

Trevase Farm Ecological Assessment

Prepared for Berrys

March 2021

Rev02



SURVEY AND REPORT VALIDITY

It is important that planning decisions are based on up-to-date ecological reports and survey data. However, it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. In some cases there will be specific guidance on this (such as for the age of data which may be used to support an EPS licence application) but in circumstances where such advice does not already exist, the Chartered Institute of Ecology and Environmental Management (CIEEM) has provided the general advice set out below.

Age of Data / Survey / Report	Validity	
Less than 12 months	Likely to be valid in most cases.	
12-18 months	 Likely to be valid in most cases with the following exceptions: Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe; Where a mobile species is present on site or in the wider area, and can create new features of relevance to the assessment; Where country-specific or species-specific guidance dictates otherwise. 	
18 months to 3 years	 A professional ecologist will need to undertake a sirvisit and then review the validity of the report. Some or all of the other ecological surveys updated. Licence applications usually only possible using data less than 2 years old 	
Protected Species Licensing		

The likelihood of surveys needing to be updated increases with time and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken. Factors to be considered include (but are not limited to):

- Whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site;
- Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management;
- Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence.



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1 INTRODUCTION

1.1 Purpose of Report

This Ecological Assessment has been completed in connection with a proposed development at an existing poultry unit on land Trevase Farm, St Owen's Cross, Herefordshire (OS Grid Reference SO 5136 2553). The location of the proposed development site is shown in *Figure 1* and an overview of the area is shown in *Figure 2*. The proposed development plans are fully detailed in *Section 4*.

The site survey was carried out on 2nd May 2018 by Turnstone Ecology Ltd and consisted of a Phase 1 Habitat Survey and a Protected Fauna Survey. A walkover survey to assess the condition of the site relative to the initial survey was carried out on 23rd February 2021.

This report details survey and assessment methodology and the results of a desk-based study and on-site surveys. It also provides an assessment of potential ecological impacts and appropriate mitigation to offset any ecological impacts associated with the proposal and to satisfy national and local planning policies.







Figure 2. Overview of the location of proposed development



1.2 Ecological Context

The site is located approximately 2.8 km west of St Owen's Cross and consists of an existing farm, barns, houses, four poultry units, gatehouse, further buildings and hardstanding and associated access (*Figure 3*). The proposal consists of the construction of three additional poultry units in a field to the east of the existing units and a new access road to the north of the site. As the existing poultry units and the habitat immediately surrounding them will not be impacted by the proposals they were not included in the survey.





Figure 3. Existing layout of poultry site and area affected by the proposals (red line boundary)

The proposed location for the poultry units is in an improved grassland field to the east of the existing units, which is bounded by hedgerows on all sides. The proposed location for the new access road to the north of the site is within an arable field, which is bounded by hedgerows, and would require breaching one hedgerow and altering the line of the most northern hedgerow for an adequate visibility splay. The site is immediately surrounded by the existing farm and arable and grass fields.

The wider landscape consists of a mix of arable and grass fields bordered by hedgerows and scattered trees as well as some small woodlands and areas of scrub. The site is approximately 8.7 km to the north west of Ross-on-Wye and is approximately 4.3 km south west of the River Wye at its closest point.



2 METHODS

2.1 Desk-based Study

Information relating to designated sites, sites where European Protected Species (EPS) Licences have been granted between 2009 and 2019 (only available in England) and historic records of protected species within 2 km of the proposed development site were obtained from Magic (www.magic.gov.uk) and other freely available information on the internet, such as planning portals.

A data request through the local records centre was not undertaken as the site is small, the habitats that will be impacted are limited and it is very unlikely that the records obtained would impact the site assessment and mitigation proposed.

Any species specific historic records are detailed within the relevant species accounts in the *Results* section.

2.2 Phase 1 Habitat Survey

The survey methods were based on the Phase 1 Habitat Survey approach (Joint Nature Conservation Committee 2003), which is a standardised method to survey main habitat types. Plant nomenclature in this report follows Rose (*Revised Edition 2006*) for native, naturalised and garden varieties of vascular plant. Introduced species and garden varieties are not always identified.

2.3 Protected Fauna Survey and Assessment

The habitats on site were assessed for suitability for protected fauna that occur in the region and obvious signs and incidental sightings of protected species were noted where present. Taking into consideration the geographical region and habitat types on and adjacent to site, the protected species and species groups that could be encountered are listed below.

- Badger
- Bats
- Dormouse
- Nesting birds
- Great Crested Newt
- Reptiles

Details of initial survey methods for each relevant species are given below.



2.3.1 Badger

Where access allowed, a comprehensive assessment was carried out to identify areas that are used by Badgers (*Meles meles*) for foraging and sett digging. Signs of Badgers including setts, foraging signs, paths and latrines, were recorded where present.

2.3.2 Bats

Habitats were assessed for their suitability for use by foraging or commuting bats. Areas of particular interest vary between species, but generally include sheltered areas and those habitats with good numbers of insects, such as woodland, scrub, hedges, watercourses, ponds, lakes and more species-rich or rough grassland habitat.

All trees on or adjacent to the site were visually surveyed to assess them for their potential to support roosting bats, although a thorough inspection of all potential roosting features would not be undertaken as part of the Phase 1 survey.

2.3.3 Nesting birds

Habitat that might be used by nesting birds was identified and actively nesting birds or evidence of nesting birds noted where present.

Different bird species use buildings, trees and shrubs, undergrowth or even open fields for nesting and suitability of the site for use by a range of nesting bird species was considered.

2.3.4 Great Crested Newt

Any aquatic and terrestrial habitat on the site, and in the immediate vicinity, was assessed for suitability for use by Great Crested Newts (*Triturus cristatus*). Great Crested Newts are known to travel up to 500 m between breeding ponds and suitable terrestrial habitat, but it is more typical to find them within 250 m of the breeding ponds. Therefore, a desk-based search was undertaken for any ponds up to 250 m from the site using OS maps and aerial imagery. The terrestrial habitat between the site and these ponds, and therefore connectivity to the site, was also considered.

2.3.5 Reptiles

The site was assessed for suitability for use by widespread species of reptiles, with particular attention paid to those features that could be used as basking areas (*e.g.* south-facing slopes), hibernation sites (*e.g.* banks, walls, piles of hardcore) and opportunities for foraging (*e.g.* rough grassland and scrub). The site was assessed for its suitability for the commoner reptile species which have broadly similar habitat requirements, but more specific requirements include those shown below (Beebee & Griffiths 2000).

• Common Lizards (*Zootoca vivipara*) use a variety of habitats from woodland glades to walls and pastures, although one habitat they use is brownfield sites



- Slow-worms (*Anguis fragilis*) use similar habitats to Common Lizards, and are often found in rank grassland, gardens and derelict land
- Grass Snakes (*Natrix natrix*) have broadly similar requirements to Common Lizards but with a greater reliance on ponds and wetlands, where they prey on amphibians
- Adder (*Vipera berus*) use a range of fairly open habitats with some cover, but are most often found in dry heath

2.4 Constraints

There were no constraints to the survey and the site was fully accessible and the survey was carried out at an optimal time. The walkover survey was carried out in February, when some plants are not as readily identifiable, however, given the flora on site this was not considered a constraint for this survey.

2.5 Criteria for Assessment

The scientific value of habitats for nature conservation is assessed according to widely accepted criteria of which the most important are naturalness, extent, rarity, and diversity.

The assessment of impacts is based on the principles within Chartered Institute of Ecology and Environmental Management (CIEEM) Environmental Impact Assessment (EIA) Guidance (2016) which assesses the impacts of the proposal on ecological receptors taking in to consideration extent, duration, reversibility, timing, frequency and certainty.

Mitigation and enhancement is designed to reduce the level of impact upon receptors and provide ecological enhancement in order to meet current legislation and planning policy. The information below has therefore been considered during assessment.

- Criteria that have been developed to assist in the identification of statutory Sites of Special Scientific Interest (SSSIs) (JNCC 2013)
- Habitats and species of Principal Importance included under Section 41 (England) and Section 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006
- The legal status of habitats and species according to The Conservation of Habitats and Species Regulations 2017 (as amended)
- CIEEM Guidelines (2016) for assessing the value of ecological receptors within a defined geographical context using the following categories: international (*i.e.* Europe); UK and national (England); regional; county; Unitary Authority; local or parish; and zone of influence. Receptors are identified as 'important' at these levels, or as 'not important
- Species protected by European directives
- Species protected by the *Wildlife and Countryside Act 1981* (as amended)
- Other species listed as scarce or notable in literature issued by conservation organisations or learned societies *e.g.* vascular plant species listed in Stewart *et al.* (1994) and Red and Amber List Birds of Conservation Concern (Eaton et al. 2015)



- Local Wildlife Site selection criteria
- National Policy Planning Framework (NPPF), 2018
- BS42020:2013 Biodiversity Code of practice for planning and development
- Protected species handbooks and best practice guidelines The Herefordshire Biodiversity Action Plan



3 RESULTS

3.1 Desk Study

3.1.1 Designated Sites

There are no internationally designated sites within 10 km of the proposed development. The proposed development site is located within 5 km of one nationally and internationally designated site, the River Wye SSSI & Special Area of Conservation (SAC).

The nearest part of the River Wye SSSI and SAC is approximately 4.3 km north east of the site at its closest point and is a large, linear ecosystem which acts as an important wildlife corridor, an essential migration route, and a key breeding area for many nationally and internationally important species. The Wye is of special interest for its associated plant and animal communities. The fish fauna includes, Atlantic Salmon (*Salmo salar*), Twaite Shad (*Alosa fallax*), Allis Shad (*Alosa alosa*) and Bullhead (*Cottus gobio*) as well as three species of Lamprey (*Petromyzon marinus*, *Lampetra planeri* and *Lampetra fluviatilis*) which are all of European importance and are listed on Annex II of the EU Habitats & Species Directive. The site is also of international importance for its White-clawed Crayfish (*Austropotamobius pallipes*), Common Otter (*Lutra lutra*) and beds of Water Crowfoot (*Ranunculus* spp.). Whilst not a special feature of the site, there is a good range of breeding birds associated with riverine habitats.

3.1.2 European Protected Species Licence Sites

There are two sites within 2 km of the proposal site that have had Natural England EPS mitigation licences granted between 2009 and 2017:

- 2015-14320-EPS-MIT was granted for a site 462 m west of the proposed track (542 m north west of the proposed units) for the destruction of a breeding site and resting place for Brown Long-eared Bat (*Plecotus auritus*), Common Pipistrelle (*Pipistrellus pipistrellus*), Lesser Horseshoe Bat (*Rhinolophus hipposideros*) and Natterer's Bat (*Myotis nattereri*), and
- 2014-3946-EPS-MIT was granted for a site 1.5 km to the south east of the site for the breeding site and resting place for Brandt's Bat (*Myotis brandti*), Brown Long-eared Bat, Common Pipistrelle, Lesser Horseshoe Bat, Soprano Pipistrelle (*Pipistrellus pygmaeus*) and Whiskered Bat (*Myotis mystacinus*).

3.2 Ecological Surveys

Phase 1 habitat types recorded within the proposed development site are listed below and shown in *Figure 3*:

- Improved grassland;
- Arable;
- Hedgerows;



- Trees;
- Ruderal vegetation;
- Hardstanding; and
- Ditch

The site or immediately adjacent areas contain habitat suitable for the protected species listed below.

- Badger;
- Bats;
- Dormouse;
- Nesting birds;
- Great Crested Newt; and
- Reptiles

3.3 Phase 1 Habitat Survey

3.3.1 General

The site was in a similar condition on the follow-up survey as during the initial visit. The only notable difference was the addition of rubble onto what was previously a loose soil mound in the grassland field (*Section 3.3.8*). There were also sheep in the arable field, which had trampled some of the field to bare earth.

3.3.2 Improved grassland

The majority of the site, including the location of the proposed poultry units, is a field of Improved grassland to the east of the existing poultry units (*Plate 1*). The grassland is grazed and had a short sward at the time of survey. It is dominated by common grass species, such as Annual Meadowgrass (*Poa annua*) and has forb species such as Creeping Buttercup (*Ranunculus repens*), Common Dandelion (*Taraxacum officinale*), Ribwort Plantain (*Plantago lanceolata*), Shepherd's Purse (*Capsella bursa-pastoris*), Spear Thistle (*Cirsium vulgare*), Creeping Thistle (*Cirsium arvense*), Common Nettle (*Urtica dioica*) and some Pineappleweed (*Matricaria discoidea*) in the more disturbed ground near the gateway in the southwest corner.



Plate 1. Improved grassland where new units are proposed (looking east)



There is a small area of grass to the north east of the proposed new access track it has common grass species, Annual Meadowgrass, Yorkshire Fog (*Holcus lanatus*) and Cock's-foot (*Dactylis glomerata*), with Broad-leaved Dock (*Rumex obtusifolius*), Common Hogweed (*Heracleum sphondylium*), Dandelion and Common Nettle growing throughout.

3.3.3 Arable

The proposed new access road goes through an arable field (*Plate 2*). At the time of first survey this was planted with a cereal crop. It had some common weed species in the field. At the time of the second survey it was in a similar condition but grazed by sheep and trampled to bare earth in some sections.

Plate 2. Arable field (looking south, towards the farm)





3.3.4 Hedgerows

All boundaries of the grassland field and the nearby boundaries of the arable field are hedgerows. They are all well managed and appear to be regularly cut.

The hedgerows around the grassland field (*Plates 2 to 4*) are dominated by Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and Elm (*Ulmus sp.*) with some Holly (*Ilex aquifolium*), Elder (*Sambucus nigra*), Hazel (*Corylus avellana*), Willow (*Salix sp.*) and Dog Rose (*Rosa canina*), Bramble (*Rubus fruticosus*) and Ivy (*Hedera helix*). The hedgerow along the proposed location of the new access road, from the arable field to the grassland field (*Plate 4*) is similar. The hedgerow bases have forb species growing including Common Nettle, White Dead-nettle (*Lamium album*), Garlic Mustard (*Alliaria petiolata*), Common Hogweed, Cleavers (*Galium aparine*), Chickweed (*Stellaria media*), Lords and Ladies (*Arum maculatum*), Germander Speedwell (*Veronica chamaedrys*), Spear Thistle, Dandelion (*Taraxacum sp.*) and Field Forget-me-not (*Myosotis arvensis*).







Plate 3. Hedgerow along northern boundary of grassland field (looking east)



Plate 4. Hedgerow along northern boundary of grassland field (where the new road will breach)



The eastern hedgerow of the arable field (*Plate 2*) has Hawthorn, Blackthorn, Elder, Hazel, Field Maple (*Acer campestre*) and Dog Rose and the northern hedgerow of the field (*Plate 5*) has the same species along with Ivy, Honeysuckle (*Lonicera periclymenum*), Elm and Bird Cherry (*Prunus padus*). The narrow field margins and hedgerow bases have some common grasses growing with Common Hogweed, Sowthistle (*Sonchus oleraceus*), Spear Thistle, Shepherd's Purse, Germander Speedwell, Common Nettle, Broad-leaved Dock, Cleavers, Pineappleweed, Lesser Burdock (*Arctium minus*), Lesser Celandine (*Ficaria verna*), Hedge Woundwort, Garlic Mustard, Dandelion and White Dead-nettle.



Plate 5. Hedgerow along northern boundary of arable field (west of the new road breach)



3.3.5 Trees

There are three mature Ash (*Fraxinus excelsior*) trees in the northern hedge of the grassland field (*Plate* 6). They are just to the north east of the existing poultry units near to where the hedge will be breached for the new access road. There are ten immature Birch (*Betula sp.*) trees to the north east of the northern end of the proposed new access road (*Plate 7*). They are between the small area of Ruderal Vegetation (*Section 3.3.5*) and a small area of grassland (*Section 3.3.1*).









Plate 7. Immature Birch trees (to the east of the northern end of the new road)

3.3.6 Ruderal vegetation

There is ruderal vegetation growing on a track to the north of the existing poultry units that links the existing poultry units to the grassland field where the proposed units will be located (*Plate 8*). Here there are grasses and forb species similar to those across the site, which includes Cock's-foot, Yorkshire Fog, Dandelion, White Dead-nettle, Spear Thistle, Common Nettle, Common Hogweed, Clover, a Willowherb sp. (*Epilobium sp.*) and Garlic Mustard. There is also some occasional Bramble. There is also ruderal vegetation around the side and base of the bund that is between the existing poultry units and the grassland field location of the proposed new units (*Plate 9*). Here there were similar species to above with additional Broad-leaved Dock, Pineappleweed, Shepherd's Purse, a Brassica sp., Liverwort (*Marchantiophyta sp.*), Mallow (*Malva sp.*), Sowthistle, Chickweed, Cleavers and immature tree saplings of Birch, Willow, Ash, Bird Cherry, Dogwood (*Cornus sanguinea*) and Rowan (*Sorbus aucuparia*).



Plate 8. Ruderal vegetation along track to the north of the existing units



Plate 9. Ruderal vegetation around the bund to the north and west of the existing units



To the east of the northern end of the proposed new access track is a patch of ruderal vegetation (*Plate 10*), which is mostly Common Nettle with Garlic Mustard, Common Hogweed, Burdock, Cleavers, Spear Thistle and a Willowherb sp.



Plate 10. Ruderal vegetation to the east of the northern end of the proposed new access track



3.3.7 Hardstanding

There is an area of hardstanding to the north of the existing poultry units (*Plate 11*) that has some ancillary equipment of the poultry units and is used for storage. There is some ruderal vegetation in this area of common species found across the site, including Sowthistle, Spear Thistle, Field Forget-me-not, Chickweed, a Willowherb sp. Annual Meadowgrass, Dandelion, Greater Plantain and Broad-leaved Dock.

Plate 11. Hardstanding to the north of the existing poultry units



3.3.8 Ditch

There is a short section of ditch to the east of the northern end of the proposed new access track, between the arable field and the hedgerow (*Plate 12*). It is approximately 4 m long and 0.5 m wide with flowing water at the time of survey. Vegetation in the ditch is common species found across all of the site.

Plate 12. The ditch to the east of the northern end of the proposed access track



3.3.9 Rubble

On the occasion of the follow-up survey on 23rd February 2021 there was a rubble pile among some soil mounds in the grassland field. These were generally loose piles of rubble with gaps within.

3.4 Protected Fauna

3.4.1 Badger

No Badger setts or other signs of Badger presence were recorded on or adjacent to the proposed development site during the first survey and the open short amenity grassland and arable fields are of limited suitability for setts to be located in, although the hedgerows and the bund are suitable locations.

The short amenity grassland and arable fields do provide optimal foraging habitat for Badgers, but no evidence of Badger was found during the survey (*e.g.* latrines, hair and footprints).

On the follow-up survey there were holes excavated within the hedgerow that border the proposed access track. These were relatively large and potentially excavated by Badger though there was no evidence of Badger at or around the holes and active use was not confirmed.



3.4.2 Bats

The habitats on site provide some foraging habitat for bats. This would be limited mainly to the hedgerows and areas with trees. The grassland and arable fields provide some foraging habitat, but are unlikely to be a significant resource for bats.

The hedgerows, although low and heavily managed, are linear features that may be used by commuting bats such as Lesser Horseshoe Bat that are known to be in the area. The hedgerows on site provide links from known Lesser Horseshoe Bat roost locations (*Section 3.1.2*) to other hedgerows and small areas of woodland in the wider area that are likely to be use by Lesser Horseshoe Bats. It is likely that there are other roosts in the wider area too.

The mature Ash tree in the south east corner of the arable field (*Plate* 6) does have features (cracks, splits, holes *etc.*) suitable for use by roosting bats. The other trees in the hedgerows and present on site have no features suitable for use by roosting bats.

3.4.3 Dormouse

There are no apparent records of Dormouse within 2 km of the proposed development site.

The boundary hedgerows and trees provide some suitable cover for Dormouse but are heavily managed, lack the diversity of suitable foodplants to support Dormouse and are poorly connected to any extensive habitat suitable for Dormouse.

3.4.4 Birds

The improved grassland is unsuitable for ground nesting birds due to the short sward providing no cover, but the arable field is possibly used by ground nesting birds and a Skylark (*Alauda arvensis*) was singing over the field during the survey.

The hedgerows, trees, patches of ruderal vegetation *etc.* are all suitable for use by nesting birds. Starlings (*Sturnus vulgaris*) were recorded as likely nesting in a hole in the mature Ash tree in the south eastern corner of the arable field and House Sparrows (*Passer domesticus*) were recorded all around the farm.

3.4.5 Great Crested Newt

There are records of Great Crested Newt within 2 km of the proposed development site but no waterbodies marked on maps within 250 m of the proposed development. There are some fishing lakes within 500m but these are unlikely to be suitable for Great Crested Newts.

The habitats on site are generally unsuitable for use by Great Crested Newts but some habitats, such as the hedgerow bases and some areas of ruderal vegetation, will provide cover and opportunities for dispersal and foraging habitat for newts. However, they are unconnected and isolated from ponds and



other habitats likely to be used by newts. The short-sward amenity grassland and arable field affected by the proposals is only of very limited suitability for dispersing newts and unsuitable for hibernation and foraging due to the lack of cover and refuges. The rubble piles present during the follow-up survey present habitat that is suitable refugia Great Crested Newts.

3.4.6 Reptiles

There are no apparent background records of reptiles within 2 km of the proposed development site.

The short-sward amenity grassland and hardstanding affected by the proposals are unsuitable for reptiles due to the lack of cover and refuges. The hedgerow bases and some areas of ruderal vegetation will provide cover and opportunities for dispersal and foraging habitat for reptiles. However, they are unconnected and isolated from other habitats likely to be used by reptiles. The rubble piles present during the follow-up survey are suitable refugia for reptiles.



4 EVALUATION

4.1 Summary of Impacts

The proposed development involves the construction of three new poultry units to the east of four existing poultry units, with associated ancillary buildings and hardstanding, and a new access road linking to an existing road to the north of the site (*Figure 4*).

The proposals will mostly directly affect ecologically poor habitat, such as the improved grassland and arable fields. However, it will also impact on hedgerows, areas of ruderal vegetation, a ditch and trees. The access road will use an existing gated access but will require realignment of the hedgerow for a visibility splay of 86 m to the west and 85 m to the east of the junction. This will also impact on the ditch, ruderal vegetation, trees and some grassland to east of the northern end of the track. A new access will have to be made for the access road through the hedge boundary between the grass and arable field (removing 30 m of hedgerow) and there will also be a connecting access made between the old and new units, which will go through the bund and hedgerow.





The Herefordshire BAP lists 16 Habitat Action Plans but none of these habitats will be significantly affected by the proposed development. The site is also not designated for its wildlife interest at an



international, national or local level and no legally protected plant species were identified or are likely in the habitats encountered.

The Herefordshire BAP also lists 14 Species Action Plans, including bats which could be directly or indirectly affected by the proposed development and appropriate project design and mitigation will need to be adhered to ensure there will be no negative impacts on them as a result of the proposals. Ecological enhancements are also recommended to ensure the proposals result in a positive ecological gain which is in accordance with the National Planning Policy Framework.

4.2 Designated Sites

The proposed development site is located approximately 4.3 km south-west of the River Wye SSSI and SAC and falls within the Impact Risk Zone for the SSSI. Appropriate air pollution controls are included within the planning application to ensure that the proposals do not result in an impact on the habitats and species within the designated sites. An ammonia assessment report will need to be completed and must show that ammonia levels at all designated sites are within acceptable levels.

Taking in to consideration the distances of the designated site from the proposed development site, that the development site does not support habitats or associated flora and fauna of the designated sites and the provided there is full implementation of appropriate air pollution controls to be included within the planning application, it is considered hat the proposals will not result in any significant negative impacts on the designated sites.

4.3 Habitats

4.3.1 General

The proposed development will affect ecologically poor areas of habitat. In order to protect habitats and maintain and increase biodiversity of the site the following mitigation measures and safe working methods will need to be incorporated into the proposals.

4.3.2 Mitigation

The main area of construction works will affect botanically poor improved grassland, arable field, hedgerows, areas of ruderal vegetation and a ditch and no specific habitat mitigation is required to negate these losses.

Short sections of hedgerow will be lost or translocated/replanted as part of the construction of the access road and access between the old and the new units. These sections of hedgerow are species poor and of little ecological value. Existing hedgerows that are lost will be replanted or additional hedgerow planting will be undertaken to improve connectivity around the site. Hedgerows will be planted using



a mix of native broadleaved species and be of a similar diversity to that present within existing hedgerows.

The proposed areas of groundworks will need to be confined to areas that will not impact on the root systems of the existing and retained boundary hedgerows and trees. An appropriate buffer (as detailed in BS5827:2012) will need to be established and maintained.

4.3.3 Enhancement

The landscaping for the proposal will include planting of areas of woodland around the southern end of the access track, allowing some of the existing hedgerows to grow out, and to the east of the units and tree planting to the north, east and south-west of the proposed development. Hedgerows and trees to be planted will be locally occurring native species and ideally of a similar mix to that found around the existing site boundaries.

If possible, hedgerow management of the site will change to a less heavily managed rotation. Cutting should be restricted to the minimum needed to ensure visibility or retain hedgerow structure. Hedgerows are best cut every 2-3 years, working on only one part or side at any time. Cut hedgerows in late winter unless it is snowing or frozen.

4.4 Protected Fauna

4.4.1 General

No evidence of protected species was found within or immediately adjacent to the proposed development footprint during the survey and habitats have only very limited suitability to support Badger, Bats, Dormouse, nesting birds, Great Crested Newt and reptiles within or adjacent to the proposed construction areas.

4.4.2 Badger

No evidence of Badger activity was recorded within or immediately adjacent to the boundaries of the proposed development. Some of the habitats affected by the proposals are suitable for setts to dug (hedgerows and bund), however it is unlikely as the site is well used and regularly disturbed. The grassland and arable fields are suitable for foraging Badger.

There were animal holes excavated under the hedgerow on the eastern side of the arable field, adjacent to where the new track will be located. These were of a size that they could have been excavated by Badger, however there was no other signs or evidence of use by Badger at or around the holes. It is considered most likely that these holes were excavated by Rabbit but the entrances have collapsed due to soft soil and made them larger.

The lack of evidence of Badger within and adjacent to the site, suitability of habitats on site and the extensive suitable habitat in the vicinity of site, such as the woodlands to the north and east, suggests



the potential for setts to be dug prior to works is very unlikely. Due to the relatively small size of suitable foraging habitat affected it is also considered unlikely to be a significant habitat loss for any local Badger populations.

Although significant negative impacts on Badgers are not predicted it is recommended that mitigation measures are put in place to ensure foraging Badgers do not become trapped within any excavation works associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks). If the holes present are used by Badger, there will not be any impact on them from the construction and use of the new access track. The track will be located at least 3m from the holes (in an area that is already ploughed regularly and has tractor traffic currently) and the tunnels go away from the location of the proposed track underneath the hedgerow, which will not be impacted by the proposed work.

4.4.3 Bats

The habitats on site provide some limited suitability for foraging bats and commuting bats. The hedgerows are connected to known Lesser Horseshoe Bat roosts and are likely to be used by them for commuting between roost locations and foraging locations in the wider area. The hedgerows may also be used by other bat species for commuting.

The Ash tree in the south east corner of the arable field has some features suitable for use by roosting bats, although no direct evidence of use was found during the survey.

There will be no direct impact to commuting bats from the loss of hedgerows. The northern hedgerow of the arable field will have the same access point but will need to be realigned to allow for a visibility splay for the access road. The existing access is a double gate approximately 7 m wide and the new access will be no larger than 10 m wide. The hedgerow realignment will involve moving the line of the hedgerow south into the arable field up to 100 m (but likely less than 50 m) either side of the existing access. All of the hedgerow work (removal, translocation or replanting) will be undertaken during the winter months (November to March) when bats are least active or hibernating. Therefore, there will be no impact to bats during the active season and there will only be temporary loss of hedgerows after they are transplanted or replanted until they are actively growing in the next season. This may have a temporary impact on commuting bat species such as Lesser Horseshoe Bat while the hedge is growing again. However, the hedgerow is currently heavily managed and very low and although it may be used by commuting bats it is unlikely to be significant in terms of foraging. It is likely that any bats that use this hedgerow as a commuting route will still be able to use the hedgerow by flying along the new hedgerow line or by using the hedgerow on the other side of the road and they will then continue to use the impacted hedgerow after it has matured.

Due to the presence of bat species that are likely to use the hedgerows as commuting routes and that are sensitive to light, all lighting used during construction will be directed away from the boundary hedgerows and will not be used between sunset and sunrise during the active season (April to October).



A lighting plan showing the location and specification for any proposed lights on the completed and operational site will be produced. The lighting plan will reflect the Bat Conservation Trust Bats and Lighting in the UK guidance (2009) and will include directing lighting away from trees and other features suitable for use by roosting bats and the use of downlighting to ensure that site boundary hedgerows remain unlit.

Long term bat roosting provision will be incorporated on the existing farm buildings (but not on the existing or new poultry units) and/or on trees around the site boundary and will include a minimum of four bat boxes. Bat boxes provide integral roosting provision that is both discreet and secure, creating a self-contained unit that does not provide access into the building/wall cavity. The boxes should be accompanied by a wooden bird box on the same feature (tree/building side) in order to try to ensure the bat boxes are available for the species proposed.

4.4.4 Birds

The arable field is likely to be used by nesting Skylark and the hedgerows, trees and ruderal vegetation is likely to be used by other nesting species. The grassland is unlikely to be used by ground nesting birds due to the short sward and no cover.

Works affecting suitable bird nesting habitat should ideally be completed outside the breeding bird season (March – August inclusive). If this is not possible then a pre-construction bird survey will need to be completed by a suitably qualified ecologist and depending on the presence and location of nesting birds, breeding effort may have to be allowed to finish before works commence.

As enhancement for nesting birds on the site, a variety of hole and open fronted nest boxes will be erected on mature trees that are present within the boundaries of the site. In particular boxes suitable for use by Starlings and House Sparrow should be used.

4.4.5 Great Crested Newt

There are records of Great Crested Newt within 2 km of the proposed development site, however there are no suitable ponds within 250 m of the development site. The habitats affected by the proposals are of limited suitability for terrestrial phase Great Crested Newts, other than the rubble piles, which may provide suitable hibernation habitat.

Due to the lack of records of Great Crested Newt near to site, the lack of suitable ponds within 250 m of site and suitability of habitat affected by works, it is considered highly unlikely that Great Crested Newt will be affected by the proposals. No further survey and/or mitigation is therefore considered necessary.



4.4.6 Reptiles

There are no historic records of reptiles within 2 km of the proposed development site. The habitats affected by the proposals are generally of no or very limited suitability for reptiles, however the rubble piles provide an ideal refuge for reptiles and could also be used when basking.

In general, the lack of records of reptiles near to site, the lack of suitable habitat adjacent to the site and the temporary nature of any impacts to habitat on site that may be used by reptiles, it is considered highly unlikely that reptiles will be affected by the proposals away from the rubble piles. As the rubble piles themselves have suitability for reptiles it is recommended that these are removed under the watching brief of a suitably qualified ecologist and the following safe working methods:

- All methods to be undertaken with regard to and within the requirements of any other species mitigation;
- An experienced Ecological Clerk of Work (ECoW) present at the start of works to deliver a toolbox talk to all site staff, conduct a search for reptiles, and oversee the initial works that may impact potential reptile habitat and toolbox talks to be given to all site staff;
- No open excavations to be left overnight (*i.e.* back filled or covered), no excavated material to be stored within 5m of the site boundaries and all building materials to be stored a minimum of 5m away from site boundaries and raised on pallets; and
- In the event of a reptile being found during works when an ecologist is not present, all work must stop immediately. An ecologist should be contacted, and an appropriated course of action agreed before works continue.



5 LEGAL PROTECTION

This section briefly describes the legal protection afforded to the protected species referred to in this report. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation, but summarises the salient points.

5.1 Badger

Badger is protected in Britain under the *Protection of Badgers Act 1992* and *Schedule 6* of the *Wildlife* and *Countryside Act 1981* (as amended).

The legislation affords protection to Badgers and Badger setts, and makes it a criminal offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a Badger, or to attempt to do so;
- interfere with a sett by damaging or destroying it;
- to obstruct access to, or any entrance of, a Badger sett; or
- to disturb a Badger when it is occupying a sett.

5.2 Bats

All species of British bat are protected by *The Wildlife and Countryside Act 1981* (as amended) extended by the *Countryside and Rights of Way Act 2000*. This legislation makes it an offence to:

- intentionally kill, injure or take a bat;
- possess or control a bat;
- intentionally or recklessly damage, destroy or obstruct access to a bat roost; and
- intentionally or recklessly disturb a bat whilst is occupies a bat roost.

Bats are also listed on *Schedule 2* of the *Conservation of Habitats and Species Regulations 2017 (as amended).* This legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats in such a way as to be likely to (a) impair their ability to: (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or b), to affect significantly the local distribution or abundance of the species to which they belong; and
- damage or destroy a breeding site or resting place of a bat; and
- possess, control, transport, sell, exchange a bat, or offer a bat for sale or exchange.

All bat roosting sites receive legal protection even when bats are not present.

Where it is necessary to carry out an action that could result in an offence under the *Conservation of Habitats and Species Regulations 2010 (SI 2010/490)* it is possible to apply for a European Protected



Species (EPS) licence from Natural England (NE). Three tests must be satisfied before this licence (to permit otherwise prohibited acts) can be issued:

- Regulation 53(2)(e) states that licences may be granted 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."
- Regulation 53(9)(a) states that a licence may not be granted unless "there is no satisfactory alternative".
- Regulation 53(9) (b) states that a licence cannot be issued unless the action proposed "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

5.3 Dormouse

The Dormouse is on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), and receives full protection under *Section 9*. Dormouse is also listed on *Schedule 2* of the *Conservation of Habitats and Species Regulations 2017 (as amended)*. Protection was extended by the *Countryside and Rights of Way Act 2000* (the CRoW Act).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

Dormouse is included as a Priority Species in the UK Biodiversity Action Plan (UKBAP) and also as a species of principal importance for the conservation of biological diversity in England under *Section* 74 of the CRoW Act.

5.4 Nesting Birds

All species of bird are protected under *Section 1* of the *Wildlife and Countryside Act 1981* (as amended). The protection was extended by the CRoW Act.

The legislation makes it an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.



Certain species of bird are listed on *Schedule 1* of the *Wildlife and Countryside Act 1981* (as amended) and receive protection under *Sections 1(4)* and *1(5)* of the Act. The protection was extended by the CRoW Act. The legislation confers special penalties where the above-mentioned offences are committed for any such bird and also make it an offence to intentionally or recklessly:

- disturb any such bird, whilst building its nest or it is in or near a nest containing dependant young; or
- disturb the dependant young of such a bird.

5.5 Great Crested Newt

Great Crested Newt is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), and receive full protection under *Section 9*. Great Crested Newt is also listed on *Schedule 2* of the *Conservation of Habitats and Species Regulations 2017 (as amended)*. Protection was extended by the *Countryside and Rights of Way Act 2000* (the CRoW Act).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

The Great Crested Newt is included as a Priority Species in the UK Biodiversity Action Plan (UKBAP) and also as a species of principal importance for the conservation of biological diversity in England under *Section* 74 of the CRoW Act.

5.6 Common Reptile Species

Common Lizard, Grass Snake, Slow-worm and Adder are listed under *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), in respect of *Section 9(5)* and part of *Section 9(1)*. This protection was extended by the CRoW Act.

Under the above legislation it is an offence to:

- intentionally or deliberately kill or injure any individual of such a species; or
- sell or attempt to sell any part of the species alive or dead.