

Advice note relating to Meltham Grange Farm, Deer Hill End Road, Meltham HD9 5PT

This is a note to confirm the findings of a daytime barn owl survey undertaken on 2nd March 2022.

Four buildings and the surrounding area were inspected by two ecologists, Pat Waring and Janette Gazzard.



Buildings subject to survey at Meltham Grange Farm

Personnel

Surveys were carried out by Pat Waring and Janette Gazzard from Ecology Services UK Ltd.

Pat is a Chartered Environmentalist and a full member of the Chartered Institute of Ecology and Environmental Management, with a Bachelor of Science degree in Biology.

Pat has been working as an ecological consultant for over 25 years, including over 18 years as Director of Ecology Services UK Limited. This work includes provision of expert advice and guidance to bodies such as Statutory Nature Conservation Organisations, Local Planning Authorities and Lancashire Police Authority, as well as the delivery of professional training courses about bats at a national level.

Janette is a full member of Chartered Institute of Ecology and Environmental Management, with a Bachelor of Science degree in Environmental Management.

Janette has over nineteen years' experience working in ecology and nature conservation, including roles as a Senior Ecologist for a large multidisciplinary company and as a lead adviser for Natural England throughout the North West of England. She has a range of demonstrable skills including habitat surveys, ecological appraisals, protected species surveys and mitigation, conservation management advice and condition assessments.

Pat and Janette undertake a range of bird surveys annually both professionally, and on a voluntary basis for RSPB and BTO; these include breeding bird surveys, lowland breeding wader surveys, woodcock surveys, upland raptor surveys and tawny owl surveys. Pat is also a member of the International Wader Study Group.

Pat and Janette's work has also included designing and overseeing mitigation for a range of impacts affecting protected species, including acoustic, visual and other disturbing factors. Pat and Janette have extensive experience of monitoring and compliance checks for protected species mitigation schemes; these have included determining the success of schemes using a variety of measures.

Survey site description and assessment

Buildings

Building number	Building type and current use	Positive and negative factors for barn owls
1	Dis-used steel framed agricultural barn	Positive Open and accessible with numerous perching and roosting features that are suitable for use by barn owls and other bird species throughout the year. Close proximity to foraging habitat and other suitable roosting/perching buildings. Negative Light and draughty with no suitable nesting features (e.g. sheltered platforms). Close proximity to popular dog walking and pedestrian walking area. This type of regular can cause disturbance (observed during the survey).

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2	Dis-used steel framed agricultural barn	Positive Open and accessible with numerous perching and roosting features that are suitable for use by barn owls and other bird species throughout the year. Close proximity to foraging habitat and other suitable roosting/perching buildings. Negative Light and draughty with no suitable nesting features (e.g. sheltered platforms). Close proximity to popular dog walking and pedestrian walking area. This type of regular can cause disturbance (observed during the survey).
3	Steel framed agricultural barn used for storage	Positive Open and accessible with numerous perching and roosting features that are suitable for use by barn owls and other bird species throughout the year. Close proximity to foraging habitat and other suitable roosting/perching buildings. Negative Light and draughty with no suitable nesting features (e.g. sheltered platforms). Close proximity to popular dog walking and pedestrian walking area. This type of regular can cause disturbance (observed during the survey).
4	Derelict stone building with no roof	Not suitable for use by barn owls but there are several gaps, cavities and ledges associated with the stone walls that have high potential for use by other nesting birds.
5	Single-storey stone outbuilding	Positive A darker, more sheltered building than the other buildings surveyed. Negative Limited perching and roosting features No suitable nesting features Close to overhanging trees which could affect fly-in access.



Building 1 (RHS) and building 2 (LHS) – exterior view. The buildings are accessible to barn owls and other bird species



Building 3 interior – very light and draughty, but used on occasion by barn owls and other bird species.



Building 4 – no roof present. This part of the site offers almost negligible potential for use by barn owls for roosting and no potential for barn owl nesting.



Building 5 –stone outbuilding, showing position in relation to building 3 (RHS) and a small woodland.



Interior of building 5, showing a range of perching points for barn owls, and also a lack of nesting resources (platforms).



Building 5, showing the likely main access point for the barn owl – an open door to the south elevation. This doorway lies close to building 3 (agricultural barn) and is in a sheltered position, helping to minimise light spillage and draughts.

Surrounding landscape



Surroundings to Meltham Grange Farm. The image shows a mixture of improved, semi-improved and unimproved grassland. The presence of tussocky, unimproved grassland to the north of the farm, which supports a thatch of leaf litter, is of high importance in relation to barn owl prey (small mammals).

Survey Results

Building number	Evidence of barn owls	Evidence of other birds
1	Barn owl observed during the survey perched at the ridge. Barn owl pellets and dropping splashes found in 6 locations.	2x unoccupied bird nests found inside the west gable. Accumulation of pigeon droppings inside central section of barn
2	Barn owl pellets, dropping splashes and barn owl feather found in 2 locations inside the barn. Barn owl pellets and droppings found externally on the east gable and on the adjacent hardstanding.	1x unoccupied bird nest inside south corner gable

Building number	Evidence of barn owls	Evidence of other birds
3	Barn owl observed during the survey perched at north apex. Large dropping splashes inside the north gable	Small pellets and dropping splashes, characteristic of little owl and/or kestrel 2 x unoccupied bird nests in north east corner
4	No evidence found	No evidence found
5	20 + barn owl pellets, including very fresh examples, and fresh dropping splashes on timber post	3 x unoccupied bird nests associated with the internal roof timbers



Characteristic barn owl dropping splashes in building 1.



Barn owl pellets in building 2



Fresh barn owl pellets in building 5

Conserving barn owls at Meltham Grange Farm

Nesting provision

There is no evidence of barn owls nesting or previously nesting at Meltham Grange Farm at the current time. There is very limited scope for barn owls to nest in any of the buildings at the current time, particularly due to the lack of suitable platforms.

Nesting provision can be made in trees or buildings. Buildings are preferable, as they provide more permanent features and provide wider opportunities to incorporate features for other species (e.g. other nesting birds and bats).

Providing nesting features at Meltham Grange Farm would be a significant positive move, particularly if the features are incorporated into a building. Ideally, an existing structure would be used (preferably building 5). An alternative would be to construct a new, small building, such as in the links below.

<https://www.barnowltrust.org.uk/barn-owl-nestbox/wildlife-tower/>
<https://www.barnowltrust.org.uk/barn-owl-nestbox/owl-boxes-for-trees/>

Roosting features

There are roosting features in four buildings at Meltham Grange Farm at the current time. The evidence clearly shows that at least one barn owl has a high level of dependence on the buildings for roosting.

Retaining roosting features at Meltham Grange Farm is clearly important to effectively conserve barn owls in this area. As with the advice above, retaining and/or providing roosting features at Meltham Grange Farm would be a significant positive move, particularly if the features are incorporated into a building. Ideally, an existing structure would be used (preferably building 5). An alternative would be to construct a new, small building, such as in the links below.

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Foraging features

The barn owl currently roosting at Meltham Grange Farm is reliant on features in the local landscape for foraging. There is certainly scope for improving the land to the west of the buildings for use by barn owls, and details can be found in the link below.

<https://www.barnowltrust.org.uk/how-to-manage-land-for-barn-owls/>

In addition to the above, sympathetic management of land in the wider surroundings to Meltham Grange Farm will also be essential to maintain the value to, and use by, barn owls.



Barn owl foraging over land to the north of Meltham Grange Farm



Barn owl flying over the track to the north of Meltham Grange Farm

Important background information

Barn owls receive protection under UK legislation.

The Wildlife and Countryside Act 1981 provides protection for Barn Owls and most other wild bird species in England, Scotland and Wales. The eggs and nests of most bird species are also protected. Specifically, under Part 1, Section 1 (1), it is an offence intentionally to:

1. Kill, injure or take any wild bird
2. take, damage or destroy the nest of any wild bird while that nest is in use or being built
3. take or destroy an egg of any wild bird

The word 'take' means catch, capture or have in one's possession. It is however perfectly legal to catch a disabled wild bird. Barn Owls do not intentionally 'build' a nest. However, their nest-places are characterised by a compacted layer of nest debris (pellet debris) that is considered to be their nest. Removing whatever supports, surrounds or shelters the nest should be considered as nest damage or destruction.

Penalties for infringement

Because Barn Owls are included in Schedule 1 of the W&C Act 1981, under Part 1 Section 21 (1) the penalty for an offence involving a Barn Owl (or its nest or egg) includes a fine up to £5,000 (per bird, nest or egg), up to six months imprisonment or both.

The current limitations of legal protection

Sites used by Barn Owls have no protection per se, other than that afforded by virtue of the presence of other protected flora or fauna. However, because nesting adults and dependent young are protected against disturbance, the places they occupy are effectively protected during these periods. At other times nest and roost sites can be legally altered or even destroyed. It is worth noting that nest sites can be re-used over long periods of time, not only by the same birds, but by successive generations of unrelated individuals, and even re-occupied by new individuals after long periods of absence.

Suitable Barn Owl foraging habitat receives no protection other than that afforded by virtue of the presence of other protected flora or fauna. What this effectively means is that even though a particular area may prove attractive to a foraging Barn Owl, this does not confer the area any sort of statutory legal protection, irrespective of the time of year, and whether or not the birds are breeding.

Barn Owls are included in Schedule One of the Wildlife & Countryside Act 1981 which affords them protection against disturbance whilst nesting. Specifically, under Part 1, Section 1 (5) it is an offence intentionally or recklessly to:

- Disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young.
- Disturb dependent young of such a bird.

Since Barn Owls do not 'build' a nest, their protection against disturbance is generally considered to commence as soon as the first egg is laid. Protection against disturbance ends when the last young owl becomes independent (or dies). It is important to note that Barn Owl young continue to be dependent on their parents long after they have fledged. Typically they fledge at 8–10 weeks old and become independent at 11–14 weeks old, sometimes later. Whilst dependent, the young are legally protected against disturbance no matter where they are. Their temporary daytime roosts can easily be up to 500 m from the nest and they are likely to venture even further within the period of dependency.

Adult Barn Owls are effectively only protected against disturbance while they are in or near a nest containing eggs or young. 'Near' is open to interpretation, but normally means within the same building or just outside, and within 30 m in the case of a tree nest. However, the extent of potential disturbance depends largely on the extent of deviation from the norm; a major building project involving large numbers of workmen, vehicles and machinery generating a great deal of noise 100 m from a previously isolated, quiet nest site might potentially be disturbing, whereas a similar development the same distance from a Barn Owl nest in a busy farm complex might not be.

'Intentional' or 'reckless' disturbance and the need for awareness

Under the original W&C Act 1981, disturbance was only an offence if it was 'intentional' (i.e. the offender knew the species was present and breeding and that what they were about to do would be disturbing, but they subsequently did it anyway, and the birds were disturbed as a result). Under Part 1 (4) 2 (c) the prosecutors also had to prove that the disturbance could 'reasonably have been avoided'.

If you are involved in a situation where something potentially disturbing is planned, and if it is reasonable to expect you to know that Barn Owls might be present and breeding, and if you fail to check (or get a suitably licensed person to check) then you may be deemed 'reckless' and found guilty of an offence.

Whether or not it is 'reasonable to expect you to know' that Barn Owls may be present and breeding depends on your involvement with the site in question and/or your involvement in the process that leads to or results in the potentially disturbing activity. Anyone with a professional involvement (e.g. land managers, land agents, planning officers, architects, builders, tree surgeons, ecologists etc.) could be expected to know.



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It is important to bear in mind that Barn Owls have been recorded nesting in every month of the year.

Accommodating barn owls

The best precaution for minimising the likelihood of disturbing breeding Barn Owls is to avoid works commencing between 1st March and 31st August, as most breeding cycles fall within this period. At sites where works commence before 1st March it is still possible that the birds could move into the development site and start to nest in spite of all the noise and activity. However, it can be argued that, in doing so, the birds have demonstrated their tolerance of the development. In such cases the immediate nest area should be declared a no-go zone and the existing noise and activity levels should not be allowed to increase significantly.

A far better option is to make alternative provision for the birds a minimum of 30 days before works are due to commence, in the hope that they will nest there instead. If there is any doubt about the status of Barn Owls at the site, it is advisable to adopt a precautionary approach, assume that birds are present and nesting and avoid doing anything that may constitute disturbance.

Other nesting birds

Under the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.

There is no provision under the Wildlife and Countryside Act 1981 (as amended) for licensing the disturbance of nesting birds or the destruction of nests which are in use for the purpose of development.

Prepared by Pat Waring CIEEM Director
for Ecology Services UK Ltd, 6th March 2023