# PURE ECOLOGY

Royal Lodge Hotel Symonds Yat East, Ross-on-Wye HR9 6JL

Preliminary Ecological Appraisal





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# 1 Introduction

## 1.1 Site Description

The Royal Lodge Hotel (the 'Site') is located next to the River Way at Symonds Yat East at Ordnance Survey grid reference SO 56150 15795. It is located in Herefordshire, but only c. 100m from the Gloucestershire border. The Site consists of the hotel and its grounds and associated car park to the west. The proposed scheme relates to the northern extension to the hotel (the 'Project Area'). So whilst the wider Site has been included in the Phase 1 habitat survey for context, the bat survey relates only to the 'Project Area'. The Site and Project Area are shown in **Figure 1a** and an aerial view on **Figure 1b**.



#### 1.2 Proposed Scheme

A planning application is being prepared for the removal of the northern extension of the hotel and replacement with a new larger extension. The proposed scheme is illustrated in drawing LH-5298-03, a copy of which can be found in **Appendix 1**.

#### 1.3 Scope of the Study

Pure Ecology has been commissioned to undertake a bat roost survey of the hotel extension within the Project Area and a Phase 1 habitat survey of the wider Site.

The survey concentrated on identifying the presence of roosting bats and nesting birds within the Project Area and other protected species within the immediate surrounding land. Habitats were assessed to determine their suitability for species such as amphibians, reptiles and hedgehog. This report sets out the findings of the survey, and where necessary makes recommendations for actions to ensure the proposed development complies with nature conservation legislation and biodiversity policy.

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) requires all public bodies to have regard to biodiversity conservation when carrying out their functions. Under the NERC Act the local planning authority should not determine a planning application if there are any surveys outstanding for European protected species. The National Planning Policy Framework (NPPF), July 2021, requires the planning system should conserve and enhance the natural environment (Section 15) by, *inter alia*, 'protecting and enhancing sites of biodiversity value' and 'minimising impacts and providing net gains for biodiversity' (para 174) and 'protection and recovery of priority species' (para 179).

## 2 Methodology

#### 2.1 Desk Study

As the Site lies on the county border, a data search was commissioned from both Gloucestershire Centre for Environmental Records (GCER) and the Herefordshire Biological Records Centre (HBRC) in April 2022 to obtain details of non-statutory designated sites for nature conservation, and records of protected species within a 2km radius of the Site. The Multi-Agency Geographic Information for the Countryside (<u>www.magic.gov.uk</u>) was used to obtain information regarding:

- Special protected areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites within 5 km of the Site.
- Sites of Special Scientific Interest (SSSI) within 2km of the Site.
- Other relevant data e.g. Ancient Woodland Inventory.

Online mapping and aerial photograph resources such as GoogleEarth and Bing Maps (www.bingmaps.com) were also consulted for contextual information, and to search for ponds with 250m of the Site.

#### 2.2 Field Survey

#### 2.2.1 Phase 1 Habitat Survey

A Phase 1 habitat survey of the Site was undertaken on the 6<sup>th</sup> June 2022. The survey followed standard methodology (JNCC 2010), with a walkover of the Site to record the habitats using standard habitat classification. The Phase 1 habitat survey was extended to include an examination of the Site for evidence of, and potential for protected and otherwise notable species.

The Phase 1 Plan and Target Notes is provided in Appendix 2.

### 2.3 Bat Surveys

Of particular concern for the study was the potential use of the northern extension of the hotel (the Project Area) by roosting bats. A daytime inspection of the Project Area was undertaken on 6<sup>th</sup> June 2022 to look for evidence of bats and to assess the potential of the building to provide shelter for bats. The inspection for bats included a search for field signs such as droppings, animal carcasses or skeletal remains that could indicate previous use of the buildings by bats. The survey was carried out in accordance with good practice guidelines published by the Bat Conservation Trust (Collins, 2016).

A powerful Clulite torch with a 500m spot beam, an endoscope, and binoculars were used to examine the building exteriors and roof voids of the house.

The initial inspection of the Project Area recorded a low number of old bat droppings in the loft (as described in **Section 3.3.1**). The presence of bat droppings supports a building assessment of 'high bat roost potential' and therefore in accordance with industry good practice guidelines for professional surveys (Collins, 2016) three surveys were undertaken to determine presence or likely absence of roosting bats. The survey protocol follows Bat Conservation Trust guidelines with consideration given to the Interim Guidance Note '*Use of night vision aids for bat emergence surveys and further comment on dawn surveys*' (2022).

The details of three dusk surveys is provided in Table 1.

Date	Survey Period	Sunset/rise	Weather
	(hrs)	(hrs)	
06/07/22	21:00 – 23:00	21:31	30% cloud, 19°C, wind BF 1, dry
15/08/22	20:00 – 22:00	20:34	50% cloud, 22°C, wind BF 1, dry
12/09/22	05:45 – 06:55	06:40	70% cloud, 20°C, wind BF 1, dry
BF – Beaufort Scale			

Table 1. Timings and Weather Conditions for Bat Activity Surveys of the Project Area

Two surveyors positioned around the Project Area (**Figure 2**) provided visual coverage of potential access points. An infra-red camera was also deployed to provide additional coverage.

Surveyors were equipped with Elekon BatloggerM and Wildlife Acoustic Echometer Touch 2 Pro bat detectors that record bat echolocation calls in full spectrum output. The recorded bat calls can be analysed with Kaleidoscope and BatExplorer software to aide species identification. The IR camera used was a Canon XA11 (with IR torch).



The survey programme was led by Anton Kattan MCIEEM – a consultant ecologist who holds level 2 Natural England Bat Survey Class Licence (reference WML-CL18) that permits surveying by hand, with hand held static nets, artificial light (torches) and endoscopes. He was assisted by Dominic Hill (4 years' experience) and Dr. Andrew Freeman-Hall Qualifying CIEEM (7 years' experience).

## 2.5 Study Constraints, Limitations and Deviations

There were no significant study constraints. The Phase 1 habitat survey and bat surveys were undertaken at the optimum time of the year. All external and internal areas of the Project Area were accessible and weather conditions during the bat activity surveys in were favourable.

#### 3.1 Designated Sites

#### 3.1.1 Statutory Designated Sites

The hotel is situated at base of the steep-sided Wye valley. The River Wye is nationally designated as a Site of Special Scientific Interest (SSSI) and is also internationally designated as a Special Area of Conservation (SAC). The steep wooded banks of the valley at Symonds Yat East are Upper Wye Gorge SSSI, a component part of the Wye Valley Woodlands SAC. The hotel carpark, which is included within the red line boundary is located on the east bank of the River Wye SAC/SSSI, and the woodland that lies within the Site boundary lies adjacent to the the Upper Wye Gorge SSSI/Wye Valley Woodlands SAC, although the Project Area is approximately 60m from the SSSI/SAC.

In addition, Great Doward SSSI is situated c. 1.4km to the north-west of Royal Lodge Hotel. There are no other SSSI within 2km of the Site, or internationally protected sites within 5km of the Site. The designated Sites are shown on the HBRC map in **Appendix 4**.

SAC	SSSI	Primary Interest	Proximity
			(approx.)
River Wye	River Wye	Supports one Annex I habitat and eight Annex II species.	Adjacent (W)
		3260 Water courses of plain to montane levels with the	
		Ranunculion fluitantis and Callitricho-Batrachion vegetation.	
		1092 White-clawed crayfish Austropotamobius pallipes	
		.1095 Sea lamprey Petromyzon marinus	
		1096 Brook lamprey Lampetra planeri	
		1099 River lamprey Lampetra fluviatilis	
		1103 Twaite shad Alosa fallax	
		1106 Atlantic salmon Salmo salar	
		1163 Bullhead Cottus gobio	
		1355 Otter Lutra lutra	
Wye Valley	Upper Wye	Supports three Annex I habitats.	Adjacent(E)
Woodlands	Gorge	9130 Asperulo-Fagetum beech forests	
		9180 Tilio-Acerion forests of slopes, screes and ravines	
		91J0 Taxus baccata woods of the British Isles	
N/A	Great	Limestone grassland and associated communities	1,400m (NW)
	Doward		

Table 2. National and International Designated Sites within 2km of Royal Lodge Hotel

## 3.1.2 Non-statutory Designated Sites

There are five non-statutory designated sites for wildlife within 2km of Royal Lodge Hotel. There four within Herefordshire, where they are known as Special Wildlife Sites (SWS) and two with Gloucestershire where they are called Local Wildlife Sites (LWS), as shown on **Table 3** below and HBRC and GCER maps in **Appendix 4 and 5**.

Name	Description	Distance
		(approx.)
SO53/06 River Wye SWS	Riparian habitats and species	Adjacent (W)
SO51/02 The Doward and	Ancient woodland, limestone outcrops,	100m (N)
Huntsham Hill SWS	archaeology and bat roosts.	
SO51/03 Coppet Hill and adjoining	Grassland, ancient woodland and quarry flora.	590m (E)
woodlands SWS		
SO51/002 Mailscot Wood (cpt 567c)	Ancient woodland within invertebrate interest	1380m (S)
LWS		
SO51/003 Lord's Grove & Great	Ancient woodland	1400m (NE)
Collins Grove LWS		

 Table 3. Locally designated non-statutory sites within 2km of Royal Lodge Hotel

## 3.2 Phase 1 Survey

The Phase 1 plan is provided in **Appendix 2** and can be cross referenced with Target Notes (TN) referred to in the text below.

The hotel is set next to the River Wye with the steep wooded valley side extending immediately up to the east from the building (**Photo 1**). The Site is composed of the amenity habitats of the hotel grounds and a section of the wooded bank that lies within the land ownership.



The amenity habitats are close-mown lawns (**Photos 2 & 3**), ornamental beds, (**TN2**, **TN5**) a garden hedgerow of beech *Fagus sylvatica* (**TN6**) and hardstanding. The woodland (**TN4**) was too dense and steep to be accessed but was noted to be mature semi-natural broadleaved woodland with ash *Fraxinus excelsior*, hazel *Corylus avellana* and hawthorn *Crataegus monogyna* the most evident woody species. The grounds of the hotel are set below the woodland with a walled revetment at the base of the woodland (**Photos 2, 3 & 4**). Above the wall the vegetation is a mix of scrubby and ruderal vegetation (**TN3**), with a ground cover of bramble *Rubus fruticosus* agg., tutsan *Hypericum androsaemum*, nettle *Urtica dioica*, hart's tongue fern *Asplenium scolopendrium*, old man's beard *Clematis vitalba*, herb robert *Geranium robertianum*, pendulous sedge *Carex pendula*, willowherb *Epilobium* sp., broad-leaved dock *Rumex obtusifolius*.



#### 3.3 Bats

#### 3.3.1 Summary of Results

The Project Area is a confirmed roost. A small number of droppings was found in the loft of the Project Area during the initial daytime inspection (**Photo 5**). Subsequent activity surveys confirmed that the building is used as a day roost by small numbers of soprano pipistrelle *Pipistrellus pygmaeus* bats. Two bats were seen to emerge from the north west corner of the roof on the north gable end during the August dusk survey, and one bat was seen to enter the apex of the north gable during the September dawn survey (**Photo 6**).



#### 3.3.2 Desk Study

The record centres between them provided a total of 339 records dating from the last 25 years within 2km of the Site. The dataset includes the following species.

Lesser horseshoe *Rhinolophus hipposideros* Greater horseshoe *R. ferrumequinum* Barbastelle *Barbastella barbastellus* Brown long-eared *Plecotus auritus* Serotine *Eptesicus serotinus* Noctule *Nyctalus noctula* Leislers *N. leisleri* Common pipistrelle Pipis*trellus pipistrellus* Soprano pipistrelle *P. pygmaeus* Daubenton's *Myotis daubentonii* Natterers *M. nattereri* Whiskered/Brandts *M. mystacinus/ brandtii* 

The dataset includes 82 Dave Priddis Forest of Dean Bat records proved by GCER, which relate to hibernating bats in the cave system below the Forest of Dean dating between 1996 and 2013. In addition, HBRC hold a dataset of 124 records that also appear relate to cave hibernation roosts (some of which overlap with the GCER records). These are located c. 400 south east of the Site and date between 2001 and 2017. The only other colony roosts are a Gloucestershire Bat Group record of 44 lesser horseshoe bats from within a 4-figure grid reference that encompasses the Site (2020), which may again be

a cave hibernation roost, and 12 lesser horseshoe bats recorded c. 1.9km west of the Site in 2004

#### 3.3.3 Building Inspection

The Project Area is the northern extension of the hotel. It is brick-built and set into the bank (see **Photo 6**). The roof is pitched with a slate cover lined with bitumen felt over a single loft. The upper windows on the west elevation are gabled. **Photo 7** provides an overview of the access features for bats that were noted during the inspection, with subsequent photos showing detail.

*Photo 7. West Elevation of Project Area. Annotations in red show potential bat access features that were identified during the building inspection.* 









#### 3.3.4 Bat Activity Surveys

The results of the bat activity surveys are summarised below.

- July dusk survey. No bat emergences were recorded. Activity restricted to occasional soprano pipistrelle passes.
- August dusk survey. 2 x soprano pipistrelle bats emerged from west corner of north gable at 20:51 and 20:54. Occasional soprano and common pipistrelle passes throughout the survey period.
- September dawn survey. 1 x soprano pipistrelle bat entered apex of north gable at 06:31. Occasional soprano pipistrelle activity noted during survey.

#### 3.4 Other Protected Species

#### 3.4.1 Otter

The River Wye is in part designated as an SAC because it supports otter *Lutra Lutra*. The record centres supplied two records dating from the last 25 years: of 'signs' of otter on the river c. 250m south of the Site in 2007; and a live sighting inland dating from 2017 c. 1km south-east of the Site.

It is likely that otter commute along the river past the western boundary of the Site and may occasionally cross it. However, there is no bankside habitat adjacent to the Site that could conceal an otter holt, and the habitats of the Site have no value to otter.

#### 3.4.2 Dormice

HBRC hold 30 records of dormouse *Muscardinus avellanarius* from three locations recorded in the last 25 years. The closest record is located c. 577m to the west, but all records are on the opposite side of the River Wye so are unconnected to the Site.

The area of woodland within the Site boundary is directly connected to extensive high quality woodland habitat to the east and south, and as a result could potentially support dormice.

#### 3.4.3 Great crested newts

Neither HBRC or GCER hold any records of great crested newts *Triturus cristatus*, and there are no ponds within 250m of the Site. The lack of nearby breeding habitat makes it unlikely that great crested newts would be present on the Site.

### 3.4.4 Reptiles

The record centres hold three records of common lizard *Zootoca vivipara* and 20 records of slow worm *Anguis fragilis* from within the 2km search radius. The closest records to the Site are those of the common lizards. The nearest of which dates form 2012 and is located c. 400m east of the Site. The slow worm records originate from four locations, all on the opposite side of the River Wye, and all over 1km from the Site.

The desk study indicates that common lizards may be present in the vicinity of the Site. The Site itself, which consists of closely managed lawns and hard standing or dense woodland is largely unsuitable for reptiles. However, there is a possibility that woodland edge habitats including the walled revetment may shelter these species.

# 3.4.5 Breeding Birds

Active house martin *Delichon urbicum* nests are present under the eaves on the west elevation of the Project Area (**Photo 7**). The trees within the woodland provide habitat for nesting birds.

# 4 Assessment

## 4.1 Legislative Context

**Appendix 3** details the legislation relevant to this study. The protection afforded to key habitats and species by the legislation identified above has informed the scope of the ecological studies undertaken to determine baseline conditions and guided measures that will protect and benefit valued ecological resources associated with the Site.

# 4.1.1 Legislation Relating to Bats

As with many animal species within the UK, declines in the abundance and distribution of many bat species have been documented through recent decades. The reasons for these declines are various and complex but it is considered that the major factors are changes in land use and agriculture, the loss of woodlands and hedgerows and the loss of suitable roosting sites.

Bats are particularly sensitive to human activity because they roost within buildings, trees and underground structures such as mines, and the availability of suitable roost sites is considered to be a key factor in the conservation of bats within the UK. Consequently, all species of bat and their roost sites are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 13

2000) and under The Conservation of Habitats and Species Regulations 2017 (as amended). Taken together, these make it an offence to:

- (a) Deliberately capture or intentionally take a bat
- (b) Deliberately or intentionally kill or injure a bat
- (c) To be in possession or control of any live or dead wild bat or any part of, or anything derived from a wild bat

(d) Damage or destroy a breeding site or resting place of such an animal or intentionally or recklessly damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection

(e) Intentionally or recklessly disturb any wild bat while it is occupying a structure or place that it uses for shelter or protection

(f) Deliberately disturb any bat, in particular any disturbance which is likelyto impair their ability;

(i) to survive, breed, reproduce or to rear or nurture their young; or

(ii) in the case of hibernating or migratory species, to hibernate or migrate; or

- to affect significantly the local distribution or abundance of the species to which they belong

A bat roost may be any structure a bat uses for breeding, resting, shelter or protection. It is important to note that since bats tend to re-use the same roost sites, current legal opinion is that a bat roost is protected whether or not the bats are present at the time.

Although the law provides strict protection to bats, it also allows this protection to be set aside (derogation) under The Conservation of Habitats and Species Regulations 2017 (as amended) through the issuing of licences. Where a lawful operation is required to be carried out, but which is likely to result in one of the above offences, a licence may be obtained from Natural England (the statutory body in England with responsibility for nature conservation) to allow the operation to proceed. However, in accordance with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), a licence can only be issued where the following requirements are satisfied:

- The proposal is necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- 'There is no satisfactory alternative';

• The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

#### 4.1.2 Bat Mitigation Class Licence (BMCL)

In 2015, Natural England launched a new class licence (WML-CL21), which provides a streamlined process to the European Protected Species Licence (EPSL) described above. The Bat Mitigation Class Licence (formerly the Low Impact Bat Class Licence) permits work that has a low impact on certain bat species and certain roost types, but which still needed to be licensed in order to meet legal requirements. Specifically, the criteria for using the class licence are set out below.

#### Bat species

The low impact licence can be used for sites where the following species are roosting:

- Common pipistrelle Pipistrellus pipistrellus
- Soprano pipistrelle Pipistrellus pygmaeus
- Brown long-eared Plecotus auritus
- Whiskered Myotis mystacinus
- Brandt's Myotis brandtii
- Daubenton's Myotis daubentonii
- Natterer's Myotis nattereri

#### Assemblage of bats

Sites that support a maximum of three bat species listed above can be registered for the class licence. Sites with a more diverse assemblage of bat roosts must apply for an individual European Protected Species (EPS) licence.

#### Number of bats

Sites that support individuals or small numbers (in total) of the bat species listed above can register for the low impact class licence. If more than one bat species will be affected, it is the total number of bats which must be considered. The conservation status of bats varies across regions and must be considered by the ecologist when determining what constitutes 'small numbers'.

#### Roost type

The Bat Mitigation Class Licence applies to roosts of low conservation significance, and is regulated to cover the following types of roosts in buildings:

- Feeding roosts
- Night roosts
- Day roosts
- Transitional roosts / occasional roosts

Sites with roosts of higher conservation significance such as maternity roosts, hibernation sites or swarming sites do not qualify.

#### Number of roosts

The Bat Mitigation Class Licence is applicable to sites that support no more than three roosts in total (across all structures).

#### Impacts

Natural England's Bat Mitigation Class Licence permits activities resulting in the disturbance and/or capture of certain bat species (listed above) and/or the damage or destruction of roosts of low conservation significance.

Natural England's Bat Mitigation Class Licence is held by Registered Ecological Consultants and sites must be registered with, and approved by, Natural England before any licensable work can commence. The ecological consultant must apply to Natural England's Sustainable Development Wildlife Licensing to register the site with at least 3 weeks (15 working days) notice and no more than 12 weeks before commencement of any licensable activities

#### 4.2 Assessment of Potential Ecological Impacts

#### 4.2.1 Statutory Designated Sites

Under the European Union (Withdrawal) Act 2018, EU-derived domestic legislation, such as existing environmental regulations that implement EU Directives, and Direct EU legislation (such as The Conservation of Habitats and Species Regulations 2017) which were in force immediately prior to the end of the transition period continue to form part of UK domestic law. Special Areas of Conservation (SAC) are designated under The Conservation of Habitats and Species Regulations 2017. The regulations provide for the designation and protection of European Sites, the protection of European protected species and the adaptation of planning and other controls for the protection of European Sites. SSSI are notified and protected under the Wildlife and *Countryside Act 1981 (as amended). These sites are notified for nature conservation purposes as they support the best examples of the UK's habitats, flora and/ or fauna.* The Site lies between two Special Areas of Conservation. The Local Planning Authority (LPA) are required under terms of the Conservation of Habitats and Species Regulations 2017 to carry out a 'Habitats Regulations Assessment (HRA)', for plans and projects that could potentially affect a European site.

The River Wye SSSI/SAC is adjacent to the west side of the Site. Whilst the river will not be directly disturbed by the proposed work, the key concern is likely to relate to potential impacts on water quality of the SAC resulting from the proposed development. In order for the LPA to establish 'no likely significant' effect on the special interest features of the River Wye SAC, they will need to be provided with sufficient detail of how run off will be dealt with during the construction phase, and the drainage arrangements once the Site is operational to satisfy them that pollution or nutrient levels of the SAC will not be raised as a result of the development.

The Wye Valley Woodland SAC lies adjacent to the east side of the Site. However, it is c. 60m distant from the development footprint and separated by non-SAC woodland. Impacts on the habitats for which the SAC woodland is notified are considered unlikely given the intervening woodland buffer and the localised nature of the proposed development.

The proposed building work is very localised and with good working practices (that can be enforced through a Construction Environmental Management Plan) adverse effects from building operations to the SAC and other designated wildlife sites further afield can be prevented.

#### 4.2.2 Non-statutory Designated Sites

The small-scale and localised nature of the development, and the distances involved, makes it unlikely that negative impacts on any locally designated Sites (beyond that already discussed with respect to the River Wye SAC) would occur as a result of the development.

#### 4.2.3 Habitats

Under the NERC Act 2006, certain habitats of conservation concern should be conserved and enhanced through Public Body (i.e. Local Planning Authority) decision making processes, where reasonably possible. These habitats are listed under Section 41 of the NERC Act 2006, and are known as Habitats of Principal Importance. Habitats of Principal Importance are afforded protection under National Planning Policy Framework (NPPF) and applicable Local Policies.

Lowland mixed deciduous woodland is a habitat of principal importance as defined by the NERC Act, and the woodland within the Site boundary falls into that category. The proposed new extension will cut into the existing revetment and will result in the loss of a narrow strip of woodland edge habitat. The woodland habitat itself will be unaffected – it lies on a steep bank so is effectively inaccessible – all work operations will be situated on the hotel lawn below.

The proposed extension is larger than the building it replaces so a proportion of the existing hotel lawn will be lost. This amenity grassland habitat has verry limited ecological value and impacts resulting from its loss are likely to be low.

#### 4.2.4 Bats

The Site supports confirmed bat roosts in the roof of the Project Area. Surveys confirm that they are non-breeding 'day roosts' used by a maximum of two soprano pipistrelle bats. The roosts were used intermittently during summer, with two bats recorded at one location during the August dusk survey and one bat observed entering at a different location during the September Dawn survey. No bats were present during the July dusk survey.

There is no evidence of large numbers of roosting bats, or a roost of high conservation significance such as a maternity colony, and conditions within the buildings are unsuitable for hibernating bats.

The proposed removal of the building that constitutes the Project Area will result in the loss of the day roosts for soprano pipistrelle bats. This will result in the 'destruction' of places of shelter and protection. If a bat is present when demolition occurs, there is also the potential the bat could be to be killed or injured.

In conclusion, the works will require a European Protected Species (Bat) Licence, and the most appropriate form of licence would be Natural England's Bat Mitigation Class Licence because it is a low conservation roost.

#### 4.2.5 Otter

Otter Lutra lutra are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and under The Conservation of Habitats and Species Regulations 2017. Otter are present on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and are subject to the provisions of Regulation 41 of those Regulations. Taken together, these protect otter from disturbance, injury or killing and make it an offence to damage, destroy or obstruct a breeding site or resting place they use.

The Site is located next to the River Wye, which is know to support otter. Whilst the habitats of the Site are not suitable for otter, it is possible that animals may occasionally roam over the grounds. Careful working practices during the construction phase will be sufficient to ensure that no impacts on otter occur.

#### 4.2.6 Dormice

Dormice Muscardinus avellanarius are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and under The Conservation of Habitats and Species Regulations 2017. Dormice are present on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and are subject to the provisions of Regulation 41 of those Regulations. Taken together, these protect dormice from disturbance, injury or killing and make it an offence to damage, destroy or obstruct a breeding site or resting place they use.

The woodland that lies within the Site boundary could potentially support dormice. This woodland habitat will be retained undisturbed, so no specific mitigation to avoid impacts on dormice populations is required, but recommendations for Reasonable Avoidance Measures (RAMs) through ecological supervision and careful clearance during ground preparation are recommended given that the work will take place adjacent to woodland habitats. This can be implemented through a Construction Environmental Management Plan.

#### 4.2.7 Reptiles

All British reptiles are protected from intentional killing, injuring and sale under the Wildlife and Countryside Act 1981 (as amended).

Reptiles are unlikely to be present within the construction footprint, which consists of the extension to be replaced and a close-mown lawn. However, there is a possibility of reptiles occurring at the edge of the woodland above the stone revetment. Work will be required in this area whilst the new extension is constructed, and whilst there is unlikely to be a loss of habitat area, careful working methods will be required during construction to ensure that no breach of the legislation regarding reptiles occurs.

#### 4.2.8 Breeding Birds

Breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. The nesting season for most species is between mid-March and August inclusive.

House martin nesting habitat will be lost as a result of the removal of the building within the Project Area, and there is a risk of a breach in the legislation regarding breeding birds if the building is demolished whilst these nests are in use. Similarly, any disturbance to scrubby habitat at the woodland margins runs the risk of disturbing nesting birds if carried out within the bird breeding season.

Working in accordance with the Reasonable Avoidance Measures (RAMs) as part of a Construction Environmental Management Plan will be necessary to compliance with legislation to protect breeding birds from disturbance to active nests.

# 5 Recommendations

#### 5.1 Further Survey Work

No further ecological survey is required to support the proposed planning application. The baseline gathered through desk study, habitat survey and appraisal for protected species, and bat activity surveys provides adequate information to inform the Ecological Impact Assessment and mitigation strategy.

#### 5.2 Bat Roost Mitigation and Enhancement

#### 5.2.1 Licensing

Prior to the commencement of works, a bat licence will be required from Natural England. A Bat Mitigation Class Licence (BMCL) is considered appropriate due to the following:

- The presence of a single common species soprano pipistrelle bat.
- Low numbers a maximum of two bats were observed.
- Two roost locations only.
- No foreseeable impacts on breeding or hibernating bats

It is recommended that a Registered Consultant (ecologist) is employed to register the site with Natural England under the BMCL scheme. Alternatively, the applicant can apply to Natural England for a full Bat Mitigation Licence.

#### 5.2.2 Timing

Works to can be undertaken at any time of year, and there are no timing constraints.

#### 5.2.3 Supervision Work

The Registered Consultant/ Licenced Appointed Ecologist should provide a 'tool box' talk to contractors regarding bats and their habitats, and where the bat has been found within the building, or where there is the potential for bats to be found during the works. Contractors should be briefed with regard to the fact that individual bats can often exploit very small crevices as roost sites and that bats can move between roost sites on a regular basis.

Works should proceed in a careful and controlled manner, with the method of working to be discussed and agreed with Registered Consultant (ecologist), who will oversee the work where necessary. If bats are encountered, they will be rescued by the Registered Consultant (ecologist) by hand and moved to a pre-erected bat box on a nearby tree (see below).

#### 5.2.4 Replacement Roost Resource

To mitigate for the loss of the soprano pipistrelle bat roosts and provide a net enhancement of the crevice resource, four integrated bat boxes will be incorporated into the new building. The building will have a stone-clad rear and side walls, and this will provide an opportunity to unobtrusively install 'bat tubes', which can be faced with stone and integrated into the stone cladding. The bat tubes will be installed at the top of the walls and will be oriented north south, east. and south east as shown on **Figure 3** and in the Proposals Plan in **Appendix 1**. The public-facing aspect of the building is west, and this is where external lighting will be focused. The north, south east and south east locations will all provide unlit access to the wooded valley side.



#### 5.2.5 Lighting

It is assumed given the nature of the building that external lighting will be required. However, it is important to ensure that this is focused only on areas that require lighting in the hotel grounds and that no light spill occurs onto the adjacent woodland habitat and the River Wye. Lighting should also be avoided around any new bat roosting features provided as mitigation and enhancement.

If lighting is required, it should be kept at low level and at low intensity, with hoods and baffles used to direct the light to where it is required (Bat Conservation Trust 2008,

Emery 2008). To minimise the impact on bats, the use of low pressured sodium lamps is recommended in preference to mercury or metal halide lamps which have a UV element that can affect the distribution of insects and attract bats to the area, affecting their natural behaviour (Bat Conservation Trust 2008).

The key principals for choosing a suitable type of lamp are:

- Avoid blue-white short wavelength lights: these have a significant negative impact on the insect prey of bats. Use alternatives such as warm-white (long wavelength) lights as this will reduce the impact on insects and therefore bats.
- Avoid lights with high UV content: (e.g. metal halide or mercury light sources), or reduce/completely remove the UV content of the light. Use UV filters or glass housings on lamps which filter out a lot of the UV content.

Selecting an appropriate lamp unit that is designed to be environmentally friendly will minimise light spill, but further controls can be imposed by installing directional accessories such as baffles, hoods and louvres on lamps to direct light away from ecologically sensitive areas.

LED (Light Emitting Diode) units are an effective way to direct the light into small target areas and are recommended for lighting the proposed parking and turning area. Composite LEDs can be switched off to reduce/direct the light beam to specific areas

#### 5.3 Construction Environmental Management Plan

The Site lies in close proximity to the River Wye SSSI/SAC so it will be important to ensure that no pollution of, or disturbance to this water course occurs that might ultimately impact upon the River Wye. A Construction Environmental Management Plan (CEMP) can be implemented with the scheme. The CEMP should be a simple plan that sets out the measures that will be taken during the construction process for the project to avoid indirect impacts on the River Wye SSSI/SAC. The CEMP should also include 'Reasonable Avoidance Measures' (RAMs) to prevent harm to wildlife that might be present at the woodland edge, such dormice, reptiles and nesting birds or that might cross the Site such as otter or hedgehog.

#### 5.4 Nesting Birds

There are a number of house martin nests within the Project Area that will be lost when the building is demolished. There is also a possibility of nesting birds being present in the scrubby wooded margins above the revetment which might also be disturbed. In order to ensure that there is no risk of disturbance to nesting house martin (or other birds) the demolition and ground clearance should be undertaken outside the bird breeding season, which is generally taken to be from 1st March to 31st August. This option will avoid the need for a pre-works inspection to determine the presence of nesting/breeding birds. Alternatively, in advance of the bird breeding season, the house martin nests should be removed from the building and the locations made unusable for nesting, for example by installing netting.

If demolition is carried out within the breeding season, then a nesting bird inspection of the building and scrubby woodland margins should be carried out immediately prior to demolition (maximum of 2 weeks prior to work starting). This should be undertaken by a qualified ecologist, ornithologist or other suitably qualified individual. If nesting birds or birds constructing a nest are identified, work in that area must cease until the nest is clear. These measures should be included in the CEMP.

To provide mitigation for the loss of the nesting resource on the building, six artificial house martin nest cups will be installed under the eaves of the new building on the north and east elevations as shown in **Figures 5** and **6** and on Proposal Plan in **Appendix 1**.



#### 5.5 Habitat Enhancement

#### 5.5.1 Brown Roofs and Green Walls

All roof and canopy areas of the new building will have a Sedum cover. Whilst a pure Sedum roof does not have the biodiversity benefits of a more diverse green roof, it does contribute to the variety of habitats present on the Site. It provides nectar for pollinators and an open, sunny and undisturbed location likely to be utilized by a variety of invertebrates. The habitat it will replace is amenity grassland, which has very limited ecological value, and the net effect is likely to be a biodiversity gain with respect to invertebrates.

The stone cladding to the rear and sides of the new building will be planted up to create 'green walls'. This will further increase the habitat diversity within the Site, provide additional niches for invertebrates and increased foraging opportunities for pollinators.

#### 5.5.2 Wildlife-Friendly Landscaping

To further increase habitat diversity on the Site, it is recommended that a tall grassy margin around the periphery of the lawns is created created, or 'islands' of long vegetation with mown walkways. These islands could be plug planted with attractive flowering native species to provide a more 'natural' look to the hotel grounds and increase pollinator opportunities and structural diversity. Where there is a good proportion of low-growing white clover within the lawn, even a slight relaxation of mowing in spring and summer will allow it to flower and provide nectar.

Bat Conservation Trust; Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd Ed.) The Bat Conservation Trust, London.

JNCC, 2010. *Handbook for Phase 1 Habitat Survey - a technique for environmental audit*. JNCC Revised reprint 2003, reprinted 2007 & 2010.

Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC (Final version, February 2007) Appendix 1. Proposed Scheme







**Target Notes** 

# Appendix 3. Legislation

#### Conservation of Habitats and Species Regulations 2017

In relation to wildlife and nature conservation, two key Directives have been adopted by the European Community. These are (i) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ("The Birds Directive" formerly 79/409/EEC); and (ii) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ("The Habitats Directive"). These Directives provide for the protection of animal and plant species of European importance and the habitats which support them, particularly through the establishment of a network of protected sites.

The Conservation of Habitats and Species Regulations 2017 comes into force from the 30<sup>th</sup> November 2017 and consolidate and update the Conservation of Habitats and Species Regulations 2010. The regulations provide for the designation and protection of European Sites, the protection of European protected species and the adaptation of planning and other controls for the protection of European Sites.

#### Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) (WCA) consolidated and amended existing national legislation to implement the Convention of the Conservation of European Wildlife and Natural Habitats (The Bern Convention) and the Birds Directive. There have been various amendments since the original enactment. Schedules 1 and 5 of the Act identify species of bird and other animal in relation to which the Act makes killing, injury, taking and disturbance an offence while Schedule 8 to the Act lists species of plant in relation to which the Act makes it an offence to intentionally pick, uproot or destroy.

#### Bats and Great Crested Newts

Bats and great crested newts are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and under The Conservation of Habitats and Species Regulations 2017. They are 'European Protected Species' (EPS). Taken together, these make it an offence to:

- (a) Deliberately capture or intentionally take an EPS
- (b) Deliberately or intentionally kill or injure a EPS

(c) To be in possession or control of any live or dead wild animal or any part of, or anything derived from an animal

(d) Damage or destroy a breeding site or resting place of such an animal or intentionally or recklessly damage, destroy or obstruct access to any place that a wild great crested newt or bat uses for shelter or protection

(e) Intentionally or recklessly disturb any wild EPS while it is occupying a structure or place that it uses for shelter or protection.

(f) Deliberately disturb EPS, in particular any disturbance which is likelyto impair their ability;

(i) to survive, breed, reproduce or to rear or nurture their young; or

(ii) in the case of hibernating or migratory species, to hibernate or migrate; or

- to affect significantly the local distribution or abundance of the species to which they belong

Although the law provides strict protection to EPS, it also allows this protection to be set aside (derogation) under The Conservation of Habitats and Species Regulations 2017 through the issuing of licences. These licences in England are currently determined by Natural England (NE) for development works.

Where a lawful operation is required to be carried out but which is likely to result in one of the above offences, a licence may be obtained from NE to allow the operation to proceed. However, in accordance with the requirements of The Regulations, a licence can only be issued where the following requirements are satisfied:

- The proposal is necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- 'There is no satisfactory alternative';
- The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

## Great Crested Newts District Licensing

The District Licensing Scheme has been drawn up with participating local planning authorities (including those within Gloucestershire) and the freshwater and amphibian

NGOs in the UK. This voluntary scheme gives developers the opportunity to access an alternative licensing option. Developers can choose to use the district licensing option to speed up their development delivery, ensure legal certainty when it comes to great crested newts and futureproof mitigation costs.

The development can become authorised under Gloucester City Council's great crested newt district licence (approved by Natural England). This means that the developer can opt into joining the scheme as part of their developments planning application before great crested newt surveys are carried out, i.e. before the presence of great crested newts is known. This is achieved by contacting the delivery body (NatureSpace), who conduct an assessment to confirm that the development is eligible for this scheme.

Once a developer has joined the scheme, NatureSpace carry out a metric assessment, which embeds the mitigation hierarchy and identifies what level of compensation is required. Off-site compensation, monitoring and long-term habitat management is delivered by The Newt Conservation Partnership (NCP), a not-for-profit organisation. Compensation effort is focused on key high-quality habitats as part of a landscape-scale conservation plan for great crested newts.

All associated costs in joining the scheme are dependent on the development size, location (where it is sited on the 'impact risk zones map') and impacts. These are confirmed by NatureSpace once the developer has joined the scheme and before planning permission is granted by the local planning authority.

#### Reptiles

All UK native reptile species are protected against intentional killing or injury under Schedule 5 of the Wildlife and Countryside Act, 1981. Potential breaches of the Law can result from activities such as clearing land, digging foundations and driving machinery over sensitive areas. In instances where harm could result it is necessary to implement reasonable measures to reduce the risk.

#### The Natural Environment and Rural Communities Act 2006

The Natural Environmental and Rural Communities Act 2006 (NERC) introduced changes intended to benefit rural communities and the environment. Section 40 of the Act creates a duty on public bodies to have due regard for habitats and species of principal importance for biodiversity in England when exercising their duties; Section

41 requires the Secretary of State to maintain a list of such habitats and species. This is important in the context of planning decisions as the National Planning Policy Framework (paragraph 117) affords planning policy protection to the habitats of species listed by virtue of Section 41.

# SO51/02 C SO53/06 SO51/03 SO51/02 D SO51/02 051/02 Special Area of Conservation (SAC) Local Geological Site (LGS) 888 Site of Special Scientific Interest (SSSI) Herefordshire Wildlife Trust Reserve National Nature Reserve (NNR) Local Wildlife Site (SWS/SINC) Local Nature Reserve (LNR) Herefordshire County Boundary Herefordshire Archive and Records Centre Fir Tree Lane Rotherwas Hereford HR2 6LA Map showing designated sites within 2km of SO5613915772 Biological stefordship Royal Lodge Hotel, HR9 6JL di NORTH SCALE 1:23,500 Telephone: (01432) 261538 Email: hbrc@herefordshire.gov.uk © Crown copyright and database rights (2022) Ordnance Survey (100024168)

# Appendix 4. HBRC Designated Sites Map

# Appendix 5. GCER Sites Map

#### Overview of sites mapped within 2km



Zoom in for more detail



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