

Preliminary Ecological Assessment

Survey Site: The Priory Equine Centre,
Stoke Prior.
Leominster,
Herefordshire.
HR6 0QG

Grid reference: SO 5223 5693
Survey Date: 4th August 2023

Report Reference: 023/23

Site investigation undertaken by:
John Morgan.
Shropshire Wildlife Surveys
14, Stretton Close,
Sutton Hill,
Telford,
Shropshire TF7 4LS



Tel: 01952 416307
Mob: 07854025807
Email: john.morgan@blueyonder.co.uk



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Questions arising from the survey report should be directed to Shropshire Wildlife Surveys who will be pleased to clarify any issues raised.

Whilst the surveyor makes every reasonable effort, Shropshire Wildlife Surveys cannot guarantee that all protected species have been identified and survey results are definitive.

Reports are not normally valid for more than two years. It is recommended that Surveys are checked after one year for change of status of protected species. Where EPS Licences are recommended / required; reports over two years old will not normally be acceptable. In the case of Low Impact Class Licences surveys must be up to date and have been conducted within the current or most recent optimal season.

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Executive Summary

Shropshire Wildlife Surveys were commissioned by Gary Thomas on behalf of the owners to carry out an ecological survey and assessment of The Priory Equine Centre, Stoke Prior, Leominster, Herefordshire, HR6 0QG, (Grid ref: SO 5223 5693) in relation to proposed retrospective planning application which is to erect 8 stables onto a concrete yard and groom managers cabin and seminar room.

The survey was carried out on the 4th August 2023 by John Morgan an experienced wildlife surveyor and licensed Bat and Great Crested Newt worker.

Results.

The site is located approximately 3.5km southeast of Leominster and set in a predominantly arable farmscape, but immediately surrounded by pasture grazed by sheep and horses.

The area impacted by the proposed works is concrete hardstanding, the rest of the site includes concrete and compacted hardcore hardstanding with close-cropped horse paddocks to three sides with hardcore trackway servicing the site to the east.

No structures or trees are impacted by the proposed works. The structures on site currently have negligible potential for roosting bats.

No vegetation on site currently has potential for nesting birds.

No evidence of any protected species was found on site.

Assessment Summary.

The surveyor is of the opinion that provided the recommendations and enhancements stated within the full report are followed, it is unlikely the proposed development will have any impact upon any protected species that might be found in the local area.

Standard advice concerning nesting birds is advised for any works that will affect boundary hedges, ruderal vegetation, or buildings.

If any protected species are found at any stage of the development then work in that area must stop and Shropshire Wildlife Surveys contacted on 01952 416307 / 07854025807 or alternatively, Natural England on 0300 060 3900 for advice.

John Morgan
August 2023



1.0 Introduction.

Shropshire Wildlife Surveys were commissioned by Gary Thomas on behalf of the owners to carry out an ecological survey and assessment of The Priory Equine Centre, Stoke Prior, Leominster, Herefordshire, HR6 0QG, (Grid ref: SO 5223 5693) in relation to proposed retrospective planning application which is to erect 8 stables onto a concrete yard and groom managers cabin and seminar room.

The survey was carried out on the 4th August 2023 by John Morgan an experienced wildlife surveyor and licensed Bat and Great Crested Newt worker, Natural England licence numbers: -

Bats

CLS19 - 2015-17229-CLS-CLS
CLS20 - 2015-14388-CLS-CLS

Great Crested Newts.

CLS08 - 2015-17175-CLS-CLS
Box Trap - 2022-56073-SCI-SCI

In accordance with the guidance given in The Natural Environment and Rural Communities Act (NERC) 2006, National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and 'The Conservation of Habitats and Species Regulations 2010:'

Evidence was sought of the presence or absence of protected species as defined in:

The Wildlife and Countryside Act 1981 - as listed in:
Schedule 1. Birds protected by special penalties at all times,
Schedule 5. Protected animals
Schedule 9. Part II Invasive Weeds
The Conservation [Natural Habitats, &c.] Regulations 1994 - as listed in:
Schedule 2. European protected species of animals
The Conservation of Habitats and Species Regulations 2010.

A summary of legislation and the law applicable to Protected Species is shown at appendix 1.

The area investigated is highlighted in red on the appended documents:

Ordnance Survey map abstract & Aerial photograph (Appendix 2)
Site Plan (Appendix 3)

2.0 Site Description.

The site is located approximately 3.5km southeast of Leominster and set in a predominantly arable farmscape, but immediately surrounded by pasture grazed by sheep and horses.

3.0 Methodology.

3.1 Desk Study.

A desk study was carried out to locate any national and local nature conservation designations and any species records which already exist for the area. The desk study was based upon a search of the NBN Gateway with the view of consultation of the Local



Record Centre should the NBN suggest the need for more in-depth results.

Ordnance Survey, Magimap, and Aerial photographs were scrutinised for any features that might indicate probable species to be found.

The Local Planning website was trawled for additional information from local planning permission to determine if any Protected Species records have not yet been entered onto the local record centre data set.

3.2 Field Survey.

The survey was carried out in accordance with the guidelines presented in the Handbook for Phase 1 Habitat Survey (JNCC, 2007 edition). This is a standard technique for classifying and mapping most British habitats. The aim is to provide a record of habitats that are likely to be ecologically important.

The area of site impacted by the proposed works was walked to identify any features of note. Broad habitat types were recorded and mapped. 'Target Notes' were used to record habitats and features considered to be of interest, lists were made of incidental species observed or signs of their presence.

A site plan showing existing and proposed building and site is shown at appendix 3.

A selection of photographs describing the site is shown at appendix 4.

Schedule 9. Part II Invasive Weeds would be identified during the walk over.

3.3 Bats.

Trees and any structures are assessed using criteria shown in the BCT Bat Surveys Good Practice Guidelines 3rd Edition.

Available equipment included bright torches, mirrors, inspection camera (endoscope) digital camera with x50 optical and x2 digital magnification (total of x100 magnification), close focus binoculars and ladders.

3.4 Amphibians and Reptiles.

The site was assessed for its habitat potential for amphibians and reptiles.

3.5 Other Protected Species.

Species considered would be nesting birds and Badgers.

4.0 Constraints

There were no constraints.

5.0 Results

5.1 Desk Study.

Two ponds were identified within 250m of the site on Ordnance Survey maps they are 172m northwest and 163m east of the site boundaries.

The site falls within SSSI Impact Zones. According to MagicMap, any discharge of water or liquid waste including to mains sewer. (River Lugg SSSI) will need consultation with



Natural England. (This is already believed to have been agreed with Natural England and a modern package treatment plant is now on site.)

According to UK Gov website, the site falls within Flood Zone 1 with Very Low expectation of Surface Flooding expected at the site.

5.2 Site Survey.

The site was surveyed on 4th August 2023 by John Morgan.

Weather during the survey was: - Temperature: 18°C. Cloud: 8/8 As. Wind: F1 variable.

The area impacted by the proposed works is concrete hardstanding, the rest of the site includes concrete and compacted hardcore hardstanding with close-cropped horse paddocks to three sides with hardcore trackway servicing the site to the east.

The rest of the site is in use as horse stabling and general farm use / storage with most of the buildings surrounded by hardstanding.

No evidence of Schedule 9. Part II Invasive Weeds were identified during the walk over.

5.3 Bats.

No structures or trees will be impacted by the proposed works. The nearest structure is a portal framed steel stable block. This building was checked for any obvious signs of use by bats with none found. The building was assessed as having negligible potential for roosting bats.

5.4 Nesting Birds.

There is no vegetation in the area impacted by the proposed works that would provide suitable cover for nesting birds.

5.5 Amphibians and reptiles.

Using a nominal site area of 2250m², Natural England Rapid Risk Assessment form WMLA—A14-2 was used to determine likelihood of any offence being committed under current legislation. The score showed Amber: Offence Likely. Table 1 below shows calculation.

Table 1

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.1 - 0.5 ha lost or damaged	0.1
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
Maximum:		0.1
Rapid risk assessment result:		GREEN: OFFENCE HIGHLY UNLIKELY

Based on the above calculation and the onsite habitat of concrete and hardstanding, no further surveys of the ponds were carried out.



5.6 Other Protected Species.

No evidence of any other Protected Species was observed.

6.0 Assessment.

Based on the above findings, no further surveys are recommended for any species.

6.1 Bats.

The surveyor is of the opinion that provided the recommendations at section 7 are complied with there will be no impact on any bats that might be found in the local area.

6.2 Amphibians and reptiles.

The habitat surrounding the proposed development site is hard standing on three sides with close cropped horse paddock to the rear. The surveyor is of the opinion that there will be no impact on any amphibians that might be found in the local area.

6.3 Other Protected Species.

The proposed development will have no impact on breeding birds in the local area. It is not envisaged that the proposed development will have any impact on any other protected species that might be in the local area.

7.0 Recommendations.

To meet local council ecological policies and current best practice guidelines it is recommend that the following ecological requirements, enhancements, and precautions are included in the overall scheme.

7.1 External Lighting.

- Any exterior security or decorative lights to be installed on the development site shall be less than 3m from the ground and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical, and shall not be fixed to, or directed at, bat boxes or gables or eaves.
- Lighting must be less than 3 lux at ground level and there shall be no light splay exceeding 1 lux along buildings, eaves or roof or adjacent hedgerows or trees.
- Any lighting shall be Passive Infrared (PIR) triggered.

Reason: To minimise disturbance to bats, which are European Protected Species.

7.2 Nesting birds.

- No development works or vegetation clearance shall take place at any time within the bird breeding season (March 1st to August 31st inclusive) unless the site checked by a suitably competent person and there are no breeding birds, their young, nests or eggs that would be disturbed by the works to be carried out.
- If breeding birds, their young or eggs are found, no works may take place until the bird breeding season is completed, or they have left the nest and there is no evidence of their returning. (Further advice at appendix 5)



Reason: To ensure the protection of nesting birds, which are protected under the Wildlife and Countryside Act 1981 (as amended).

7.4 Enhancements.

A minimum of one external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species, and a minimum of one artificial bird nests, of either integrated brick design or external box design, shall be erected on the site prior to first use of the development.

The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for birds and roosting opportunities for bats, in accordance with local council policies and section 175 of the NPPF.

7.5 Site Precautions during development.

It is possible that wildlife might cross the site during the construction phase.

To remove any danger of an animal becoming trapped in trenches it is recommended that trenches are either back filled at the end of each day, or securely covered to prevent access or more practically, the ends of the trenches are sloped, or mammal ramp installed to allow any animal accidentally falling into the trench to escape on its own.

Pipe work with a diameter of more than 120mm must be securely covered at the end of each working day to prevent animals gaining access and getting trapped.

If any protected species are found at any stage of the development, then work in that area must stop and Shropshire Wildlife Surveys contacted on 01952 416307 / 07854025807 or alternatively, Natural England on 0300 060 3900 for advice.



**John Morgan.
August 2023**



Protected Species and the Law (Brief summary)

Taken together, the Wildlife and Countryside Act 1981 (WCA) (as amended), the Countryside and Rights of Way Act 2000 (CRoW), and the Conservation (Natural Habitats, &c.) Regulations 1994, make it illegal to:

- intentionally or deliberately kill, injure or capture (or take) any protected species;
- deliberately disturb any protected species;
- recklessly disturb any protected species;
- damage or destroy a 'breeding site or resting place' of any protected species;
- possess or transport unless acquired legally any protected species;
- sell (or offer for sale) or exchange, or parts of any protected species.

Because bats tend to re-use the same roosts after periods of vacancy, legal opinion is that the roost is protected whether or not the bats are present at the time.

Enforcement

The police are the main enforcement body for wildlife offences, and in some cases local authorities may also take action.

Section 24(4) of the 1981 Act gives English Nature the function of providing advice or assistance to the police in respect of alleged offences.

The maximum fine on conviction of offences under Section 9 of the 1981 and Regulation 39 currently stands at £5000.

The CRoW Act 2000 amended the 1981 Act to allow for a custodial sentence of up to six months instead of, or in addition to, a fine.

Note: Fines may be imposed in relation to each offence committed, so operations involving many animals or repeated offences can potentially accrue large fines.

In addition, items which may constitute evidence of the commission of an offence may be seized and detained.

The CRoW Act 2000 also amends the Police and Criminal Evidence Act 1984 to render Section 9 offences 'arrestable', giving the police significant additional powers.

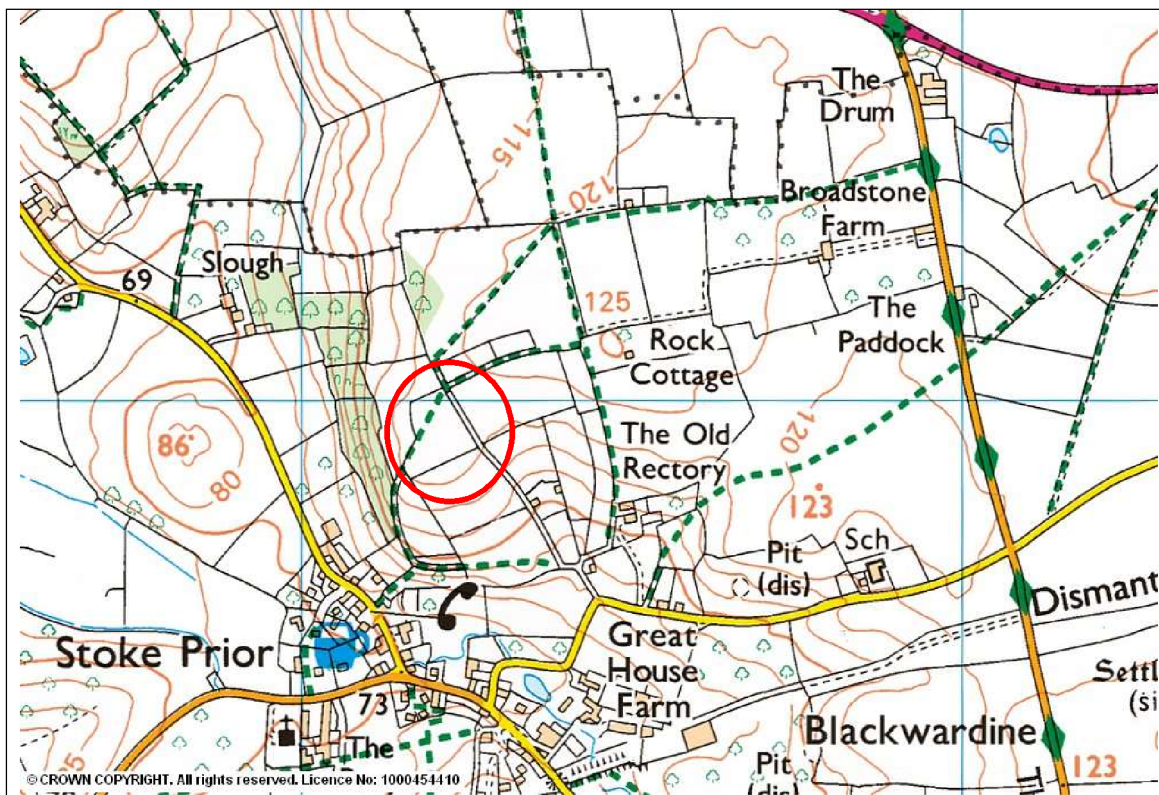
The use of an EPS licence in respect of protected species

An EPS licence is a licence which permits an action that is otherwise unlawful,

To ensure that no illegal activities are undertaken during the course of a development, it is recommended that a licence is applied for if, on the basis of survey information and specialist knowledge, it is considered that

- the site in question is demonstrably a breeding site or resting place for protected species
- the proposed activity is reasonably likely to result in an offence

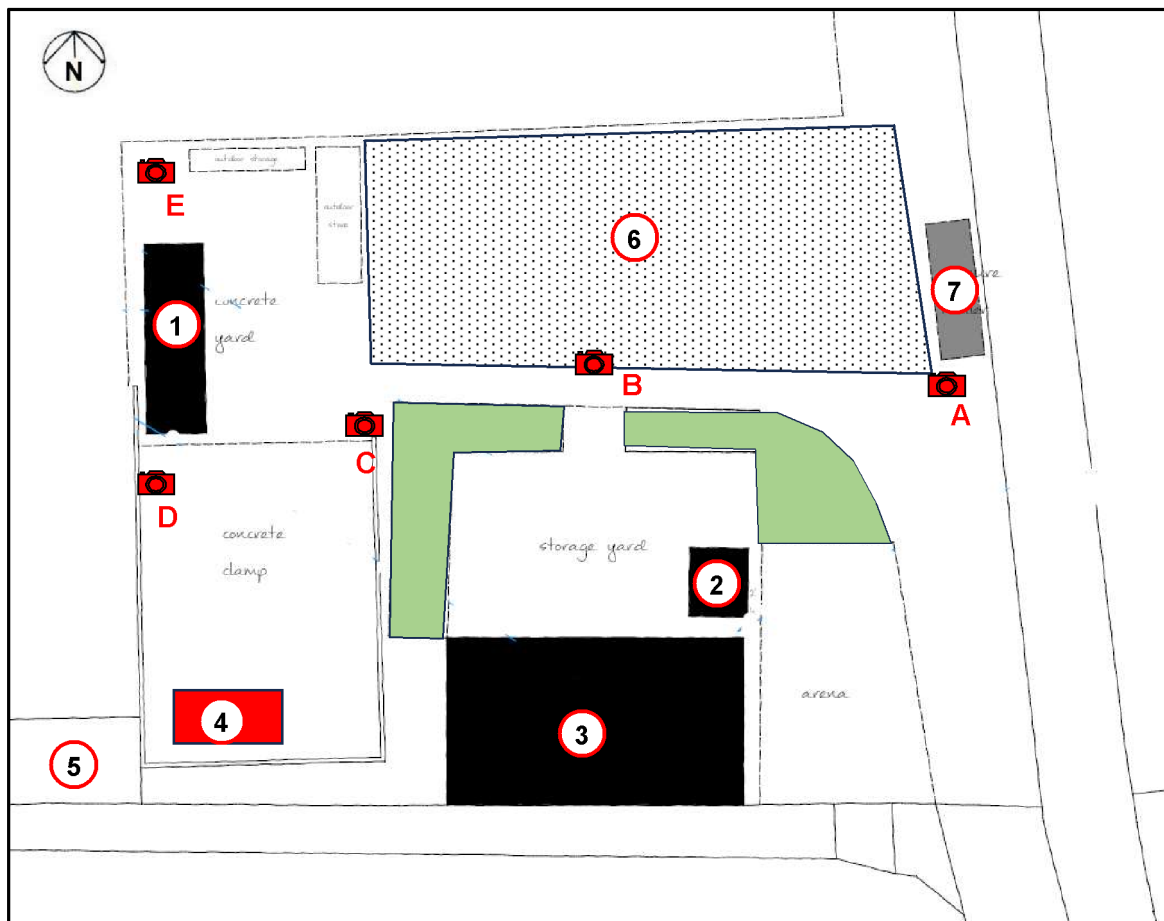
No licence is required if the proposed activity is unlikely to result in an offence.



Approximate boundary of site shown in red



Site Plan



Target Points.	
1	Temporary Caravan
2	Horse loose box
3	Stables
4	Log Cabin
5	Package Treatment plant for foul water
6	Compacted hardcore
7	Manure skip / trailer
	Grass

 Indicate approximate camera positions for photographs at appendix 4.



Plate 1	Looking southwest from CP(A)
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Plate 2	Looking west from CP(A)
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Plate 3 | Looking northwest from CP(A)



Plate 4 | Looking south from CP(B)



Plate 5 | Looking southwest from CP(C)



Plate 6 | Looking north from CP(D)



Plate 7 | Looking south from CP(E)



Plate 8 | Looking southeast from CP(E)



Summary of Legislation applicable to Nesting Birds.

The basic protection afforded to birds is listed below:

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to:

- a) intentionally kill, injure or take any wild bird
- b) intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- c) intentionally take or destroy the egg of any wild bird
- d) have in one's possession or control any wild bird (dead or alive) or part of a wild bird which has been taken in contravention of the Wildlife and Countryside Act 1981 or the Protection of Birds Act 1954
- e) have in one's possession or control an egg or part of an egg which has been taken in contravention of the Act
- f) have in one's possession or control any birds of a species occurring on Schedule 4 of the Act unless registered and ringed in accordance with the Secretary of State's regulations.
- g) intentionally (or recklessly, in England and Wales only) disturb any wild bird listed on Schedule 1 while it is nest building or is at (or near) a nest with eggs or young; or disturb the dependent young of such a bird.

The impacts which the proposed development might have on breeding birds should be small.

If birds start nesting during the development phase, delays will be inevitable, up to the moment when the young birds leave the nest.

Example of garden birds nesting times

