

**BCM Environmental Services Limited**

# **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**



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**Title:** Breeding Bird Survey – Folly Cottage, by Town Yetholm – August 2019

**Author:** Brian Minshull

**Date:** 5<sup>th</sup> September 2019

# **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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## **Professional responsibility**

This report regarding a Breeding Bird Survey and Protection Plan reflects the objective opinions of **BCM Environmental Services Limited, (BCMESL)**, of the facts found in relation to the instruction received and information available based upon the methodology, assumptions and constraints detailed within this report.

## **Accuracy of the report**

This report has been compiled based on the information available at the time of the site visit as detailed and also the professional experience of BCMESL and reflects the situation found at the time of the site visit as accurately as possible.

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## SUMMARY

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This report describes the findings of a breeding bird survey conducted at the site of Folly Cottage south of Primsidemill, by Town Yetholm, on behalf of the owners, Mr and Mrs Roddy and Rachel Jackson. This was required as part of the applicable planning consent under which the existing buildings are to be demolished and a new building is to be constructed.

In June 2013 a Barn Owl Mitigation Strategy was prepared for the proposed refurbishment of the same site.

Survey evidence from June 2013 (in addition to annual monitoring for the past few years) confirmed the building as a nesting site for a pair of barn owl; although a barn owl nest box had been erected within the main building the nest site involved was behind large straw bales stored within the building, as had been suspected in past years.

As the refurbishment of Folly Cottage would therefore result in the loss of a barn owl nesting site and the works have potential to result in direct impacts on barn owls (either adults and / or young) or barn owl eggs, if these are present when works are carried out a mitigation strategy was required.

This presented measures to be taken to avoid / reduce potentially adverse impacts on barn owl, and compensate for the loss of a nesting site in order to guide works such that the direct impacts are avoided and ensure that suitable alternative nesting / roosting sites (temporary and permanent) are provided on site.

Although this was not a recommendation of the Barn Owl Mitigation Strategy, some while after this had been provided and submitted to the Scottish Borders Council it had been decided that both the barn owl nest box and the straw bales should be removed from the derelict building to reduce the chances of barn owl nesting there again. The nest box was re-sited in nearby farm-buildings.

Subsequently, the ownership of the existing property changed to Mr and Mrs Roddy and Rachel Jackson, and they submitted a renewed planning application (19/00965/FUL).

Given the presence of breeding barn owl in 2013 a breeding bird survey (and dependent on the findings of the same a renewed Barn Owl Mitigation Strategy and / (Breeding Bird) Species Mitigation Plan was recommended by the Scottish Borders Council Ecology Officer, Andy Tharme.

Therefore, a breeding bird survey was commissioned from BCM Environmental Services Limited (who had completed the original Barn Owl Mitigation Strategy).

This was undertaken on the 20<sup>th</sup> August 2019. It discovered very limited evidence of breeding birds now using the site (confined to feral pigeons) and no evidence of barn owls (or any other bird species) using the building for breeding purposes. As such, this report includes some recommended mitigation measures (by the way of providing a (bird) species mitigation plan).

In summary, the proposed mitigation measures involve demolishing the existing building outwith the (extended) bird breeding season. In addition, it is also recommended that the mitigation measures detailed in the original Barn Owl mitigation Strategy (which are technically still applicable) are implemented as far as practicable.

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## 1. INTRODUCTION

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### 1.1 INTRODUCTION

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In mid-August 2019 Brian Minshull of BCM Environmental Services Limited (BCMESL) was contacted by Mr Roddy Jackson, the Factor of the Roxburghe Estate, regarding the undertaking of a breeding bird survey at Folly Cottage, which is south of Primsidemill, by Town Yetholm<sup>1</sup>. More specifically, the location involved is at national grid reference NT809 241, and just west of the minor road running directly south of Primsidemill on the west side of the Bowmount Water valley.

In June 2013 BCMESL prepared and provided a detailed Barn Owl Mitigation Strategy<sup>2</sup> in relation to the same property. This document should be referred to in terms of providing more detailed background material relating to this current report.

Mr and Mrs Roddy and Rachel Jackson purchased Folly Cottage from the Roxburghe Estate in around 2017 and have re-visited the drawings submitted in support of the existing planning approval for the refurbishment of the property, in conjunction with their architect, Keith Renton, of Keith Renton Architects.

This process resulted in various changes in the design of the refurbished property, necessitating a renewed planning application for the demolition of the 'existing dwellinghouse and erection of a replacement dwellinghouse'. This planning application is denoted as 19/00965/FUL.

As a consequence, Andy Tharme, the Ecology Officer at the Scottish Borders Council (SBC), was consulted by the SBC Planning Case Officer involved, Euan Calvert.

Andy Tharme recommended that a breeding bird survey was completed and reported (incorporating, as necessary, a renewed barn owl mitigation strategy and species protection plan). Specifically, this was recommended, 'as more than 2-3 years has elapsed since the last breeding bird survey at the site, in accordance with good practice it would be reasonable to require as a condition of any new consent an updated bird survey to inform a Species Protection Plan for breeding birds'.

Having been contacted by Mr Roddy Jackson on the 12<sup>th</sup> August 2019, Brian Minshull consulted both Andy Tharme and Malcolm Henderson (the bird ringer who was involved during the previous phases of Barn Owl investigation and mitigation-related work at Folly Cottage) prepared and provided a fee bid for the required work and was commissioned to undertake the breeding bird survey and species protection plan required on the 17<sup>th</sup> August 2019.

The required breeding bird survey was completed on the 20<sup>th</sup> August 2019.

This report describes the findings of the same, and also provides recommendations for mitigation of any undue impacts on breeding birds (*i.e.*, the required species protection plan).

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<sup>1</sup> Roddy Jackson had previously contacted Brian Minshull regarding the same in mid-April 2019, but at this time Brian Minshull was on an extended holiday in New Zealand.

<sup>2</sup> BCM Environmental Services Limited, (2013), *Barn Owl Mitigation Strategy – Folly Cottage, by Town Yetholm* – June 2013.

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## 2. BACKGROUND – THE PREVIOUS BARN OWL MITIGATION STRATEGY

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### 2.1 INTRODUCTION

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By way of providing context, this section summarises the previously prepared and submitted Barn Owl Mitigation Strategy. It also summarises the mitigation work that was undertaken subsequently.

This Barn Owl Mitigation Strategy related to the measures which are proposed to protect the status of barn owl (*Tyto alba*) at and around Folly Cottage, during and following the refurbishment of the property.

The Mitigation Strategy related to Planning Approval 10/00655/FUL, which was for the demolition reinstatement, alterations and extensions to derelict farmhouse at Folly Cottage, Woodside Farm, Yetholm, Scottish Borders, TD5 8PU.

The principle of the building being reinstated to a dwelling had already been accepted by the Department via application 06/00992/FUL.

Two planning conditions applicable to the original Planning Approval were of particular relevance.

In order to ensure the protection of species protected by the Wildlife and Countryside Act, 1981 (as amended) Planning Condition 14 states:

*“Before development on the site begins, a survey of the building for birds shall be undertaken and a scheme for the protection of any birds found within the building shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme”.*

Also, in order achieve compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning, etc., (Scotland) Act 2006) Planning Condition 1 states:

*“The development hereby permitted shall be begun before the expiration of three years from the date of this permission”.*

The date when the original planning approval lapsed was the 9<sup>th</sup> September 2013.

The Mitigation Strategy was prepared on the basis of available information regarding the status of barn owl at the site prior to the refurbishment of the property.

Evidence of barn owl activity at the site exists from protected species surveys conducted in June 2013, and also, prior to this, from monitoring of barn owl breeding activity which has been carried out annually by Malcolm Henderson for at least the past few years (Malcolm Henderson, *pers. comm.*, June 2013).

The main aim of the Strategy was to maintain the current status of barn owl at the site, through a combination of consideration of refurbishment proposals, provision of alternative nest sites and implementation of future management of the site in terms of potential hunting habitat resources for barn owl.

The objectives of the Strategy were to provide alternative ‘temporary’ and permanent nesting sites for barn owl, and guide works such that any direct impact on barn owl / young / eggs is avoided.

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Specifically, this was required as it is necessary to ensure compliance with the appropriate legal provisions afforded to barn owl under the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004.

As described in the original Barn Owl Mitigation Strategy, in principle, all wild bird species, their nests and eggs in the UK are protected by law.

As such, it is an offence under the terms of the Wildlife and Countryside Act 1981 to, for example, “*intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built*”. Further, although the Wildlife and Countryside Act is still applicable in Scotland, the Nature Conservation (Scotland) Act 2004 has strengthened these provisions such that it is now an offence to, for example, “*intentionally or recklessly take, damage or destroy or otherwise interfere with the nest of any wild bird while it is in use or being built*”.

Therefore, in order to avoid any such offences, it is even more implicit on developers and their agents (and also on contractors, *etc.*) to ensure that no nests are affected by works at construction sites in Scotland.

Further, barn owl is listed in Part 1 of Schedule I of the Wildlife and Countryside Act. Such species are afforded special protection such that, “*It is illegal to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest-building or is at or near a nest with eggs or young; or disturb the dependent young of such a bird*”.

The Strategy therefore provided the details of mitigation and compensation measures, and a plan for implementation of these measures which are designed to minimise the risk of causing adverse impact on barn owl and to ensure that ongoing status of this species at the site.

The following sub-section summarises the content of the previous Barn Owl Mitigation Strategy for cross-referencing purposes (*i.e.*, it is not intended to replicate the details incorporated in the original Barn Owl Mitigation Strategy here, rather this document should be referred to as necessary).

### 2.2 SECTIONS OF THE PREVIOUS BARN OWL MITIGATION STRATEGY

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In summary, the original Barn Owl Mitigation Strategy for Folly Cottage included the following sections and content:

- Section 1 detailed the context necessitating the preparation of the document;
- Section 2 provided background information relating to the site and the proposed works which are relevant to barn owl. As such, it included figures using maps and aerial imagery to illustrate the location of the site, described the site itself and the habitats in the surrounding area and used photographs to illustrate the same, summarised the proposed works and outlined the purpose of the strategy;
- Section 3 describes existing evidence of barn owl activity. It described in some detail the buildings involved, and detailed how, during a bat survey completed in June 2013 a Barn Owl was flushed from with the derelict buildings at Folly Cottage. It continued to detail how the resultant report recommended that a Barn Owl Mitigation Strategy was prepared and outlined what this would involve. It then described the findings of a survey visit which was completed by Brian Minshull in conjunction with Malcolm Henderson, which located the actual nest-site and also investigated both the site itself and the wider area in relation to how suitable it was for Barn Owls;

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- Section 4 involved a brief consideration of the potential alternatives to planned proposals for the site which could reduce impacts on barn owl;
- Section 5 examined and assessed the potential impacts of current proposals on barn owl and / or the existing nesting site, (in the absence of mitigation), based upon professional judgement and with reference to the guidance published by English Nature and the Barn Owl Trust; and,
- Section 6 outlined the mitigation and compensation, and associated methods which it was proposed would be accordingly adopted in order to avoid / minimise impacts to an acceptable low level of significance, together with proposals for future monitoring.

### 2.3 SUMMARY OF MITIGATION MEASURES ACTUALLY IMPLEMENTED

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The original Barn Owl Mitigation Plan detailed various mitigation measures to minimise any impacts on breeding barn owls should the proposed development take place.

These included, in particular, the:

- Provision of alternative nesting sites, to provide suitable options for breeding barn owls when the Folly Cottage site was demolished. These were to be sited on nearby mature trees, or, as necessary, specially acquired and erected surplus telegraph poles;
- Inclusion of an architectural feature allowing access to an enclosed barn owl nest box within the roof space of the new building; and,
- Demolition of the existing building outside the barn owl breeding season.

In addition, there were other proposed mitigation measures involving improving local foraging habitats, minimising external lighting, monitoring, *etc.*. In effect, these recommendations are still applicable / appropriate.

Once the Barn Owl Mitigation Strategy had been submitted, BCMESL had no further involvement with the implementation of the recommended mitigation measures.

Demolition of the existing buildings (and construction of a new one) has yet to take place.

However, several measures were implemented sometime after the preparation of the Barn Owl Mitigation Strategy aimed at ensuring barn owls (and other bird species) no longer use the site for breeding (Malcolm Henderson, *pers. comm.* August 2019).

Malcolm Henderson was engaged by the Roxburgh Estates to remove the barn owl nest box from the derelict Folly Cottage and re-site it at the nearby Woodside Farm. Further, as already mentioned, the storage of round straw bales in the building was discontinued once the bales already stored there had been gradually removed and used. In addition, it was suggested that the open gable end was to be made bird-proof using wire netting.

As such, Malcolm Henderson hasn't monitored the Folly Cottage site for breeding barn owl in the years since the removal of the barn owl nest box.

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## 3. RESULTS OF THE BREEDING BIRD SURVEY

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### 3.1 SITE DESCRIPTION

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The previous Barn Owl Mitigation Strategy described (and illustrated) in some detail the derelict buildings which comprise the Folly Cottage site.

Fundamentally, these buildings are largely in the same state as they were when they were visited in June 2013. However, importantly, the roofed building is no longer used for the storage of straw bales, *etc.*, and the barn owl nest-box which was previously situated within the beamed roof void has been removed. No recent repairs or maintenance would appear to have been carried out (although a water supply appears to have been installed nearby).

In summary then, the buildings involved were originally a house and outbuildings, which are situated on the side of Crookedshaws Hill facing north east, some 100 m west of the public road leading from Primsidehill to Cocklawfoot, at a point a mile and a half south of Primsidehill and three miles south of Town Yetholm. There is a rough track leading up from the public road from a gated field access.

Folly Cottage itself is a single storey cottage with stone-built walls comprised of rubble block and a pitched and gabled roof tiled with grey slate.

Although largely intact, the entire north-western gable end is missing, presumably having been removed to create an agricultural storage area (for example, the building was previously used for storage of straw bales, *etc.*) and a shelter for sheep. Conversely, the roof and other walls of the building are still functional. It has had its first floor, and all interior fittings and linings, removed. A new concrete floor slab has been laid. The roof is in poor condition, with rainwater goods missing and timberwork damaged by rot, *etc.* Existing windows and door openings have been blocked.

The building is structurally unsound as a result of the collapsed and / or removed gable end. For example, the remaining standing structure includes numerous broken or rotten roof timbers. Internally, as suggested, the building is open to the roof, exposing a collar beamed roof void which is lined with wooden sarking.

The skylights on the south-western aspect of the roof are largely intact, and the original windows and doors of the cottage have been sealed with red brick. As such, the open gable end is the only access for barn owl into the building.

The unroofed structure to the south is in very poor structural condition, and only has three remaining walls, the other one having been largely removed to create a large opening.

The state of the buildings involved is illustrated in Plates 3.1a and 3.1b.

### 3.2 FINDINGS OF THE BREEDING BIRD SURVEY

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The breeding bird survey was undertaken on the 20<sup>th</sup> August 2019. As described, fundamentally, the buildings are in a broadly similar state to what they were in June 2013, with the important exception that the barn owl nest box and the straw bales (*e.g.*, behind which a nest was located in 2013) had been removed (see Plates 3.2a and 3.2b).

The buildings were thoroughly visually checked for evidence of breeding birds both internally and externally, using binoculars as necessary.

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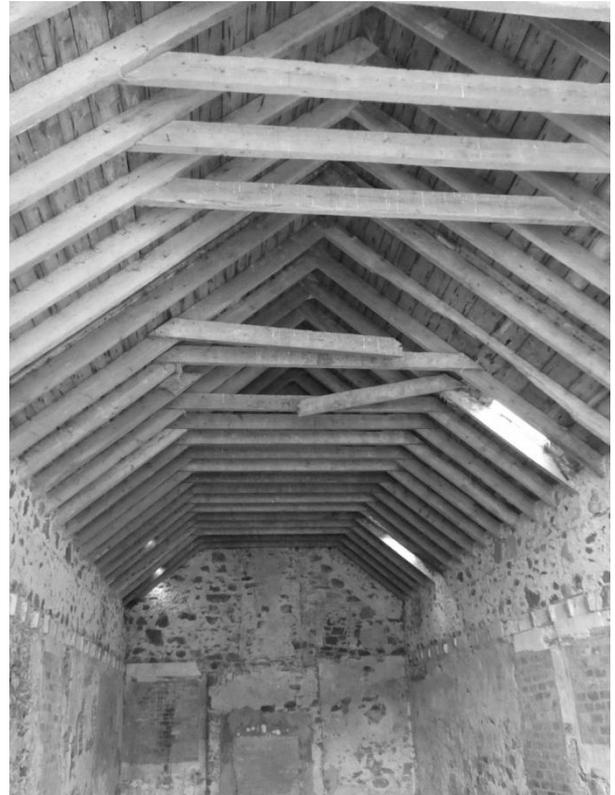
**Plate 3.1a, View of the north-western elevation of Folly Cottage (showing the gable end that has been removed).**



**Plate 3.1b, View of the south-west elevation of Folly Cottage and the largely intact roof, etc..**

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**Plate 3.2a and b, View of the straw bales which were stored in the main building at the time of the previous site visit in May 2013 (the barn owl nest site was to the left side of the building between the bales and a view of the same at the time of the recent site visit in August 2019.**

No evidence of barn owl was located<sup>3,4</sup>. This was not surprising, as since the successful breeding attempt in 2013 both the barn owl nest-box and the straw bales behind which the nest was located had been removed in order to prevent further such breeding attempts.

The only birds present were a few feral pigeons (*Columba livia*).

These were undoubtedly breeding in the floor beam holes (see Plate 3.2c). For example, recently hatched eggshells were seen on ground nearby (see Plate 3.2d).

Further, they were obviously roosting in the roof beams. Several centimetres of droppings, feathers, *etc.*, were very evident beneath the central roof beams (see Plate 3.2e).

Beyond this there were the fallen remains of a jackdaw (*Corvus monedula*) nest at the far end of the building (see Plate 3.2f).

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<sup>3</sup> Any survey work involving disturbing Barn Owls would be conducted under the terms of a bird licence (bird licence number 124621) issued to Brian Minshull by Scottish Natural Heritage on the 12<sup>th</sup> July 2018.

<sup>4</sup> Brian Minshull completed some 60 and 25 Barn Owl site checks in summer 2018 in summer 2019, and as such was well-placed to undertake this survey.

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However, there were no other signs of potential breeding species such as swallow (*Hirundo rustica*) and jackdaw.

Finally, a fresh (juvenile?) kestrel (*Falco tinnunculus*) feather was located, suggesting that a kestrel had recently roosted on the beams at the open gable end of the building.



Plate 3.2c, The floor beam holes used as nesting cavities by feral pigeons.

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Plate 3.2d, A freshly hatched feral pigeon egg amongst the pigeon dropping debris that litters the floor of Folly Cottage.



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Plate 3.2e, View of the floor of Folly Cottage, showing the accumulated pigeon droppings, etc., beneath the roof beams.



Plate 3.2f, The remains of a fallen jackdaw nest at the far end of the building.

### 4. MITIGATION – SPECIES PROTECTION PLAN

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There is obviously potential for breeding birds to continue utilise this site as long as the open gable end remains (and as such provides access to (potential breeding) birds and the rest of the building remains largely intact.

The obvious mitigation for this would be for demolition to take place / construction to commence prior to the 2020 (or subsequent) breeding season(s).

It should be noted that feral pigeons can have a prolonged breeding season (beyond the ‘normal’ breeding season, however this is defined, *e.g.*, March – August according to guidance of the gov.uk website<sup>5</sup>).

Further, although often regarded as a pest species, feral pigeon is protected by the same legislation that applies to all wild birds as outlined in sub-section 2.1.

**As such, the recommended mitigation of the (breeding bird) species protection plan is to complete the demolition of the building in the mid-winter period, when even feral pigeons are unlikely to be breeding in the Scottish Borders.**

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<sup>5</sup> <https://www.gov.uk/guidance/wild-birds-surveys-and-mitigation-for-development-projects>

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Finally, as noted, the existing (approved) Barn Owl Mitigation Strategy included various recommended measures aimed at securing the ongoing presence of breeding barn owls at the site / in the area around the site, and as such these should still be considered.

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### 5. CONCLUSION

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It is considered that Folly Cottage now only provides a suitable breeding site for a very limited number of breeding species.

Feral pigeon was the only species recorded to be breeding there during the survey visit completed during August 2019, whilst it is considered that a very few other species (such as swallow and jackdaw and starling (*Sturnus vulgaris*)) could possibly still use the site.

On this basis, this breeding bird survey and (species) protection plan recommends that the building is demolished as soon as possible outwith the bird breeding season (bearing in mind that feral pigeon, which is afforded the same legal protection as all native breeding bird species can have an extended breeding season), *i.e.*, during the upcoming mid-winter period.

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### **REFERENCES**

BCM Environmental Services Limited, (2013), *Barn Owl Mitigation Strategy – Folly Cottage, by Town Yetholm* – June 2013.

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### **ACKNOWLEDGEMENTS**

Brian Minshull is grateful to Roddy Jackson, The Factor of Roxburghe Estates, and co-owner of Folly Cottage, for facilitating the work involved and providing access.

Brian Minshull is also grateful to Malcolm Henderson for providing certain background information.

Finally, the assistance of Andy Tharme, the Ecology Officer of the Scottish Borders Council, in detailing what was required is also acknowledged.

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