



The Ecology Consultancy

# Briefing

Issue 7



Photo: David Moreton



## Urban swifts

by Edward Mayer

As the UK becomes more and more built up, and agriculture becomes ever more industrialised, we are finding that our shrinking wild bird populations are increasingly dependent on the urban environment for their survival.

Whilst clearly most farmland birds, such as skylarks and partridges, cannot adapt to a city life, a surprising number of hedgerow and woodland birds cope well in an urban environment. Those birds specialised in living on mountain sides and coastal cliffs also find a niche in the high-rise city, a perfect example being the black redstart.

This is also true of the swift, a spectacular and beautiful bird that, until the Middle Ages, relied on old woodpecker holes in the dead and dying trees of ancient forests, and sometimes holes in cliff faces, to provide its nesting places. Once Europe was largely deforested, and many cliffs were exploited for quarrying by the burgeoning building

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- ◆ Wildlife legal review
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Photo: Marc Guyt

Continued over...



[www.ecologyconsultancy.co.uk](http://www.ecologyconsultancy.co.uk)



*Urban swifts continued...*

activity of the late 1600s, the swift had to adapt to survive.

Swifts moved into the open eaves and gables of buildings, breeding there successfully until the middle of the 20th Century, when building styles and regulations, and techniques such as loft insulation, started to have an adverse effect by eliminating the vital apertures swifts needed to nest in. The new and renovated buildings of today are invariably useless to swifts, unless they are specially adapted. The UK's swift population has crashed as a result. The UK has lost almost half its swift population in the past 12 or so years alone.

This is a tragedy because swifts are beneficial birds, eating vast quantities of insects and causing us little problem from their nesting behaviour. Indeed they are probably the cleanest birds you can find nesting in a building! Swifts are also exciting to watch, adding vital drama to otherwise dreary urban environments.

These fast moving, sickle-shaped birds arrive in the UK in the last days of April and some may remain until the end of August. Throughout London, swifts can be seen and heard circling overhead of a summer evening, usually in pairs or small groups, making their unique calls, a high-pitched "Screeee-eee!" As part of an initiative by The Mayor, Boris Johnson, in 2010, twenty swift nest boxes were installed on Metropolitan Police Service buildings.



Schwegler Swift Bricks installed in sheltered housing in London

*Photo: Edward Mayer / Swift Conservation*

The Ecology Consultancy, working with developers and planners, is making a difference to whether swifts survive this century, by specifying the installation and preservation of swift nest places. It is surprisingly easy and cheap to preserve their existing nesting sites, even within an insulated and hygienic environment. It's even easier to have commercial swift nest "Bricks" or boxes installed in new builds and at major renovation sites.

The results can be spectacular! If you want to know more, please have a look at [www.swift-conservation.org](http://www.swift-conservation.org)

# The Law Commission announces a wildlife legal review

**Natural England has been tasked with attempting to unify wildlife legislation, which is currently applied through various primary and secondary instruments, in order to lessen confusion for the non-lawyer, and to save administrative costs a simpler licensing system.**

Wildlife law, including the Wildlife and Countryside Act 1981 which is now full of amendments, has become unwieldy, say Natural England. It has become necessary to ensure that the law in this area is compliant with EU requirements and can be easily amended in response to future needs.

This work will initially go to DEFRA for consultation in 2013 with a view to a new draft bill by mid 2014.

[www.justice.gov.uk/lawcommission/docs/lc330\\_eleventh\\_programme.pdf](http://www.justice.gov.uk/lawcommission/docs/lc330_eleventh_programme.pdf)



Ox-eye daisies

# Planning policy framework

In July the Department for Communities and Local Government published a draft of its National Planning Policy Framework, following the announcement last year by Planning Minister, Greg Clark, that Government would consolidate planning policy and guidance into a new single framework. The draft document is now out for consultation, which closes in October.

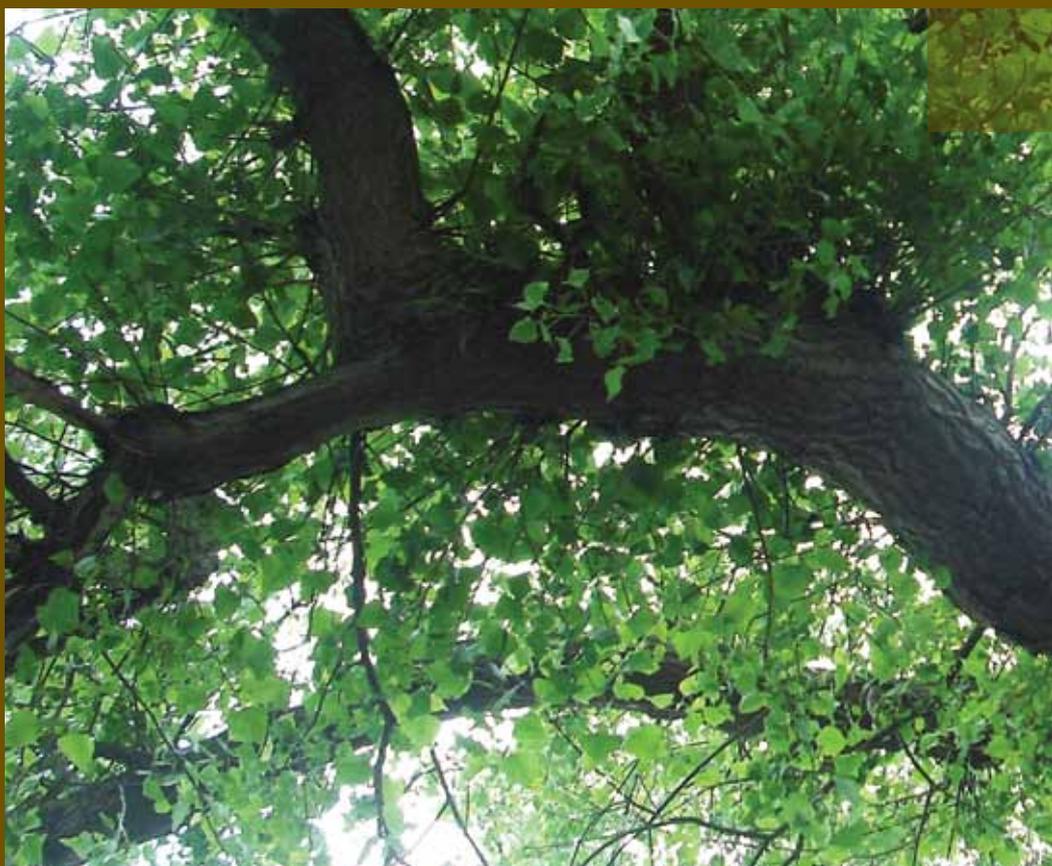
The new framework attempts to embed sustainability within planning policy, with three main drivers - economic prosperity, social housing provision and environmental protection. Planning for a sustainable future will include the prudent use of natural resources and mitigation and adaptation to climate change, including moves towards a low-carbon economy.

Much of the draft document reiterates existing environmental policy, such as maintenance of the green belt. But its real purpose is to accommodate the idea of neighbourhood planning, as set out in the new Localism Bill, which also includes the right of local communities to protect their own special green spaces from development. The guidance also states that planning permission should be refused for development that results in the loss or deterioration of irreplaceable habitats. A sustainability appraisal will need to form part of the plan preparation, but there is no guidance on how this would be achieved.

Leading bodies such as the National Trust, CPRE, the RTPI and the Town and Country Planning Association have already expressed their opinions, raising concerns that much of the document is vague and places economic growth ahead of protection or enhancement of the environment. The Ecology Consultancy agrees - the environment should not come at the end of a long list of other considerations.

The DCLG has said that "There is a strict test that all new growth must be sustainable", but the only strict test we could find applied to the management of flood risk.

[www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf)



## Fox family at Saltdean

Our Lewes team was commissioned to monitor an old badger sett in a residential garden in Saltdean, East Sussex, after the client had reported hearing some animal activity in the garden. Development proposals for the site involved the re-development of the house and the associated gardens. A series of monitoring visits was carried out over three weeks, which included the installation of a motion-activated camera set to record any animal activity.

The device attracted some unwanted attention by two people trying to steal it, who were, of course, caught on camera in the process! They were unsuccessful and the camera was used to record footage of a family of foxes who had taken up residence in the old sett. There were at least four young cubs and one adult - the cubs particularly enjoyed playing on the path right in front of the camera.

Foxes receive protection under the Wild Mammals (Protection) Act 1996. Individual foxes are protected against intentional acts of cruelty including crushing and asphyxiation. In order to adhere to the legislation, prior to any ground works taking place in the vicinity of a fox's earth, measures to deter and exclude foxes must be carried out. This can include vegetation clearance and other exclusion measures to prevent the foxes from re-entering once work has begun.

# Environment White Paper

# 2011

The new Environment White Paper was published in June. The Ecology Consultancy had provided a robust submission during its consultation, over the New Year. Our ecologists have reviewed the final Paper and their main concern is that, whilst it says many good things, some of its aims are over-complicated, which may lead to inefficient delivery of the concepts outlined. Sustainable economic growth does indeed rely on services provided by the natural environment and we agree that the concept of "natural capital" could be a useful one for Government, strategic planners, developers and local authorities.

We especially welcome that 'Government hopes to have both a strategic approach to create a resilient ecological network across England', but we are concerned about 'hopes'. If this serious job is to be left to volunteers from the Big Society (in the shape of Local Nature Partnerships) and the voluntary approach to biodiversity offsets from developers, we are concerned that it cannot be delivered. Yet another planning system reform 'will encourage a strategic approach to nature within and across local areas'. Again, we are concerned about 'encourage'.

No fewer than 19 new bodies, committees, groups and initiatives are proposed, many of which are dependent upon volunteers and non-compulsory action, and yet are envisaged to deliver complex strategic aims.

Native black poplar  
Photo: Alex Prendergast



Boris Johnson

## The London Plan

**The Mayor's new London Plan, published on 22 July, contains few references to the natural environment or wildlife, and clearly comes from the same hymn-sheet as the draft Planning Policy Framework. In this strategic document, Boris Johnson is keen to stress he is very 'hands-off', leaving the real work to London's Borough Councils, and, once again, economics takes precedence over other concerns.**

The Mayor's additional published strategies, covering housing, transport, economic development and air quality, as well as 'Leading to a Greener London', are designed to work in tandem.

[www.london.gov.uk/priorities/planning/londonplan](http://www.london.gov.uk/priorities/planning/londonplan)

Chimney-sweep  
Photo: Alex Prendergast



## Specialists in mini-beasts

Sometimes overlooked, terrestrial invertebrates are increasingly considered important as many are classed as UK Biodiversity Action Plan (UK BAP) priority species and therefore species of principal importance under the NERC Act. In practice this does not confer absolute protection but it does place a duty on planning authorities *“to have regard”* for these species when determining planning permission. A requirement of PPS9 is that *“Planning authorities should refuse permission where harm to the species [designated for protection] or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm”*.

This can be a difficult area with contradictions: many UK BAP invertebrates are afforded this status in response to recent declines and yet can actually be widespread and common. Some brownfield sites are of exceptional importance and support good populations of many species that have otherwise been lost from the wider countryside.

The value of brownfield sites stems from the often harsh conditions on site – with poor soil derived from rubble and hardcore and even contamination – perfect conditions for open grassland habitat to develop, favoured by many important insects and spiders. In the wider countryside such conditions have been largely lost.

The Thames Gateway has been the scene of particular conflict between regeneration and invertebrate conservation, including the Royal Mail depot at Thurrock Marshes which resulted in High Court Action. In a review of over fifty site reports it was estimated that about 10% justified greater consideration of the invertebrate potential of the site, possibly even to include detailed site surveys to identify impacts and inform mitigation.

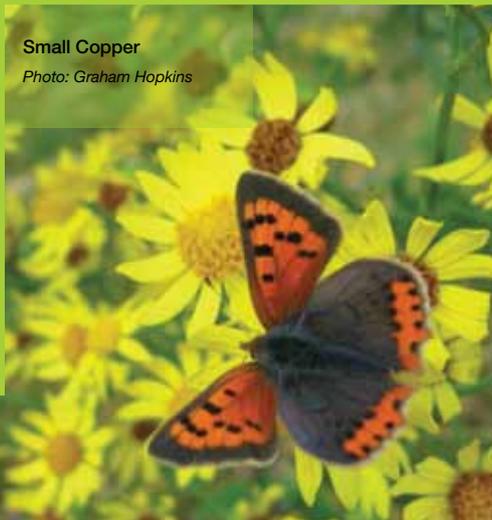
The extreme interpretation of PPS9 – that development will be refused unless the benefits outweigh the harm to UK BAP species – is normally treated pragmatically and invertebrates only become an issue where the populations are particularly large, or several, or exceptionally rare species are

found. For many invertebrate species soft landscaping and green roofs can be very effective at mitigating harm and site enhancement, even to the extent that they are seen *“as a vital step towards reversing the decline of urban wildlife caused by the ongoing loss of habitats such as brownfield land and gardens”*.

Green roofs not only have substantial biodiversity value in the urban context, but have important benefits in ameliorating storm water and for mitigating local temperatures. Extensive green roof designs with deep substrate of fine aggregate effectively replicate some brownfield conditions and have been shown to support rare invertebrates. Ongoing research will help us further understand the design requirements for green roofs and invertebrate diversity, as well as the knock-on benefits to bats and birds.

The Ecology Consultancy offers the full suite of invertebrate surveys under the leadership of Dr Graham Hopkins, who is based at our Norwich office.

Small Copper  
Photo: Graham Hopkins



## Ornithological surveys for wind farms

The Ecology Consultancy’s senior ecologist based at our new Edinburgh office has been undertaking preliminary bird surveys at proposed sites for wind farms in Scotland.

Before joining the Consultancy Phil Davey was, for the past 20 years, the Senior Site Manager for Natural England based at the Lindisfarne National Nature Reserve in Northumberland. His interest in birds dates back to the 1970s and since then he has co-ordinated and undertaken a range of ornithological surveys including CBC (Common Bird Census), Webs (Wetland bird survey) and farmland bird surveys to inform agri-environment schemes.

In the 1980s whilst working for the RSPB in Orkney he was involved in the assessment of the effects of pioneer wind-generators on upland breeding bird populations. Since then the methodologies for ornithological surveys at proposed wind farm sites have been refined and the Vantage Point Survey is now considered a critical part of the procedure.

This survey is undertaken from a predetermined fixed point preferably adjacent to the site with, as is implied in the title, a good view over a part, or all, of the site. The number of vantage points will vary according to the size of the area to be studied. VP surveys are usually divided into four three-hour sessions per month – dawn, morning, afternoon and dusk – and focus on target and secondary species. Naturally the

Phil surveys the Scottish countryside



species vary depending on which birds are deemed important for the particular habitat. Once a target species is seen it is observed until lost from view, its route mapped and the length of observation in seconds noted. Critically the flight height must also be estimated and allocated to a height band together with the length of time spent in this band. All changes of band are recorded separately. Determining heights is perhaps the most difficult part of the exercise and one made easier with experience.

VP surveys can continue throughout the year to cover wintering birds. Surveys for breeding avifauna will also include the Brown and Shepherd transect technique for bird surveys, and are often supported by a separate raptor survey.

# Company News

## Edinburgh office

A series of CPD sessions is being put together by our man in Scotland, Phil Davey.

## Lewes office

Our Lewes Office is having one of its busiest years to date despite the economic down turn. More CPD sessions are being run across the south-east and the office is developing in-house GIS capabilities. New projects include a large scale reptile translocation with all four reptile species, detailed bat work at a 19th century estate with currently eight confirmed bat roosts, and strategic master-plan work for local authority housing allocation.

## London office

Our monthly Breakfast Briefings have proved successful and we have just completed two (due to popular demand) specialised bat sessions for a range of delegates, including those from local authorities, engineering consultancies, statutory bodies and water companies. This autumn will see further Breakfast Briefings and we look forward to welcoming members of the Royal Town Planning Institute to a CPD session at our London office.

Ecologists Caroline Nash and Jackie Watson successfully completed their bat licence training course in the beautiful, bat-filled countryside of West Dorset. The summer element of the course was based in Kingcombe, a remarkably wildlife-rich area owing to the fact it has only ever been traditionally farmed.

The training included an opportunity to gain experience in mist-netting and harp-trapping, and the highlight was an opportunity to mist net bats in Bracket's Coppice, a Special Area of Conservation designated for its maternity colony of rare Bechstein's bat. Caroline was lucky enough to handle a previously ringed

female Bechstein's bat estimated to be (a very respectable) ten years old!

The Ecology Consultancy now has seven fully licensed ecologists able to carry out all aspects of bat conservation.

Having found adders on one of our Skanska/M25 sites last year, and with more likely to be found, we decided to offer our staff specialist training on adder handling and ecology. Most of our field assistants and some permanent staff attended sessions run by Liam Russell from Russell Ecology, in May. Reptile mats were laid in advance at a local nature reserve where adders were known to have been released and an adult female was located on our first day. This snake proved to be perfectly good-natured and after being carefully handled by around 20 people over two days, was released back to where she was found.



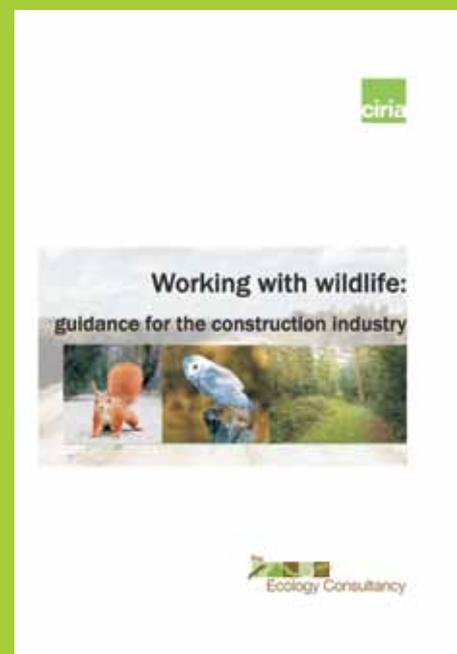
## Norwich office

We have been developing our specialist services in aquatic ecology. Senior Ecologist Dr Graham Hopkins secured a European Protected Species survey licence for an endangered snail and Alex Prendergast has been identifying micro-

algae and diatoms. We are promoting aerial inspections for bats as a technique for identifying roosts in trees and we have completed 18 Code for Sustainable Homes assessments in the past month! A recent commission is to carry out surveys for onshore, offshore and micro wind turbines.

## New toolkit for contractors

The new updated toolkit published by CIRIA, Working with Wildlife: Guidance for the construction industry, was launched in July. Our MD, John Newton, as well as his business partner, the late Barry Nicholson, were co-authors. In his welcome speech, John Newton emphasised that finding wildlife on your development site can be turned into an asset and he pointed out that getting it wrong can slow up the whole process: it is therefore important to work closely with ecologists at the earliest opportunity.



For more information, and to order your copy, go to [www.ciria.org](http://www.ciria.org)

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