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PRELIMINARY ECOLOGICAL APPRAISAL

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]
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UES reference:	UES04733/01

CIEEM REGISTERED PRACTICE 2024-2025

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EXECUTIVE SUMMARY

United Environmental Services Ltd (UES) was commissioned by Rossett Park Farming to carry out a retrospective ecological survey of a parcel of land at Lower Park Farm, Rossett, Wrexham. A desk study and preliminary ecological appraisal (PEA) survey were undertaken on 30th October 2024, including searches using the Multi Agency Geographic Information Centre (MAGIC).

The PEA provides an assessment of potential ecological impacts associated with the retrospective development of the land parcel. 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 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 cattle access to the ponds. However, the area within the development footprint, which was directly affected by the works, only includes the borders of the pasture grasslands onsite, and approximately 8m of hedgerow which was removed in order to create gate access to the trail.

The results of the survey combined with the results of the desk study have highlighted the potential impacts in relation to the following habitats and species:

- Amphibians
- Breeding birds
- Hedgehogs
- Hedgerows
- Reptiles

As the works have already been completed, no mitigation is possible. However, 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.

26.54m of double staggered native hedgerow is proposed be planted on the western boundary of the car park / bale storage area. The proposed native hedgerow planting will provide foraging opportunities for invertebrates including larval stages, adult herbivorous species and pollinators. Providing a range of planted species will support a greater diversity of invertebrate species, which will in turn benefit other faunal species that will predate these invertebrates, such as bats and birds. In addition, the hedgerows will provide increased nesting opportunities for birds and sheltered commuting opportunities for amphibians, reptiles and mammals.

The development also presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of ten proposed bird nest boxes on site will provide improved nesting opportunities into the long-term future of the site.

This report should be read with appendices 1 to 7, which include results of the desk study, GIS UK habitat mapping, photographs of site and relevant statutory guidance.

A great crested newt *Triturus cristatus* impact assessment (report reference UES04733/02) and green infrastructure statement (report reference UES04733/03) have also been produced in order to support appropriate mitigation and compensation for this retrospective development.

1 INTRODUCTION

1.1 Author, surveyors, qualifications and scope of study area

This report is written by Josh Howard BSc, UES Graduate Field Ecologist. Josh holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake UKHab surveys. Josh is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S094673/1. Other surveyors present included:

- Daniel Smith BSc MScRes, UES Ecologist. Daniel holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake UKHab surveys. Daniel is listed as an accredited agent on the bat survey licence of Toby Hart (S092789/1). As such, he has been deemed competent to undertake licensable activities such as using a torch and endoscope to survey for bats. Daniel is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S093616/1.

The report provides an assessment of the potential ecological impacts associated with the retrospective development of a parcel of land at Lower Park Farm, Rossett.

The zone of influence considered within the scope of the survey includes all land within the red line boundary. Where relevant, other ecological resources, receptors and important habitats which are spatially separate from the site are considered.

1.2 Survey objectives

UES was commissioned in October 2024 to conduct a PEA of the development site. This was completed in order to:

- Establish baseline conditions predevelopment and determine the importance of ecological features present or potentially present within the survey area
- Identify key ecological constraints to the project
- Make recommendations for design options to avoid significant effects on important ecological resources post development
- Identify potential requirement for mitigation or compensation

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 is a baseline appraisal that forms the basis for further ecological surveys and Environmental Impact Assessments (EIA) if required. In the majority of cases the preliminary ecological assessment will not provide all the ecological data required by the Local Planning Authority to determine an application, especially in the event that protected habitat or species issues are present or likely.

This report should be read with appendices 1 to 7, which include results of the desk study, GIS UK habitat mapping, photographs of site and relevant statutory guidance.

2 METHODOLOGY

This PEA comprises a desk study and a field survey. The desk study is conducted in order to collate ecological information on species and / or habitats of interest that may be present. The field survey is conducted in order to assess the habitats and their importance, both on site and in the context of their wider surroundings.

2.1 Desk study

The following resources were used to inform the desk study:

- National – Using the UK government's MAGIC website, statutorily protected sites were scoped to a distance of 10km from the application site.

- Local – UES has not been commissioned to undertake an environmental records search at this point.

2.2 Field survey

An ecological walkover survey was carried out on 30th October 2024 by Josh Howard and Daniel Smith. The purpose of the survey was to identify, record and map dominant habitat types within the development area and highlight any further species surveys that may be required based on the quality of those habitats. When conducting the surveys particular focus was concentrated on the following species and habitat features:

- Amphibians
- Reptiles
- Badger
- Bats
- Hazel dormouse
- Birds
- Trees
- Hedgerows
- Plant communities
- Invasive species
- Otter
- Water vole
- White-clawed crayfish

The habitats were assessed by using the UK habitat survey technique, which is a system for environmental audit widely used within the environmental consultancy field. The survey was undertaken in accordance with the methodology in the 'UK Habitat Classification Version 2.0' (UKHab, 2023).

The survey area encompasses all the land within the development footprint and the land to a distance of 30m outside it where accessible. In line with recognised guidelines, ponds were also scoped to a distance of 500m (250m radius from the survey area).

The UK habitat survey methodology was extended to record any signs of habitats suitable to support protected / invasive species and any incidental observations of other noteworthy species.

2.3 Survey limitations

The survey was conducted in October when not all plants are readily identifiable. However sufficient vegetative identification was possible, allowing a robust assessment of habitats to be undertaken.

3 RESULTS

3.1 Desk study

A desk study was conducted for the development site and surrounding area. Statutorily protected sites were scoped to a distance of 10km. Further results of the desk study can be found at Appendix 1 – Desk study.

3.1.1 Protected sites

There are four statutorily protected sites within 2km of site:

- River Dee SSSI[1],
  The River Dee is situated approximately 0.8km east of the development site measuring an approximate 2334ha and extends 571.2km in length. Annex II species that are the primary reason for the site's designation include freshwater pearl mussel Margaritifera margaritifera*, Atlantic salmon* Salmo salar*, and otter* Lutra lutra*. The River Dee is considered one of the optimal habitats within the United Kingdom for these species and are of importance for supplying food resources and pollution management.*

- River Dee and Bala Lake SAC[2]
  The River Dee and Bala Lake SAC is situated approximately 0.8km east of the development site. However, the Bala Lake section of the designated site is located approximately 49.8km south-west of the development site. Annex II species that are the primary reason for the site's designation include Atlantic salmon and floating water-plantain Luronium natans.

- Midland Mere and Mosses Phase 2 Ramsar
  The designation is located approximately 1.7km west of the development site. Comprising a series of open water and peatland sites, most of which developed in natural depressions left by the retreating ice sheets at the end of the last Ice Age. Including a smaller number of peatland sites, known as 'mosses' such as Vicarage Moss SSSI.

- Vicarage Moss SSSI
  Vicarage Moss is situated approximately 1.7km west of the development site measuring an approximate 20.6ha and is designated for its important basin mires.

There are six statutorily protected sites (designated for ecological reasons) within 2 – 10km of site:

- Chwarel Singret SSSI
- Gatewen Marsh SSSI
- Llay Bog SSSI
- Sontley Marsh SSSI
- Coedwig Ffosil Brymbo Fossil Forest SSSI
- Marford Quarry SSSI

[1] Site of Special Scientific Interest
[2] Special Areas of Conservation

3.2 Baseline conditions – Habitats

The results of the PEA are also shown on the accompanying map at Appendix 2 – UKHab plan. Habitats are colour-coded in accordance with the UKHab standard. A full botanical species list for each habitat is provided at Appendix 5.

The local area predominantly consists of residential dwellings and arable fields. The following principal habitat types were characterised on site:

- g4 Modified grassland
- h2a Native hedgerow
- u1c Artificial unvegetated unsealed surface
- u1e Built linear features

3.2.1 g4 Modified grassland

Secondary codes: 100, 110

The site is located on grazed pastureland. As the grassland is subject to regular grazing and mowing for silage, the grassland is composed of a low diversity of plants (Appendix 4 – Photographs; Photograph 1). The areas which are adjacent to the new trail and fenced off from livestock have a higher diversity of plants compared to the grazed area; however, the ecological value is still considered low. Species present include perennial rye grass *Lolium perenne*, common bent *Agrostis capillaris*, timothy *Phleum pratense*, fescue Sp. *Festuca*, annual meadow-grass *Poa annua*, cocksfoot *Dactylis glomerata*, false oat grass *Arrhenatherum elatius,* common chickweed *Stellaria media*, cow parsley *Anthriscus sylvestris*, perennial sow thistle *Sonchus arvensis*, creeping buttercup *Ranunculus repens*, hedge garlic *Alliaria petiolata*, stinging nettle *Urtica dioica*, spear thistle *Cirsium vulgare,* and yarrow *Achillea millefolium*.

3.2.2 h2a Native hedgerow

Secondary codes: 11 trees

Hedgerow 1 (Photograph 3) is intact, trimmed and measures approximately 1.4m in width. Situated at the north-east boundary of the site, measuring an approximate 224m in length. It features an occasional grass verge measuring an approximate 40cm wide along the path. Part of the hedgerow was removed in order to facilitate access to the trail. Hedgerow is dominated by hawthorn *Crataegus monogyna* with occasional blackthorn *Prunus spinosa* and dog rose *Rosa canina*, additionally, ivy *Hedera helix* and bramble *Rubus fruticosus* are mixed throughout the hedge. Also present is a single mature pedunculate oak *Quercus robur*.

Hedgerow 2 is located at the eastern site boundary measuring approximately 114m in length and 1.4m in width. The hedgerow features a gap (Grid reference SJ 38849 55192) that has been bridged by timber fencing. The hedgerow is dominated by blackthorn and a singular pedunculate oak tree.

Hedgerow 3 (Photograph 4) is situated at the eastern site boundary extending 215m in length, 2m in width, and 1.5m in height. The hedgerow is dominated by blackthorn with occasional hawthorn and dog rose. Also present is mature oak trees.

Hedgerow 4 (Photograph 5) extends 380m along the eastern section of the southern boundary of the development site. One gap (Grid references SJ 38835 54907) is present along the hedge and are bridged by timber fencing. Also present within the hedge is a bird's nest, likely belonging to a robin *Erithacus rubecula* or dunnock *Prunella modularis* (Photograph 6) (Grid reference SJ 38755 54892). The hedgerow is dominated by blackthorn with occasional hawthorn, dog rose, and pedunculate oak trees.

Hedgerow 5 (Photograph 7) extends 460m along the western section of the southern boundary of the development site. Two gaps (Grid references SJ 38181 54685, and SJ 38095 54656) are present along the hedge and are bridged by timber fencing. Similar to Hedgerow 4, the hedgerow is dominated by blackthorn with occasional hawthorn, dog rose, and pedunculate oak trees.

Hedgerow 6 (Photograph 8) is situated along the western site boundary measuring approximately 210m in length. The hedgerow measures 1.8m high and 2.6m width dominated by blackthorn with occasional hawthorn. Also present are mature pedunculate oak trees.

Hedgerow 7 (Photograph 9) extends approximate 320m along the western site boundary. Species present includes blackthorn, hawthorn, and dog rose. Mature trees include pedunculate oak, ash *Fraxinus excelsior*, field maple *Acer campestre*, alder *Alnus glutinosa*, and elder *Sambucus nigra.*

Hedgerow 8 extends an approximate 90m along the northern-western site boundary. The hedgerow is intact and infrequently managed. Species present include bramble, hawthorn, blackthorn, and dog rose. Trees present include pedunculate oak and elder.

Hedgerow 9 (Photograph 10) extends an approximate 90m along the northern site boundary. The hedgerow is intact and infrequently managed. Part of the hedgerow were removed to create access to the trail. Species present include bramble, hawthorn, blackthorn, and dog rose. Trees present include pedunculate oak.

3.2.3 u1c Artificial unvegetated unsealed surface

Secondary codes: 81, 839, 528

The unsealed surface measures approximately 2.4km in length and 2m wide and is made up of compacted aggregate (Photograph 3). Utilised as a farm track and recreational trail for dog walking. The path is bordered by native hedgerows and wire fencing and surrounded by modified grasslands. Some grassland species have encroached onto the path.

Chicory *Cichorium intybus* is also present along the path that has been planted as part of a wildflower seed mix.

Secondary codes: 804

An unsealed surface car park (Photograph 11) is present at the eastern site boundary (Grid reference SJ 38861 55117). The area is also used to store bales as part of the working dairy farm within the ownership boundary. Vegetation is restricted to the habitat edge including species such as cocksfoot, cleavers *Galium aparine*, stinging nettles, hedge garlic, and groundsel *Senecio vulgaris*.

3.2.4 u1c Built linear features

A newly constructed wire fencing has been constructed along the entirety of the pastureland side of the trail and car park.

3.3 Baseline conditions – Protected species or resources

As part of the PEA, specific observations of wildlife were also recorded. Wildlife observations focused on protected species, invasive species or species of conservation concern. Habitats with potential to support protected species were noted with a view to follow up surveys if required.

3.3.1 Amphibians

Great crested newts are known to be present within in the local area.

There are eleven mapped ponds within 250m of the development site, with the closest located approximately 80m to the west of the trail. A GCN impact assessment was undertaken on 30th October by Josh Howard and Daniel Smith (see GCN IA report UES04733/02 for further details). The objectives of the survey were to establish the suitability of the 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).

Eight of the ponds are under the ownership of Lower Park Farm and 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.

The terrestrial habitats within the development footprint are broadly suitable for GCNs. The hedgerows provide sheltered commuting and foraging opportunities, whilst there are also hibernation opportunities in the exposed root systems in the hedgerow.

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. Therefore, the hedgerow and any amphibians present would not have been directly impacted. However, the trail has removed 2m wide strips of green space from some of the hedgerows at Lower Park Farm; thus, removing habitat corridors.

3.3.2 Reptiles

The hedgerow habitats are broadly suitable for reptile species slow-worm *Anguis fragilis* and common lizard *Zootoca vivipara*. Prior to the development, the field margins along the hedgerows could have also been potentially used by commuting and foraging common reptile species.

The development may have impacted the commuting and foraging corridor along the hedgerow.

3.3.3 Badger

The agricultural pastures on site are topographically flat and unsuitable for sett building. Additionally, no evidence of badger *Meles meles* activity, including setts, snuffle holes, footprints, hairs or latrines, was identified onsite during the walkover survey.

Therefore, it is considered unlikely that badgers were negatively impacted by the works.

3.3.4 Bats

There are numerous mature trees within the hedgerows on site that could be utilised by roosting bats. No trees were affected by the works, as such it is unlikely that bats have been negatively impacted.

There is no artificial lighting installed on the trail and so the development will not negatively impact bat commuting routes.

3.3.5 Hazel dormouse

The habitats on site are relatively unsuitable for hazel dormice *Muscardinus avellanarius*. The hedgerows are not particularly species-rich, lacking key species such as hazel and honeysuckle *Lonicera periclymenum*. It is therefore considered unlikely that hazel dormice were negatively impacted by the development.

3.3.6 Birds

Although a targeted bird survey was not conducted during the site visit, the following bird species were recorded whilst on site: green woodpecker *Picus viridis*, snipe *Gallinago gallinago*, and blackbird *Turdus merula*.

A bird nest (likely from the previous nesting bird season) was discovered with the hedgerow. The nest likely belonged to a robin or dunnock.

Of these species mentioned above, snipe are listed on the most recent birds of conservation concern “amber list”.

The hedgerows with trees on site provide suitable nesting opportunities for breeding birds in the summer. However, only 8m of hedgerow was removed during the development as such, is unlikely to have impacted breeding birds.

3.3.7 Trees

There are no tree species on site which are afforded statutory protection.

3.3.8 Hedgerows

There are nine native hedgerows on site featuring mature trees. It is unlikely that these hedgerows will qualify as “important” for ecological reasons under the Hedgerow Regulations, but they may qualify on historical grounds.

3.3.9 Plant communities

No plant communities or individual species were recorded on site which are afforded statutory protection in their own right.

3.3.10 Invasive species

No invasive species were identified during the survey.

3.3.11 Otter

The River Dee is situated approximately 850m east of the development site and is known to have populations of otter. However, given the distance from site and the scale of the works, it is not considered that otters have been negatively impacted by the works.

Furthermore, no evidence of otter was identified during the survey.

3.3.12 Water vole

No suitable watercourses are present on site or the immediate surrounding area. Additionally, no evidence of water vole *Arvicola amphibius* was identified during the survey. As such, it is considered that the works will not have negatively impacted water voles.

3.3.13 White-clawed crayfish

No suitable watercourses are present on site or the immediate surrounding area. Additionally, no evidence of white-clawed crayfish *Austropotamobius pallipes* was identified during the survey. Consequently, it is not considered that white-clawed crayfish have been impacted by the works.

3.3.14 Hedgehog

Hedgehogs *Erinaceus europaeus* are known to be present in the area. The areas of hedgerow and grassland on site provide suitable foraging, sheltering, and commuting opportunities for hedgehogs.

Therefore, it is likely hedgehogs may be present onsite in the immediate surrounding area.

4 EVALUATION AND RECOMMENDATIONS

As the development has already been completed, the following recommendations are based upon the estimated impacts caused by the works.

4.1 Habitats

4.1.1 Designated sites

The sites identified during the desk study were cross-referenced with the survey area relevant to this report. The closest statutorily protected site is River Dee SSSI and River Dee and Bala Lake SAC, which both lie approximately 0.8km to the east of the development site.

Given the distances from site and the scale of development, it is considered unlikely that the development had any direct or indirect impacts on these or any other local designated sites.

4.1.2 Hedgerows

There are nine hedgerows on the site, which vary in age and quality.

All the hedgerows onsite were retained as part of the development; however, approximately 8m of hedgerow was removed in order to facilitate access to the trail.

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. Therefore, the root systems of the hedgerows were protected from damage.

26.54m of double staggered native hedgerow is proposed be planted on the western boundary of the car park / bale storage area.

The species and composition within the newly planted hedgerow includes:

- Up to 85% blackthorn and hawthorn.
- 5-15% hazel and field maple.
- 0-5% of holly (*Ilex aquifolium*), field rose (*Rosa arvensis*), gooseberry (*Ribes uva-crispa*), bird cherry (*Prunus padus*) and dog rose.

The native hedgerow planting will provide foraging opportunities for invertebrates including larval stages, adult herbivorous species and pollinators. Providing a range of planted species will support a greater diversity of invertebrate species, which will in turn benefit other faunal species that will predate these invertebrates, such as bats and birds. In addition, the hedgerows will provide increased nesting opportunities for birds and sheltered commuting opportunities for amphibians, reptiles and mammals.

The development will ensure the long-term retention and continued management of hedgerows on site to ensure they maintain their structural diversity and ecological value. Appropriate compensation will be provided onsite by way of replacement planting to offset the minor loss of green space along the edges of the hedgerow.

4.2 Species

4.2.1 Amphibians

Although 8m of hedgerow and 0.76ha of grazed 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.

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. Therefore, amphibians such as great crested newts were highly unlikely to be present in the area where the trail was created.

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 clay 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. The plantation of additional native hedgerows onsite will increase the provision for hibernating and foraging opportunities.

4.2.2 Birds

There are a number of habitats onsite, such as hedgerows and mature trees which could support breeding birds. Hedgerow removal could result in the direct loss of available nesting.

The development also presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of bird nest boxes on site will provide improved roosting and nesting opportunities into the long-term future of the site. Currently, ten bird boxes are proposed to be installed on mature trees along the southern boundary of the site. Bird boxes that could be used on site include:

- Schwegler 1B nest box (affixed to trees)
- Schwegler 2H robin nest box (affixed to trees)
- Schwegler 3S starling nest box (affixed to trees)
- Schwegler 1MR Avianex box (affixed to trees)

The bird boxes should be sited at a minimum height of three metres. Unless there are trees which shade the box during the day, the boxes should be oriented between north and east, thus avoiding strong sunlight and the wettest winds.

4.2.3 Hedgehogs

No evidence of hedgehog activity was observed on site during the walkover survey. However, hedgehogs are known to be in the local area and the areas of hedgerows and grassland on site provide suitable foraging and commuting opportunities for hedgehogs. Additionally, the hedgerows on site provide suitable refugia and hibernating opportunities for hedgehogs.

The newly constructed wire fence is unlikely to restrict hedgehogs the ability to commute and forage around the site.

4.2.4 Reptiles

The field margins and hedgerows are relatively suitable for foraging, sheltering and commuting common reptile species.

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. Therefore, reptiles were highly unlikely to be present in the area where the trail was created.

The proposed wildflower grassland strip alongside the trail will provide commuting and foraging provisioning for reptiles.

5 CONCLUSION

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.

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.

26.54m of double staggered native hedgerow is proposed be planted on the western boundary of the car park / bale storage area. The proposed native hedgerow planting will provide foraging opportunities for invertebrates including larval stages, adult herbivorous species and pollinators. Providing a range of planted species will support a greater diversity of invertebrate species, which will in turn benefit other faunal species that will predate these invertebrates, such as bats and birds. In addition, the hedgerows will provide increased nesting opportunities for birds and sheltered commuting opportunities for amphibians, reptiles and mammals.

The development also presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of ten proposed bird nest boxes on site will provide improved nesting opportunities into the long-term future of the site.

6 REFERENCES

CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal* (Second Edition).

DEFRA (2019). *MAGIC* [online]. Available at: http://magic.defra.gov.uk/.

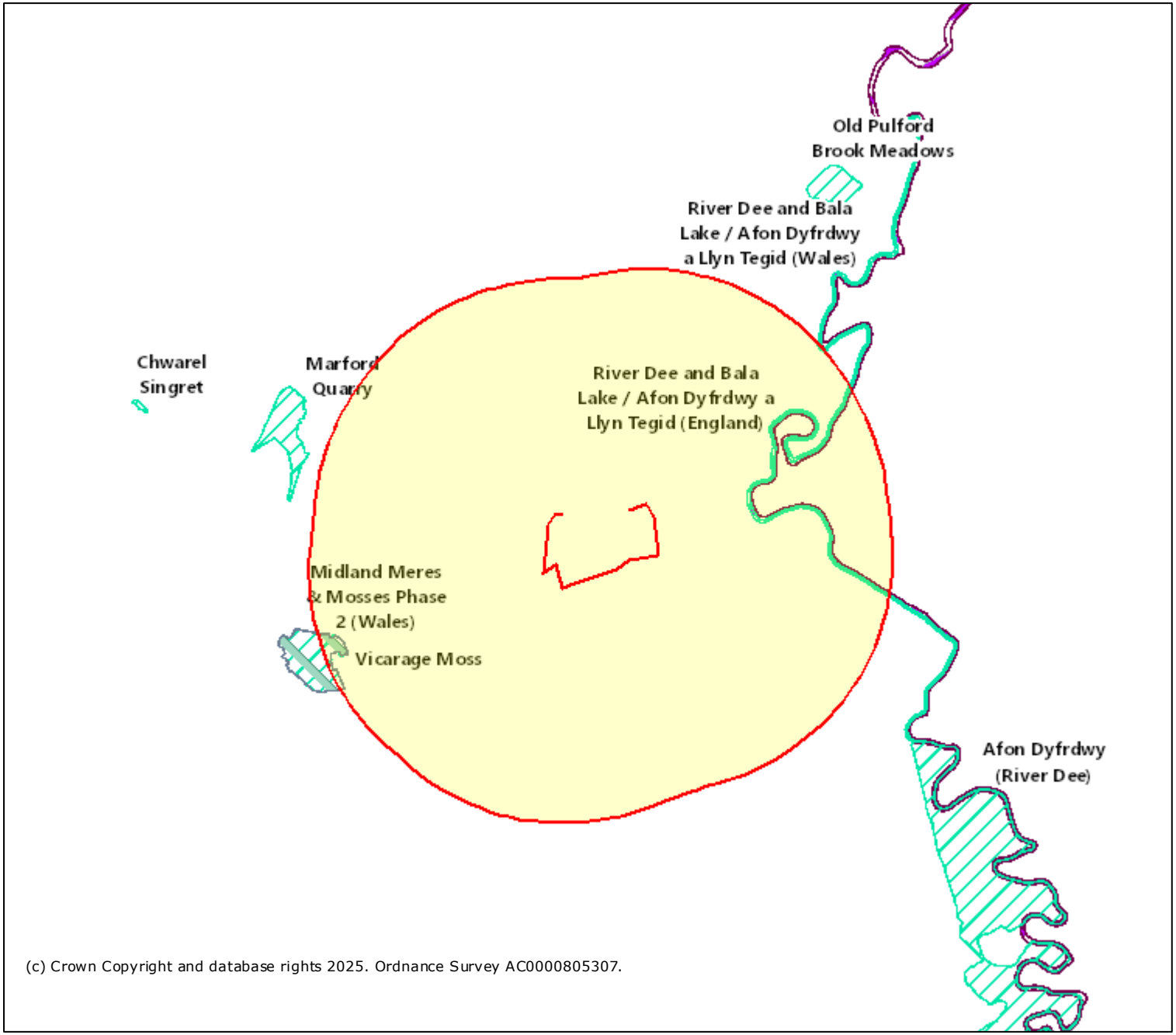
JNCC (2010). *Handbook for Phase 1 habitat survey: A technique for environmental audit*.

MHCLG (2024). National Planning Policy Framework (NPPF).

APPENDICES

Appendix 1 – Desk study

Statutorily designated sites 2km



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Legend

- National Parks (England)
- Ramsar Sites (Wales)
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (Wales)
- Special Protection Areas (Wales)

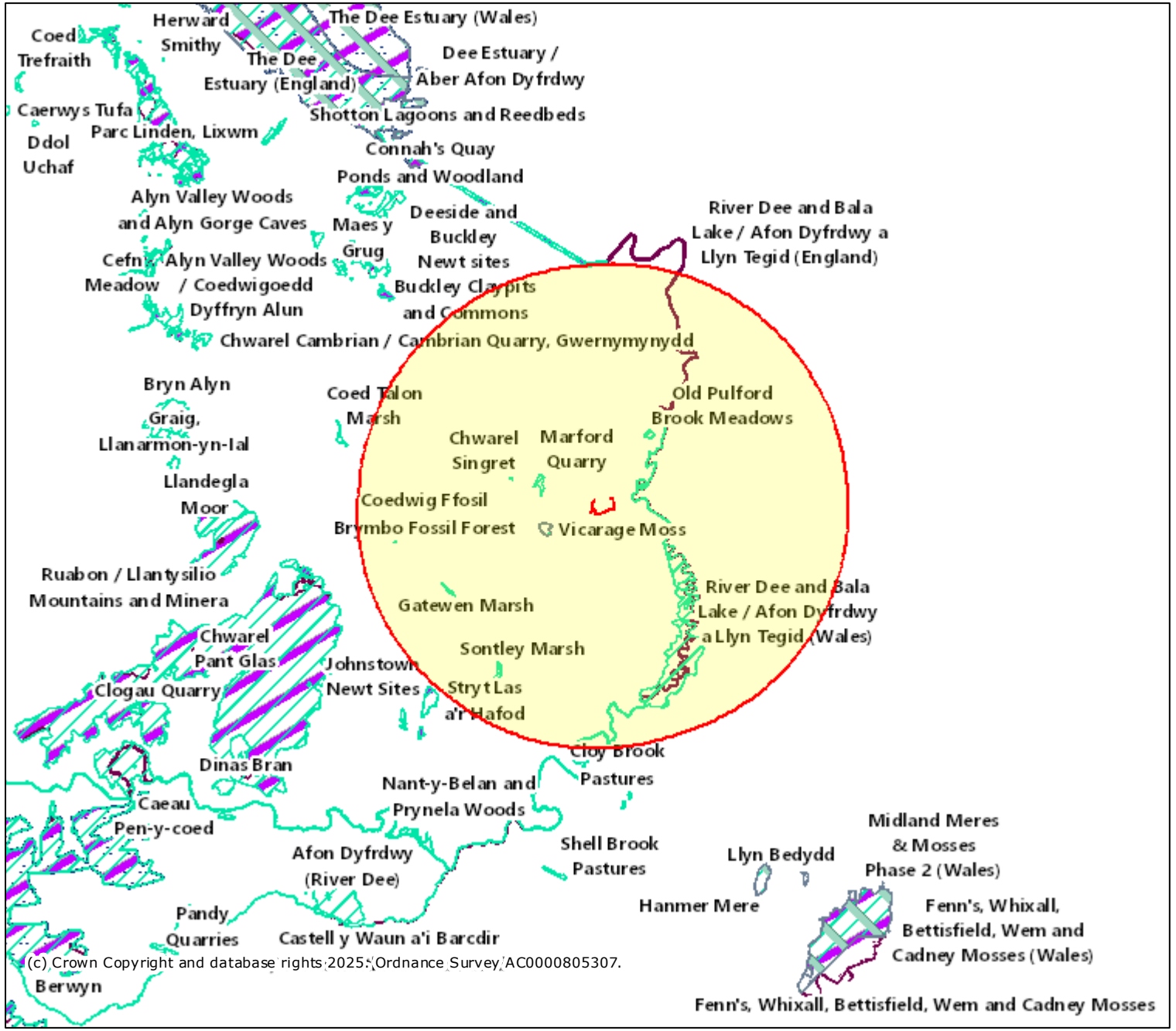
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Statutorily designated sites 10km



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Legend

- National Parks (England)
- Ramsar Sites (Wales)
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (Wales)
- Special Protection Areas (Wales)

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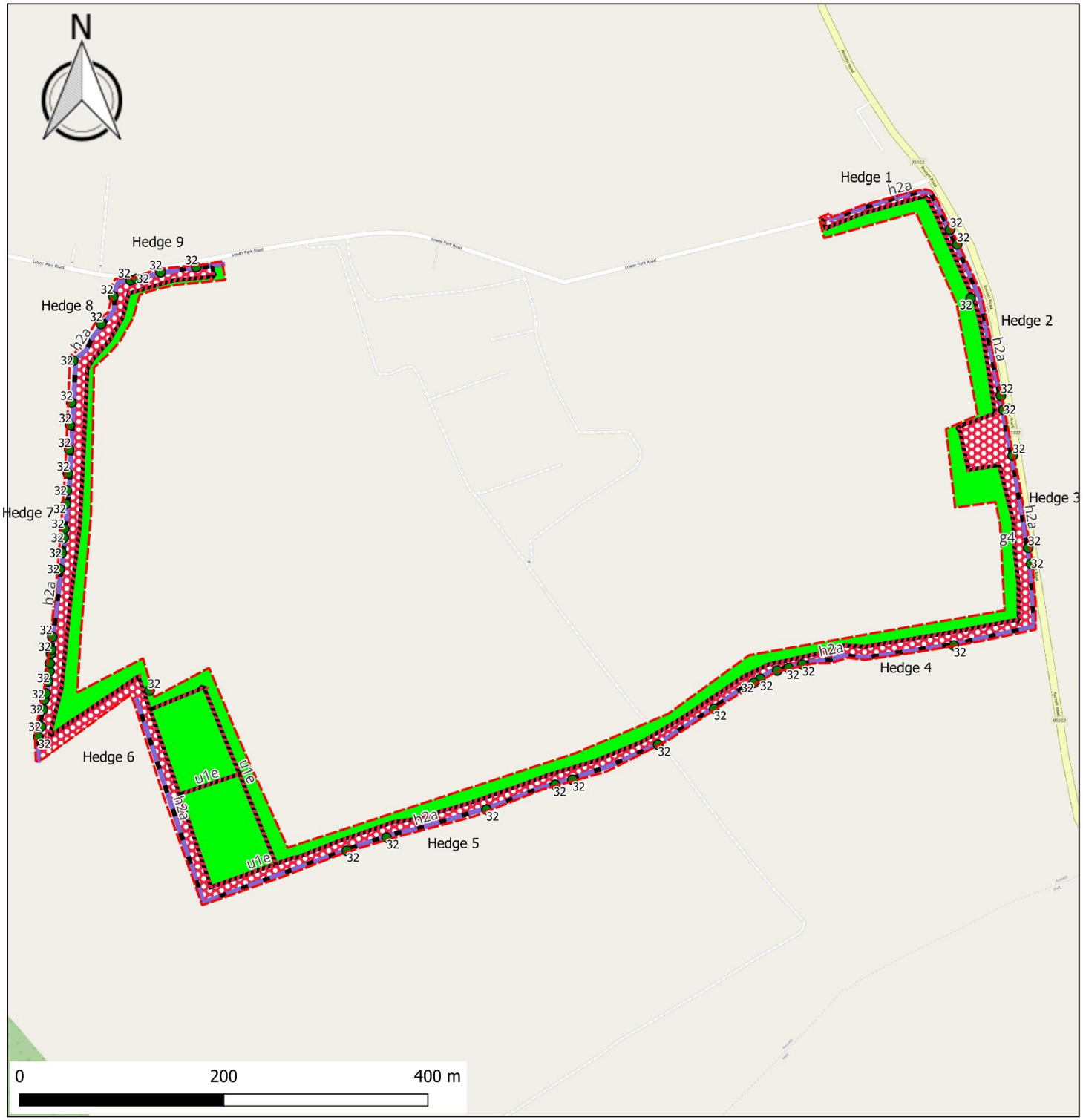
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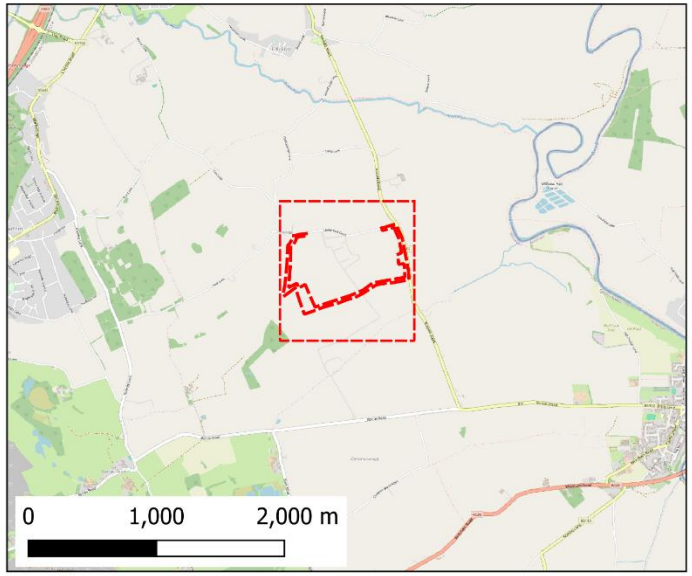
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Appendix 2 – UK habitat plan

UK Habitat Classification Plan

Site: Lower Park Farm, Rossett
NGR: SJ 38503 54795
Author: Daniel Smith
Date: 17/01/2025





Key

- g4 - modified grassland
- h2a - native hedgerow
- u1c - artificial unvegetated unsealed surface
- u1e - built linear features
- Survey boundary
- 32 - scattered trees

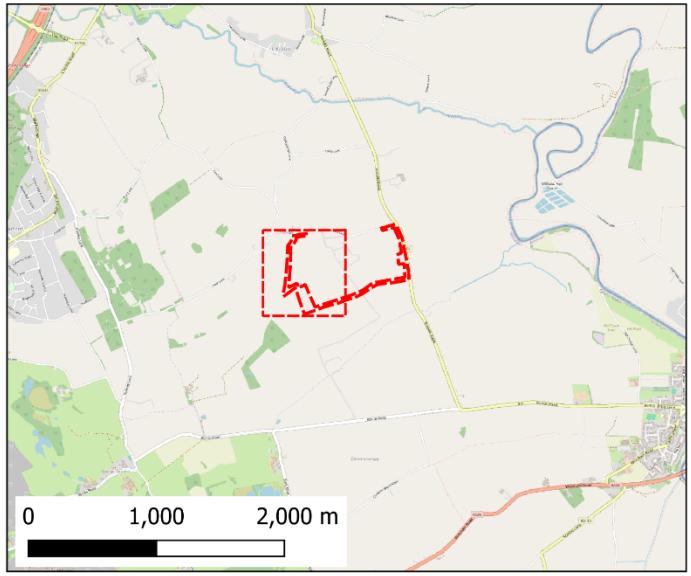
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Key

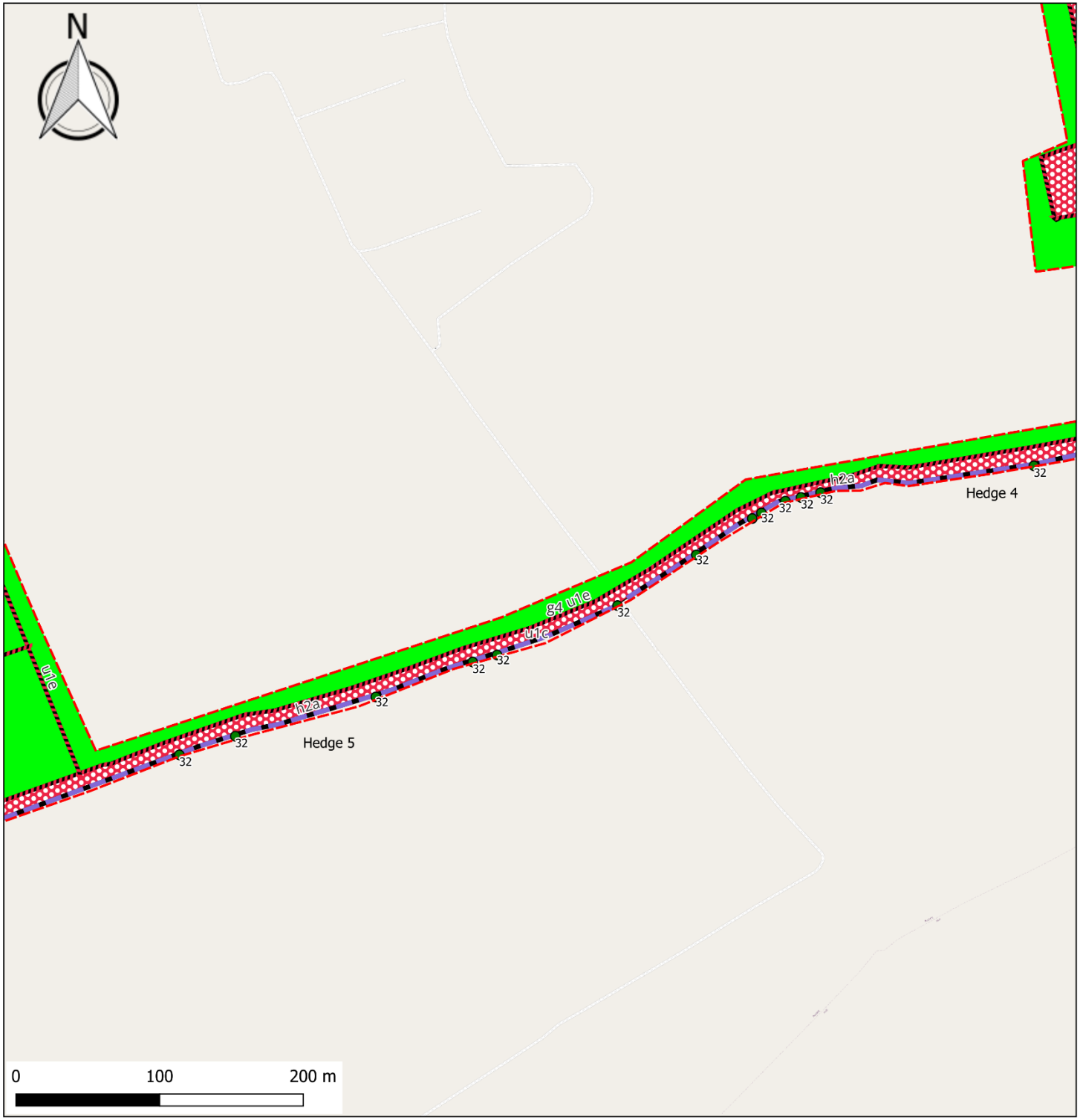
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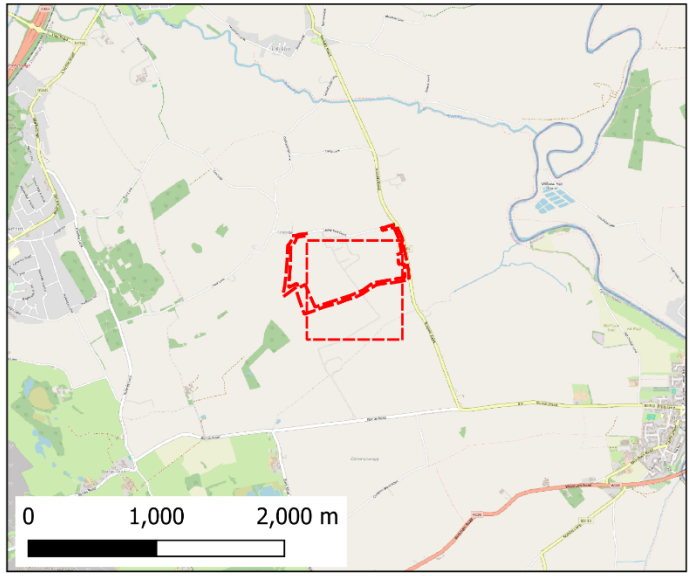
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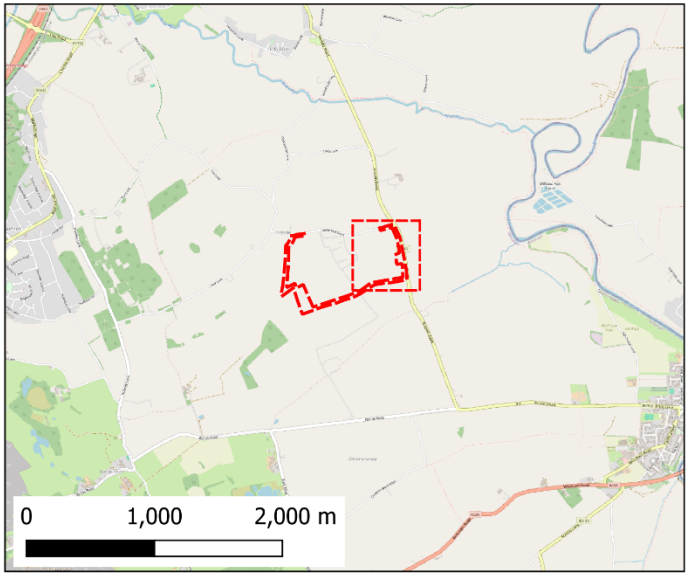
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UK Habitat Classification Plan

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Key

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Appendix 3 – 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 4 – Photographs



Photograph 1 – Example of the pastureland onsite at Lower Park Farm.



Photograph 2 – A newly fenced off section of pasture grassland in the south-western section of the site.



Photograph 3 – Hedgerow 1 dominated by hawthorn measuring approximately 224m in length.



Photograph 4 – Hedgerow 3 dominated by blackthorn extending approximately 215m in length along the eastern site boundary.



Photograph 5 – Hedgerow 4 dominated by blackthorn extending approximately 380m in length along the eastern section of the southern site boundary.



Photograph 6 – Bird's nest present within hedgerow 4.



Photograph 7 – Hedgerow 5 dominated by blackthorn extending approximately 460m in length along the western section of the southern site boundary.



Photograph 8 – Hedgerow 6 measuring approximately 210m in length at the western site boundary.



Photograph 9 – Hedgerow 7 extending approximately 320m in length along the western site boundary.



Photograph 10 – off site view of Hedgerow 9 measuring approximately 90m along the northern site boundary



Photograph 11 – Carpark present at the eastern site boundary. Also utilised as hay bale storage.


Photograph 12 – Access onto the trail.

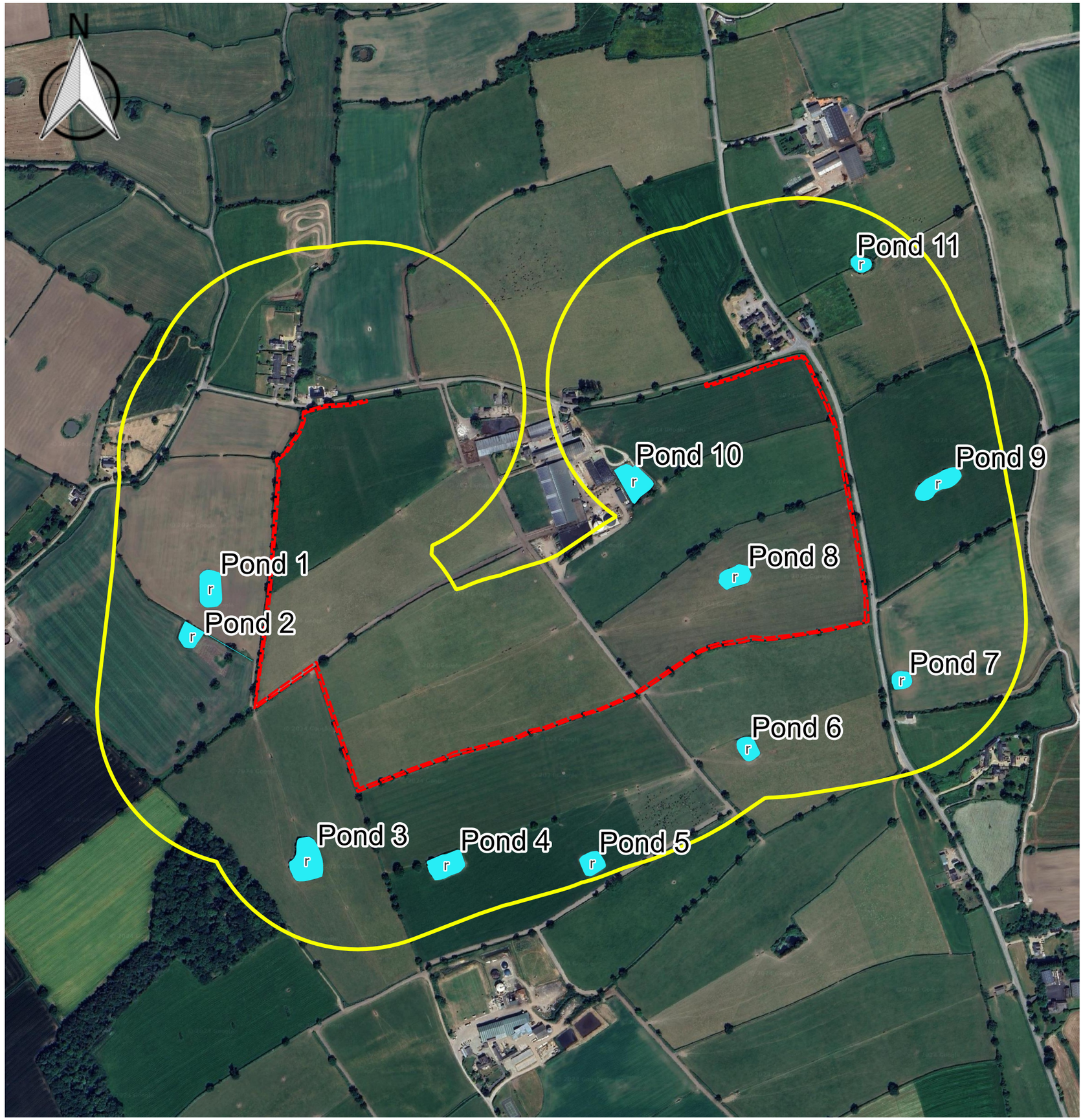
Appendix 5 – Botanical species list

Scientific name	Common name
Acer campestre	Field maple
Achillea millefolium	Yarrow
Aethusa cynapium	Water fools parsley
Agrostis stolonifera	Creeping bent
Alliaria petiolata	hedge garlic
Alnus glutinosa	Alder
Anagallis arvensis	Scarlet pimpernel
Anthriscus sylvestris	Cow parsley
Arrhenatherum elatius	False oatgrass
Arum maculatum	Lords and ladies
Calystegia sepium	Hedge bindweed
Capsella bursa-pastoris	Shepherd's purse
Cerastium fontanum	Common mouse ear
Cichorium intybus	Chicory
Cirsium arvense	Creeping thistle
Cirsium vulgare	Spear thistle
Crataegus monogyna	Hawthorn
Elymus repens	Common couch
Euphorbia peplus	Petty spurge
Festuca	Fescue Sp
Fraxinus excelsior	Ash
Galium aparine	Cleavers
Hedera helix	Ivy
Heracleum sphondylium	Common hogweed
Lamium album	White dead nettle
Lamium purpureum	Red dead nettle
Lolium perenne	Perennial rye grass
Matricaria chamomilla	Scented mayweed
Phleum pratense	Timothy
Phleum pratense	Timothy
Plantago major	Broadleaf plantain
Poa annua	Annual meadow grass
Polygonum aviculare	Knotgrass
Prunus spinosa	Blackthorn
Quercus robur	Pedunculate oak
Ranunculus repens	Creeping buttercup
Rosa canina	Dog rose
Rubus fruticosus	Brambles
Rumex sanguineus	Wood dock
Sambucus nigra	Elder
Senecio vulgaris	Groundsel
Silene dioica	Red campion
Sinapis arvensis	Charlock
Sisymbrium officinale	Hedge mustard
Solanum dulcamara	Bittersweet
Sonchus arvensis	Perennial sow thistle
Sonchus asper	Prickly sow thistle
Taraxacum officinale	Dandelion
Torilis japonica	Upright hedge parsley
Trifolium repens	White clover
Tripleurospermum inodorum	Scentless mayweed
Urtica dioica	Stinging nettle
Veronica persica	Common field speedwell

Appendix 6 – 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

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Appendix 7 – Planning and statutory 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 unlimited fines (formerly 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).

Reptiles

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure any of the species listed above
- Sell, offer, advertise or transport for sale a live or dead animal of the species listed above

If a proposed development is likely to have an impact on these reptiles the local statutory nature conservation organisation must be consulted.

Sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* receive full protection under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017. Read together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture any sand lizards or smooth snakes
- Deliberately, intentionally or recklessly disturb sand lizards or smooth snakes 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 such an animal
- Damage or destroy breeding sites or resting places of such animals
- Intentionally or recklessly disturb sheltering sand lizards or smooth snakes, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead sand lizards or smooth snakes, any part of such an animal or anything derived from such an animal

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

All reptile species (except for smooth snake) are also listed under Section 7 of the Environment (Wales) Act 2016.

Badger

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

Hazel dormouse

Hazel dormice *Muscardinus avellanarius* are offered full protection through 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 dormice
- Deliberately, intentionally or recklessly disturb dormice 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
- Damage or destroy breeding sites or resting places of dormice
- Intentionally or recklessly disturb sheltering dormice, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead dormouse, any part of a dormouse or anything derived from a dormouse

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Dormice are also listed under Section 7 of the Environment (Wales) Act 2016.

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (known as the "Habitats Regulations"). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat
- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] … uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by NRW.

The Environment (Wales) Act 2016 also lists the following bat species as species of principle importance under Section 7:

- Barbastelle *Barbastella barbastellus*
- Bechstein's bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Common pipistrelle *Pipistrellus pipistrellus*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long-eared bat *Plecotus auritus*
- Greater horseshoe *Rhinolophus ferrumequinum*
- Lesser horseshoe *Rhinolophus hipposideros*

Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The Environment (Wales) Act 2016 offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status' of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

Trees

Trees may be protected on an individual or group level through a Tree Preservation Order (TPO). In order to carry out works to trees with a TPO, prior written consent must be obtained from the Local Planning Authority. Trees may also be protected through a condition of planning consent or designated conservation areas.

Hedgerows

The Hedgerow Regulations are made under Section 97 of the Environment Act 1995 and came into operation on 1st of June 1997. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification to the Local Planning Authority.

A hedgerow can only be considered for classification as "important" if it, or the hedgerow of which the section belongs to is over 20m in length (or which meets a hedgerow at either end) and has existed for 30 years or more.

Plants

Schedule 8 of the Wildlife & Countryside Act 1981 (as amended) lists a number of plant species which are protected under Section 13 of the same legislation. As such, it is an offence to:

- Intentionally or recklessly pick, uproot or destroy a plant, or any seeds or spores attached to it, which is listed on Schedule 8
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead wild plant on Schedule 8, any part of the plant or anything derived from the plant

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

The Conservation of Habitats and Species Regulations 2017 extends European legislative protection to a further subset of plants. It is therefore an offence to pick, collect, cut, uproot, destroy or trade any plant listed in Schedule 4 of these Regulations, unless the appropriate licence is first obtained.

A large number of species of vascular plants, lichens, algae, fungi, mosses, stoneworts and liverworts are also protected through planning policy as species of principal importance, as required under Section 7 of the Environment Act (Wales) 2016.

Invasive Plant Species

A number of invasive, non-native plant species are listed under Schedule 9 (Part II) of the Wildlife and Countryside Act 1981 (as amended). The most commonly encountered listed species in ecological surveys are Japanese knotweed *Fallopia japonica*, Montbretia *Crocosmia x crocosmiiflora* and variegated yellow archangel *Lamiastrum galeobdolon subsp. argentatum*. Section 14(2) of this Act makes it an offence to *plant or otherwise cause to grow in the wild* any plant listed on Schedule 9 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

A number of invasive, non-native plants species are listed under Schedule 2 (Part II) of the Invasive Alien Species (Enforcement and Permitting) Order 2019. The most commonly encountered listed species in ecological surveys are Himalayan balsam *Impatiens glandulifera* and giant hogweed *Heracleum mantegazzianum*. Section 3 of this Act make it an offence to *plant* or *otherwise causes to grow in the wild* any plant which is listed on Schedule 2 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

Soil or plant material contaminated with non-native and invasive plants can cause ecological damage and may be classified as controlled waste. It is an offence to keep, treat or dispose of waste that could harm the environment or human health. If there is any doubt, contact the local authority or Environment Agency.

Japanese knotweed has an extensive root system and new plants can regenerate rapidly from the smallest fragments of rhizomes. Material containing this species is classed as “controlled waste” under the Environmental Protection Act (Duty of Care) Regulations 1991. The disposal of such waste requires all involved parties to follow a strict code of practice and maintain adequate records regarding their conduct.

Otter

European otter *Lutra lutra* are offered full protection through 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 otters
- Deliberately, intentionally or recklessly disturb otters in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of otters
- Intentionally or recklessly disturb sheltering otters, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead otter, any part of an otter or anything derived from otter

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Otters are also listed under Section 7 of the Environment (Wales) Act 2016.

Water vole

Water voles *Arvicola amphibius* are protected by the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take water vole
- Possess or control live or dead water vole or any part of a water vole
- Intentionally or recklessly damage destroy or obstruct access to any structure or place which a water vole uses for shelter or protection, or disturb water vole using such a place
- Sell, offer, advertise or transport live or dead water voles for sale

Licences are available from NRW to allow activities that would otherwise be an offence, including:

- Scientific or educational purposes
- For the purposes of ringing or marking
- Conserving wild animals or introducing them into particular areas
- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to any form of property or to fisheries

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Water voles are also listed under Section 7 of the Environment (Wales) Act 2016.

White-clawed crayfish

White-clawed crayfish *Austropotomobius pallipes* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure white-clawed crayfish
- Sell, offer, advertise or transport for sale a live or dead white-clawed crayfish

If a proposed development is likely to have an impact on white-clawed crayfish then the local statutory nature conservation organisation must be consulted.

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.
Their inclusion on the EC Habitats Directive allows areas to be designated as Special Areas of Conservation (SAC) for the presence of white-clawed crayfish. Such a designation brings legal protection under the Conservation of Habitats Regulations 2017, this includes how the site is managed and what development can occur on and in proximity to these sites.

White-clawed crayfish are also listed under Section 7 of the Environment (Wales) Act 2016.

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (Edition 12 - 2024). 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.