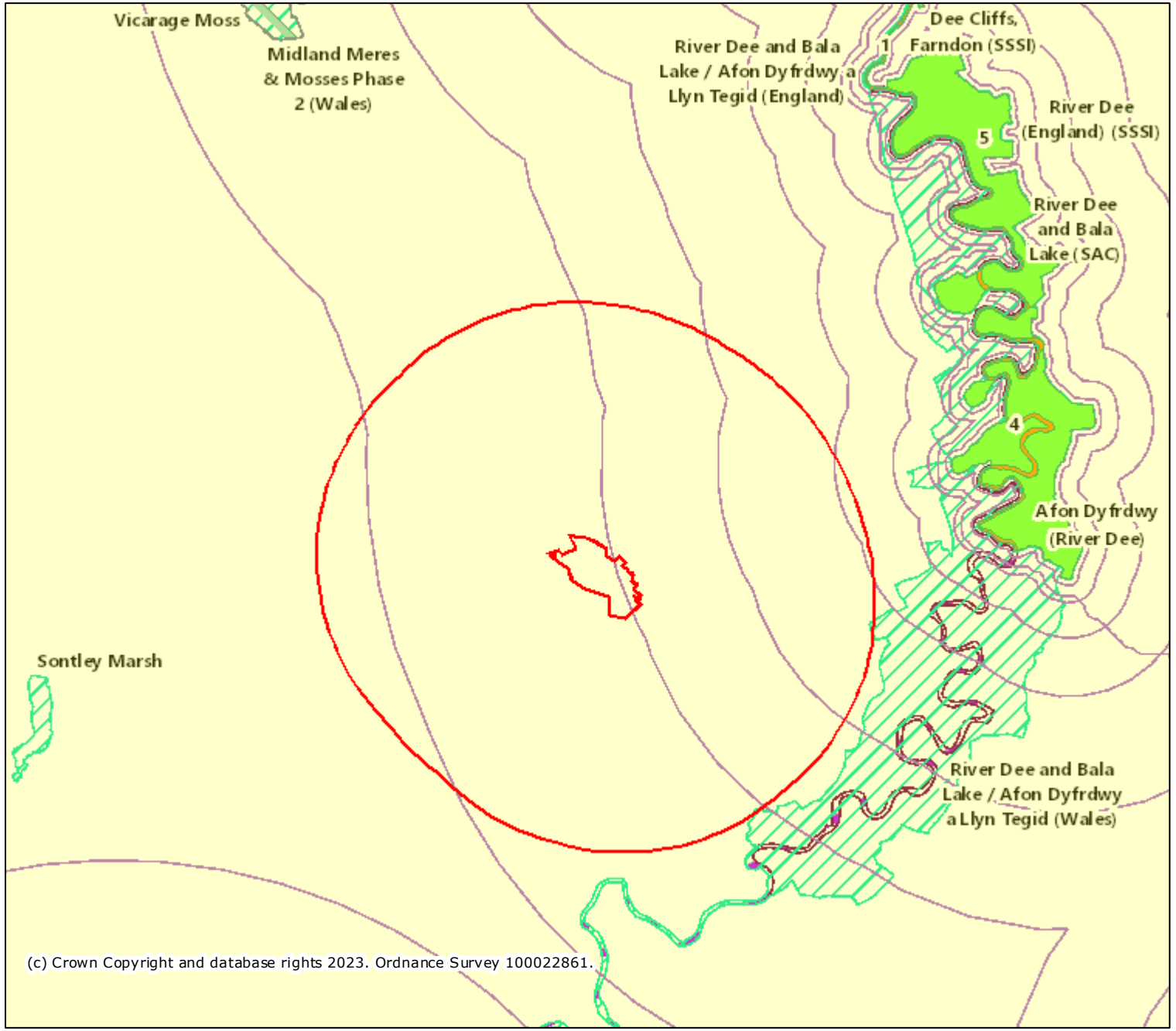
APPENDICES

Appendix 1 – Desk study

Statutorily designated sites - 10km



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- National Nature Reserves (Wales)
- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Ramsar Sites (Wales)

Sites of Special Scientific Interest Units (England)

- Favourable Condition
- Unfavourable Recovering
- Unfavourable no change
- Unfavourable Declining
- Part Destroyed
- Destroyed
- Not Assessed
- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Areas of Conservation (Wales)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)
- Special Protection Areas (Wales)

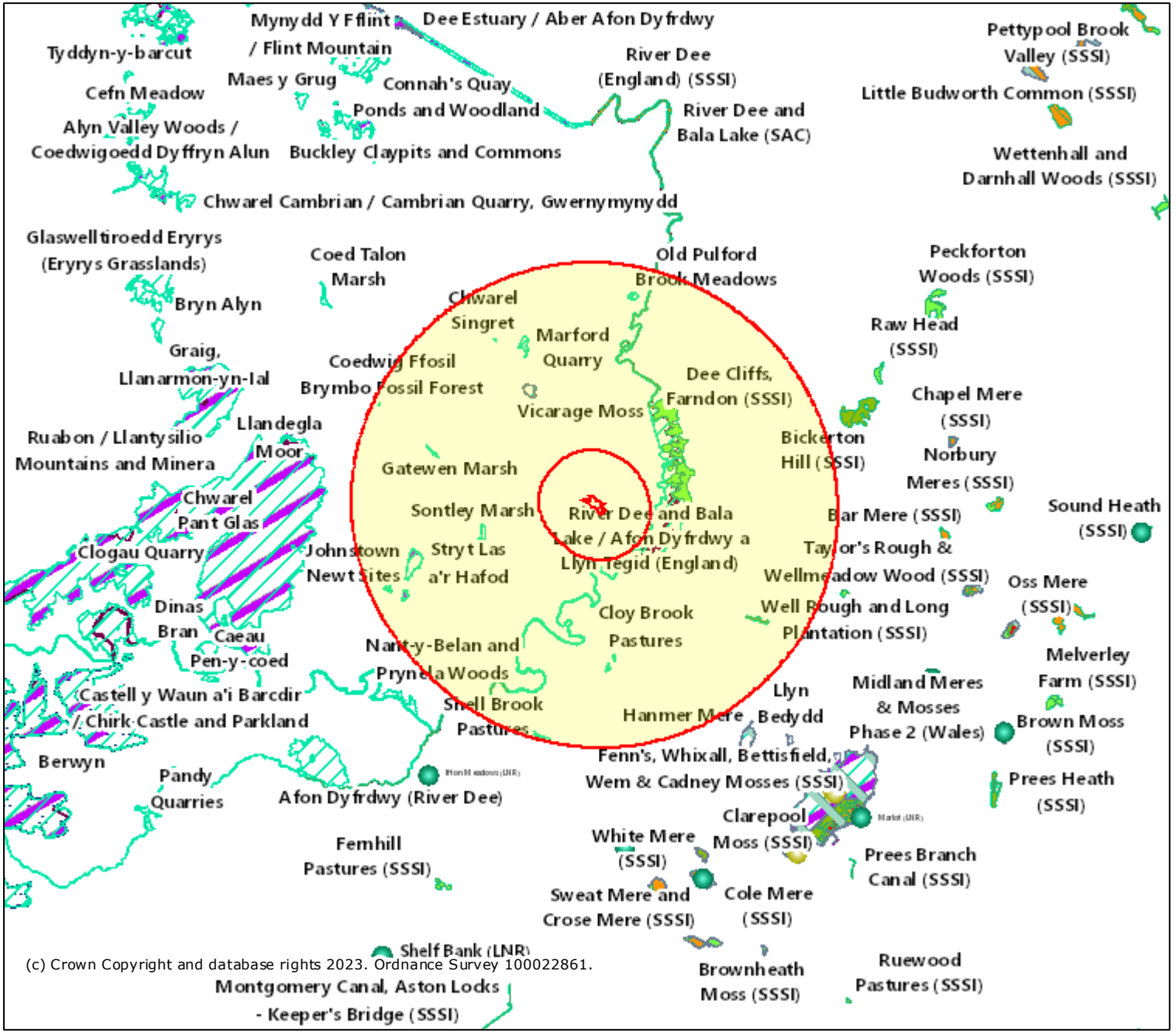
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ymin = 345700
xmax = 347000
ymax = 353700

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km

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Statutorily designated sites - 10km



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Legend

- Local Nature Reserves (England) - points
- National Nature Reserves (England) - points
- National Nature Reserves (Wales) - points
- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Ramsar Sites (Wales)

Sites of Special Scientific Interest Units (England)

- Favourable Condition
- Unfavourable Recovering
- Unfavourable no change
- Unfavourable Declining
- Part Destroyed
- Destroyed
- Not Assessed
- Sites of Special Scientific Interest (England)
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Areas of Conservation (Wales)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)
- Special Protection Areas (Wales)

Projection = OSGB36
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km

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Appendix 2 – Phase 1 habitat plan

Target Note 1 - Large stand of Japanese Knotweed

Target Note 2 - Small single stand of Japanese Knotweed

Target Note 3 - Badger sett observed during previous PEA in 2016

Target Note 4 - Potential bat roosting features observed in trees

Target Note 5 - Large rubble pile

Target Note 6 - Pond 1 from previous PEA in 2016, could not be viewed due to density of scrub

Target Note 7 - Pond 2 from previous PEA in 2016, completely dry and no longer functional

Target Note 8 - Pond 3

Target Note 9 - Pond 4 from previous PEA in 2016, could not be viewed due to density of scrub

Target Note 10 - Three water-filled sinks

Target Note 11 - Small area of increased botanical diversity

Target Note 12 - Single stands of Himalayan balsam

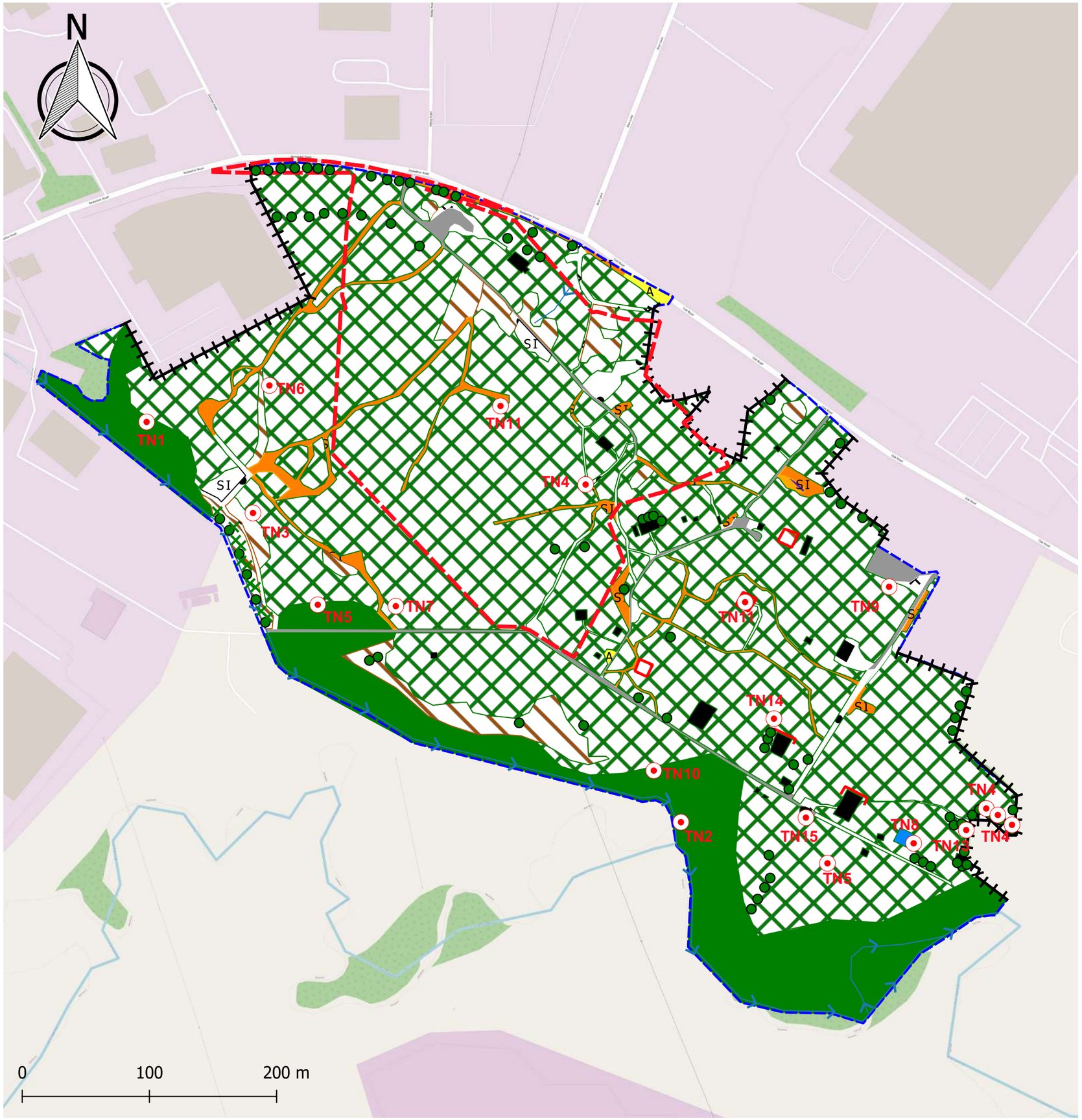
Target Note 13 - Short mammal path

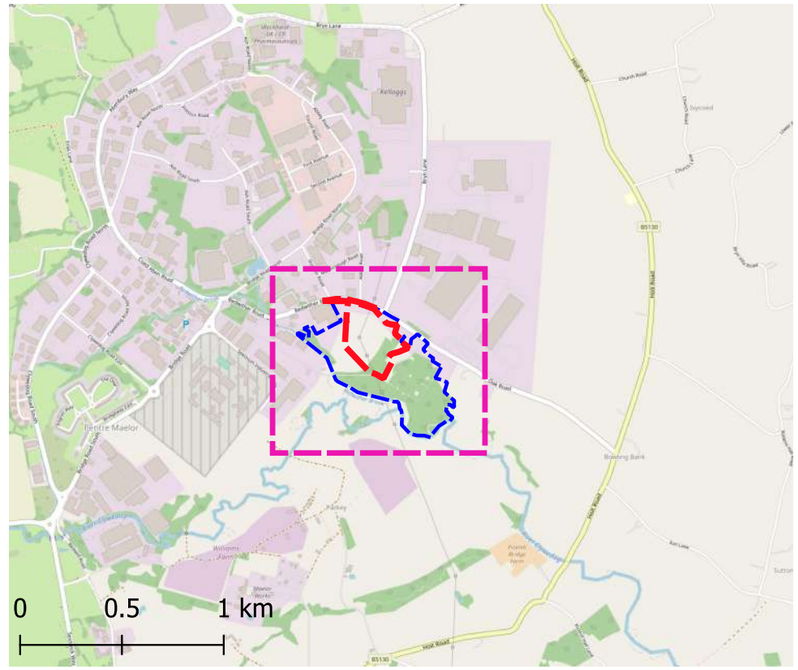
Target Note 14 - Collapsed underpass

Target Note 15 - Ephemeral pool and marshy vegetation

Preliminary Ecological Appraisal

Site: The Oaks, Wrexham
NGR: SJ 38699 49320
Author: Tom Kenwright
Date: 24/11/2022





KEY:

- A1.1.1 - Broadleaved woodland - semi-natural
- A2.1 - Scrub - dense/continuous
- A3.1 - Broadleaved scattered trees
- SI B2.2 - Semi-improved neutral grassland
- B5 - Marsh/marshy grassland
- SI B6 - Poor semi-improved grassland
- C3.1 - Ruderal tall herb and fern
- G1 - Standing water
- G2 - Running water
- A J1.2 - Amenity grassland
- J1.3 - Ephemeral/ short perennial
- J2.4 - Fence
- J2.5 - Wall
- J3.6 - Buildings
- J4 - Bare ground
- J5 - Hardstanding
- Survey boundary
- Previous proposed development boundary
- Target Notes

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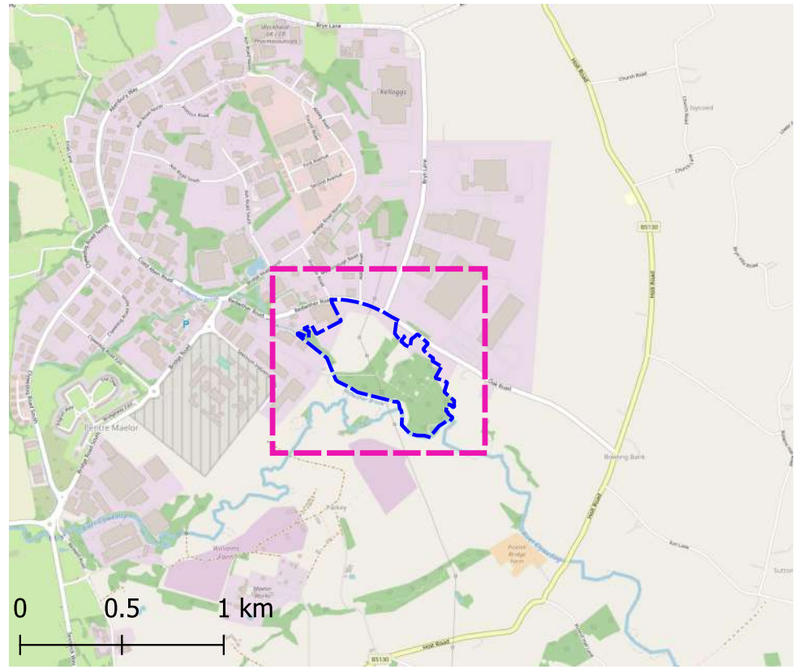
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Appendix 3 – Himalayan balsam location plan

Himalayan Balsam Location Plan

Site: The Oaks, Wrexham
NGR: SJ 38699 49320
Author: Tom Kenwright
Date: 24/11/2022





KEY:

- Survey boundary
- Himalayan balsam

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Appendix 4 – Aerial photographs


The Oaks – Wrexham Industrial Estate
Close aerial photograph
Survey boundary
Map data © 2023 Google, Imagery © 2023 Google


The Oaks – Wrexham Industrial Estate
Wide aerial photograph
Site location
Map data © 2023 Google, Imagery © 2023 Google

Appendix 5 – Photographs



Photograph 1 – Mixed woodland extending northwards towards the centre of the site from the riparian woodland on the banks of the River Clywedog.



Photograph 2 – Riparian woodland along Redwither Brook and the River Clywedog.



Photograph 3 – Example of mixed dense scrub that dominates the site.



Photograph 4 – Mature hawthorn scrub within the south-eastern section of the site.



Photograph 5 – Example of scattered trees on site.



Photograph 6 – Example of semi-improved grassland ride with encroaching scrub and tall ruderal species.



Photograph 7 – Small area of grassland with increased botanical diversity and encroaching scrub.



Photograph 8 – Area of marshy grassland.



Photograph 9 – Tall ruderal vegetation on site, with encroaching bramble scrub.



Photograph 10 – Pond 2 was found to be completely dry.



Photograph 11 – Pond 3 is still holding standing water.



Photograph 12 – Pool of ephemeral standing water with marshy and marginal vegetation, Target Note 15.



Photograph 13 – Three water-filled sinks, Target Note 10.



Photograph 14 – The River Clywedog at the southern site boundary.



Photograph 15 – Redwither Brook at the western site boundary.



Photograph 16 – Ditch with flowing water in the northern section of the site.



Photograph 17 – Small area of amenity grassland within the centre of the site.



Photograph 18 – Example of one of the larger areas of continuous ephemeral / short perennial vegetation, dominated by white stonecrop.



Photograph 19 – Example of larger buildings present on site.



Photograph 20 – Example of smaller buildings observed on site.



Photograph 21 – Example of underpass structures observed on site.



Photograph 22 – Example of pits with concreate retaining walls and connected underpass on site.



Photograph 23 – Example of bare ground access tracks on site.



Photograph 24 – Example of hardstanding access tracks on site.



Photograph 25 – Large stand of Japanese knotweed observed on site, Target Note 1.



Photograph 26 – Small stand of Japanese knotweed observed on site, Target Note 2.



Photograph 27 – Himalayan balsam observed on site.

Appendix 6 – Botanical species list

		Habitats												
Scientific name	**Common name**	**A1.1.1 - Broadleaved semi-natural woodland**	**A2.1 - Dense scrub**	**A3.1 - Broadleaved scattered trees**	**B2.2 - Semi-improved neutral grassland**	**B5 - Marshy grassland**	**B6 - Poor semi-improved grassland**	**C3.1 - Tall ruderal**	**G1 - Standing water (ephemeral pool)**	**G1 - Standing water (Pond 3)**	**G2 - Running water (Ditch)**	**G2 - Running water (River Clywedog & Redwither Brook**	**J1.2 - Amenity grassland**	**J1.3 - Ephemeral / short perennial**
Alnus glutinosa	Alder	x	x	x										
Poa annua	Annual meadow-grass												x	x
Fraxinus excelsior	Ash	x	x	x										
Berberis sp.	Barberry		x											
Solanum dulcamara	Bittersweet													x
Ballota nigra	Black horehound							x						
Prunus spinosa	Blackthorn		x											
Rubus fruticosus agg.	Bramble	x	x		x	x	x	x			x			
Helminthotheca echioides	Bristly oxtongue				x									x
Rumex obtusifolius	Broadleaved dock													x
Potamogeton natans	Broadleaved pondweed									x				
Veronica beccanunga	Brooklime								x	x				
Galium aparine	Cleavers				x		x	x			x			
Dactylis golmerata	Cock's-foot				x		x							
Tussilago farfara	Colt's-foot				x									
Agrimonia eupatoria	Common agrimony		x		x									
Hypochaeris radicata	Common cat's-ear													x
Centaurium erythraea	Common centaury													x
Elymus repens	Common couch						x							
Bellis perennis	Common daisy				x								x	x
Lemna minor	Common duckweed									x				
Veronica persica	Common field speedwell													x
Pulicaria dysenterica	Common fleabane		x		x			x						
Senecio vulgaris	Common groundsel													x
Heracleum sphondylium	Common hogweed	x			x			x						
Centaurea nigra	Common knapweed				x			x						
Dryopteris filix-mas	Common male fern		x								x			
Thalictrum flavum	Common meadow-rue				x									
Cerastium fontanum	Common mouse-ear													x
Polypodium vulgare	Common polypody		x											
Jacobaea vulgaris	Common ragwort				x									x
Vicia sativa	Common vetch						x							x
Alisma plantago-aquatica	Common water plantain								x					
Anthriscus sylvestris	Cow parsley							x						
Malus sylvestris	Crab apple		x	x										
Salix fragilis	Crack willow	x		x										
Agrostis stolonifera	Creeping bent				x	x								
Ranunculus repens	Creeping buttercup				x	x			x		x		x	x
Potentilla reptans	Creeping cinquefoil				x		x							x
Cirsium arvense	Creeping thistle	x			x	x	x							x
Taraxacum officinale agg.	Dandelion				x								x	x
Rosa canina	Dog rose		x											
Mercurialis perennis	Dog's mercury		x											
Geranium molle	Dove's-foot crane's-bill													x
Sambucus nigra	Elder	x	x											
Carex otrubae	False fox sedge					x			x					
Arrhenatherum elatius	False oat-grass						x							
Brachypodium sylvaticum	False wood-brome		x		x									
Myositis arvensis	Field forget-me-not													x
Equisetum arvense	Field horsetail		x								x			
Acer campestre	Field maple			x										
Glyceria fluitans	Floating sweet-grass								x					
Ribes sanguineum	Flowering currant		x											
Helosciadium nodiflorum	Fool's watercress								x					
Carex flacca	Glaucous sedge				x									
Salix caprea	Goat willow	x	x											
Ribes uva-crispa	Gooseberry		x											
Lotus pedunculatus	Greater bird's-foot trefoil				x	x								
Plantago major	Greater plantain				x									
Typha latifolia	Greater reedmace								x	x				
Epilobium hirsutum	Greater willowherb	x								x		x		
Salix cinerea	Grey willow	x	x							x				
Glechoma hederacea	Ground ivy							x						
Hypericum hirsutum	Hairy St John's wort				x	x								
Juncus inflexus	Hard rush				x	x		x	x	x				x
Asplenium scolopendrium	Hart's-tongue fern										x			
Crataegus monogyna	Hawthorn	x	x											
Alliaria petiolata	Hedge garlic							x						
Conium maculatum	Hemlock													x
Geranium robertianum	Herb Robert		x											
Impatiens glandulifera	Himalayan balsam	x	x									x		
Illex aquifolium	Holly		x											
Lonicera periclymenum	Honeysuckle		x											
Hypericum maculatum	Imperforate St John's wort													x
Hedera helix	Ivy		x											
Reynoutria japonica	Japanese knotweed		x											
Juncus articulatus	Jointed rush								x					
Torilis nodosa	Knotted hedge parsley													x
Filipendula ulmaria	Meadowsweet		x		x	x		x						
Melilotus sp.	Melilot				x									
Artemisia vulgaris	Mugwort				x									
Lapsana communis	Nipplewort													x
Chrysosplenium oppositifolium	Opposite-leaved golden saxifrage		x											
Leucanthemum vulgare	Oxeye daisy				x									x
Aphanes	Parsley piert													x
Quercus robur	Pedunculate oak	x		x										
Carex pendula	Pendulous sedge		x											
Silaum silaus	Pepper saxifrage				x			x						
Lolium perenne	Perennial ryegrass												x	x
Hypericum perforatum	Perforate St John's wort				x			x						x
Sonchus asper	Prickly sow thistle													x
Primula vulgaris	Primrose				x						x			
Silene dioica	Red campion	x	x									x		
Trifolium pratense	Red clover				x									
Lamium purpureum	Red dead-nettle													x
Carex remota	Remote sedge										x			
Plantago lanceolata	Ribwort plantain				x									x
Chamerion angustifolium	Rosebay willowherb				x			x						
Sorbus aucuparia	Rowan		x											
Prunella vulgaris	Self-heal				x								x	x
Betula pendula	Silver birch	x	x	x										
Geranium pusillum	Small-flowered crane's-bill													x
Juncus effusus	Soft rush					x		x				x		x
Cirsium vulgare	Spear thistle	x										x		x
Dactylorhiza sp.	Spotted or marsh orchid				x									
Urtica dioicia	Stinging nettle	x	x					x			x	x		
Acer pseudoplatanus	Sycamore	x	x	x										
Dipsacus fullonum	Teasel													x
Clematis vitalba	Traveller's joy		x											
Deschampsia cespitosa	Tufted hair-grass						x							
Scrophularia umbrosa	Water figwort					x			x					
Cardamine flexuosa	Wavy bittercress													x
Reseda luteola	Weld													x
Trifolium repens	White clover				x								x	x
Lamium album	White dead-nettle							x						
Sedum album	White stonecrop													x
Angelica sylvestris	Wild angelica	x				x						x		
Daucus carrota	Wild carrot				x			x						x
Prunus avium	Wild cherry		x											
Epilobium sp.	Willowherb							x	x					
Geum urbanum	Wood avens						x							x
Rumex sanguineus	Wood dock		x											
Carex sylvatica	Wood sedge		x											
Achillea millefolium	Yarrow				x		x							
Holcus lanatus	Yorkshire fog	x			x	x	x					x	x	x
Galium palustre	Marsh bedstraw					x								

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