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GREAT CRESTED NEWT IMPACT ASSESSMENT

At

Lower Park Farm
Parkside
Rossett
Wrexham
LL12 0BN

NGR: SJ 38503 54795

Prepared for:	Rossett Park Farming c/o Marc Hourigan, Hourigan Planning Ltd.
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	[redacted]
Date:	13th January 2025
UES reference:	UES04733/02

CIEEM REGISTERED PRACTICE 2024-2025

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EXECUTIVE SUMMARY

This report is written by Josh Howard, Graduate Field Ecologist for United Environmental Services (UES) Ltd. It provides an assessment of the impacts on great crested newts (GCNs) *Triturus cristatus* as a result of the development at Lower Park Farm, Rossett. The development is a compacted aggregate footpath, approximately 2 metres wide and 2.4km long around the periphery of the agricultural pasture fields of Lower Park Farm. The footpath is being used for a dog walking trail for the local population within the area and a track for regular farming activities. A small car park has also been constructed within the eastern section of the site for visitor parking and bale storage. The 2.4km footpath development has resulted in the loss of approximately 8m of hedgerow and 0.76ha of grazed pasture. No excavation works were undertaken during the development. Instead, the aggregate was placed directly on top of the grass which was cut prior to the application of the aggregate.

A GCN impact assessment was undertaken on 30th October by Josh Howard and Daniel Smith. The objectives of the survey were to establish the suitability of the proposed development site for GCNs, and to provide an assessment of the impacts of the development and what compensation is required. All ponds and aquatic features on site and within 250m of the site boundary were assessed for their potential to support GCNs using the Habitat Suitability Index (HSI).

Eleven ponds were identified within 250m of the proposed development site. Eight of the ponds are under the ownership of Lower Park Farm. The closest pond is Pond 1 which is located approximately 80m west from the trail.

All ponds within 250m were assessed for their suitability to support GCNs using the HSI. A HSI assessment found:

- Ponds 3, 4, 5, 6, 7 and to be of good suitability for GCNs.
- Pond 2 to be of average suitability for GCNs.
- Ponds 9, 10 and 11 to be of below average suitability for GCNs.
- Pond 1 to be of poor suitability for GCNs.

Connectivity between ponds and the wider landscape is of good quality, comprising pasture fields with hedgerows and pockets of mature woodlands.

It is recommended that a 2m wide rough grassland strip is reinstated alongside the trail as compensation for the loss of pastureland around the fields. This is also due to the cross-compliance that requires farmers to maintain green cover on land within 2m of the centre of a hedge. Therefore, the green cover will need to be reinstated, albeit it will now need to be on the other side of the trail. The grassland will need to be seeded with a wildflower mix suitable for use in an improved field with nutrient rich soils.

The report should be read in conjunction with appendices 1 to 5, which give visual representations of the survey results, and the Preliminary Ecological Appraisal also prepared for the site (UES04733/01).

1 INTRODUCTION

1.1 Author, surveyors and qualifications

This report is compiled and written by Josh Howard BSc, UES Graduate Field Ecologist. Josh is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S094673/1.

Other surveyors include:

- Daniel Smith BSc MScRes, UES Ecologist. Daniel is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S093616/1.

All surveyors have the knowledge, skills and experience identified within CIEEM's "Competencies for Species Survey: Great Crested Newt" (2013) or were under the supervision of a surveyor with the required competencies.

1.2 Survey objectives

UES was commissioned in October 2024 to conduct site surveys which include the following activities:

- To assess the potential of the proposed development area for use by GCN
- Conduct an HSI assessment of ponds within 250m of site, where accessible
- Recommend further surveys, mitigation and compensation, where appropriate

1.3 Development details

The development is a compacted aggregate footpath, approximately 2 metres wide and 2.4km long around the periphery of the agricultural pasture fields of Lower Park Farm. The footpath is being used for a dog walking trail for the local population within the area and a track for regular farming activities. A small car park has also been constructed within the eastern section of the site for visitor parking and bale storage. The 2.4km footpath development has resulted in the loss of approximately 8m of hedgerow and 0.76ha of grazed pasture. No excavation works were undertaken during the development. Instead, the aggregate was placed directly on top of the grass which was cut prior to the application of the aggregate.

1.4 Structure of the report

This report sets out the methodology, results, and recommendations in relation to a specific GCN survey. Recommendations are in line with statutory legislation and planning policy objectives.

The report should be read in conjunction with appendices 1 to 5, which give visual representations of the survey results. It should also be read in conjunction with the PEA also prepared for the site (UES04733/01).

2 METHODOLOGY

2.1 Desk study

Aerial photographs and Ordnance Survey maps were used to identify all water bodies on the site and within a 250m radius of the site boundary.

UES has not been commissioned to undertake a protected species records search at this point.

2.2 Field survey

2.2.1 Habitat suitability index (HSI)

A site visit was undertaken on 30th October by Josh Howard and Daniel Smith. All ponds and aquatic features on site and within 250m of the site boundary were assessed for their potential to support GCNs using the HSI. The HSI is a tool used to provide a numerical indication of the quality of a waterbody in terms of GCN breeding and associated habitat requirements on a scale of 0-1 (0 indicating unsuitable habitat, 1 representing optimal habitat).

HSI scores incorporate ten Suitability Indices (SIs), all of which are factors thought to affect GCNs, namely:

SI 1: Site location
SI 2: Size of pond
SI 3: Pond permanence
SI 4: Water quality
SI 5: Perimeter shading
SI 6: Waterfowl presence
SI 7: Fish presence
SI 8: Number of ponds within 1km
SI 9: Terrestrial habitat
SI 10: Macrophyte cover

In some cases, a net may be used to assess certain SIs, such as water quality. Once a measurement or category has been given for each SI this can then be converted to a figure between 0 and 1 for use in the HSI calculation. This figure is either translated from an assigned category or measurement or read from a graph in the case of a percentage or number.

The HSI is then calculated from the following formula:

$$HSI = (SI1 \times SI2 \times SI3 \times SI4 \times SI5 \times SI6 \times SI7 \times SI8 \times SI9 \times SI10)^{1/10}$$

This will give a final HSI result between 0 and 1, providing a measure of habitat suitability for GCN.

The information gathered from the survey was used to provide a likelihood of GCNs and other amphibians being present in the area, in both aquatic and terrestrial habitats.

The proposed development, based on the plans provided, was also assessed for the potential to cause harm to GCNs (if present) using the Natural England Rapid Risk Assessment Tool.

All ponds were noted on the pond plan (Appendix 1).

2.3 Survey limitations

No limitations were encountered during the survey. Despite the survey being conducted in October, vegetation growth and invertebrate activity were sufficient to provide a robust assessment of aquatic habitats.

3 RESULTS

3.1 Terrestrial habitat assessment

3.1.1 The development site

The land within the entire property consists of a working dairy farm which is composed of numerous agricultural pasture fields demarcated by hedgerows and scattered trees. Numerous ponds are located within the fields which are all fenced off, preventing cows access to the ponds.

However, the area within the development footprint, which was directly affected by the works, only includes the borders of parts of the pasture onsite, and approximately 8m of hedgerow which was removed in order to create gate access to the footpath. The hedgerows are broadly suitable for GCNs providing foraging and sheltered commuting opportunities to the wider area.

3.1.2 Surrounding habitats

The surrounding habitats comprise further expanses of pastures and hedgerows. Additionally, pockets of woodland such as Horsley Gorse and numerous ponds are present. The pastures are demarcated by hedgerows that offer sheltered commuting habitats for GCN alongside foraging opportunities.

The closest pond is located approximately 80m from the created footpath. The land between these ponds and the development footprint comprises frequently grazed pasture and hedgerows that separate the footpath.

A total of eleven ponds are present within 250m of the proposed development

3.2 Aquatic habitat assessment

3.2.1 Pond 1 – Grid reference: SJ 37844 54972

Pond 1 (see Appendix 3 – Photographs; Photograph 1) is located approximately 80m west of the development boundary within a fenced off section of a pasture field onsite. The pond measures approximately 935m^2. Vegetation present includes waterlily Sp. *Nymphaeaceae*, water starwort *Callitriche stagnalis*, hard rush *Juncus inflexus*, soft rush *Juncus effusus*, fools' watercress *Helosciadium nodiflorum*, gypsywort *Lycopus europaeus*, and water mint *Mentha aquatica*. Additionally, a thick stand of common reed *Phragmites australis* is present resulting in the pond being heavily shaded. The pond has historically been used as a fishing pond. As such, it is likely to support populations of fish.

3.2.2 Pond 2 – Grid reference: SJ 37813 54896

Pond 2 (Photograph 2) is located approximately 100m west of the development boundary within a fenced off section of a pasture field onsite. The pond measures approximately 700m^2. The pond is linked to a drainage ditch that heads towards the footpath development. Vegetation includes goat willow *Salix caprea*, great willowherb *Epilobium hirsutum*, stinging nettle *Urtica dioica*, hard rush, and greater reedmace *Typha latifoli.*

3.2.3 Pond 3 – Grid reference: SJ 38000 54541

Pond 3 (Photograph 3) is located approximately 110m south-west of the developed footpath within a fenced off section of a pasture field onsite. The pond measures approximately 1480m^2. The pond is heavily shaded by trees and features species such as greater reedmace, water plantain *Alisma plantago-aquatica*, soft rush, hard rush, creeping thistle *Cirsium arvense*, goat willow, blackthorn *Prunus spinosa*, water mint, and bramble *Rubus fruticosus.*

3.2.4 Pond 4 – Grid reference: SJ 38217 54535

Pond 4 (Photograph 4) is located approximately 145m south of the development boundary within a fenced off section of a pasture field onsite. The pond measures an approximate 1150m^2. This pond is turbid and features coverage of duckweed *Lemna minor*. The pond is encompassed by a dense cover of greater reedmace resulting in heavy shading. Additional species present include goat willow, common reed, water mint, hard rush, and bramble.

3.2.5 Pond 5 - Grid reference: SJ 38448 54536

Pond 5 (Photograph 5) is located approximately 220m south of the development boundary within a fenced off section of a pasture field onsite. The pond measures an approximate 350m^2. The pond is shaded by dense scrub including bramble, blackthorn dog rose *Rosa canina*, and hawthorn *Crataegus monogyna*. Floating vegetation is limited to common duckweed and marginal vegetation includes greater reedmace and goat willow.

3.2.6 Pond 6 - Grid reference: SJ 38696 54717

Pond 6 (Photograph 6) is located approximately 150m south of the development within a fenced off section of a pasture field onsite. The pond measures an approximate 730m^2. The pond has a thin margin of greater reedmace and yellow flag iris *Iris pseudacorus*. The pond surface has a dense cover of rigid hornwort *Ceratophyllum demersum*. Additional species present around the margin and pond boundary include great willowherb, hard rush, common reed, stinging nettle, bramble, and goat willow.

3.2.7 Pond 7 - Grid reference: SJ 38942 54828

Pond 7 (Photograph 7) is located approximately 90m south of the development site within a fenced off section of a pasture field offsite. The B5102 (Rossett Road) is located in between the pond and development boundary, thus acting as a physical barrier. The pond measures an approximate 460m^2. The pond is heavily shaded and features species such as alder *Alnus glutinosa*, greater reedmace, stinging nettle, creeping thistle, hawthorn, goat willow, bramble, fools' watercress, water mint, hard rush, and soft rush.

3.2.8 Pond 8 - Grid reference: SJ 38673 54987

Pond 8 (Photograph 8) is located approximately 90m north of the development within a fenced off section of a pasture field onsite. The pond measures an approximate 885m^2. Emergent and marginal vegetation includes fools' watercress, yellow flag iris, and brooklime *Veronica beccabunga.* Bankside vegetation surrounding the pond includes rosebay willowherb *Chamaenerion angustifolium*, cocksfoot *Dactylis glomerata*, wood dock *Rumex sanguineus* pedunculate oak *Quercus robur*, and goat willow.

3.2.9 Pond 9 - Grid reference: SJ 39003 55142

Pond 9 (Photograph 9) is situated approximately 100m east of the development boundary within a fenced off section of a pasture field offsite. The B5102 (Rossett Road) is located in

between the pond and development boundary, thus acting as a physical barrier. The pond measures an approximate 1420m^2. Pond 9 is artificially stocked with fish to facilitate its use as a fishing pond. The pond's surface is dominated by waterlily sp. Marginal vegetation includes common reed and hard rush. The bankside vegetation features species such as goat willow, stinging nettle, common hogweed *Heracleum sphondylium*, broad-leaved dock *Rumex obtusifolius*, and creeping bent *Agrostis stolonifera*.

3.2.10 Pond 10 - Grid reference: SJ 38509 55141

Pond 10 (Photograph 10) is situated approximately 190m south-west of the development within a fenced off section, directly adjacent to the farmyard. The waterbody measures an approximate 1800m^2. Pond 10 is an outflow slurry lagoon from the farm, and therefore the water quality is very poor due to the pollution from the farm waste. The waterbody is void of vegetation; however, the banks feature species indicative of waste ground, grassland, and arable fields. Species present include black nightshade *Solanum nigrum*, fat hen *Chenopodium album*, common chickweed *Stellaria media*, common mallow *Malva neglecta*, white dead nettle *Lamium album*, hedge mustard *Sisymbrium officinale*, and lesser swine cress *Lepidium coronopus.* It is highly unlikely GCN will be present within this waterbody.

3.2.11 Pond 11 - Grid reference: SJ 38879 55485

Pond 11 (Photograph 11) is situated approximately 110m north-east of the development boundary within a fence off section of a pasture field offsite. The B5102 (Rossett Road) is located in between the pond and development boundary, thus acting as a physical barrier. The pond measures an approximate 740m^2. The pond is artificially stocked with fish to facilitate its use as a fishing pond. Species present include lesser burdock *Arctium minus*, lesser pond sedge *Carex acutiformis*, greater reedmace, stinging nettle, goat willow, bramble, cocksfoot, and hawthorn.

4 IMPACT ASSESSMENT

4.1 HSI results

Eleven accessible ponds within a 250m radius of the proposed development site were surveyed for their suitability to support breeding great crested newts using the habitat suitability index.

Pond 1 achieved an HSI score of 0.47, which indicates the pond is of 'poor' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, macrophyte cover and pond permanence. SIs that particularly reduce the overall score include pond shade and presence of fish.

Pond 2 achieved an HSI score of 0.61, which indicates the pond is of 'average' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, pond area, and pond density. SIs that particularly reduce the overall score include pond shade, water quality and the presence of fish.

Pond 3 achieved an HSI score of 0.73, which indicates the pond is of 'good' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, geographic location, and pond permanence. SIs that particularly reduce the overall score include pond shade and water quality.

Pond 4 achieved an HSI score of 0.70, which indicates the pond is of 'good' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, geographical location, and pond permanence. SIs that particularly reduce the overall score include macrophyte cover and water quality.

Pond 5 achieved an HSI score of 0.75, which indicates the pond is of 'good' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, macrophyte cover and pond permanence. SIs that particularly reduce the overall score include pond shade.

Pond 6 achieved an HSI score of 0.78, which indicates the pond is of 'good' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, macrophyte cover and pond permanence. SIs that particularly reduce the overall score include pond shade.

Pond 7 achieved an HSI score of 0.75, which indicates the pond is of 'good' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, macrophyte cover and pond permanence. SIs that particularly reduce the overall score include pond shade.

Pond 8 achieved an HSI score of 0.75, which indicates the pond is of 'good' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, macrophyte cover and pond permanence. SIs that particularly reduce the overall score include pond shade and the presence of fish.

Pond 9 achieved an HSI score of 0.55, which indicates the pond is 'below average' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, pond area and pond permanence. SIs that particularly reduce the overall score include pond shade and presence of fish.

Pond 10 achieved an HSI score of 0.57, which indicates the pond is of 'below average' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, absence of fish, absence of waterfowl, and pond permanence. SIs that particularly reduce the overall score include macrophytes and water quality.

Pond 11 achieved an HSI score of 0.50, which indicates the pond is of 'below average' suitability to support breeding GCNs. SIs which particularly increase the overall score include the number of ponds within the local area, pond area, and pond permanence. SIs that particularly reduce the overall score include pond shade, water quality, and presence of fish.

Detailed scores and calculations are included in Appendix 4 – HSI results.

4.2 Impacts

The following rapid risk assessment tool has been developed by Natural England in order to establish whether it is necessary to apply for a licence. It assumes that the pond(s) identified during the site visit are suitable GCN breeding ponds, which in some cases will not be the case.

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)	0.1 - 0.5 ha lost or damaged	0.5
Land 100-250m from any breeding pond(s)	0.5 – 1 ha lost or damaged	0.3
Land >250m from any breeding pond(s)	0.5 – 1 ha lost or damaged	0.03
Individual great crested newts	Minor disturbance of newts	0.5
	Maximum:	0.5
Rapid risk assessment result:	**AMBER: OFFENCE LIKELY**	

"Amber: offence likely" *indicates that the development activities are of such a type, scale and location that an offence is likely. In this case, the best option is to redesign the development (location, layout, methods, duration or timing; see* ***Non-licensed avoidance measures tool****) so that the effects are minimised. You can do this and then re-run the risk assessment to test whether the result changes, or preferably run your own detailed site-specific assessment. Bear in mind that this generic risk assessment will over- or under-estimate some risks because it cannot take into account site-specific details, as mentioned in caveats above. In particular, the exact location of the development in relation to resting places, dispersal areas and barriers should be critically examined. Once you have amended the scheme you will need to decide if a licence is required; this should be done if on balance you believe an offence is reasonably likely.*

The key components of the risk assessment contributing to the result of 'Amber: offence likely' is the proximity of the development to the ponds as well as the number of ponds within a 250m buffer.

However, due to the small scale, type of habitat impacted and the construction activities that were undertaken, it is considered unlikely GCN, and other amphibians were directly impacted by the development works. The majority of the impacted habitat was pasture grassland. No excavation works were undertaken to create the trail. The grass was mown prior to the aggregate application; therefore, it was broadly unsuitable to support GCN and other common amphibians. As excavation was not performed, the hedgerow roots were protected from any damage. A small area of hedgerow (8m in total) was removed to facilitate access to the trail

from the public roads. The trail is approximately 2.4km in length in which a majority is adjacent to hedgerows; therefore, the likelihood of GCN being present within the 8m stretch of removed hedgerow is low.

It is considered that the construction of the trail has resulted in the minor loss of GCN commuting and foraging habitat along the periphery of some of the pasture fields onsite. It is recommended that compensation for the loss of green space is carried out. Compensation details are outlined in Section 5.

No aquatic habitat has been affected.

5 RECOMMENDATIONS

Although 8m of hedgerow and 0.76ha of pasture have been impacted by the development of the trail, this is only considered to have a minor impact on GCN within the local area. It is considered to not have caused any issues with habitat fragmentation.

It is recommended that a 2m wide rough grassland strip is reinstated alongside the trail as compensation for the loss of pastureland around the fields. This is also due to the cross-compliance that requires farmers to maintain green cover on land within 2m of the centre of a hedge. Therefore, the green cover will need to be reinstated, albeit it will now need to be on the other side of the trail. The grassland will need to be seeded with a wildflower mix suitable for use in an improved field with nutrient rich soils.

These recommended compensation measures have been discussed and agreed with by Wrexham County Borough Council Ecologist Emma Broad and UES. The clients at Lower Park Farm are keen to reinstate the 2m green space strip in order to promote commuting opportunities by creating habitat corridors for amphibians and other wildlife in the local area.

The hedgerows onsite already provide extensive hibernation opportunities; therefore, it is not considered necessary to provide additional hibernacula onsite such as log and brash piles.

6 CONCLUSION

The land within the entire property consists of a working dairy farm which is composed of numerous agricultural pasture fields demarcated by hedgerows and scattered trees. Numerous ponds are located within the fields which are all fenced off, preventing cows access to the ponds.

The development is a compacted aggregate footpath, approximately 2 metres wide and 2.4km long around the periphery of the agricultural pasture fields of Lower Park Farm. The footpath is being used for a dog walking trail for the local population within the area and a track for regular farming activities. A small car park has also been constructed within the eastern section of the site for visitor parking and bale storage. The 2.4km footpath development has resulted in the loss of approximately 8m of hedgerow and 0.76ha of grazed pasture. No excavation works were undertaken during the development. Instead, the aggregate was placed directly on top of the grass which was cut prior to the application of the aggregate. The hedgerows are broadly suitable for GCNs providing foraging and sheltered commuting opportunities to the wider area. However, only a small amount of the hedgerows onsite was directly impacted by the footpath.

All ponds within 250m were assessed for their suitability to support GCNs using the HSI. A HSI assessment found:

- Ponds 3, 4, 5, 6, 7 and to be of good suitability for GCNs.
- Pond 2 to be of average suitability for GCNs.
- Ponds 9, 10 and 11 to be of below average suitability for GCNs.
- Pond 1 to be of poor suitability for GCNs.

Based on the location and number of ponds within the development footprint, it is likely that the works have resulted in a minor loss of commuting and foraging habitats along the hedgerow. As such compensation measure details in Section 5 are advised.

7 REFERENCES

Anon. (2001). *Great Crested Newt Mitigation Guidelines.* English Nature.

Chartered Institute of Ecology and Environmental Management (2013). *Competencies for Species Survey: Great Crested Newts*.

Department for Communities and Local Government (2024). *National Planning Policy Framework.*

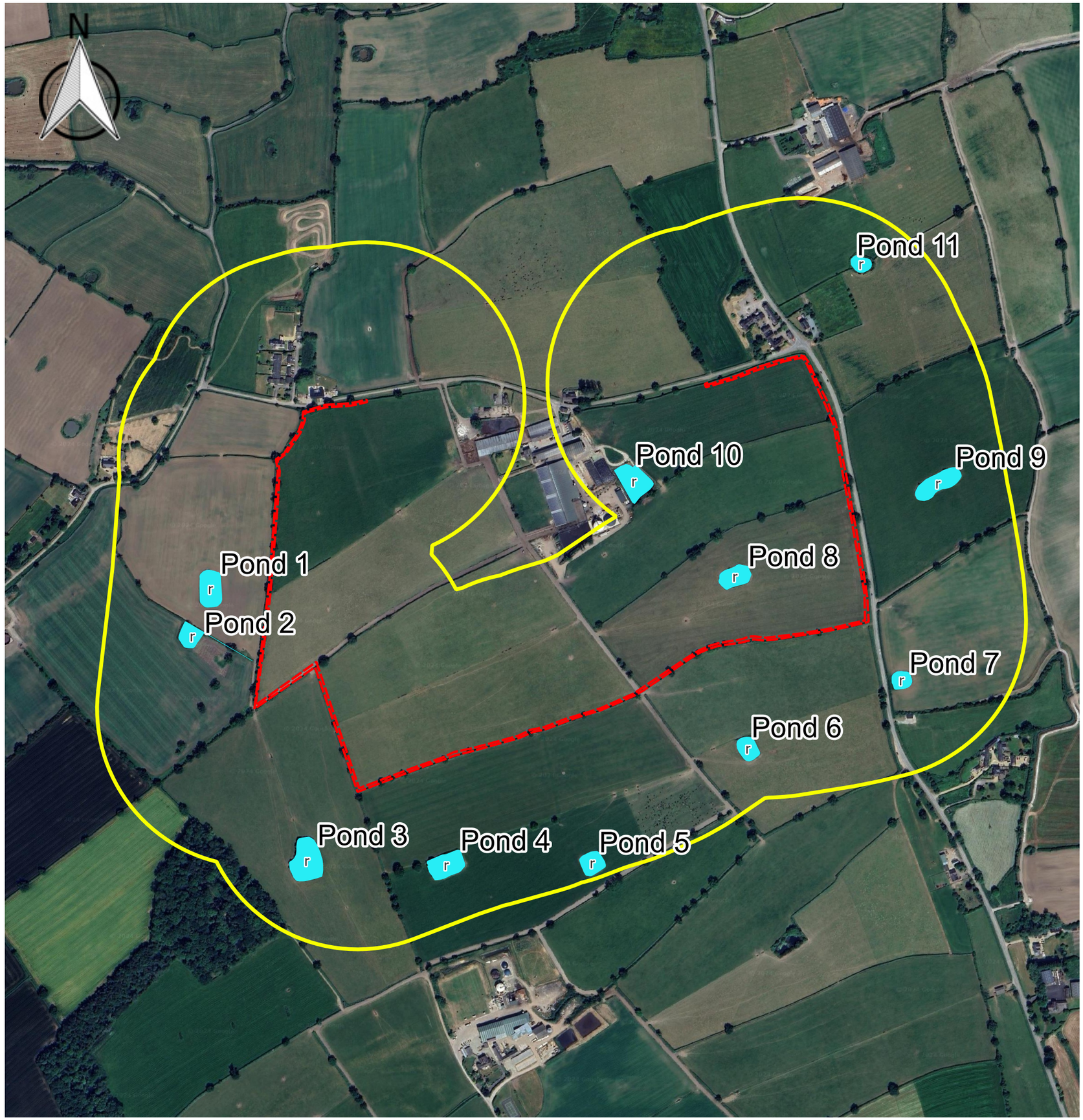
Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000). *Evaluating the suitability of habitat for the Great Crested Newt* (Triturus cristatus). Herpetological Journal 10 (4), 143-155.

APPENDICES

Appendix 1 – Pond plan

Pond plan

Site: Lower Park Farm
NGR: SJ 38503 54795
Author: Josh howard
Date: 10/12/2024





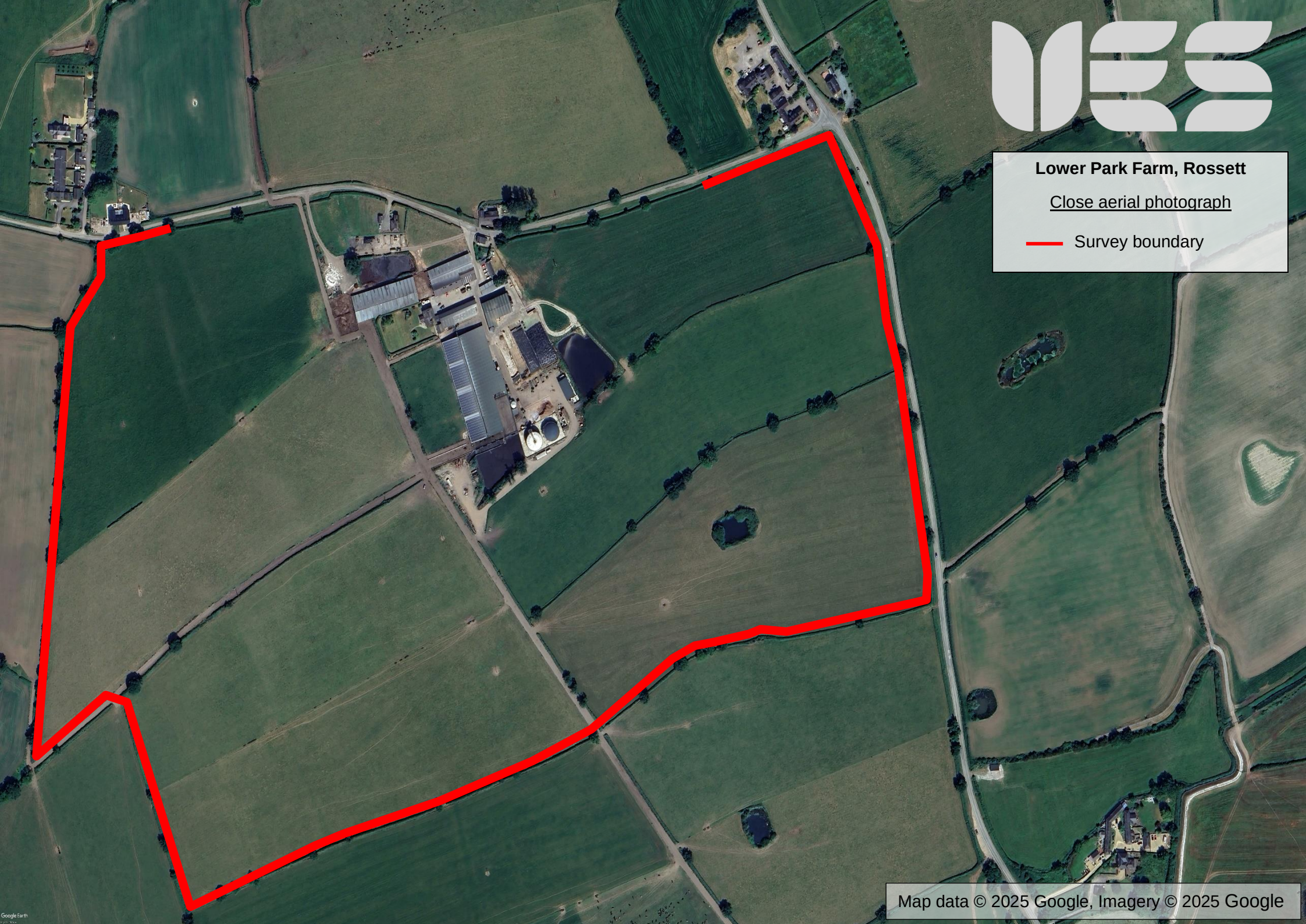
Key

- Ponds
- Development boundary
- 250m buffer

MAP DATA FROM ©2024 GOOGLE, IMAGERY FROM ©2024 GOOGLE

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Appendix 2 – Aerial photographs


Lower Park Farm, Rossett
Close aerial photograph
Survey boundary
Map data © 2025 Google, Imagery © 2025 Google


Lower Park Farm, Rossett
Wide aerial photograph
Site location
Map data © 2025 Google, Imagery © 2025 Google

Appendix 3 – Photographs



Photograph 1 – Pond 1.



Photograph 2 – Pond 2.



Photograph 3 – Pond 3.



Photograph 4 – Pond 4.



Photograph 5 – Pond 5.



Photograph 6 – Pond 6.



Photograph 7 – Pond 7.



Photograph 8 – Pond 8.



Photograph 9 – Pond 9.



Photograph 10 – Pond 10.



Photograph 11 – Pond 11.

Appendix 4 – HSI results

GCN HSI Calculations

	Pond number	1	2	3	4
	Grid reference	SJ 37844 54972	SJ 37813 54896	SJ 38000 54541	SJ 38217 54535
SI number	SI description				
1	Geographic location	1	1	1	1
2	Pond area	0.95	1	0.9	0.9
3	Pond permanence	0.9	0.9	0.9	1
4	Water quality	0.67	0.33	0.67	0.33
5	Shade	0.2	0.2	0.2	0.4
6	Water fowl	0.67	0.67	0.67	0.67
7	Fish	0.01	0.33	0.67	0.67
8	Pond density	1	1	1	1
9	Terrestrial habitat	0.67	0.67	0.67	0.67
10	Macrophyte cover	1	0.8	0.8	0.5
HSI score:		**0.47**	**0.61**	**0.73**	**0.70**
Pond suitability:		**Poor**	**Average**	**Good**	**Good**

HSI Score	Pond Suitability
< 0.50	Poor
0.50 - 0.59	Below average
0.60 - 0.69	Average
0.70 - 0.79	Good
> 0.80	Excellent

5	6	7	8	9	10
SJ 38448 54536	SJ 38696 54717	SJ 38942 54828	SJ 38673 54987	SJ 39003 55142	SJ 38509 55141
	SI Values				
1	1	1	1	1	1
0.7	1	0.95	0.95	0.9	0.8
1	1	1	1	1	0.9
0.67	0.67	0.67	0.67	0.67	0.01
0.4	0.4	0.2	0.2	0.4	1
0.67	0.67	0.67	0.67	0.67	1
0.67	0.67	0.67	0.67	0.01	1
1	1	1	1	1	1
0.67	0.67	0.67	0.67	0.67	0.67
1	1	1	1	1	0.3
0.75	**0.78**	**0.75**	**0.75**	**0.55**	**0.57**
Good	**Good**	**Good**	**Good**	**Below average**	**Below average**

11
SJ 38879 55485
1
1
1
0.67
0.2
0.67
0.01
1
0.67
0.7
0.50
Below average

Appendix 5 – Statutory and planning context

STATUTORY AND PLANNING CONTEXT

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Habitats

Section 7 of the Environment Act (Wales) places a duty on Welsh Ministers to publish, review and revise lists of types of habitats and species in Wales which they consider are of key significance to sustain and improve biodiversity. The Welsh Ministers must also take all reasonable steps to maintain and enhance the habitats published in these lists, and encourage others to take such steps.

Amphibians

<u>Great crested newts</u>

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
- their ability to survive, breed, reproduce, rear or nurture their young
- their ability to hibernate or migrate
- their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 7 of the Environment (Wales) Act 2016.

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural Resources Wales (NRW) team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by NRW is required for the legal implementation of a mitigation scheme.

An NRW mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Natterjack and common toad are also listed under Section 7 of the Environment (Wales) Act 2016.

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (PPW - 2018). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online