

Industrial Shed at Bryn Lane, Wrexham

Ecological Desk Study

Prepared For: Net World Sports

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Annex A: Key Ecological Legislation and National Policy

1.0 Introduction

1.1 The Environment Partnership (TEP) was commissioned by Net World Sports in March 2025 to complete an Ecological Impact Assessment (EcIA) for the development of an Industrial Shed at Bryn Lane in Wrexham.

1.2 To inform the EcIA, an ecological desk study was also completed. This Ecological Desk Study report details the method of data gathering and interpretation and presents the findings of the desk-based assessment.

1.3 This report is not sufficient in isolation to support a planning application. This report should be read in conjunction with the EcIA (TEP Report Ref: 11023.002).

Site Location

1.4 The site (central grid reference SJ 39368 50682) is within the administrative area of Wrexham County Borough Council. The Scheme is located at Net World Sports Headquarters at the junction to the east of Bryn Lane and south of Ridley Wood Road, on the northeastern edge of Wrexham Industrial Estate (Figure 1).

1.5 The wider area is rural in nature and comprises agricultural fields apparent to the north and east and Wrexham Industrial Estate to the immediate west and south.



Figure 1: Site location and local context

2.0 Methods

Scope and Data Sources

2.1 The ecological Zone of Influence (ZOI) is an area defined by the ecological assessment within which valued ecological features may be subject to significant biophysical changes as a consequence of the proposed development under assessment.

2.2 For the purposes of this assessment, the preliminary ZOIs (pZOI) within which ecological features were searched for as part of this desk study were varied according to the geo-spatial and/or legal significance of the feature. The scope and the pZOIs applied for this desk study, which were searched from the central grid reference, are summarised in Table 1.

2.3 Species records for within the last ten full years (i.e. from 01/01/2014 to present) were obtained from Cofnod North Wales Environmental Information Service in March 2025. This report lists protected and notable species records obtained in the data search that are listed under any of the following:

- Protected species listed under Schedule 2 (animals) or Schedule 5 (plants) under the Conservation of Habitats and Species Regulations 2017 (EPS);
- Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
- Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
- Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
- Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
- Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
- Protection of Badgers Act 1992 (PBA);
- Species of principal importance (SPI) listed by requirements under Section 7 of the Environment (Wales) Act 2016 (S7)
- Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
- Local Biodiversity Action Plan Species (LBAP).

2.4 An absence of records does not indicate the absence of protected species from the search area.

2.5 Geological sites are not designated for ecology reasons and is therefore excluded from further consideration in this ecological assessment.

Table 1: Scope and preliminary ecological Zones of Influence (ZOI)

Scope	Key Source(s)	ZOI
Policy and Related Guidance (Chapter 3.0 and 4.0)		
■ Land allocations and relevant environment / biodiversity policy ■ Local biodiversity priority habitats and species ■ Habitat Network / Nature Recovery Network	■ Wrexham Local Development Plan 2013-2028 (Adopted December 2023)[1] ■ Wrexham Local Plan Interactive Map[2] ■ Wrexham Biodiversity Action Plan[3]	As applicable to site
Statutory wildlife sites (Chapter 5.0)		
■ Ramsar and proposed Ramsar sites ■ Special Areas of Conservation (SAC), including possible SAC and SAC with marine components ■ Special Protection Areas (SPA) and potential SPA ■ Marine Conservation Zones	■ Natural Resources Wales[4] ■ Wrexham Local Plan Interactive Map	10km
■ Sites of Special Scientific Interest (SSSI) ■ National Nature Reserves (NNR) ■ Marine Nature Reserves (MNR) ■ National Parks		5km
■ Local Nature Reserves (LNR) ■ Country Parks ■ Strategic Nature Areas		2km
Non-statutory wildlife sites (Chapter 5.0)		

[1] Source (Year) [Online]. Document title. URL [07/03/2025].
[2] Source (Year) [Online]. Document title. URL [07/03/2025].
[3] Wrexham County Council (2002) [Online]. LBAP. https://webarchive.nationalarchives.gov.uk/ukgwa/20110303154000/http://www.ukbap.org.uk/lbap.aspx?id=499#6 [07/03/2025].
[4] Public sector information.

Scope	Key Source(s)	ZOI
■ Local Wildlife Site (LWS) ■ Regional Parks ■ Green Wedges ■ Wildlife Corridors	■ Cofnod Records Centre ■ Wrexham Local Development Plan (Adopted December 2023 ■ Wrexham Local Plan Interactive Map	2km
Notable habitats (Chapter 6.0)		
■ Ancient Woodland ■ Habitats of principal importance ■ Local Biodiversity Action Plan (LBAP) habitats ■ Main rivers ■ Peaty Soils	■ Natural Resources Wales[4] ■ Cofnod Records Centre ■ Wrexham Biodiversity Action Plan ■ Google Earth	0.25km
Protected or notable species (Chapter 7.0)		
■ Pre-existing records for protected or notable species, non-native invasive species	■ Cofnod Records Centre	1km

3.0 Legislation and Policy

3.1 The following summarises the legislation and planning policy which may have relevance to the scheme. Only legislation and policy of key relevance to biodiversity are listed. Further information is provided in Annex A.

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'[5] or 'Wetlands Convention');
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention[6]);
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention[7] or CMS)
- The Convention on Biological Diversity (Biodiversity Convention[8] or CBD)
- Conservation of Habitats and Species Regulations 2017[9] (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[10] (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981[11];
- Countryside and Rights of Way Act (CROW) 2000[12];
- Environment (Wales) Act 2016[13];
- Hedgerow Regulations 1997[14];
- Protection of Badgers Act (PBA)1992[15];
- Wild Mammals (Protection) Act (WMPA) 1996[16];
- Planning Policy Wales (PPW) 2024[17];

[5] Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 https://www.ramsar.org/
[6] Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 https://www.coe.int/
[7] Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 https://www.cms.int/
[8] Convention on Biological Diversity, Rio de Janeiro, June 1992https://www.cbd.int/
[9] Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) https://www.legislation.gov.uk/uksi/2017/1012/
[10] Conservation of Habitats and Species Regulations 2019 (SI 2019/579) https://www.legislation.gov.uk/uksi/2019/579/
[11] Wildlife and Countryside Act 1981 c. 69 https://www.legislation.gov.uk/ukpga/1981/69/
[12] Countryside and Rights of Way Act 2000 c. 37 https://www.legislation.gov.uk/ukpga/2000/37/
[13] Environment (Wales) Act 2016. https://www.legislation.gov.uk/anaw/2016/3/contents
[14] The Hedgerow Regulations 1997 (SI 1997/1167) https://www.legislation.gov.uk/uksi/1997/1160/
[15] Protection of Badgers Act 1992 c. 51 https://www.legislation.gov.uk/ukpga/1992/51/
[16] Wild Mammals (Protection) Act 1996 c.3 https://www.legislation.gov.uk/ukpga/1996/3
[17] Planning Policy Wales (2024). Welsh Government. https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf

Local Planning Policy

Wrexham Local Development Plan 2013-2028 (adopted December 2023)

3.2 The current Local Plan is the Wrexham Local Development Plan (adopted December 2023) and forms the basis of decisions on land use planning for the area.

3.3 The following policies relate to biodiversity and nature conservation:

- Policy SP6 - Green Wedge
- Policy SP9 - Wrexham Industrial Estate
- Policy SP10 - KSS3: Land to the north of Bryn Lane, Wrexham Industrial Estate
- Policy SP14 - Natural Environment
- Policy SP18 - Climate Change
- Policy SP19 - Green Infrastructure
- Policy NE1 - International and National Nature Conservation Designations
- Policy NE2 - Local Designations for Nature Conservation and Geological Importance
- Policy NE3 - Trees, Woodlands and Hedgerows
- Policy NE6 - Waste Water Treatment and River Water Quality

Site Allocations

3.4 The site and land adjacent are allocated as Employment Areas in the Wrexham County Borough Local Development Plan (LDP) 2013-2028.

Supplementary Planning Guidance

3.5 The following Supplementary Planning Guidance documents relate to biodiversity and nature conservation:

- SPD 17 - Trees and Development[18]
- SPD 29 - Employment Development and Nature Conservation[19]
- SPD 32 - Biodiversity and Development[20]

[18] Wrexham County Borough Council (2025) [Online]. Trees and Development. https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-17e.pdf [07/03/2025].
[19] Wrexham County Borough Council (2025) [Online]. Employment Development and Nature Conservation. https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-29e.pdf [07/03/2025].
[20] Wrexham County Borough Council (2025) [Online]. Biodiversity and Development. https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-32e.pdf [07/03/2025].

Natural Resources Wales Area Statements

3.6 Natural Resources Wales have developed seven Area Statements covering different areas of Wales, including North East Wales[21]. These statements are seen as a collaborative response to the Natural Resources Policy, published by the Welsh Government in 2017.

3.7 The following sections of the Area Statement relate to biodiversity and nature conservation:

- Develop and improve urban/rural green infrastructure;
- Increasing woodland cover for social, environmental and economic benefits; and
- Promoting the resilience of ecosystems in maintaining and enhancing biodiversity.

[21] Natural Resources Wales (2017) [Online]. Area Statements. https://naturalresources.wales/about-us/area-statements/?lang=en [07/03/2025].

4.0 Biodiversity Initiatives and Strategies

Local Biodiversity Action Plans (LBAP)

4.1 The Wrexham BAP was developed in 2002 and provides the framework for local biodiversity action that will contribute to national targets delivery.

4.2 The Wrexham BAP includes local habitat action plans for the following priority habitats:

Land
■ Derelict and Industrial Land ■ Garden ■ Linear aquatic habitats (rivers, streams, canals) ■ Ponds ■ Upland moorland ■ Woodland ■ Lowland raised bog ■ Lowland wood-pasture and parkland ■ Wet woodland

4.3 The Wrexham BAP priority species for which local species action plans have been produced include:

Amphibians/Reptiles	Mammals
■ Great crested newt *Triturus cristatus*	■ Badger *Meles meles* ■ Otter *Lutra lutra* ■ Lesser horseshoe bat *Rhinolophus hipposideros*
Birds	**Plants**
■ Barn owl *Tyto alba* ■ Song thrush *Turdus philomelos*	■ Black poplar *Populus nigra*

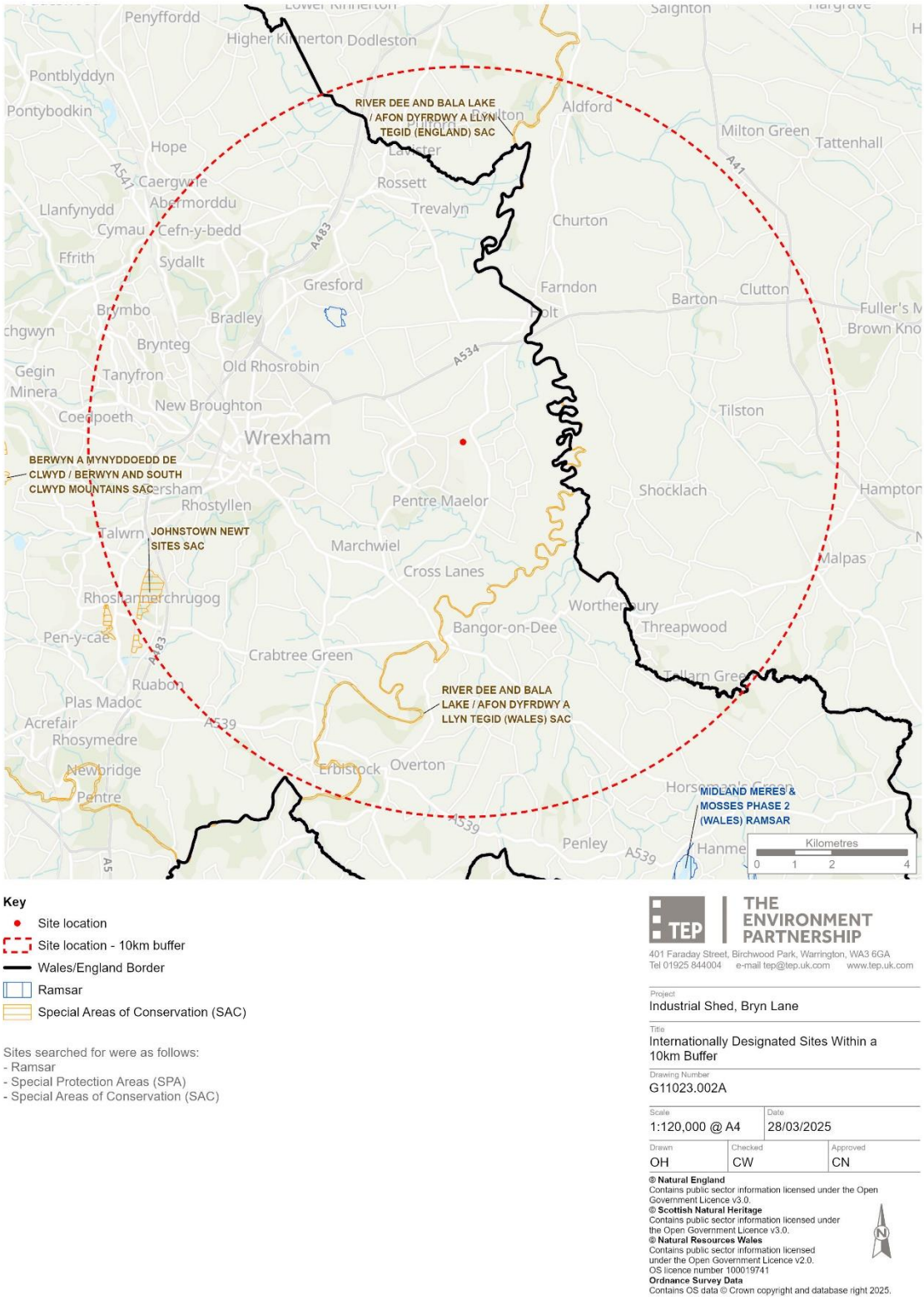
5.0 Wildlife Sites

Statutory Sites

5.1 Table 2 and Figures 3, 4 and 5 summarise the statutory designated wildlife sites within influencing distance of the site.

Table 2: Statutory wildlife sites within influencing distance of the site

Site Name	Designation	Distance and Direction from Site
Statutory wildlife sites of international significance within 10km of the site (Figure 3)		
Afon Dyfrdwy a Llyn Tegid (River Dee and Bala Lake)	SAC (Wales)	3.1km east
River Dee and Bala Lake	SAC (England)	3.1km east
Midlands Meres and Mosses Phase 2	Ramsar (Wales)	3.5km northwest
Johnstown Newt Sites	SAC (Wales)	8km southwest
Statutory wildlife sites of national significance within 5km of the site (Figure 4)		
Afon Dyfrdwy (River Dee)	SSSI	3.1km northeast
Vicarage Moss	SSSI	3.7km northeast
Sontley Marsh	SSSI	4.7km southwest
Marford Quarry	SSSI	5km northwest
Statutory wildlife sites of local significance within 2km of the site (Figure 5)		
No sites present within 2km of the site.		



Key

- Site location
- Site location - 10km buffer
- Wales/England Border
- Ramsar
- Special Areas of Conservation (SAC)

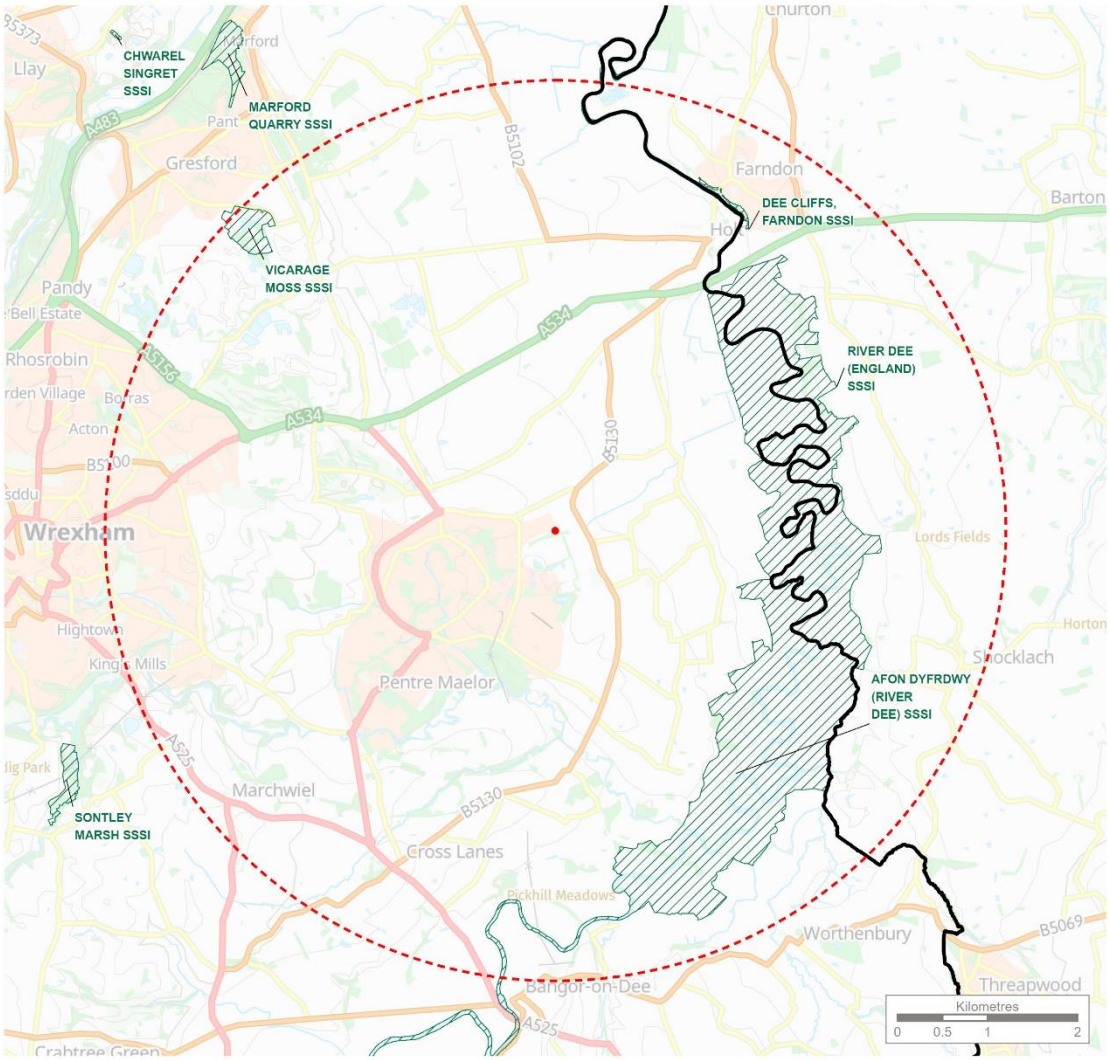
Sites searched for were as follows:
- Ramsar
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)

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Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project	Industrial Shed, Bryn Lane
Title	Internationally Designated Sites Within a 10km Buffer
Drawing Number	G11023.002A
Scale	1:120,000 @ A4
Date	28/03/2025
Drawn	OH
Checked	CW
Approved	CN

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Figure 2: Statutory wildlife sites of international significance within 10km of the site



Key

- Site location
- Site location - 5km buffer
- Wales and England Border
- Sites of Special Scientific Interest (SSSI)

Sites searched for were as follows:
- Sites of Special Scientific Interest (SSSI)
- National Nature Reserve (NNR)
- National Landscapes

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Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project: Industrial Shed, Bryn Lane

Title: Nationally Designated Sites Within a 5km Buffer

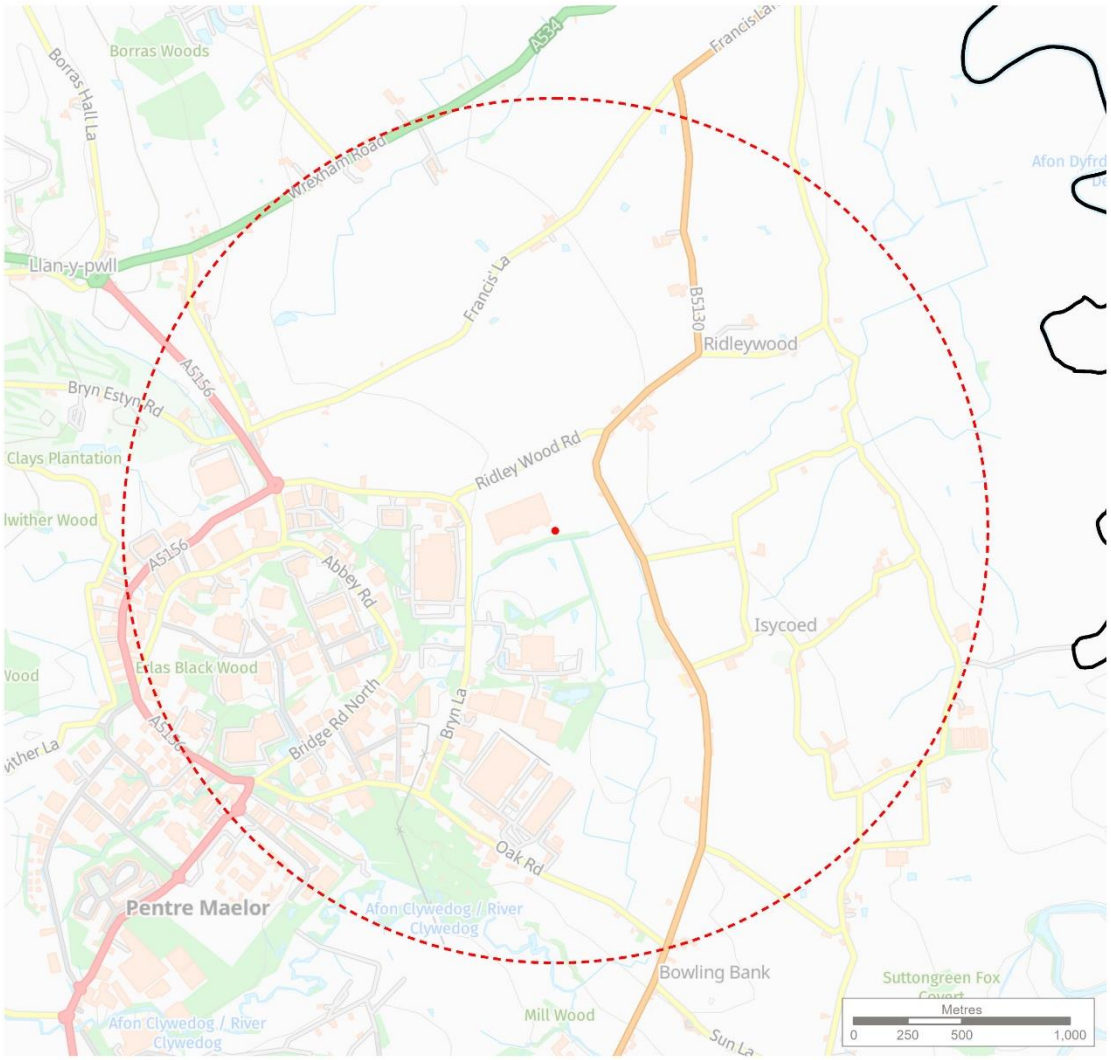
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Figure 3: Statutory wildlife sites of national significance within 5km of the site



Key

- Site location
- Site location - 2km buffer
- Wales and England Border

Sites searched for were as follows:
- Local Nature Reserves

No records found

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Project
Industrial Shed, Bryn Lane

Title
Statutory Locally Designated Sites Within a 2km Buffer

Drawing Number
G11023.004A

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1:25,000 @ A4	28/03/2025

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Figure 4: Statutory wildlife sites of local significance within 2km of the site

SSSI Impact Risk Zones

5.2 The site lies within an SSSI Impact Risk Zone (IRZ) for the River Dee (England) – these are zones determined by Natural England that identify likely impacts upon SSSIs, SACs, SPAs or Ramsar sites that may result from planned development.

5.3 Impact Risk Zones are applicable to England but may extend into Wales for sites close to the border. Figure 6 illustrates and references the IRZs that overlap with the site. The relevant IRZ and risk criteria are cross-referenced in Table 3.

1 DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?
2 IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

Table 3: SSSI Impact Risk Zones crossed by the site

1 Proposal	2 LPA should consult Natural England on likely risks from the following:
IRZ	A
Infrastructure	Airports, helipads and other aviation proposals.
Minerals, Oil & Gas	Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.
Air Pollution	Any industrial/agricultural development that could cause AIR POLLUTION (including: industrial processes, livestock & poultry units with a floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500 tonnes).
Combustion	General combustion processes >50MW energy input. Including: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/combustion.
Guidance	https://magic.defra.gov.uk/Metadata_for_magic/

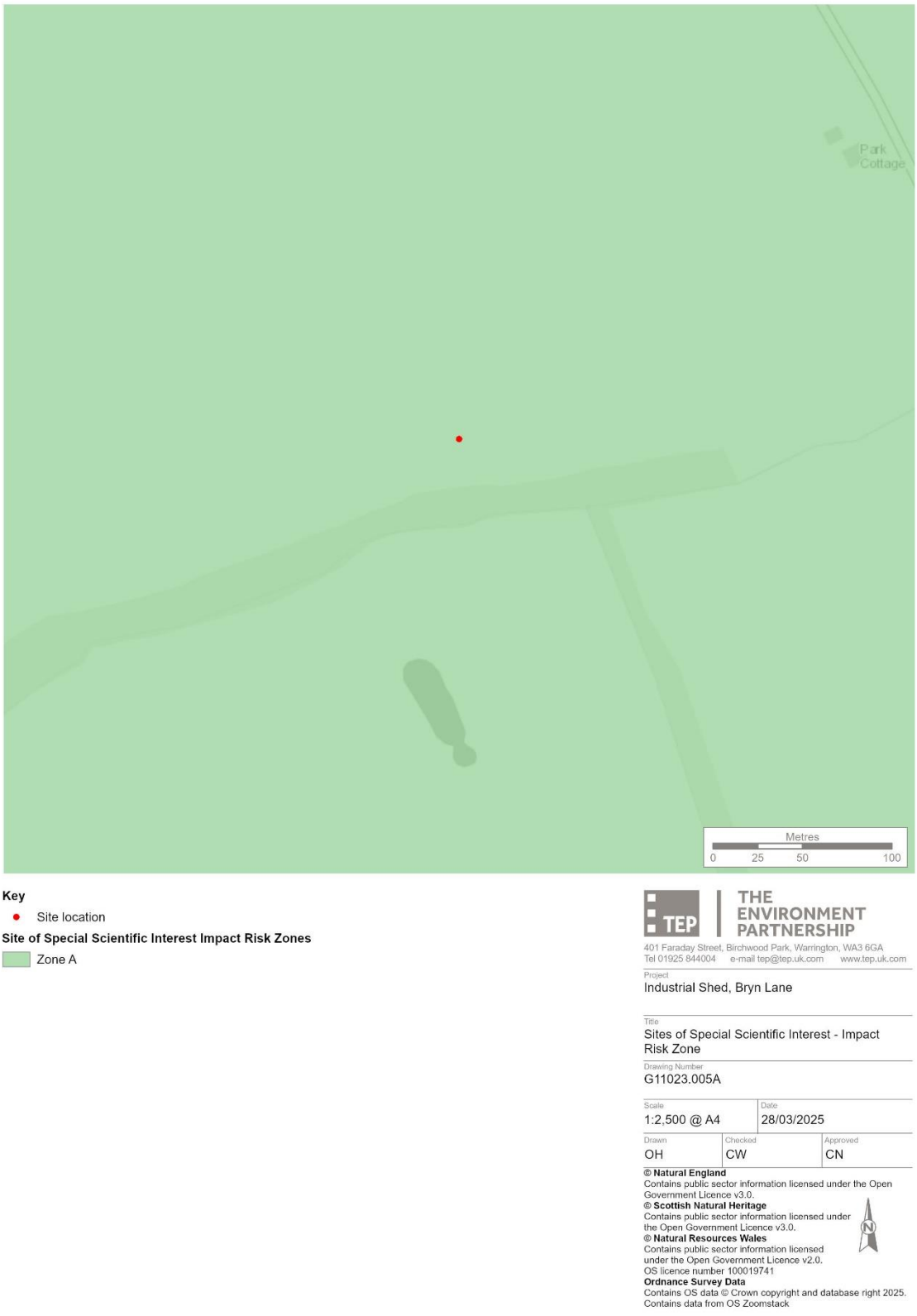


Figure 5: SSSI Impact Risk Zones relevant to the site (refer to Table 3 for IRZ criteria)

Non-Statutory Wildlife Sites

5.4 Table 4 and Figure 7 show the non-statutory designated wildlife sites within influencing distance of the site.

Table 4: Non-statutory wildlife sites within 2km of the site

Site Name	Designation	Distance and Direction from Site
Wrexham Industrial Estate	Local Wildlife Site (LWS)	0.6km south
Cefn Park	LWS	1.3km southwest
Borras Wood North	LWS	1.6km north

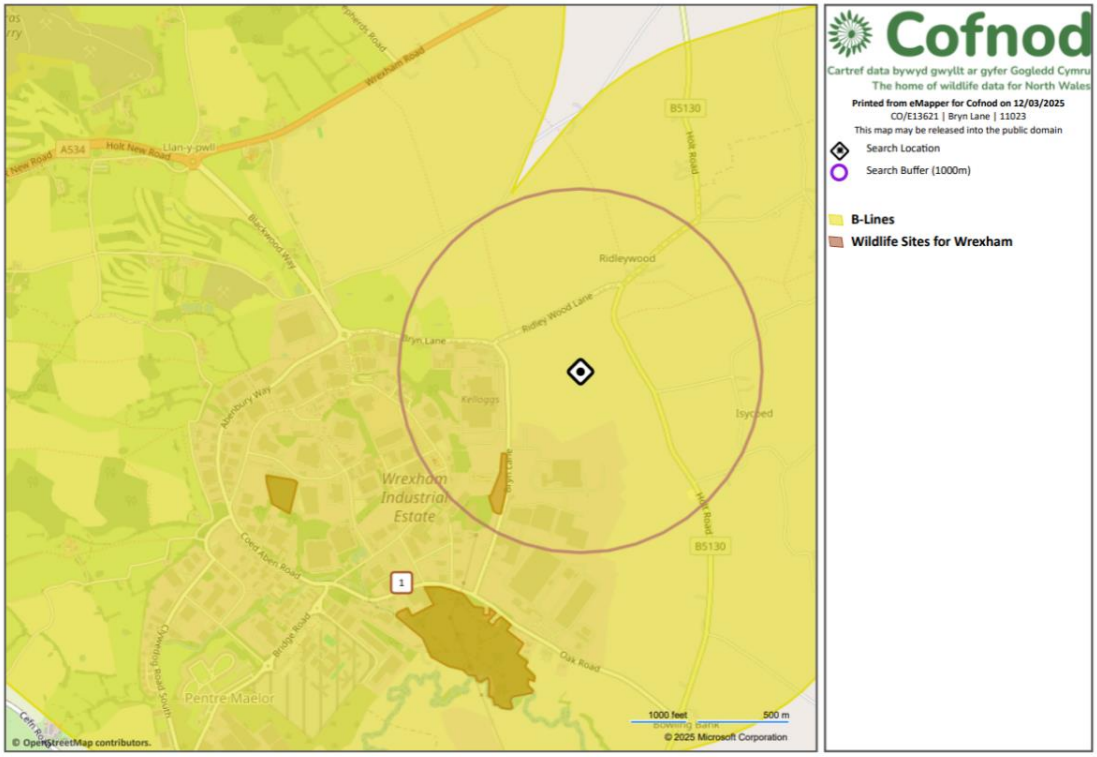


Figure 6: Non-statutory wildlife sites within 2km of the site (map provided by Cofnod Record Centre)

6.0 Notable Habitats

6.1 There are no notable habitats on site or within 0.25km the site (Figure 8).

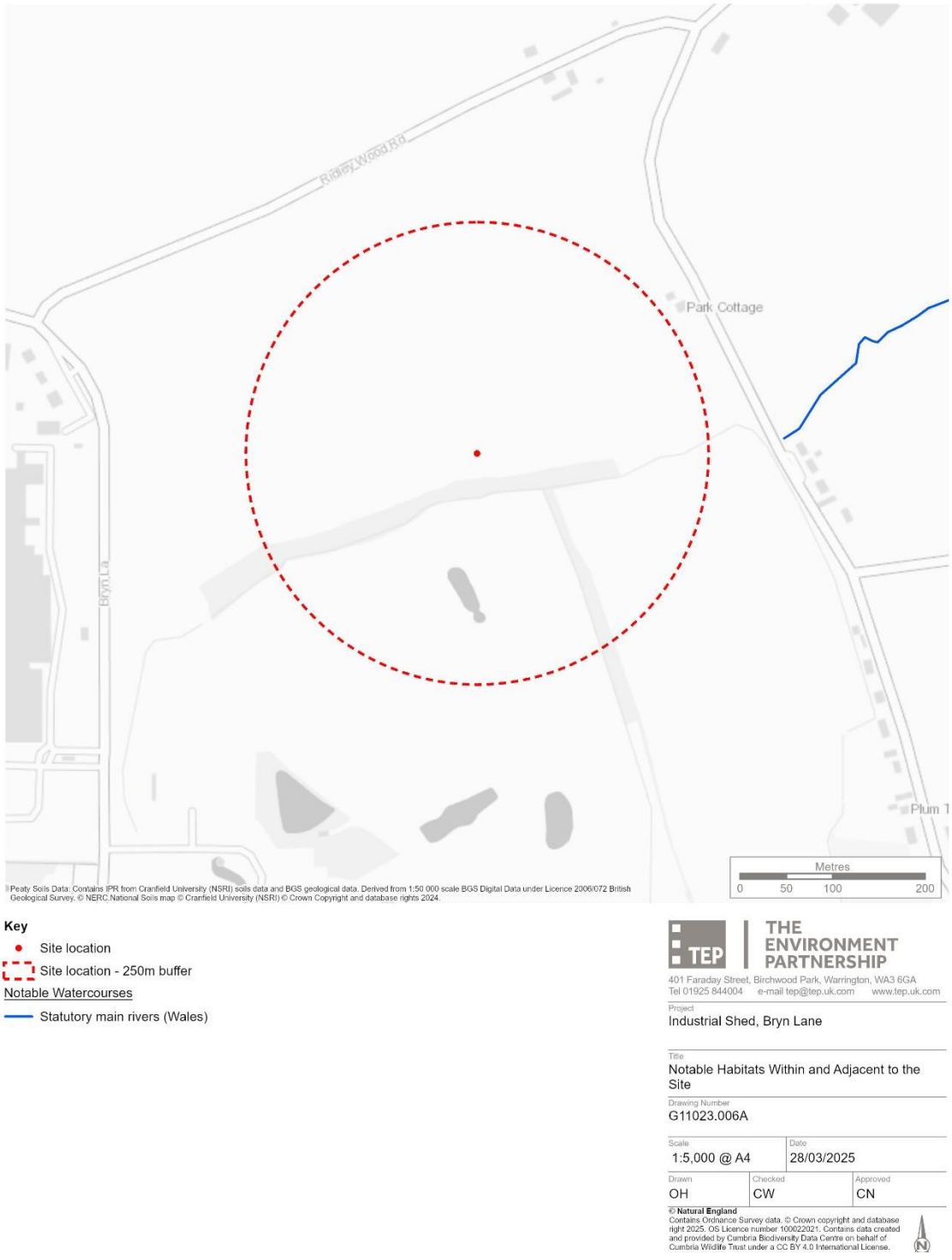


Figure 7: Notable habitats within 0.25km of the site

7.0 Protected and Notable Species

Pre-existing Species Records

7.1 Protected and notable species records returned from Cofnod Local Record Centre for the last ten full years within 1km of the site are summarised below. The terms and conditions of this data state this data is valid for use until September 2025.

7.2 No species were recorded within or 0.1km adjacent to the site boundary:

Species Records Summary: Industrial Shed at Bryn Lane

Amphibians	
Species	Count
Common frog *Rana temporaria*	6
Common toad *Bufo bufo*	2
Great crested newt *Triturus cristatus*	5
Palmate newt *Lissotriton helveticus*	1
Smooth newt *Lissotriton vulgaris*	6
Lissotriton sp. (Palmate or smooth newt)	7

Birds	
Species	Count
Barn owl *Tyto alba*	3
Black-headed gull *Chroicocephalus ridibundus*	1
Bullfinch *Pyrrhula pyrrhula*	5
Canada goose *Branta canadensis*	4
Coal tit *Periparus ater*	1
Curlew *Numenius arquata*	10
Dunnock *Prunella modularis*	2
Fieldfare *Turdus pilaris*	1
Goldcrest *Regulus regulus*	2
Goshawk *Accipiter gentilis*	1
Green woodpecker *Picus viridis*	6
Greenfinch *Chloris chloris*	2
Grey heron *Ardea cinerea*	2

Birds	
Grey wagtail *Motacilla cinerea*	1
Herring gull *Larus argentatus*	1
Hobby *Falco subbuteo*	1
House martin *Delichon urbicum*	1
House sparrow *Passer domesticus*	2
Jack snipe *Lymnocryptes minimus*	1
Kestrel *Falco tinnunculus*	3
Kingfisher *Alcedo atthis*	1
Lapwing *Vanellus vanellus*	1
Lesser black-backed gull *Larus fuscus*	1
Lesser redpoll *Acanthis cabaret*	1
Little ringed plover *Charadrius dubius*	1
Long-tailed tit *Aegithalos caudatus*	4
Mallard *Anas platyrhynchos*	2
Meadow pipit *Anthus pratensis*	1
Mistle thrush *Turdus viscivorus*	2
Moorhen *Gallinula chloropus*	3
Peregrine *Falco peregrinus*	3
Redwing *Turdus iliacus*	1
Reed bunting *Emberiza schoeniclus*	2
Rook *Corvus frugilegus*	1
Sedge warbler *Acrocephalus schoenobaenus*	4
Skylark *Alauda arvensis*	1
Song thrush *Turdus philomelos*	3
Sparrowhawk *Accipiter nisus*	1
Starling *Sturnus vulgaris*	1
Stock dove *Columba oenas*	2
Swallow *Hirundo rustica*	1
Swift *Apus apus*	1
Wheatear *Oenanthe oenanthe*	1
Whitethroat *Curruca communis*	3
Woodcock *Scolopax rusticola*	1
Woodpigeon *Columba palumbus*	1

Birds	
Wren *Troglodytes troglodytes*	3

Flora	
Species	Count
Japanese knotweed *Fallopia japonica*	2
Pennyroyal *Mentha pulegium*	3
Water fern *Azolla filiculoides*	1

Invertebrates	
Species	Count
Dingy skipper *Erynnis tages*	8
Grizzled skipper *Pyrgus malvae*	8
Small heath *Coenonympha pamphilus*	5

Reptiles	
Species	Count
None recorded	

Terrestrial Mammals (Bats)	
Roost Records	
Species	Count
Common pipistrelle *Pipistrellus pipistrellus*	1
Other Records	
Species	Count
Brown long-eared *Plecotus auritus*	3
Common pipistrelle *Pipistrellus pipistrellus*	2
Daubenton's *Myotis daubentonii*	1
Lesser horseshoe *Rhinolophus hipposideros*	1
Myotis bat species *Myotis sp.*	1
Natterer's bat *Myotis nattereri*	1
Noctule *Nyctalus noctula*	2

Terrestrial Mammals (Bats)	
Soprano pipistrelle *Pipistrellus pygmaeus*	2
Whiskered *Myotis mystacinus*	1
Whiskered/Brandt's *Myotis mystacinus/brandtii*	1

Terrestrial Mammals (Other)	
Species	Count
Badger *Meles meles*	2
Stoat *Mustela erminea*	1

Annex A: Key Ecological Legislation and National Policy

Relevant Legislation

International Conventions

a. The UK is a Contracting Party to numerous environmental conventions, the commonest form of international agreements to encourage a coordinated response to managing the environment. Key environmental conventions ratified in the UK include:

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'[22] or 'Wetlands Convention') - provides the only international mechanism for protecting sites of global importance;
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention[23]) - imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species;
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention[24] or CMS) - provides strict protection for endangered migratory species. The UK has currently ratified four legally binding Agreements under the convention relating to bats (EUROBATS), African-Eurasian migratory birds (AEWA), small cetaceans in the Baltic, Irish and North Seas (ASCOBANS) and albatrosses and petrels (ACAP) in addition to five Memorandum of Understanding (MoU) and is non-party range state to a further Agreement and a further MoU;
- The Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention) - seeks to protect both cultural and natural heritage;
- The Convention on Biological Diversity (Biodiversity Convention[25] or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020[26] is guided by the UK Post-2010 Biodiversity Framework[27].

[22] Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 https://www.ramsar.org/
[23] Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 https://www.coe.int/
[24] Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 https://www.cms.int/
[25] Convention on Biological Diversity, Rio de Janeiro, June 1992https://www.cbd.int/
[26] In October 2010, at the 10th Conference of the Parties to the CBD in Nagoya, Japan, the Parties adopted a new 'Strategic Plan for Biodiversity 2011–2020' along with its 20 'Aichi targets'. https://www.cbd.int/sp/
[27] The framework is overseen by the Environment Departments of the four UK governments working through the Four Countries' Biodiversity Group. It demonstrates how the UK, through each of the four countries, contributes to achieving the 'Aichi targets', and identifies the activities required to complement the individual country biodiversity strategies https://jncc.gov.uk/our-work/uk-post-2010-biodiversity-framework/

b. The legal obligations of the multiple Conventions to which the UK is a Contracting Party are enacted through a suite of national environmental legislation. The most relevant are described in the following paragraphs.

Conservation of Habitats and Species Regulations`

c. The Conservation of Habitats and Species Regulations 2017[28] (2017 Regulations) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into domestic law.

d. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[29] (2019 Regulations) amends the 2017 Regulations to make them operable following the withdrawal of the United Kingdom from the European Union (EU). Most of the changes involve transferral of functions from European Commission to the appropriate authorities in England and Wales, also extending to Scotland and Northern Ireland and applies to Scotland and Northern Ireland (including the adjacent territorial sea to a limited degree), as regards reserved and excepted matters respectively. It also amends Section 27 of the Wildlife and Countryside Act 1981 to maintain existing protections and enforcement for species of wild birds.

e. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance and obligations (of a competent authority) remain relevant.

National Site Network

f. Under the 2019 Regulations, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) in the UK no longer form part of the EU's 'Natura 2000' ecological network, but instead (along with new SACs and SPAs designated under the 2019 Regulations) form the new National Site Network (NSN). Ramsar sites[5] do not form part of the NSN but remain protected in the same way as SACs and SPAs.

g. Proposals which may significantly affect a site belonging to the NSN and which are not connected with or necessary to the management of that site require (by Regulations 63 and 64 of the 2017 Regulations, as amended by Regulations 24 and 25 of the 2019 Regulations, respectively) competent authorities to undertake an Appropriate Assessment of the implications of the plan or project in view of that site's conservation objectives. This process is commonly referred to as a 'Habitats Regulations Assessment' (HRA). The assessment must consider the potential effects both of the plan/project itself and in combination with other plans or projects. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are

[28] Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) https://www.legislation.gov.uk/uksi/2017/1012/
[29] Conservation of Habitats and Species Regulations 2019 (SI 2019/579) https://www.legislation.gov.uk/uksi/2019/579/

imperative reasons of over-riding public interest (IROPI) and if the necessary compensatory measures can be secured.

Protected Species

h. Certain animals and their breeding sites or resting places are protected under Regulation 43 of the 2017 Regulations, which makes it illegal to:

- Deliberately capture, injure or kill any such animal or to deliberately take or destroy the eggs of such an animal;
- Deliberately disturb such an animal; and
- Damage or destroy a breeding site or resting place of such an animal.

i. Disturbance is defined in the 2017 Regulations as an activity which is likely to impair a species' ability to survive, to breed or reproduce, to rear or nurture young or, in the case of animals hibernating or migratory species, to hibernate, migrate or which may affect significantly the local distribution or abundance; of the species.

j. A bat's resting place is known as a roost site. Because bats tend to be faithful to roost sites but their biology is such that different roost site characteristics are preferred at different times of the year by different species for different functions, a bat roost is considered to be afforded protection even when it is not occupied.

k. Certain plant species are protected under Regulation 47 of the 2017 Regulations against deliberate picking, collecting, cutting, uprooting or destruction. It is also an offence to be in possession or control and to transport any live or dead plant or part of a plant of such a species which has been taken in the wild.

l. The 2017 Regulations (Regulation 55) enables a relevant licensing body to grant a licence for certain activities that may affect animal or plant species protected by the above provisions. The purpose must conform to one of those listed under Regulation 55(2). For most development related activities, the purpose normally relates to Regulation 55(2)(e) 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment' – commonly known as the IROPI test. Regulation 55(9) introduces two further tests that the licensing body must consider:

- There is no satisfactory alternative; and
- The favourable conservation status of the species concerned will be maintained and/or enhanced.

m. Under Regulation 9(1) of the 2017 Regulations (as amended), competent authorities "must exercise their functions which are relevant to nature conservation… so as to secure compliance with the requirements of the Directives". Regulation 9(3) requires a competent authority, in exercising any of its function, to

"have regard to the requirements of the Directives so far as they be affected by the exercise of those functions." Local planning authorities must therefore consider the above three 'tests' when determining if planning permission should be granted for developments likely to cause an offence under the Regulations.

Wildlife and Countryside Act 1981

n. The Wildlife and Countryside Act 1981 (as amended)[30] (WCA) is a major legal instrument for wildlife protection in the UK. In respect of habitats and flora, the WCA protects important habitats and/or species as Sites of Special Scientific Interest (SSSI). The designation of UK Ramsar sites[5] has usually been underpinned through prior notification of these areas as SSSI and accordingly they receive statutory protection under the WCA.

o. The obligations of the Bern Convention[6] (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales[31] by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention[7] is also provided by the WCA.

p. All wild birds (as defined by the WCA and with exception to species listed in Schedule 2) are protected under the WCA, which makes it illegal to:

- Intentionally kill, injure or take any wild bird;
- Take, damage or destroy the nest (whilst being built or in use) of any wild bird; or
- Take or destroy the eggs of any wild bird.

q. Special penalties are available for offences related to birds listed in Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The WCA also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

r. Certain animal species (listed under Schedule 5) of the WCA receive protection which makes it illegal (with certain exceptions) to:

- Intentionally kill, injure or take any such animal;
- Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal;

[30] Wildlife and Countryside Act 1981 c. 69 https://www.legislation.gov.uk/ukpga/1981/69/
[31] In Scotland by the Nature Conservation (Scotland) Act 2004 (as amended) and in Northern Ireland by Wildlife (Northern Ireland) Order 1985 and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

- Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.

s. The Environment Act (EA) 2021 amends the licensing regime under Section 16 of the WCA 1981 to enable licences to be granted (in England only) for reasons of overriding public interest. This new purpose will enable those involved in development activities to apply for a derogation under the WCA for species domestically protected under Schedule 5 of the WCA 1981.

t. The amendments introduced by the EA 2021 at Section 16(3) requires that licensed may only be granted (in England) where:

- there is no other satisfactory solution, and
- the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.

u. Plant species listed under Schedule 8 of the WCA 1981 are protected from unauthorised intentional picking, uprooting and destruction.

v. It is an offence to plant or otherwise cause to grow in the wild any plant that is included in Schedule 9.

Countryside and Rights of Way Act 2000

w. Part III of the Countryside and Rights of Way Act 2000 (CROW)[32] deals specifically with wildlife protection and nature conservation. It requires that Government Departments have regard for the conservation of biodiversity, in accordance with the CBD. In addition, it requires that The Secretary of State publishes a list of living organisms and habitat types that are considered to be of principal importance in conserving biodiversity.

x. CROW also amends the WCA, expanding the terms of offences to include reckless activity. It increases the legal protection of threatened species, by also making it an offence to “recklessly” obstruct access to a sheltering place used by an animal listed in Schedule 5 of the WCA or “recklessly” disturb an animal occupying such a structure or place.

Environment (Wales) Act 2016

y. Section 6 of the Environment Act places a duty on public authorities to ‘seek to maintain and enhance biodiversity’ so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to ‘promote the resilience of ecosystems.

[32] Countryside and Rights of Way Act 2000 c. 37 https://www.legislation.gov.uk/ukpga/2000/37/

z. Section 7 of the Environment Act requires The Welsh Ministers to publish, review and revise lists of living organisms and types of habitats in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. This is known as the S7 list.

Hedgerow Regulations 1997

aa. Important hedgerows are protected from removal by the Hedgerows Regulations[33] (as amended). Regulation 3 defines the hedgerows to which the Regulations apply. Regulation 4 sets out the criteria for identifying "important hedgerows" including ecological, landscape or historical/cultural reasons. Under the Hedgerow Regulations it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Works to "important hedgerows" are exempt under the Hedgerow Regulations if planning consent is granted which allows their removal.

bb. The identification of important hedgerows also provides an additional means to value hedgerows aside from their botanical value (e.g. species richness) as the assessment of importance also includes characteristics relating to maturity and structure (e.g. associated features, connectivity, integrity) which will affect the functional value of the hedgerow.

Protection of Badgers Act 1992

cc. Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)[34]. This makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett.

dd. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as "any structure or place, which displays signs indicating current use by a badger."

Wild Mammals (Protection) Act 1996

ee. All UK wild mammals are afforded a degree of protection from certain cruel acts. The Act is intended to preserve animal welfare more so than nature conservation. The Act makes it an offence to use a variety of methods to intentionally cause suffering to a wild mammal. It also has exemptions including in relation to euthanasia and otherwise lawful use of certain methods of killing.

[33] The Hedgerow Regulations 1997 (SI 1997/1167) https://www.legislation.gov.uk/uksi/1997/1160/
[34] Protection of Badgers Act 1992 c. 51 https://www.legislation.gov.uk/ukpga/1992/51/

Relevant National Policy

Planning Policy Wales 2024

ff. Planning Policy Wales delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities' development plans. This is supplemented by 21 topic based Technical Advice Notes (TANs). Technical Advice Note 5- Nature Conservation and Planning is a key TAN in relation to nature conservation and biodiversity. TAN 5 states that the town and country planning system in Wales should:

- work to achieve nature conservation objectives through a partnership between local planning authorities, NRW, the Environment Agency Wales, voluntary organisations, developers, landowners and other key stakeholders;
- integrate nature conservation into all planning decisions looking for development to deliver social, economic and environmental objectives together over time;
- ensure that the UK's international and national obligations for site, species and habitat protection are fully met in all planning decisions;
- look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally;
- help to ensure that development does not damage, or restrict access to, or the study of, geological sites and features or impede the evolution of natural processes and systems especially on rivers and the coast;
- forge and strengthen links between the town and country planning system and biodiversity action planning particularly through policies in local development plans and the preparation of supplementary planning guidance that adds value to Local Biodiversity Action Plans (LBAPs) by highlighting the ways in which the planning system can help to deliver the objectives of LBAPs in practical ways; and
- plan to accommodate and reduce the effects of climate change by encouraging development that will reduce damaging emissions and energy consumption and that help habitats and species to respond to climate change.

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