles</p> <p>Pictures of good Barn Owl habitat</p>
<p>Summary of justification</p>	<p>Barn Owls demonstrate an incredibly high degree of site fidelity. However, research has shown that the loss of a main roost or nest site can result in the abandonment of other nearby sites; the so-called 'knock-on effect'. Adequate mitigation/ compensation for the temporary loss of a site during works, which may result in its permanent abandonment, must include measures to maintain continuity of occupation if the welfare of the protected species is to be fully taken into account. For full details of the statutory and policy justification, see 1, 2, 9, 10, 13, 14, 17, 20, 21</p>	<p>Planning guidance states that ecological surveys should be provided before planning consent is granted and that the need for surveys should only be covered under planning conditions in 'exceptional circumstances' (ODPM Circular 06/2005). However, Barn Owl status can change on a day-to-day basis, the species has been recorded nesting in every month of the year, and the development may not start for up to three years after consent. These constitute 'exceptional circumstances'. Attaching Condition 2 also enables local authorities to fulfil one of their obligations under Section 25 (1) of the Wildlife and Countryside Act (1981). For full details of the statutory and policy justification, see 3, 8, 16, 17, 18, 20, 22</p>	<p>Barn Owls are afforded special protection from disturbance whilst nesting under Schedule 1 of the Wildlife and Countryside Act (1981) as amended. As c. 75% of nesting cycles fall between March and August inclusive, this period should be regarded as the main breeding season and a restriction applied on the commencement of works during this period. Although it can be argued that attaching such a condition duplicates legislation, it is common practice for LPAs to do so and this enables local authorities to fulfil one of their obligations under Section 25 (1) of the Wildlife and Countryside Act (1981). For full details of the statutory and policy justification, see 19</p>	<p>Barn Owls are dependent upon the availability of nest and roost sites and population recovery can only occur where potential sites remain available to them. The presence of a protected species is a material consideration and planning consent should be refused if adequate provision cannot be made. Even where there is no evidence of occupation, permanent provision should be made. For full details of the statutory and policy justification, see 1, 2, 4, 8, 9, 10, 11, 12, 13, 14, 17, 20, 21</p>	<p>Barn Owls are dependent upon the availability of prey-rich foraging areas and, to a large extent, population size and population recovery are determined by food supply. Local authorities have a statutory duty not only to protect species but also to help restore or enhance populations and habitats. For full details of the statutory and policy justification, see 1, 2, 4, 9, 10, 11, 12, 13, 14, 17, 20, 21</p>

8. Condition wording for front-loaded applications

Front-loaded applications that include all the required *Measures* should only require simple conditions;

- i) The residential development shall not be occupied until a mitigation and enhancement scheme for Barn Owls, previously submitted to and agreed in writing by the Local Planning Authority has been implemented in full.
- ii) The residential development shall not be occupied until the scheme for landscaping previously submitted to and approved in writing by the Local Planning Authority has been implemented in full.

9. Condition wording for NON-front-loaded applications

In some circumstances, planning consent may be given before the details of mitigation and enhancement schemes have been agreed. In these situations *precise wording of the conditions attached is crucial* in order to ensure that all the essential requirements are met:

Condition 1 - *Maintain continuity of occupation by making temporary alternative provision nearby

Wording to use:	A Barn Owl roosting/nesting box shall be provided for Barn Owls within 200 metres of the development site to which the consent applies at least 30 days before any development works commence. This provision must be kept free from disturbance and remain in place until at least 30 days after permanent provision has been made, in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority.
Reason:	to secure the long-term protection of the species by maintaining continuity of occupation (by providing temporary additional roosting/nesting places on-site).
Informative:	the applicant is advised that the above condition has been imposed because Barn Owls are a Schedule 1 Protected Species under the Wildlife and Countryside Act (1981) as amended, which affords them special protection against intentional or reckless disturbance whilst nesting. Barn Owls are site-faithful, highly sedentary, and maintaining continuity of occupation is important for their survival. Please be aware that it is the developer's responsibility to ensure that Barn Owls are not disturbed during development works. To satisfy the condition, on-site protection measures may be necessary, including the establishment of on-site exclusion zones with the use of fencing and signage.

Condition 2 - *Ensure compliance with legal protection by requiring an immediately pre-development survey

Wording to use:	<i>No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which the consent applies) within 3 days of work commencing.</i>
Reason:	to ensure that nesting Barn Owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife and Countryside Act (1981).
Informative:	the applicant is advised that due to the potential 3-year delay between the granting of consent and works commencing, an immediately pre-development survey is necessary to avoid an offence being committed under the relevant legislation.

Condition 3 - Impose a timing restriction

Wording to use:	<i>Development works to which the consent applies must not take place; between 1st March and 31st August or at any time while Barn Owls are nesting and until temporary alternative provision has been made in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority.</i>
Reason:	to secure the long-term protection of the species.
Informative:	the applicant is advised that the above condition has been imposed because Barn Owls are a Schedule 1 Protected Species under the Wildlife and Countryside Act (1981) as amended, which affords them special protection against intentional or reckless disturbance whilst nesting. Approximately 75% of nesting cycles occur within this time period. However, nesting has been recorded in every month of the year. Please be aware that it is the developer's responsibility to ensure that nesting Barn Owls and their dependent young are not disturbed during development works.

Condition 4 - Require a permanent nesting place is created inside one of the developed buildings

Wording to use:	<i>A permanent accessible nesting space for Barn Owls shall be provided within one or more of the developed buildings to which the consent applies, and thereafter maintained, in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority.</i>
Reason:	to secure the long-term protection of the species.
Informative:	the applicant is advised that permanent provision must be made in line with guidance available at: http://www.barnowltrust.org.uk/best-owl-nest-boxes/barn-owl-nestboxes-building-projects/

Condition 5 - Require foraging habitat creation and management (where existing habitat will be lost, or as enhancement)

Wording to use:	<i>No development shall commence until a scheme showing the location and extent of rough grassland habitat and its subsequent management has first been submitted to and agreed in writing by the Local Planning Authority.</i>
Reason:	to secure the long-term protection of the species by creating and maintaining foraging habitat and to fulfil the LPA's obligations to restore or enhance a population or habitat under the NERC Act (2006) and NPPF (2012).
Informative:	the applicant is advised that in order to satisfy the above condition an equivalent area of Barn Owl foraging habitat to that which will be lost, be created and thereafter maintained on site. The area must not be cut less than 125mm above ground level (i.e. topped not mown) not more than once a year and not before 15th July.

10. Frequently Asked Questions

What if the applicant says there is nowhere to make temporary, alternative provision on site?

The creation of alternative provision is an essential aspect of the mitigation process. If a planning decision that would result in significant harm to biodiversity cannot be adequately mitigated against or compensated for, permission should be refused. Alternative provision can always be made, even if this is on land not subject to the planning application and in which the applicant has no freehold interest, provided he/she has 'sufficient control' over that land (Circular 11/95).

What if the applicant says it's not possible or practical to make permanent provision inside one of the developed buildings?

Barn Owls will use any type of rural building (domestic, industrial, agricultural etc.) and on-site provision can be made in any building provided that the entrance hole is at least 3 metres above ground level, big enough, visible and leads into a nest chamber of adequate size.

Typically, in a range of barn conversions the provision is made in the tallest one and in new-build housing the provision may be in a house or a garage block overlooking open countryside. Although the alternative provision can be more temporary, the permanent provision should be in a building that is expected to last at least 100 years and not in an unconverted agricultural building, on the outside of a building, in a tree, or on a pole. See essential design requirements.

- the access hole can either be made through the roof or through a wall [pictures];
- where there is no residual loft space the nest chamber can be wholly or partly contained within the wall and/or can be built into the room as a small feature;
- where adequate insulation is used there are no condensation, noise, or health issues;
- human access into the nest chamber will need to be incorporated but there is normally no requirement for annual inspections and no onerous commitment for future owners;
- in new-builds, possible conflict with building regulation L1A Conservation of Fuel and Power in New Dwellings can be resolved by placing the membrane between the owl provision and the rest of the building;
- the majority of site owners relish the chance to live or work alongside these beautiful birds and resistance is very rare, particularly when the correct advice is given.

What if the applicant says there is already adequate provision for Barn Owls in the area?

If, within 200 metres of the proposed development, there are already two ideal places for Barn Owls to nest inside domestic or industrial buildings that are likely to last at least 100 years then there is no need for any further provision to be made. If the applicant says there is no need to make provision because the building containing resident owl(s) is not part of the current proposal, provision should still be made in the current development where the occupied sites are likely to be lost or developed in future.

What if the development results in the loss of suitable Barn Owl foraging habitat?

Food supply is obviously essential and within the owls' home range of 350-5,000 hectares they tend to concentrate on hunting over patches of rough tussocky grassland. Habitat loss should be mitigated, or compensated for, through agreeing a dedicated landscaping or habitat management plan to ensure that there is no net loss of foraging habitat on-site.

11. JUSTIFICATION

11.1 Legal protection

The protection afforded to birds under the Birds Directive is enshrined in law by the Wildlife and Countryside Act (1981) for England, Scotland and Wales. This protects Barn Owls from intentional killing, injury or taking, and protects their nests and eggs from taking, damage or destruction. In addition, under Schedule 1 of the Act, Barn Owls are afforded a special level of protection against intentional or reckless disturbance whilst nesting.

11.1.1 Relevant duties of Local Planning Authorities

Under Section 25 (1) of the Wildlife and Countryside Act (1981) local authorities have a duty to take such steps as they consider expedient to bring to the attention of the public the provisions of Part I of the Wildlife & Countryside Act, which includes measures to conserve protected species. The Natural Environment and Rural Communities Act (2006) places a Statutory Biodiversity Duty on public authorities *“to take such measures as they consider expedient for the purposes of conserving biodiversity”*, including restoring or enhancing a population or habitat. As well as statutory obligations, there are numerous policy documents from central government requiring LPAs to take full account of biodiversity and best practice guides to follow.

11.2 Planning policy

In March 2012, a major revision of the planning system in England culminated in the publication of the National Planning Policy Framework, representing the Government's planning policy and its application in England. The NPPF states that the planning system must make a contribution to achieving sustainable development, of which there are three dimensions. One of these dimensions requires the planning system to fulfil an environmental role. In pursuit of sustainable development, it should seek to ensure that we move from a net loss to a net gain in biodiversity (National Planning Policy Framework, 2012; 2). In terms of legislation, the Natural Environment and Rural Communities Act (2006) places on all local and public authorities a duty to conserve biodiversity. This is defined in relation to a living organism as restoring or enhancing a population or habitat.

11.3 Barn Owl requirements

Barn Owls are a specialist predator of small mammals across open habitats in low light conditions. They are a widely distributed species, covering nearly the whole of the UK except predominantly urban and mountainous areas. Almost exclusively found in rural environments in the UK, Barn Owls can occasionally be found in more urban situations where there is direct access to open countryside. Despite its distribution, Barn Owls are nowhere common, and the species has experienced a significant decline in population in recent times.

11.3.1 Population decline

The earliest attempt at a national survey was conducted in 1932, resulting in a population estimate of c.12000 pairs across England and Wales (Blaker, 1933). However, the only reliable census, Project Barn Owl, conducted in 1995-97 estimated a UK population of c.4000 pairs (Toms *et al*, 2000). Due to the unreliable methodology used for the 1932 survey, the actual extent of the decline is unknown but there is no doubt that the species has experienced a notable decrease in population in the last two centuries.

Using previously published data (Gibbons *et al*, 1993) it can be estimated that in Britain the Barn Owl is now five times less common than the more familiar Tawny Owl *Strix aluco*. Anecdotal evidence suggests that, historically, Barn Owls were resident on most farms, whereas today evidence of occupation is generally found on less than one in fifty farms (*pers. obs.*).

11.3.2 Agricultural intensification

The decline in the UK Barn Owl population is largely attributable to the intensification and mechanisation of agricultural practices, which has removed suitable foraging habitat from much of the farmed landscape. Other contributory factors include the loss of roost and nest sites as traditional agricultural buildings are converted or lost to demolition or decay. Amongst a number of other hazards, the presence of trunk roads kills an estimated 3,000-5,000 Barn Owls a year and the prolific use of Second Generation Anti-coagulant Rodenticides to control vermin at up to 89% of the UK's farms (Brakes and Smith, 2005) has led to a contamination rate of 91% in those corpses tested by the Predatory Bird Monitoring Scheme (Walker *et al*, 2010).

11.3.3 The damaging effects of site loss

- Barn Owls prefer roost and nest sites that afford shelter from the elements, and dryness is important (Taylor, 1994; McCafferty *et al*, 2001);
- evidence suggests that the loss of suitable rural buildings and large dry tree cavities has been a limiting factor in some areas (Petty *et al*, 1994; Taylor, 1994);
- even in local areas where (apparently suitable) potential nest/roost sites are abundant, the loss of an occupied site has been shown to have a negative effect on local Barn Owl distribution (Ramsden, 1998);
- the provision of nest boxes has been shown to increase numbers in some areas (Juillard and Beuret, 1983; De Bruijn, 1994);
- the loss of suitable roost and nest sites has caused local Barn Owl declines and a lack of suitable sites may still limit Barn Owl abundance in some areas (Ramsden, 1998).

Due to its decline, the Barn Owl is included on the Amber List of Birds of Conservation Concern (Eaton *et al*, 2013), as one of those species suffering from moderate decline. It is also listed in Appendix II of the Bern Convention (1982) and the EC Birds Directive (1979).

11.4 What Barn Owls need

In the simplest terms, Barn Owls need areas to hunt, and places to roost and nest. Unfortunately, it is the loss of both of these resources that has played a major part in the recent decline of the species. Barn Owls are also predominantly sedentary, highly faithful to the sites they adopt, and are sensitive, and often react badly, to change.

From a planning point of view therefore, the three main concepts that need to be borne in mind in the consideration of planning applications where Barn Owls may be affected are continuity, legality and permanence.

11.4.1 Continuity

Barn Owls that are forced to abandon their homes due to disturbance or site loss (even temporarily) are less likely to survive. In fact, the loss of a single site has been shown to have a marked effect on resident birds, leading to abandonment of other nearby sites, the so-called 'knock-on effect' (Ramsden, 1998). The aim should always therefore be to keep the birds on-site but free from disturbance whilst the development takes place if possible. If, as is often the case, this is not possible, then keeping them nearby the development (and free from disturbance) is the next best thing. It is therefore essential to maintain continuity of occupation at or near development sites by giving the birds somewhere else to go in the form of alternative provision; nestboxes in buildings, on trees or poles. This is a temporary measure until a more permanent solution is created.

11.4.2 Legality

Barn Owls are afforded special protection against intentional or reckless disturbance whilst nesting, under Schedule 1 of the Wildlife and Countryside Act (1981) as amended by the Countryside and Rights of Way Act (2000). An offence is punishable by a £5,000 fine, or 6 months imprisonment, or both, per egg or young disturbed.

11.4.3 Permanence

Many old buildings and veteran trees have been available for Barn Owls to use for many years and some 'traditional' nest sites have been continuously occupied by successive generations of Barn Owls for longer than anyone can remember. Where sites are being developed, it is essential that permanent provision is created; a new permanent roosting and nesting place is provided inside one of the developed buildings.

NB. The provision of an outdoor nestbox that will only last a few years is considered inadequate mitigation for the loss of an old building or veteran tree that has been available for decades as it fails to satisfy the requirement for permanence and will inevitably lead to a net loss in biodiversity.

12. Applications for demolition

A recent court ruling has found that demolition works may fall within the scope of the European Environmental Impact Assessment Directive 85/337. Prior to the ruling, the Town and Country Planning (Demolition – Description of Buildings) Direction 1995 ("the 1995 Direction") considered that almost all demolitions (with the exception of dwellings and attached buildings) did not constitute development of land, which meant that no planning consent was required. Since the judgement, almost all demolitions are considered development and now require planning permission. An exception is made for buildings less than 50 cubic metres in volume unless in a Conservation Area.

If demolition is likely to have an adverse environmental impact, then a Scoping Opinion on whether an Environmental Impact Assessment (EIA) is required. This is unlikely for demolitions of modest-sized buildings unless in Conservation Areas, or in or adjacent to sites with environmental designations. Nevertheless, a prior approval notification on the method of demolition will usually be necessary. From a biodiversity point of view, the demolition of a building will normally require an up-to-date survey for bats and possibly other protected species if they are thought to be at risk.

13. Applications for wind turbines

The Barn Owl Trust always recommends that a full Environmental Assessment be undertaken, to include desktop surveys and an assessment of the proximity of the proposed turbine to probable flight paths used by Barn Owls before planning permission is considered. This is especially important where Barn Owl population and proposed turbine density are particularly high in any one given area.

Furthermore, the Trust recommends that a weekly system of monitoring around newly erected turbines to search for bird strike carcasses is implemented, over a period of operation of not less than 2 years, and that the results are made publicly available.

Due to the risk of carcass loss, the erection of fox and badger-proof fencing around the whole periphery of the site footprint is recommended to prevent the removal of carcasses by scavenging mammals. Such fences should be erected around installations with a radius equivalent to the height of the turbine mast plus one rotor blade. In addition, the site footprint should be managed to control scrub in order to facilitate the discovery of any carcasses. Despite a perceived reluctance on the part of many local planning authorities to impose such a condition, this recommendation is in line with Government thinking. In response to a question in the House of Commons from Graham Evens MP, the Minister for Energy and Climate Change, Charles Hendry MP, replied:

“Local and national planning authorities can and do refuse planning permission for proposed wind farms where there are likely to be significant impacts on local wildlife populations which cannot be acceptably mitigated. Where appropriate, conditions can be placed on a wind farm to ensure that any impacts on local wildlife populations are minimised, avoided or compensated. This may include post development monitoring of wildlife.” (Barclay 2010).

Natural England Technical Information Note TIN069 further supports the use of collision monitoring schemes, including carcass searches.

Based on available evidence, it is thought that wind farms that are positioned appropriately within the landscape do not pose a significant hazard for Barn Owls. This is because Barn Owl home range varies between 350 hectares in summer and 5000 hectares in winter, thereby reducing the amount of time spent in the vicinity of a turbine in comparison with many other species. Furthermore, foraging predominantly takes place within 3-4m (10-13 feet) of the ground yet most turbines afford a rotor tip ground clearance well in excess of this elevation.

So far, there is only one confirmed case of a Barn Owl being injured or killed by a wind turbine in Britain (04/01/13 in Cumbria caused by a low-level domestic turbine, not a tall commercial turbine). This is in marked contrast to the situation with major roads where confirmed mortality reports are frequently received and an estimated 3,000-5,000 Barn Owls are killed every year. As far as is known, and despite appeals for information, the number of unsubstantiated reports (where it is alleged that Barn Owls have been killed by wind turbines) is extremely low. Based on available evidence, the Barn Owl Trust takes the view that, overall, the level of threat posed to Barn Owls by wind turbines in Britain is relatively very low.

14. Applications for solar farms

Solar farms are not thought to pose any direct physical risk to Barn Owls. They present a negligible collision risk, and are no more dangerous than any other low level structure commonly found in the countryside, such as hedges, trees, agricultural buildings etc. They do not electrocute or dazzle Barn Owls. In fact, the array frameworks in which the panels are supported are typically at a height from which Barn Owls can hunt. Perch-hunting can be a particularly efficient way for Barn Owls to conserve energy in the winter and the erection of solar panel arrays might therefore benefit Barn Owls if habitat below and surrounding the arrays is favourable.

The Barn Owl Trust always recommends that a full Environmental Assessment be undertaken, to include desktop surveys and an assessment of the likely impact of any proposed solar farm on both Barn Owl roost/nest sites and foraging habitat before planning permission is considered. This is especially important where roost/nest sites are to be removed or lost and/or where the land is optimum small mammal habitat (rough grassland with a litter layer not less than c. 7cm deep).

Loss or removal of a Barn Owl roost/nest site or foraging habitat should be mitigated or compensated for in line with the guidance above (see section 7). At sites where there is no site or habitat loss, the opportunity to enhance habitat for the benefit of Barn Owls should be taken unless the proposed solar farm is within 1km of an unscreened trunk road (dual-carriageway or motorway).

More information on biodiversity enhancements at solar developments can be found in BRE (2014).



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APPENDIX 1 – APPLICANTS’ HAND-OUT

1. ECOLOGICAL SURVEYS

1.1 Who is a ‘suitably qualified person’?

In order to undertake surveys that could result in disturbance to breeding birds, a licence is required. Most pre-development ecological surveys are carried out by ecological consultants appointed by the applicant. However, not all ecologists have the required levels of relevant skill and knowledge, and the possession of a Schedule 1 licence to disturb should not be regarded as a qualification or proof of competence in its own right. In fact, anyone with the right skills can carry out a survey. Minimum skill requirements are specified below.

1.2 Skill requirements

Surveyors should be able to:

- assess whether any building, tree or other feature is or is not a potential (suitable) Barn Owl roost or nest place, and;
- assess the probability that evidence of Barn Owl occupation has been lost or covered, and;
- differentiate owl faeces from the faeces of non-raptorial species commonly found in similar habitats, and;
- identify Barn Owl feathers and differentiate between small adult body feathers and nestling fluff, and;
- identify Barn Owl eggs and egg shell and determine whether unhatched eggs are less than or more than one year old, and;
- identify Barn Owl pellets and age pellets as fresh to one month old, one month to one year old, one to two years old or older than two years, and;
- identify Barn Owl nest debris and age as recent to one year old, one to two years old or older than two years, and;
- identify Barn Owl carcasses and differentiate between dead nestlings and fully-grown individuals, and;
- identify Barn Owl calls (hissing and snoring calls from adults and owlets) and interpret reports of calling, and;
- record and evaluate anecdotal reports of Barn Owl occupation by lay-people, and;
- assess the scope for enhancement of development sites, and;
- recognise suitable foraging habitat for Barn Owls, and;
- write a survey report which details measures for mitigation, compensation and enhancement of sites, including relevant landscaping/habitat management plans.

1.3 Skills training

Since 2005 many ecologists from across the UK have attended specific training in Barn Owl ecology, surveys and signs and suitably trained surveyors can usually be found.

2. SITE SURVEY INFORMATION

2.1 Survey gaps

Survey gaps are those that do not include a search of all the potential places a Barn Owl might use in a building, tree or other suitable structure, usually as a result of inaccessibility or Health and Safety issues. Searches of old buildings are quite often incomplete and in such cases the survey report cannot possibly prove the birds' absence. Often it is the highest part of a building that has not been searched and this is often where the Barn Owls would have nested (or may even be currently nesting). Huge veteran trees that are full of holes pose a similar problem.

2.2 Survey inadequacies

Inadequate surveys are those that fail to describe the amount, age or location of Barn Owl evidence. This makes it impossible to state with any accuracy the site's current, recent or historical importance to Barn Owls.

In these cases, interviewing all site neighbours (to record sightings etc.) and contacting all local wildlife recording groups can be useful and is in any case an important aspect of Barn Owl survey work that is often overlooked. However, a lack of reported sightings is not evidence of absence and the only reliable and accurate way of assessing Barn Owl site status is a physical search for material evidence (in conjunction with a desk-top study and neighbour interviews).

The NPPF (2012) states that "Planning policies and decisions should ensure that:

- adequate site investigation information, prepared by a competent person, is presented" and Government Circular 2005 states; "It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted".

2.3 The Precautionary Approach

In the case of survey gaps or inadequacies (and where a better survey cannot be done), a precautionary approach must be adopted on the assumption that Barn Owls are present and nesting.

3. THE REQUIRED SEQUENCE OF EVENTS

Barn Owls are incredibly faithful to the roost/nest sites they use and birds that have somewhere to hide can tolerate a remarkable amount of noise and nearby development activity. The aim should always be to keep the birds on-site whilst the development takes place. This is the main reason why alternative provision should be made - it temporarily provides an alternative place for owls to hide/roost/nest. The alternative provision must remain in place until after permanent provision has been made (inside one of the developed buildings). See Barn Owl Trust (2012).

The sequence of events is:

- initially, the part of the site used by Barn Owls is left undisturbed;
- planning consent is given and any pre-development submissions are made and agreed by the Case Officer;
- alternative provision is made as early as possible and at least 30 days before the development starts;
- a no-go area is established which protects the alternative provision from direct disturbance;
- the development commences and permanent provision is made as early as possible in one of the tallest buildings;
- the development finishes, its new use commences but the permanent provision is not subjected to direct disturbance (i.e. not inspected);
- the alternative provision remains in place until at least 30 days after the permanent provision becomes available.

4. ON-SITE PROTECTION MEASURES DURING DEVELOPMENT

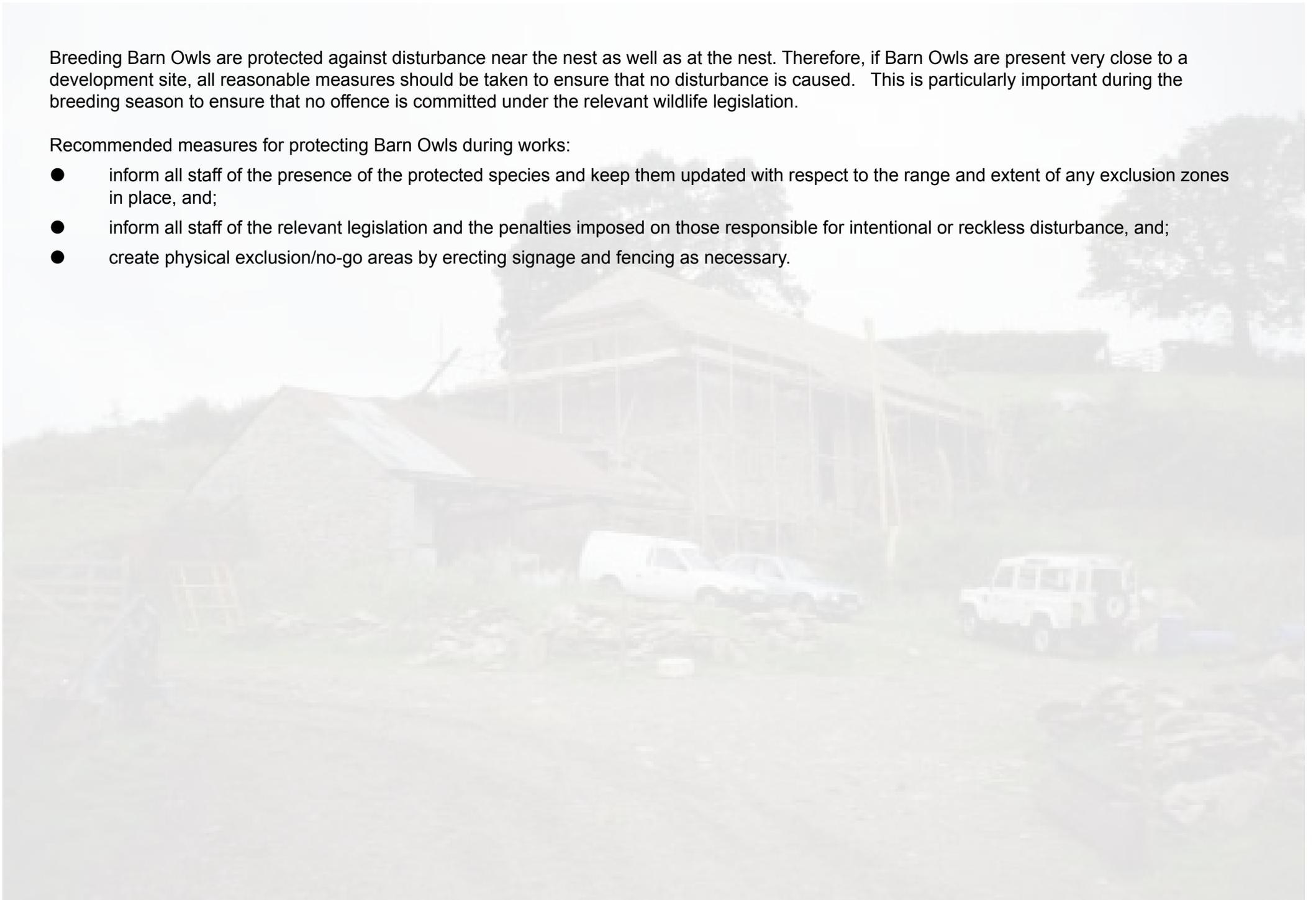
Barn Owls are shy, unobtrusive birds, which generally prefer to hide away in dark, dry, elevated spaces. In the wild they will utilise almost any space that affords them this level of privacy and are most often found in rural buildings or holes in trees. As well as these typical site-types, they have also been recorded in ventilation shafts in industrial units, crevices in quarries, bell towers and a variety of other places too. Contrary to popular belief, they can become accustomed to regular noise and activity provided that they have an ideal hiding place on-site. Well-designed nest boxes can provide perfect places for Barn Owls to hide and roost, as well as nest. Birds that are well-hidden are much less likely to be flushed from a site when a potentially disturbing thing starts to happen. Birds that remain on-site then become accustomed to the noise and learn to ignore it. Generally speaking, the birds will continue to use the site provided that there is not a significant change in either the level of noise and/or proximity of development activity.

Unexpected disturbance caused by development works can have a potentially catastrophic effect on resident birds particularly if there are no undisturbed hiding places left on-site. In addition, birds that have only recently occupied a site are much more likely to abandon the site if they are disturbed. Birds that have already had to move to nearby alternative provision are potentially more sensitive to disturbance, so should be treated with the utmost care. Birds that abandon their nesting site, or one of their main roost sites, will often abandon other sites at the same time; the so-called 'knock-on' effect (see population decline and the damaging effects of site loss).

Breeding Barn Owls are protected against disturbance near the nest as well as at the nest. Therefore, if Barn Owls are present very close to a development site, all reasonable measures should be taken to ensure that no disturbance is caused. This is particularly important during the breeding season to ensure that no offence is committed under the relevant wildlife legislation.

Recommended measures for protecting Barn Owls during works:

- inform all staff of the presence of the protected species and keep them updated with respect to the range and extent of any exclusion zones in place, and;
- inform all staff of the relevant legislation and the penalties imposed on those responsible for intentional or reckless disturbance, and;
- create physical exclusion/no-go areas by erecting signage and fencing as necessary.



APPENDIX 2 – PLANNING POLICY JUSTIFICATION DOCUMENTS AND EXTRACTS

1. Guidance for Public Authorities on Implementing the Biodiversity Duty, Defra (2006)

1. *“Introducing the Biodiversity Duty for Public Authorities*

8. Conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them”

2. *“Policies, Strategies and Biodiversity*

12. A useful systematic approach is to avoid any negative effects on biodiversity in the first instance, then to seek to reduce or mitigate such impacts, then to incorporate opportunities for biodiversity enhancement into public policy wherever possible”

3. *“Planning, Infrastructure and Development*

18. National planning policy on biodiversity conservation is the primary reference point for those developing or appraising development plans or projects.

20. A good evidence base is essential to public authorities when planning development projects.

21. Effective monitoring is key to ensuring measures put in place to conserve biodiversity are successful”

4. *“Implementing the Duty – Implications for Public Authorities and their Staff*

25. In demonstrating that it has implemented its Duty to have regard to the conservation of biodiversity, a public authority is likely to be able to show that it has:

- 1. Identified and taken opportunities to integrate biodiversity considerations into all relevant service areas and functions, and ensured that biodiversity is protected and enhanced in line with current statutory obligations;*
- 2. Raised awareness of staff and managers with regard to biodiversity issues”*

5. “27. Having regard to the conservation of biodiversity in their activities has implications for the awareness, knowledge and skills of public authority staff. These needs can be met by raising general awareness, using available guidance, integrating biodiversity into staff training, seeking advice from colleagues and external bodies, and, where necessary, providing specific training”

6. *“4. Planning, Infrastructure and Development*

4.3.1 England

Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (ODPM 2005) is the key national planning policy for biodiversity in England. It sets out the principles that regional planning bodies and local planning authorities should follow to ensure that biodiversity is considered fully in the development of planning policy and determining planning applications”

7. “4.3.2 Wales

Planning Policy Wales, (Welsh Assembly Government 2002) sets the land use planning policies for Wales and should be taken into account by all local planning authorities in Wales.

Chapter 5 of Planning Policy Wales highlights the requirements for local planning authorities to address natural heritage at an early stage of Unitary Development Plan (UDP) preparation and in the development control process”

8. “4.5 Engaging With the Local Planning Authority

In order to avoid delays upon submission of planning applications, public authorities are encouraged to consult local authorities to ensure that adequate information on biodiversity is submitted with planning applications and all legal requirements are met. This may involve a requirement for ecological surveys to be undertaken. Public authorities should ensure that they are aware of any relevant information or requirements, such as biodiversity checklists, held by the local authority before submitting an application”

9. “4.7 Seeking Biodiversity Enhancement

It is important that public authorities seek not only to protect important habitats and species, but actively seek opportunities to enhance biodiversity through development proposals, where appropriate. Incorporating enhancement opportunities into projects may help applicants to achieve planning permission”

10. *“Planning conditions and obligations, to be agreed with the local planning authority, can incorporate appropriate measures to securing conservation opportunities both on and off development sites”*

2. National Planning Policy Framework (DCLG, 2012)

11. *“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity” (DCLG 2012; 2)*

12. *“Pursuing sustainable development involves . . .*

- *moving from a net loss of bio-diversity to achieving net gains for nature* (*Natural Environment White Paper, The Natural Choice: Securing the Value of Nature, 2011)” (DCLG, 2012; 3)*

13. *“Core planning principles*

. . . a set of core land-use planning principles should underpin both plan-making and decision-taking . . . planning should:

- *contribute to conserving and enhancing the natural environment . . .” (DCLG 2012; 6)*

14. “Conserving and enhancing the natural environment

The planning system should contribute to and enhance the natural . . . environment by:

- *minimising the impacts on biodiversity and providing net gains in biodiversity where possible . . .” (DCLG 2012; 25-26)*

15 *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm 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;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;” (DCLG 2012; 27-28)*

16 *“Planning policies and decisions should ensure that:*

- *adequate site investigation information, prepared by a competent person[†], is presented” (DCLG 2012; 28)*

3. ODPM Circular 06/2005 (Defra Circular 01/2005) Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system

17 *“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature (now Natural England) before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species”, Part IV Conservation of Species Protected by Law, A. Introduction, 98., p. 33*

18 *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, . . . The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted”, Part IV Conservation of Species Protected by Law, A; Introduction, 99, p. 33*

19 *“Part 1 of the Wildlife and Countryside Act 1981 sets out the protection that is afforded to all wild birds, and certain wild animals and plants. Section 25 places a duty on all local authorities to do what they consider expedient to bring the provisions of the Act relating to protected species to the attention of the public. Local authorities are also empowered to institute proceedings against any person committing an offence under Part 1 of the Act within their area”, Part IV Conservation of Species Protected by Law, C Protection afforded to species by the Wildlife and Countryside Act 1981, 118., p. 37*

4. ODPM (March 2006) Planning for Biodiversity and Geological Conservation: A Guide to Good Practice

20 *“The development control process is a critical stage in delivering the protection and enhancement of biodiversity and geological conservation required by PPS9. The following key examples of good practice can help better achieve these objectives:*

- *Ensuring that planning applications are submitted with adequate information using early negotiation, published checklists, requiring ecological surveys and appropriate consultation.*
- *Securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations.*
- *Identifying ways to build biodiversity and geological conservation into the design of new development”, 5, Development Control, Good Practice Summary, p. 44*

21 *“Where harm cannot be avoided then appropriate mitigation may be a means of reducing any adverse impacts. Mitigation could comprise measures carried out on or outside the development site in order to reduce adverse effects on nature conservation interests on the site itself or on adjacent or other land potentially affected”, 5, Avoiding, Mitigating and Compensating for Harm, 5.28, p. 54*

5. The Royal Town Planning Institute 1999, Planning for Biodiversity: a good practice guide

22 *“In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites where they are known to breed, roost, rest or hibernate. They may be equally dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and greater horseshoe bats)”, Protected Species, p. 40*