







Strategic Ecology Corridor - Land adjacent to B5130

Isycoed, Wrexham

Ecological Assessment

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

Executive Summary

Site Details	The site is located next to the B5130, Wrexham (central grid reference SJ 39627 50490) and is within the administrative area of Wrexham County Borough Council.
Proposals	The proposals are for the development of an ecological mitigation and enhancement site for GCN which includes the creation of ponds and amphibian hibernacula along with native planting.
Designated wildlife sites	No impacts to any statutory or non-statutory designated sites are anticipated from the proposals.
Important Ecological Features	The development proposals will require the permanent loss to some of the neutral grassland habitats within the site to facilitate the implementation of new ponds and habitat creation within the site. The walkover habitat assessment was undertaken outside the recommended UKHab habitat survey season of mid-April to mid-October. Due to the limited habitat diversity identified within the site and its relatively small size, the seasonality of the survey is not considered to be a significant constraint.
Conclusions & Recommendations	▸ Any grassland required for removal and current ponds in need of management, ecological clerk of works (ECoW) should be adopted to minimise the risk of harm or injury to amphibians during site clearance works. ▸ All retained trees within and adjacent to the site should be suitably protected in accordance with BS5837:2012, to ensure no damage to the canopy or root zone during site clearance and construction works. A Root Protection Zone (RPZ) should be implemented around retained trees on site. ▸ Environmental DNA survey of P2 & P3 on the site will be required and the results from this survey will be updated in this report following receipt of these. Given that GCN are known to be present at P1 and in the surrounding area, the development will need to commence under a Natural Resource Wales mitigation licence. ▸ PWMS is recommended to avoid adverse impacts to amphibians and hedgehog. ▸ It is recommended that if works have not commenced within six months of this report (i.e. September 2025) an updated badger survey will be required. ▸ Where avoidance of the nesting period is not practicable, a nesting bird check must be carried out by an ecologist no more than 24 hours prior to the works, to confirm that no active nests are present.

This Executive Summary is not a substitute for the full report. Refer to the full text of this report for further detail.

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1.0 Introduction

1.1 The Environment Partnership (TEP) was commissioned by Mauna Kea Limited, a full owned subsidiary of Net World Sports in January 2025 to undertake an Ecological Assessment (EcIA) to support of a planning application for a mitigation development at a site called Net World Mitigation Land at land next to the B5130 in Isycoed, Wrexham (hereafter referred to as 'the site').

1.2 An Ecological Desk Study has been produced to support this EcIA, reported under separate cover (TEP Ref: 10944.001). This EA report should read in conjunction with the Desk Study.

1.3 This EcIA report includes details of the methods employed and any limitations of the surveys undertaken. Results are provided with supporting maps, together with an evaluation of the ecological features within the site, an assessment of the potential impacts associated with the development proposals and requirements for mitigation. The assessment has been undertaken with due consideration for current best practice guidelines (CIEEM 2017a[1], 2018[2]).

Site Location

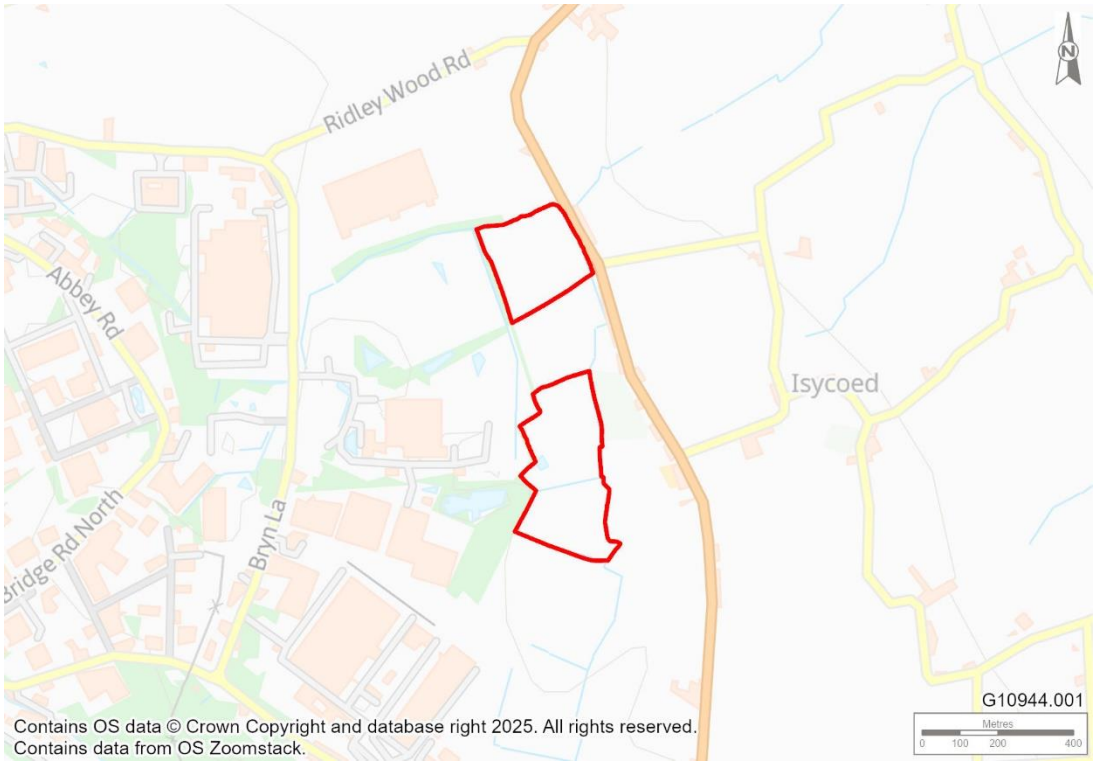
1.4 The site lies next to the B5130 (central grid reference SJ 39627 50490) and is within the administrative area of Wrexham County Borough Council. Site comprises of arable fiends with further fields which surround the site. Holt road lies to the eastern boundary, Wrexham Industrial Estate is located approximately 600m west of the site and the city of Wrexham is located approximately 4km west (Figure 1).

1.5 The wider area comprises of Wrexham Industrial Estate is located approximately 700m west of the site and the city of Wrexham is located approximately 6km west. Agricultural fields are located in all other directions.

[1] CIEEM (2017a) Guidelines for Ecological Report Writing, 2nd Edition. Chartered Institute of Ecology & Environmental Management

[2] CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester

Figure 1: Site location



Proposals

1.6 The proposals are for the development of an ecological mitigation and enhancement site for GCN which includes the creation of ponds and amphibian hibernacula's along with native planting.

Scope

1.7 This ecological assessment considers potential ecological effects upon any notable habitats or species which may be present or adjacent to the Site.

1.8 This report provides baseline information on the habitats and protected species present within the site, gathered during a desktop study and extended UK habitat survey undertaken in March 2025.

1.9 This report presents the findings of the EcIA, the objectives of which are to:

- Detail the methods and results of the aforementioned surveys;
- Identify features of ecological value within the site, such as legally protected species or habitats of importance to biodiversity;

- Identify any non-native invasive species within the site and provide advice regarding removal or management;
- Advise on avoidance or mitigation requirements that may be needed prior to development commencing; and
- Provide outline recommendations for biodiversity enhancement within site proposals in accordance with the National Planning Policy Framework (NPPF).

2.0 Methods

Desk Study

2.1 In line with current best practice (CIEEM, 2016[3], 2017b[4]), information regarding designated sites, notable habitats and existing protected and notable species records of the past decade, within a 2km minimum radius of the site was collated and reviewed to inform this ecological assessment. Further detail regarding ecological zones of influence (EZOI) applied for different ecological features and the sources of information included are presented in the Ecological Desk Study (TEP Ref 10944.001).

2.2 In brief, key data sources included Natural Resources Wales (open-source data), Environment Agency (open-source data); Wrexham County Borough Council (WCBC), Wrexham Local Development Plan 2 (LDP2), Wrexham Unitary Development Plan and other relevant planning documentation, COFNOD - North Wales Environmental Information Service and a review of relevant (within the past ten years) species records. A review of previous surveys and reports relating to planning applications within 1.5km of the site from the Wrexham Borough Council's planning portal was also completed.

2.3 Statutory designated wildlife sites were searched for as follows (EZOI applied for each is indicated in brackets):

- Ramsar sites (10km);
- National Sites Network (10km), includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA);
- Site of Special Scientific Interest (SSSI) (5km);
- National Nature Reserve (NNR) (5km); and
- Local Nature Reserves (LNR) (2km).

2.4 Non-statutory designated wildlife sites were searched for within 2km of the site and, within Devon, these may include:

[3] CIEEM (2016) Guidelines for Accessing and Using Biodiversity Data. Chartered Institute of Ecology & Environmental Management

[4] CIEEM (2017b) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology & Environmental Management

- County Wildlife Sites (CWS);
- Wildlife Sites for Wrexham (WSW);
- B-lines;
- Important Invertebrate Areas (IIA).

2.5 Notable habitats were searched for within 250m of the site. Notable habitats may include those listed under any of the following:

- Ancient woodland;
- Main rivers;
- Habitats of principal importance (HPI) as listed by the requirements of Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006[5]; and
- Local Biodiversity Action Plan Habitats (LBAP).

2.6 Pre-existing records for notable species were reviewed from the combined data sources, where found from within approximately 2km of the site. Notable species include those listed under any of the following:

- Protected animal species under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (EPS);
- Species of principal importance (SPI) as listed in Section 7 of the Environment (Wales) 2016 Act;
- 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);

[5] Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

- Invasive non-native species under the Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
- Species of principal importance (SPI) as listed by the requirements of S41 of NERC;
- Protection of Badgers Act 1992 (PBA);
- Red and Amber listed Birds of Conservation Concern - Wales (WBRd/WBAm) [6];
- Welsh Government Nature Recovery Action Plan (NRAP) (Updated 2021)[7];
- Wild Mammals (Protection) Act (WMPA) 1996[8];
- Planning Policy Wales 2024[9];
- Government Circular 06/2005[10]; and
- Regional Nature Recovery Action Plan (NRAP).

Limitations

2.7 Species records can provide a useful indication of the species present within the search area, although the absence of a given species from the dataset cannot be taken to represent actual absence.

Habitats and Flora

Habitat Survey

2.8 An extended UK habitat survey was completed by an ecologist, certified to Level 4 under the Field Identification Skills Certification. The survey was completed on 12th March 2025. The survey was carried out in accordance with the UK Habitat Classification (UKHab) assessment method and

[6] *Birds of Conservation Concern Wales 4: the population status of birds in Wales | BTO - British Trust for Ornithology* [Access April 2024)

[7] NRAP *https://www.gov.wales/sites/default/files/publications/2020-10/nature-recovery-action-plan-wales-2020-2021.pdf* (Access January 2024)

[8] Wild Mammals (Protection) Act 1996 c.3 *https://www.legislation.gov.uk/ukpga/1996/3*

[9] Planning Policy Wales 2024 *https://www.gov.wales/sites/default/files/publications/2024-02/planning-policy-wales-edition-12_1.pdf*

[10] Office of the Deputy Prime Minister (2005) 'Government Circular: Geological and Biological Conservation – Statutory obligations and their implications within the planning system' ODPM circular 06/2005, DEFRA circular 01/2005 *https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf*

Guidelines for Ecological Appraisal (CIEEM, 2017b). The method records the habitat types present, within the survey route, based on the UKHab descriptions. Plant species were identified in accordance with the New Flora of the British Isles (Stace, 2019[11]) and recorded as target notes using the DAFOR[12] scale, where relevant.

2.9 The survey was expanded to include off-site habitats adjacent to the site in order to provide context. Adjacent habitats were viewed from accessible locations within the site boundary. Habitats are displayed with the site boundary on Drawing G10944.008.

Limitations

2.10 Any ecological survey represents a snapshot of ecological conditions at the time of survey; ecological conditions may change over time. Efforts to identify dominant plant species for the purposes of characterising broad habitat types do not constitute a detailed botanical survey.

2.11 The walkover habitat assessment was undertaken outside the recommended UKHab habitat survey season of mid-April to mid-October. The UKHab assessment methodology has been followed, however the survey is referred to as a walkover habitat assessment due to this constraint. Survey outside of the optimum season can constrain the number and diversity of plant species recorded and identification of protected or invasive alien species. Due to the limited habitat diversity identified within the site and its small size, the seasonality of the survey is not considered to be a significant constraint.

Fauna

2.12 Ordnance Survey maps and aerials were reviewed to identify potentially suitable habitats offsite within influence (e.g. dispersal distances for mobile species) of the site. The Ecological Desk Study identified any pre-existing records for protected and notable species within at least 1km of the site.

2.13 The habitat survey included an extended assessment of the habitats present for their potential to support notable or protected wildlife species, as described at paragraph 2.6. Any signs indicating the presence of these species were recorded.

11

12

2.14 In combination, this data informed the ecological evaluation of the site and impact assessment for the proposed development.

Limitations

2.15 All surveys were completed within appropriate seasons over appropriate periods in accordance with industry standards for the specific survey. Nevertheless, the surveys will only identify habitats present within the site at the time of surveys. Additionally, the species investigated are mobile and will move into and out of areas over time. For these reasons, a precautionary approach has been taken in the prediction of impacts. Where there is any doubt, except where specifically noted, species are assumed to be present, and the impact assessment assumes a higher level of significance (within the spectrum of possible significance).

2.16 Constraints or limitations upon survey methods or interpretation of survey findings are discussed in the relevant Ecological Technical Report.

Badgers

2.17 [redacted] During the survey, signs of use of the Site by badger were searched for. The standard methodology as recommended by Harris, Cresswell and Jefferies (1989)[13] was followed to complete a thorough search for evidence which would indicate the presence of badgers both on the Site and locally. Evidence of badger occupation and activity includes:

- Setts: including earth mounds, evidence of bedding and runways between setts;
- Latrines: often located close to setts, at territory boundaries or adjacent to favoured feeding areas;
- Prints and paths or trackways;
- Hairs caught on rough wood or fencing;
- Other evidence: including snuffle holes, feeding and playing areas and scratching posts.

2.18 Badgers are active all year round, so a survey can be carried out at any time of year but, depending upon the level of vegetation, are often best surveyed over the winter months when the vegetation has died back. There were no limitations during this survey.

[13] Harris S, Cresswell P and Jefferies D (1989). Surveying Badgers. Mammal Society.

Ecological Assessment Process

2.19 This EcIA follows the published guidelines (CIEEM, 2018) and accepted best practice approach (BS42020:2013[14]) of the mitigation hierarchy whereby impacts are first avoided or, where this is not possible, reduced or mitigated or, as a last resort, compensated.

2.20 In summary, the following procedure was undertaken during this EcIA:

- Describe the baseline and identify important ecological features;
- Describe important ecological features and identify those which may potentially be affected by the site;
- Identify potential impacts upon important ecological features and characterise the effect of such impacts (in respect of biophysical changes and taking account of relevant aspects of ecosystem structure or function);
- Incorporate measures to avoid or reduce these effects;
- Determine whether residual ecological effects are considered significant after avoidance or mitigation;
- Identify appropriate compensation measures to offset significant residual effects; and
- Identify opportunities for ecological enhancement.

2.21 Important ecological features are identified and valued, ecological impacts are characterised and assessed, and recommendations for appropriate mitigation, compensation and enhancement are made, in accordance with CIEEM guidance.

2.22 BS42020:2013 defines a significant effect as one "which is important, notable, or of consequence, having regard to its context." CIEEM describes significance as "a concept related to the weight that should be attached to effects when decisions are made." CIEEM defines an ecological effect as significant if it is "sufficiently important to require assessment and reporting so that the decision maker is adequately informed of the environmental consequences of permitting a project."

[14] British Standards Institution (2013) BS 42020:2013: Biodiversity — Code of practice for planning and development. BSI Standards Limited, London

2.23 BS42020:2013 sets out a practical approach to determining the significance of an ecological effect, applicable at all levels of decision making in legal and policy terms, as follows:

- will the effect on biodiversity influence the balance of planning considerations and therefore the decision as to whether planning permission is likely to be refused or granted; and
- if planning permission is granted, is the effect important enough to warrant the use of planning conditions and/or obligations to guarantee proposed measures or to impose restrictions, or to seek further requirements (e.g. for mitigation, compensation, enhancement, monitoring or management).

2.24 Significance is therefore assessed on a case-specific basis according to the importance of the ecological feature (wildlife site, habitat or species) within the conservation hierarchy, and the effect upon it.

Assumptions

2.25 Information provided by third parties, including publicly available information, is assumed to be correct at the time of publication.

3.0 Results

Planning Context

3.1 The Planning Policy Wales 12 (PPW 12) delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities' development plans. Chapter 6 contains the key policies relating to nature conservation and biodiversity.

3.2 PPW 12 (para 6.4.11) advises that planning authorities must follow a step - wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.

3.3 Relevant information regarding local planning policy is provided in the Ecological Desk Study (TEP Ref 10204.001) in Appendix A.

3.4 The Wrexham Unitary Development Plan 1996 – 2011 (Adopted 14th February 2005) included the following policies which relate to biodiversity and nature conservation:

- Policy PS11 – Biodiversity
- Policy GDP1 – Development Objectives
- Policy EC1 - Green barriers
- Policy EC4 - Hedgerows, Trees and Woodland
- Policy EC6 - Biodiversity Conservation

3.5 The County Borough Council adopted a new Local Development Plan (LDP) in December 2023. 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; and
- Policy NE6 - Waste Water Treatment and River Water Quality.

3.6 The site and adjacent land is not allocated for biodiversity purposes. Under either of these plans.

Local Planning Guidance Notes

3.7 The Councils Local Planning Guidance Notes can be viewed at the following link: *https://www.wrexham.gov.uk/service/development-plans-and-other-planning-policy/local-planning-guidance-notes*

Wildlife Sites

National Sites Network

3.8 Full details regarding designated sites are provided within the Ecological Desk Study (TEP Ref 10944.001).

3.9 There are four sites within the National Sites Network located within 10km of the site. These are:

- River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC, which is located approximately 2.5km east of the site and is primarily designated for its water courses of plain to montane levels with *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation, and for supporting floating water plantain *Luronium natans*, and Atlantic salmon *Salmo salar*;
- Midland Meres and Mosses Phase 2 Ramsar (designated in both England and Wales), which is located approximately 4.6km northwest of the site and is designated for supporting a diverse range of habitats and rare plant and insect species; and
- Johnstown Newt Sites SAC (designated in Wales only), which is located approximately 8.8km west of the site and is designated for its great crested newt *Triturus cristatus* population.

Other Statutory Wildlife Sites

3.10 There are four SSSIs within the National Sites Network located within 5km of the site. These are:

- Afon Dyfrdwy (River Dee) SSSI (Wales), which is located approximately 1.7km east of the site and is of interest for its range of river habitat types, saltmarsh transition habitats and populations of notable species including plants, fish, aquatic invertebrates and otter *Lutra lutra*;

- River Dee (England) SSSI (England), which is located approximately 1.7km east of the site and is designated for its nationally important transition through a range of river types and the presence of Atlantic salmon, otter and club-tailed dragonfly *Gomphus vulgatissimus*;
- Vicarage Moss SSSI (Wales), which is located approximately 4.6km northwest of the site and is of botanical interest; and
- Dee Cliffs, Farndon SSSI (England), which is located approximately 4km northeast of the site and is of geological interest only, excluding it from further consideration.

3.11 SSSI Impact Risk Zones (IRZ) highlight the potential for effects on a SSSI if certain types of development are planned within a specified radius of it. The site falls within two IRZ, however the proposals do not meet any of the risk parameters identified for this IRZ.

Local Wildlife Sites

3.12 There are two non-statutory local wildlife sites identified within 2km of the site. These are:

- Wrexham Industrial Estate (WSW), which is located approximately 0.7km southwest of the site and is designated for its habitats, including species-rich grasslands and ancient broadleaved woodland; and
- Oatlands Meadow (WSW), located approximately 1.5km east and is designated for its wildflower meadows.

Other Wildlife Designations / Consultation Zones

3.13 The site lies within the Cymru B-line[15], which is classified by Buglife as a stronghold for rare species such as the shrill carder bee *Bombus sylvarum*.

3.14 The site also lies 1.4km east from an Important Invertebrate area (IIA)[16]. The Northeast Wales IIA encompasses vast areas of contrasting upland and lowland habitats in Powys, Denbighshire, Wrexham, Shropshire and Cheshire along the route of the River Dee/Afon Dyfrdwy. These are places that are home to nationally or internationally significant invertebrate populations and their habitats. They include diverse species from beetles and moths to freshwater shrimps and woodlice, and habitats from the shoreline, along rivers and to the uplands.

[15] Buglife [Online]. B-Lines Cymru. *https://www.buglife.org.uk/our-work/b-lines/b-lines-wales/* [Accessed: 04/02/2025].

[16] *https://www.buglife.org.uk/our-work/important-invertebrate-areas/* (Accessed February 2025)

Habitats and Flora

Pre-existing Data

3.15 The Desk Study identified the following notable habitats adjacent to the site:

- A Statutory Main River and runs approximately northeast of the site.

3.16 No records of protected, notable or non-native invasive flora were returned within the site.

3.17 Flora records returned within 2km of the site as follows:

- Protected and notable species: Bluebell Hyacinthoides non-scripta & Pennyroyal Mentha pulegium;

3.18 Habitats of ecological value present in and around the site are described below and illustrated in Drawing G10944.008. Target notes (TN) and photographs illustrative of the habitat/feature described are provided in Appendix A.

Grasslands

Cropland (c1)

3.19 North of the site (Field 1) is a square open flat arable field which was previously managed for wheat crop which dominates the field, but is currently fallow ,with patches of occasional broad-leaved doc *Rumex obtusifolius* and nettle *Urtica dioica*.

Neutral grassland (g3c)

3.20 South of the site (Field 2) is an unmanaged neutral grassland field comprising of red fescue *Festuca rubra*, Yorkshire fog *Holcus lanatus* and creeping bent *Agrostis stolonifera.* A dominant area of soft rush *Juncus effusus* is present central to the field where areas of wet flush depressions are present, which then becomes occasional throughout. Other species present include Meadow buttercup *Ranunculus acris*, common sorrel *Rumex acetosa* and broad-leaved doc *Rumex obtusifolius*.

Native hedgerows with trees / scattered trees

Hedgerows with trees (h2a.11)

3.21 The whole of the site is bounded by native hedgerows with trees. The hedges are dominated by blackthorn *Prunus spinosa* with the occasional hawthorn *Crataegus monogyna.* The roadside hedgerows are heavily managed and cut back, with the remainder of the boundary hedgerows left unmanaged in comparison .

3.22 Numerous trees are present around the site within the hedgerows, tree species ranged from oak sp. *Quercus sp*. and ash *Fraxinus excelsior* with all trees on site are being semi mature - mature in age.

Scattered trees

3.23 Two dead trees are located within the southern field in P2 from where the pond has overflown. Some further trees of hawthorn species are present around the western edge of P3.

Wetland

Ponds (rlg.40)

3.24 Three ponds are present within the site, the first being to the north (grid ref: SJ 39604 50550), within the centre of the field lies a small circular pond approx. 213 m2 which slopes into the field. No water vegetation present, pond side vegetation is dominated by great reedmace *Typha latifoli* with areas of soft rush *Juncus effusus* around the circumference of the pond.

3.25 The second field to the south hosts two ponds. The first being to the southwest boundary (grid ref: SJ 39626 50027), the pond measures approx. 813m2 and is square in shape. Marginal vegetation is present of great reedmace and soft rush. Two dead trees and a fence lie within the water on the eastern side where the pond has topped over. The western side is heavily shaded as the pond backs into trees along the boundary line. A redundant ditch lies north of the pond which is dominated by soft rush. No water vegetation present.

3.26 To the southeast of the field lies a medium sized pond approx. 557m2 (grid ref: SJ 39727 49883), which is heavily overtaken by great reedmace within the centre with soft rush and water forget-me-not *Myosotis scorpioides* bordering the pond to the east. An open area of water lies to the west which is bounded by hawthorn trees making this area heavily shaded. The location offers

good terrestrial habitat for amphibians. Waterfowl in low numbers was present at all three ponds during the habitat walkover.

Notable or Invasive Flora

3.27 No evidence of any invasive or protected plant species was identified on site.

Habitat Connectivity

3.28 The site has good habitat connectivity to additional agricultural fields and ponds to the north, east and south. Connectivity to the west of the site is limited by Wrexham Industrial Estate. However, a green corridor is located here. Fields 1 and 2 are dived by a field which is currently being created into a great crested newt mitigation site, as part of third partry scheme.

Fauna

3.29 The potential for the site to support legally protected and notable species has been assessed using the results of the desk study and observations of habitats within and immediately surrounding the site made during the site survey. The habitats present within the site provide some suitability for the following species:

- Amphibians;
- Badger;
- Bats;
- Birds; and
- Hedgehog.

3.30 This site does not provide suitable habitat for other protected or notable species beyond those listed above and as such these will not be considered further in this assessment.

3.31 Further consideration is given below to the likelihood for these species to be present within the site.

Amphibians

3.32 Records of great crested newt *Triturus cristatus* (EPS, WCA5 , S7 , LBAP) and common toad *Bufo bufo* (S7), smooth newt *Lissotriton vulgaris,* palmate newt *Lissotriton Helvetica* and common frog *Rana temporaria* were returned within the 2 km desk study search.

3.33 The closest record of great crested newt is approximately 0.1 km to the east of Field 2.

3.34 There are three onsite ponds and 35 ponds within 500 m of the site. P1 has tested positive for GCN in spring 2024.

3.35 The onsite ponds, grassland and hedgerow habitats within the site provide suitable habitat for breeding, foraging and ranging amphibians. The root balls of hedgerows and scattered trees provide suitable habitat for hibernating amphibians.

3.36 There is good terrestrial connectivity between this site and the ponds to the north, east and south where breeding great crested newts are known to be present.

3.37 Great crested newt are known to be present in the area and have been recorded within 250m of the site.

Badger

3.38 [redacted]

3.39 The interconnecting grassland within the site provides suitable foraging and ranging habitat for badger connectivity in the wider area. The hedgerows with trees which are present on all of the site's boundaries provide potential suitable cover for sett excavation for badger.

3.40 Mammal paths were sighted during the extended habitat walkover, but no evidence of badger was recorded.

Bats

3.41 Records of numerous species of bat (Myotis genus could include multiple species) were returned within the data search from within 2km of the site:

- Brandt's Bat Myotis brandtii
- Brown long-eared bat *Plecotus auritus* (EPS (Sch2), S7, WCA5);
- Common pipistrelle *Pipistrellus pipistrellus* (EPS (Sch2), S7, WCA5);
- Daubenton's Bat *Myotis daubentoniid* (EPS (Sch2), WCA5)*;*
- Lesser Horseshoe Bat *Rhinolophus hipposideros* (EPS (Sch2), BAP, LBAP-W, S7, WCA5)
- Myotis species;
- Natterer's Bat *Myotis nattereri* (EPS (Sch2), WCA5)

- Noctule *Nyctalus noctule* (EPS (Sch2), S7, WCA5)*;*
- Soprano pipistrelle *Pipistrellus pygmaeus* (EPS (Sch2), S7, WCA5); and
- Whiskered/Brandt's Bat *Myotis mystacinus/brandtii* (EPS (Sch2), WCA5)

3.42 The following bats have been recorded 250m to the site:

- Brown Long-eared Bat – 1 record
- Common Pipistrelle – 1 record
- Daubenton's Bat – 1 record
- Lesser Horseshoe Bat– 1 record
- Natterer's Bat – 1 record
- Noctule Bat – 1 record
- Soprano Pipistrelle – 1 record
- Whiskered/Brandt's Bat – 1 record

3.43 The site is bordered by hedgerows and trees on all sides which provide suitable foraging and commuting habitat for bats allowing for connectivity to the wider landscape to the north, east and south were further fields lie. A green corridor is also present that runs from the north to the northwest of the site.

3.44 Three ponds are located within the site (one at Field 1 and two at Field 2) which will provide a good food source for foraging bats.

Birds

3.45 The desk study identified records of the following Schedule 1 bird species within 2km of the site.

- Barn owl *Tyto alba* (WCA1.1);
- Brambling *Fringilla montifringilla* (WCA1.1, BAm);
- Cetti's Warbler *Cettia cetti* (WCA1.1);
- Fieldfare *Turdus pilaris* (WCA1.1, BAm);
- Green Sandpiper *Tringa ochropus* (WCA1.1, BAm);
- Greylag goose *Anser anser* (WCA1.2, BAm)
- Hobby *Falco Subbuteo* (WCA1.1); and

- Kingfisher *Alcedo atthis* (WCA1.1).

3.46 One record of barn owl has been recorded 250m to site. The neutral grassland, pond side vegetation and boundary hedgerow with trees provide opportunities for common foraging and nesting bird species. Eight bird species were recorded during the extended habitat survey.

Hedgehog

3.47 The desk study identified two records of hedgehog *Erinaceus europaeus* within 2km of the site. No evidence of hedgehog was identified on site during the survey.

3.48 Hedgehogs occupy a range of lowland habitat with enough cover to allow nesting. They are common in parks in urban and suburban environments, farmland and gardens. The grassland on site provides opportunities for hedgehog foraging, and the hedgerows on site may also provide opportunities for refuge and hibernation.

4.0 Assessment of Potential Impacts

4.1 This section assesses the potential impacts on ecological features associated with the site described in Section 1.0.

4.2 Consideration is given to the 'mitigation hierarchy,' i.e. that impacts are first avoided or where this is not practicable, mitigated and as a final resort, compensated (off-set).

Wildlife Sites

National Sites Network

4.3 River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC is designated for its water courses of plain to montane levels. Given the distance between this designation and the site (2.5 km), no impacts to this internationally designated site are anticipated from the proposals.

4.4 Midland Meres and Mosses Phase 2 Ramsar is located approximately 4.6km from the site and is designated for supporting a diverse range of habitats and rare plant and insect species. Given the distance between this designation and the works proposed on the site, no impacts to this designated site are anticipated.

4.5 Johnstown Newt Sites SAC is designated for its great crested newt Triturus cristatus population. Given the distance between this designation and the site (8.8 km), no impacts to this internationally designated site are anticipated from the proposals.

Other Statutory Wildlife Sites

4.6 Afon Dyfrdwy (River Dee) SSSI (Wales) & River Dee (England) SSSI (England) is located approximately 1.7km from the site and is of interest for its range of river and saltmarsh transition habitat types and populations of notable aquatic species. Given the nature of the proposals, no impacts to this designated site are anticipated.

4.7 Vicarage Moss SSSI (Wales), which is located approximately 4.6km northwest of the site and is of botanical interest. Given the distance between this designation and the works proposed on the site, no impacts to this designated site are anticipated.

Local Wildlife Sites

4.8 LWS are non-statutory designations made by local authorities under the Town and Country Planning system and are a material consideration when planning applications are being determined.

4.9 Wrexham Industrial Estate (WSW) & Oatlands Meadow (WSW) are designated for their habitats, including species-rich grasslands and ancient broadleaved woodland and wildflower meadows. Given the nature of the proposals, no impacts are anticipated on these non-statutory wildlife sites.

Other Wildlife Designations

4.10 The site lies within the Cymru B-line, which is classified by Buglife as a stronghold for rare species and lies 1.4km from an Important Invertebrate area (IIA) which are places that are home to nationally or internationally significant invertebrate populations and their habitats. Given the nature of the proposals, no impacts to this other wildlife designations are anticipated.

Habitats and Flora

Other Habitats

Grasslands

4.11 The development proposals will require the permanent loss to some of the grassland habitats within the site to facilitate the implementation of new ponds and habitat creation within the site.

Hedgerows with trees / scattered trees

4.12 Numerous trees are present around the site within the boundary hedgerows with some scattered trees present around the ponds. These habitats are to remain within the scope of the works as such no implications are anticipated with these habitats within the site. Appropriate tree protection measures will need to be put in place to ensure an adequate habitat buffer from retained trees is maintained from the proposed development during construction.

Wetlands

4.13 The ponds within the site offer good habitat for wildlife within the area, plans for these habitats are to remain within the scope of the works and to be further enhanced within the proposals.

Fauna

Amphibians

4.14 Waterbodies within 250m of the site provide suitable breeding and terrestrial habitats for GCN. GCN will utilise terrestrial habitats for foraging, ranging and hibernation; they will typically range into suitable terrestrial habitats up to 250m of a breeding pond, although may range as far as 500m from a breeding pond. Therefore, there are potential minimal implications for the proposed development with regards to GCN.

4.15 Common toad will travel substantial distances to reach historic breeding ponds, it is possible that commuting/foraging toad will be present on site. Loss of suitable terrestrial habitat has the potential to kill/injure common amphibians during construction. As such there will be implications for the proposed development with regard to common toad and other amphibian species

Badger

4.16 The boundary hedgerows on site provides suitable cover for sett excavation and the interconnecting grassland within the site provides suitable foraging and ranging habitat for badger connectivity in the wider area.

4.17 No signs of badger were found during the site visit as such there are no current implications with regard to badger as a result of the development. However, as badgers are a highly mobile species and are known to be in the wider area, further survey may be required dependent on timescales.

Bats

4.18 No impacts to roosting bats are anticipated to arise from the development proposals, all suitable bat habitat features such as trees, hedgerows and ponds are to be retained with the plans for the site to be further enhanced for foraging bats with the implementation of further ponds within the site. As such it is considered that no implications with regard to bats are anticipated from the proposed development and will not be discussed any further within the report.

Birds

4.19 There is a risk of damage or destroying a nest if tree felling or lopping or vegetation clearance is carried out in the nesting period (generally considered to be between March to August inclusive,

although geographical position of the site will influence this period, and some species nest also commonly nest outside this period).

4.20 The habitats within the site, including the grassland, pondside vegetation and hedgerows with trees, provide potential to support foraging and nesting birds. There may be implications with regards to nesting birds. If any vegetation clearance is proposed during the nesting period.

Hedgehog

4.21 The habitats within the site provide potential sheltering, hibernating foraging and ranging habitat for hedgehog. There will be implications for the proposed development with regards to hedgehogs.

5.0 Mitigation and Enhancement

5.1 This section describes appropriate and proportionate measures for impact avoidance, mitigation and enhancement required or recommended to address the potential ecological effects described in Section 4.0.

Habitats and Flora

Other Habitats

Avoidance and Mitigation Required

5.2 Any grassland required for removal and current ponds in need of management, ecological clerk of works (ECoW) should be adopted to minimise the risk of harm or injury to amphibians during site clearance works.

5.3 All retained trees within and adjacent to the site should be suitably protected in accordance with BS5837:2012, to ensure no damage to the canopy or root zone during site clearance and construction works. A Root Protection Zone (RPZ) should be implemented around retained trees on site.

Enhancement Recommended

5.4 Further enhancement is already in the proposed scope of works with the site is being created as a mitigation area for wildlife, which will create opportunities for flora and wildlife to flourish within in the site.

Fauna

Amphibians

5.5 Great crested newts are a European Protected Species under The Conservation of Habitats and Species Regulations 2017 and are afforded protection under Schedule 5 of the Wildlife and Countryside Act 1981. Common toad is a species of principal importance under Section 7 of the Environment (Wales) Act 2016.

Great crested newts

Further survey, Avoidance and Mitigation Required

5.6 Environmental DNA survey of P2 & P3 on the site will be required and the results from this survey will be updated in this report following receipt of these. Given that GCN are known to be present at P1 and in the surrounding area, development will need to commence under a Natural Resource Wales mitigation licence. If GCN are confirmed data will be released to the local record centre..

Avoidance and Mitigation Required

Common Amphibians

5.7 Precautionary working measures should be adopted to minimise the risk of harm or injury to common amphibians during site clearance, vegetation clearance and any construction works. The PWMS will set out the working methods that will need to be adhered to avoid impacts on any amphibians that may be encountered during the works to ensure no harm or injury. Ecological clerk of works (ECoW) should be adopted to minimise the risk of harm or injury to amphibians during site clearance works.

Additional Measures or Enhancement Recommended

5.8 The site is being created as a mitigation area for amphibians, as such amphibian refugia such as hibernacula's and the implementation of new ponds will further enhance the opportunities for breeding amphibians in the area.

Badger

5.9 Badgers are protected under the Protection of Badgers Act 1992[17] from killing, injury and certain acts of cruelty. Their setts are also protected from damage, obstruction or destruction.

Further Survey and Assessment

5.10 It is recommended that if works have not commenced within six months of this report (i.e. September 2025) an updated badger survey will be required.

[17] Protection of Badgers Act 1992 c. 51 *https://www.legislation.gov.uk/ukpga/1992/51/*

Birds

5.11 Native nesting birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended) from damage and destruction, from the time of nest construction to fledging of the young.

Avoidance and Mitigation Required

5.12 Works should be completed outside of the nesting period (typically taken to be March to August inclusive). Where avoidance of the nesting period is not practicable, a nesting bird check must be carried out by an ecologist no more than 24 hours prior to the works, to confirm that no active nests are present. In the event that an active nest is identified, works within the surrounding area must halt until the chicks have fledged. The required radius of the exclusion area will depend on the species found nesting and the context of the nesting location.

Additional Measures or Enhancement Recommended

5.13 Any loss of nesting bird habitat should be mitigated through replacement of appropriate habitat in order to maintain or increase the amount of breeding and nesting habitat available to birds. This could include tree planting, scrub planting and/or the installation of nest boxes on the retained trees where possible.

Hedgehog

5.14 Hedgehogs are a species of principal importance under Section 7 of the Environment (Wales) Act 2016.

Avoidance and Mitigation Required

5.15 A hedgehog PWMS will be required to ensure that killing or injury of hedgehog that may be present is avoided during site clearance. This PWMS can be combined with the amphibian PWMS and will include methods to prevent entrapment of hedgehogs, including closure of excavations overnight and providing an escape route, as well as safe relocation of any hedgehogs found.

Annex A: Target Notes

Target Notes

The habitat survey was undertaken in March, which is a sub period. Many species, including protected, notable or non-native invasive species may not have been in evidence at the time of the survey. Consequently, species lists recorded represent only those species recorded at the time of survey.

KEY to DAFOR Scale of Abundance

Value	Cover	Notes
D = Dominant	>75%	Rarely used in practice
A = Abundant	51-75%	Very common in many parts of the target note area
F = Frequent	26%-50%	Several plants in several locations across target note area
O = Occasional	11-25%	Several plants in a few locations, or vice versa
R = Rare	1-10%	Small number of individuals, scattered or clustered within target note area/ site

Cropland (c1) - Large open flat arable field north of the site.

Tricitum aestivum	Wheat	D
Rumex obtusifolius	Broad-leaved Dock	O
Urtica dioica	Nettle	O
Jacobaea vulgaris	Common Ragwort	R



Hedgerows with trees (h2a.11) - The site is bounded by hedgerows with trees.

Prunus spinosa	Blackthorn	D
Fraxinus excelsior	Ash	F
Quercus sp.	Oak species	F

Crataegus monogyna	Hawthorn	O



Neutral grassland (g3c) - Unmanaged neutral grassland.

Festuca rubra	Red Fescue	D
Holcus lanatus	Yorkshire-fog	D
Agrostis stolonifera	Creeping Bent	A
Juncus effusus	Soft Rush	O
Ranunculus acris	Meadow Buttercup	O
Ranunculus repens	Creeping Buttercup	O
Rumex acetosa	Common Sorrel	O
Taraxacum officinale agg.	Dandelion	O
Rumex obtusifolius	Broad-leaved Dock	R



Pond (rlg.40) - Pond 1 north of the site, located within the centre of the field.

Typha latifolia	Greater Reedmace	D
Juncus effusus	Soft Rush	A



Pond (rlg.40) - Pond 2 is located on the southwest boundary, south of the site.

Typha latifolia	Greater Reedmace	A
Juncus effusus	Soft Rush	F



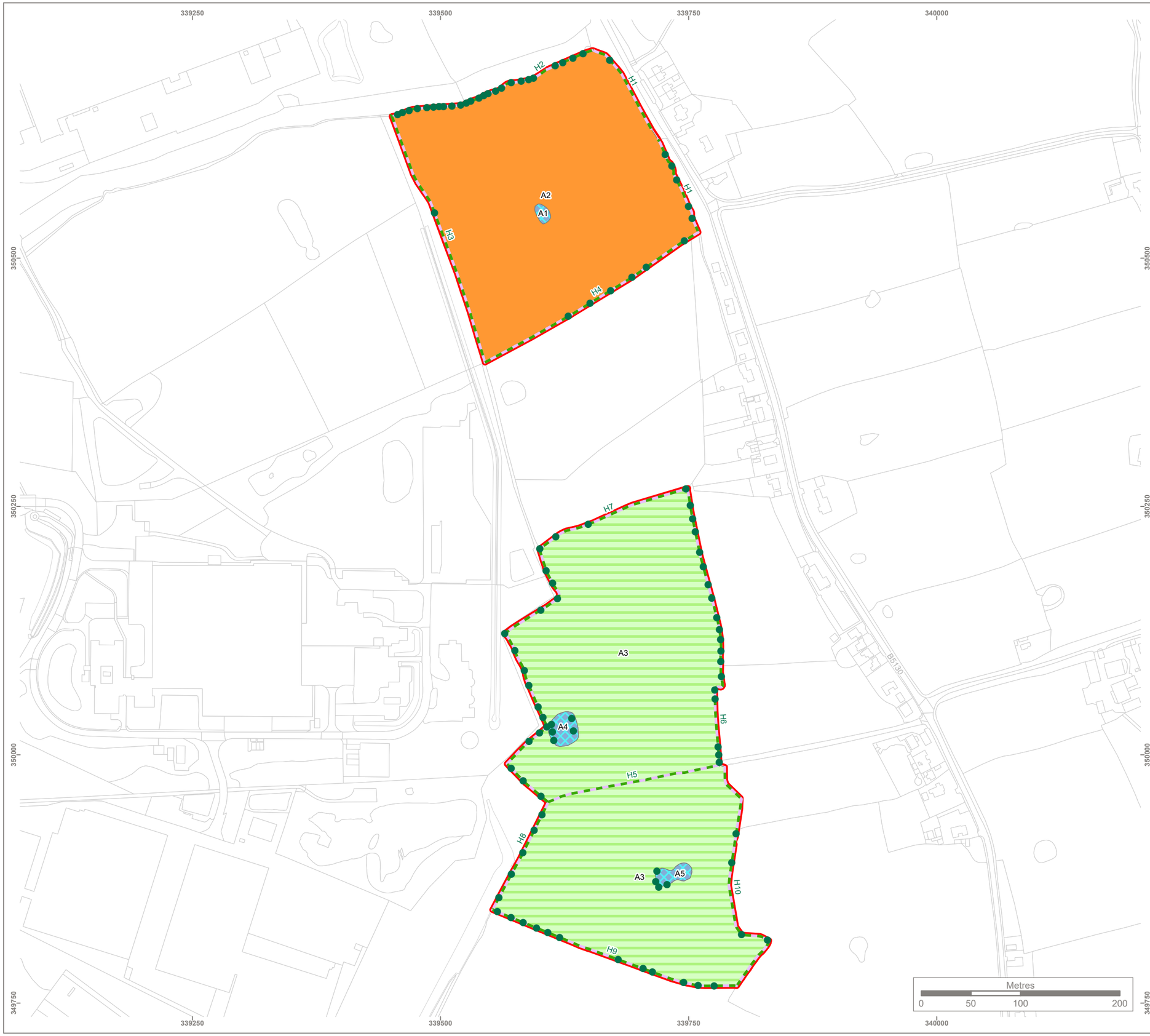
Pond (rlg.40) - Pond 3 is located southeast of the site.

Typha latifolia	Greater Reedmace	D
Juncus effusus	Soft Rush	A
Crataegus monogyna	Hawthorn	O
Myosotis scorpioides	Water Forget-me-not	O



Drawings

Drawing 1: UK Habitat Classification Survey (Ref G10944.008)

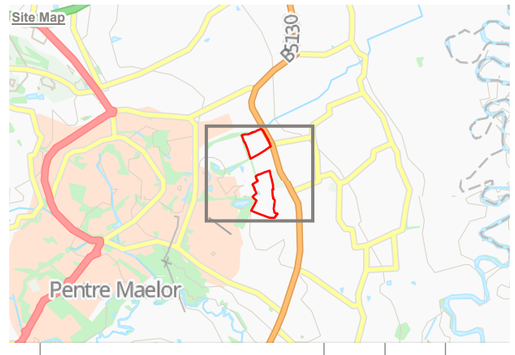


KEY

- Site boundary
- 200 Tree
- h2a Native hedgerow
- c Cropland
- g3c Other neutral grassland
- r1g Other standing water

Note:
The locations of habitats and habitat features are indicative.

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Rev	Description	Drawn	Approved	Date

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Project
Networld Mitigation Land, Wrexham

Title
UK Habitat Classification Survey

Drawing Number
G10944.008

Drawn	Checked	Approved	Scale	Date
IJ	BJ	HS	1:3,800 @ A3	13/03/2025

Annex B: Desktop

HEAD OFFICE	MARKET HARBOROUGH	GATESHEAD	LONDON	CORNWALL
WARRINGTON				
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Strategic Ecology Corridor - Land adjacent to B5130

Isycoed, Wrexham

Ecological Desk Study

Prepared For: Net World Sports Ltd

Document Reference: 10944.001

February 2025

Version 1.0

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Annex A: Key Ecological Legislation and National Policy

1.0 Introduction

1.1 The Environment Partnership (TEP) was commissioned by Mauna Kea Limited, a full owned subsidiary of Net World Sports Ltd in January 2025 to complete an Ecological Assessment (EcIA) for a site called Net World Mitigation Land in Isycoed, Wrexham. The proposal of the site is to act as a mitigation development for nearby developments.

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: 10944.002).

Site Location

1.4 The site (central grid reference SJ 39627 50490) is within the administrative area of Wrexham County Borough Council. Site comprises of arable fiends with further fields which surround the site. The B5130 road lies to the eastern boundary, Wrexham Industrial Estate is located approximately 600m west of the site and the city of Wrexham is located approximately 4km west (Figure 1).

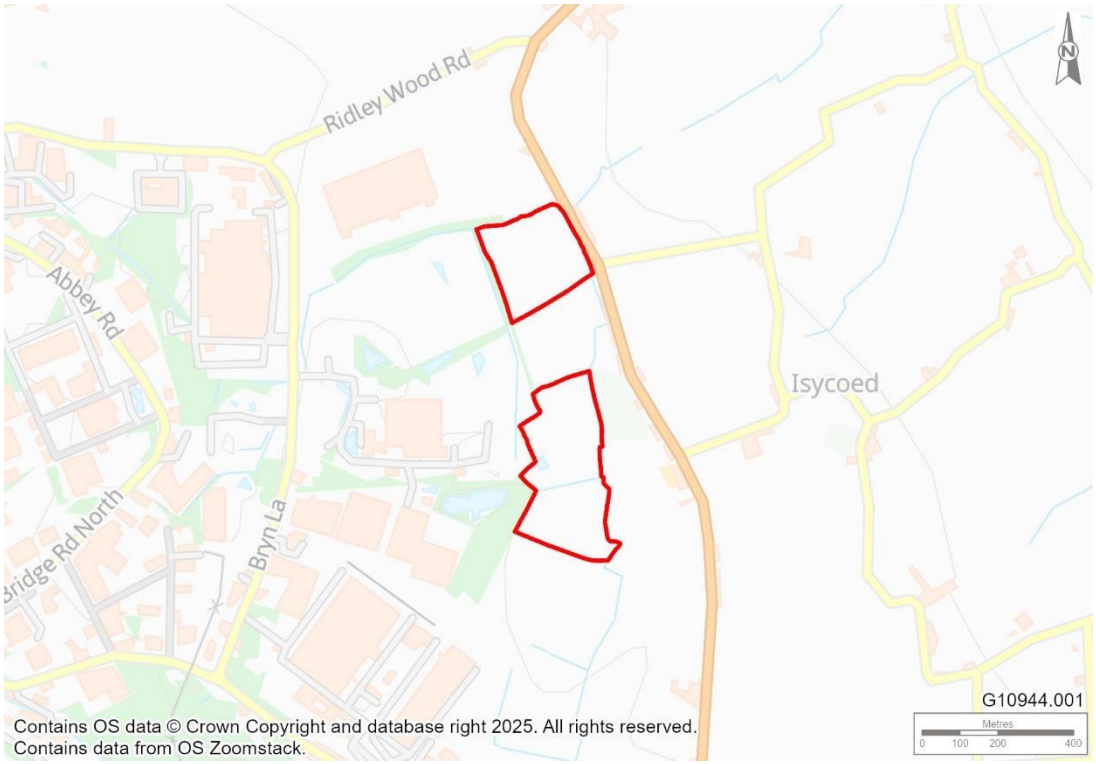


Figure 1: Site location and local context

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 10 full years (i.e. from 01/01/2015 to present) were obtained from COFNOD Local Record Centre in January 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;
- Red and Amber listed Birds of Conservation Concern (BRd/BAm);
- Red and Amber listed Birds of Conservation Concern in Wales (WBRd/WBAm); 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 2 (LDP2) 2013-2028 (adopted December 2023)[1] ▸ Local Development Plan Proposals Map 3 - Wrexham Industrial Estate[2] ▸ Local Development Plan Constraints Map 3 - Wrexham Industrial Estate [3] ▸ Welsh Government Nature recovery action plan (NRAP) (Updated 2021)	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] ▸ North Wales Environmental Information Service (COFNOD)[5] ▸ Wrexham Local Development Plan 2 (LPD2013-2028 (adopted December 2023) ▸ MAGIC Maps[6]	10km
▸ Sites of Special Scientific Interest (SSSI)		5km

[1] *Wrexham Local Development Plan 2 (LDP2) 2013 to 2028 | Wrexham County Borough Council*

[2] Wrexham County Borough Council (2023) [Online]. Proposals Map 2 - Wrexham City Centre. *https://wrexham-consult.objective.co.uk/file/6264588* [Accessed: 04/02/2025].

[3] Wrexham County Borough Council (2023) [Online]. Constraints Map 2 - Wrexham City Centre. *https://wrexham-consult.objective.co.uk/file/6264608* [Accessed: 04/02/2025].

[4] Public sector information

[5] *Cofnod - North Wales Environmental Information Service | Home*

[6] *MAGIC*

▸ National Nature Reserves (NNR) ▸ Marine Nature Reserves (MNR) ▸ National Parks		
▸ Local Nature Reserves (LNR) ▸ Country Parks ▸ Strategic Nature Areas		2km
Non-statutory wildlife sites (Chapter 5.0)		
▸ Wildlife Sites for Wrexham (WSW) ▸ B-lines ▸ Important Invertebrate Areas (IIA)	▸ COFNOD ▸ Wrexham Local Development Plan 2 (LDP2) 2013-2028 (adopted December 2023)	2km
Notable habitats (Chapter 6.0)		
▸ Ancient Woodland ▸ Habitats of principal importance ▸ Main rivers	▸ Natural Resources Wales[4] ▸ Environment Agency[4] ▸ Welsh Government Nature recovery action plan – Our Strategy for Nature 2015[7] ▸ Nature Recovery Action Plan 2020-21[8] ▸ 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 ▸ Natural Resources Wales (NRW)	2km

[7] https://www.gov.wales/sites/default/files/publications/2019-05/nature-recovery-action-plan-2015.pdf

[8] *Nature recovery action plan | GOV.WALES*

3.0 Legislation and Policy

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

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'[9] or 'Wetlands Convention');
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention[10]);
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention[11] or CMS)
- The Convention on Biological Diversity (Biodiversity Convention[12] or CBD)
- Conservation of Habitats and Species Regulations 2017[13] (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[14] (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981[15];
- Countryside and Rights of Way Act (CROW) 2000[16];
- Environment (Wales) Act 2016[17];
- Hedgerow Regulations 1997[18];

9 Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 https://www.ramsar.org/

10 Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 https://www.coe.int/

11 Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 https://www.cms.int/

12 Convention on Biological Diversity, Rio de Janeiro, June 1992https://www.cbd.int/

13 Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) https://www.legislation.gov.uk/uksi/2017/1012/

14 Conservation of Habitats and Species Regulations 2019 (SI 2019/579) https://www.legislation.gov.uk/uksi/2019/579/

15 Wildlife and Countryside Act 1981 c. 69 https://www.legislation.gov.uk/ukpga/1981/69/

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

17 Environment Wales. *Environment (Wales) Act 2016 Environment (Wales) Act 2016*

18 The Hedgerow Regulations 1997 (SI 1997/1167) https://www.legislation.gov.uk/uksi/1997/1160/

- Protection of Badgers Act (PBA)1992[19];
- Wild Mammals (Protection) Act (WMPA) 1996[20];
- Planning Policy Wales[21];
- Future Wales: The National Plan 2040[22]
- Government Circular 06/2005[23].

Local Planning Policy

Wrexham Unitary Development Plan 1996 – 2011 (Adopted 14th February 2005)

3.2 The current Local Plan is the Wrexham Unitary Development Plan 1996 – 2011 (Adopted 14th February 2005 This remains in place after the replacement local plan (Wrexham Local Development Plan 2 (LDP2) 2013 to 2028) was recently rejected at the Wrexham Borough Council Full Council in April 2023.

3.3 The plan falls into two parts. Part 1 is the strategy which outlines the Council's broad intention for development in the area and provides a framework for the more specific policies and proposals. It is chiefly concerned with a vision of how the area should develop for the benefit of local people, developers and visitors alike. It indicates the provision to be made for housing, employment and other major land uses.

3.4 Part 2 deals with the specific policies accompanied by reasoned justifications, which expand on the strategic vision for the County Borough and provide detailed guidance for the development and other use of land.

3.5 The following policies relate to biodiversity and nature conservation:

19 Protection of Badgers Act 1992 c. 51 https://www.legislation.gov.uk/ukpga/1992/51/

20 Wild Mammals (Protection) Act 1996 c.3 https://www.legislation.gov.uk/ukpga/1996/3

21 Planning Policy Wales (2024). *Planning Policy Wales - Edition 12*

22 Llywodraeth Cymru Welsh Government (2021). Future Wales: The National Plan 2040. https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf

23 Office of the Deputy Prime Minister (2005) 'Government Circular: Geological and Biological Conservation – Statutory obligations and their implications within the planning system' ODPM circular 06/2005, DEFRA circular 01/2005 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf

- Policy PS11 – Biodiversity
- Policy GDP1 – Development Objectives
- Policy EC1 - Green barriers
- Policy EC4 - Hedgerows, Trees and Woodland
- Policy EC6 - Biodiversity Conservation

3.6 The site and adjacent land are not allocated for biodiversity purposes.

Wrexham Local Development Plan 2 2013 – 2028 (Adopted 20th December 2023)

3.7 The Wrexham County Borough Council adopted a new Local Development Plan (LDP) in December 2023. 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; and
- Policy EC6: Biodiversity Conservation. Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

Local Planning Guidance Note No.32

3.8 This guidance note[24] is intended to raise the quality and profile of nature conservation, protected species and biodiversity issues when submitting and considering planning applications.

3.9 This note is one in a series of local planning guidance notes amplifying local development plan policies and reflecting national legislation. The guidance lists policies from the Wrexham Unitary Development Plan which have particular relevance to natural assets and the natural environment:

- Policy PS2 - Development must not materially detrimentally the quality of the natural environment.
- Policy PS11 - Encouragement will be given to proposals which improve the biodiversity value of sites.
- Policy EC4 - Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape.
- Policy EC6 - Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site.

3.10 The main area of focus are:

- Appropriate assessment of the site
- Avoidance of harm
- Mitigation, compensation and new benefits
- Monitoring, management and compliance

3.11 The guidance note also provides recommendations for mitigation and incorporating biodiversity into development and will be used as a material consideration in the determination of planning applications.

[24] Local Planning Guidance Note No. 32 *https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-32e.pdf* (Accessed November 2023)

4.0 Biodiversity Initiatives and Strategies

Wrexham Local Biodiversity Action Plan

4.1 The Local Biodiversity Action Plan (LBAP) for the Wrexham area is not available online. Any species listed in the Wrexham LBAP have been identified through the species records provided by COFNOD and are shown in section 7.0 of this report

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 (Wales)	Special Areas of Conservation (SAC)[25]	2.5km east
River Dee and Bala Lake (England)	Special Areas of Conservation (SAC)	2.5km east
Midland Meres & Mosses Phase 2 (Wales)	Ramsar[26]	4.6km northwest
Johnstown Newt Sites	Special Areas of Conservation (SAC)[27]	8.8km west
Statutory wildlife sites of national significance within 5km of the site (Figure 4)		
Afon Dyfrdwy	Site of Special Scientific Interest (SSSI)[28]	1.7km east
River Dee	Site of Special Scientific Interest (SSSI) [29]	1.7km east

[25] JNCC *River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid - Special Areas of Conservation*

[26] JNCC https://jncc.gov.uk/jncc-assets/RIS/UK11080.pdf

[27] JNCC *Johnstown Newt Sites - Special Areas of Conservation*

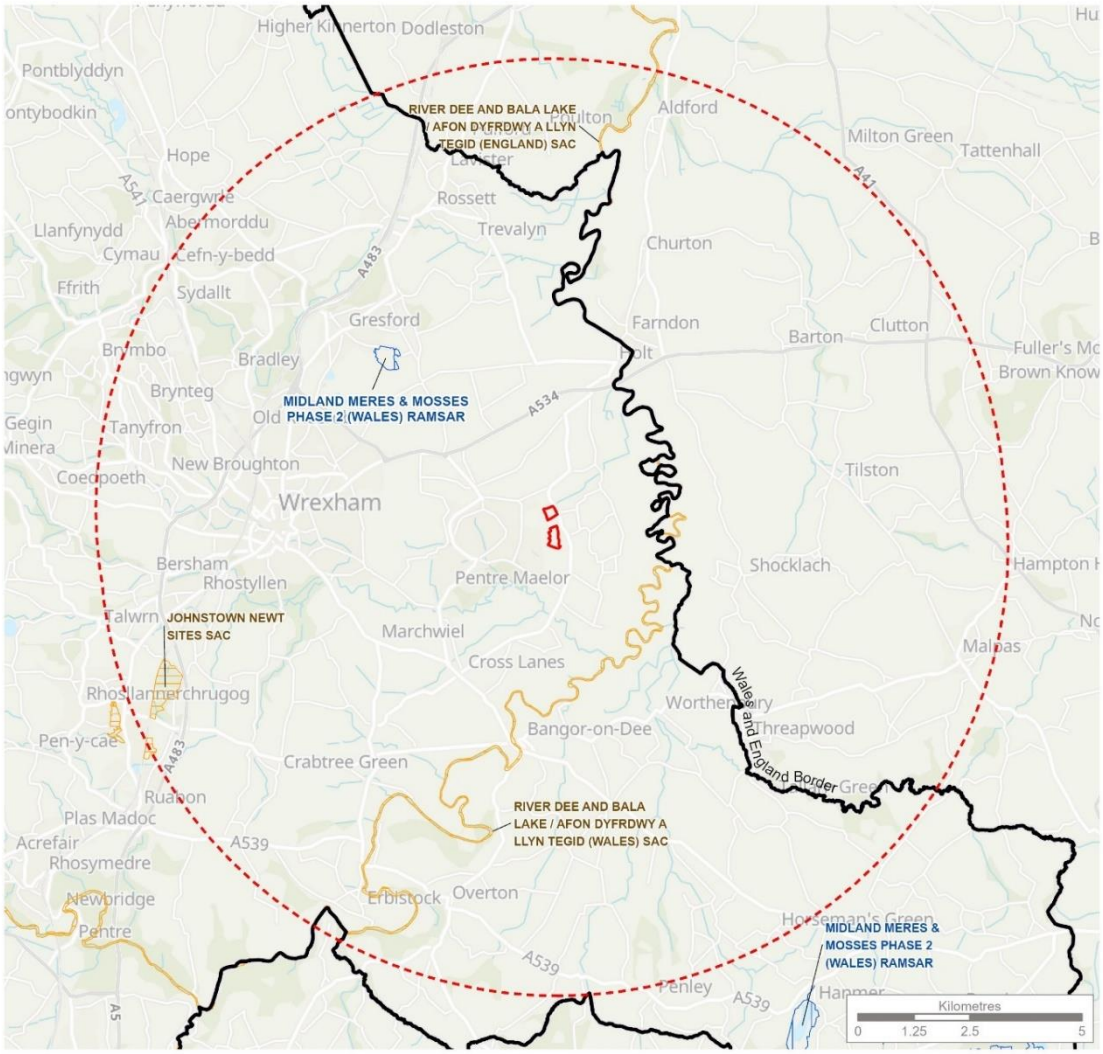
[28] Natural Resources Wales https://naturalresources.wales/media/677391/sssi_2554_citation_en001.pdf

[29] Natural England *SSSI detail*

Vicarage Moss	Site of Special Scientific Interest (SSSI)[30]	4.6km northwest
Dee Cliffs, Farndon	Site of Special Scientific Interest (SSSI)[31]	4km northeast
Statutory wildlife sites of local significance within 2km of the site (Figure 5)		
N/A	N/A	N/A

[30] Natural Resources Wales https://naturalresources.wales/media/658648/SSSI_1064_Citation_EN001b3ba.pdf

[31] Natural England *SSSI detail*



Key

- Site boundary
- Site boundary - 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)

THE ENVIRONMENT PARTNERSHIP
401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project: Networld Mitigation Land, Wrexham

Title: Internationally Designated Sites Within a 10km Buffer

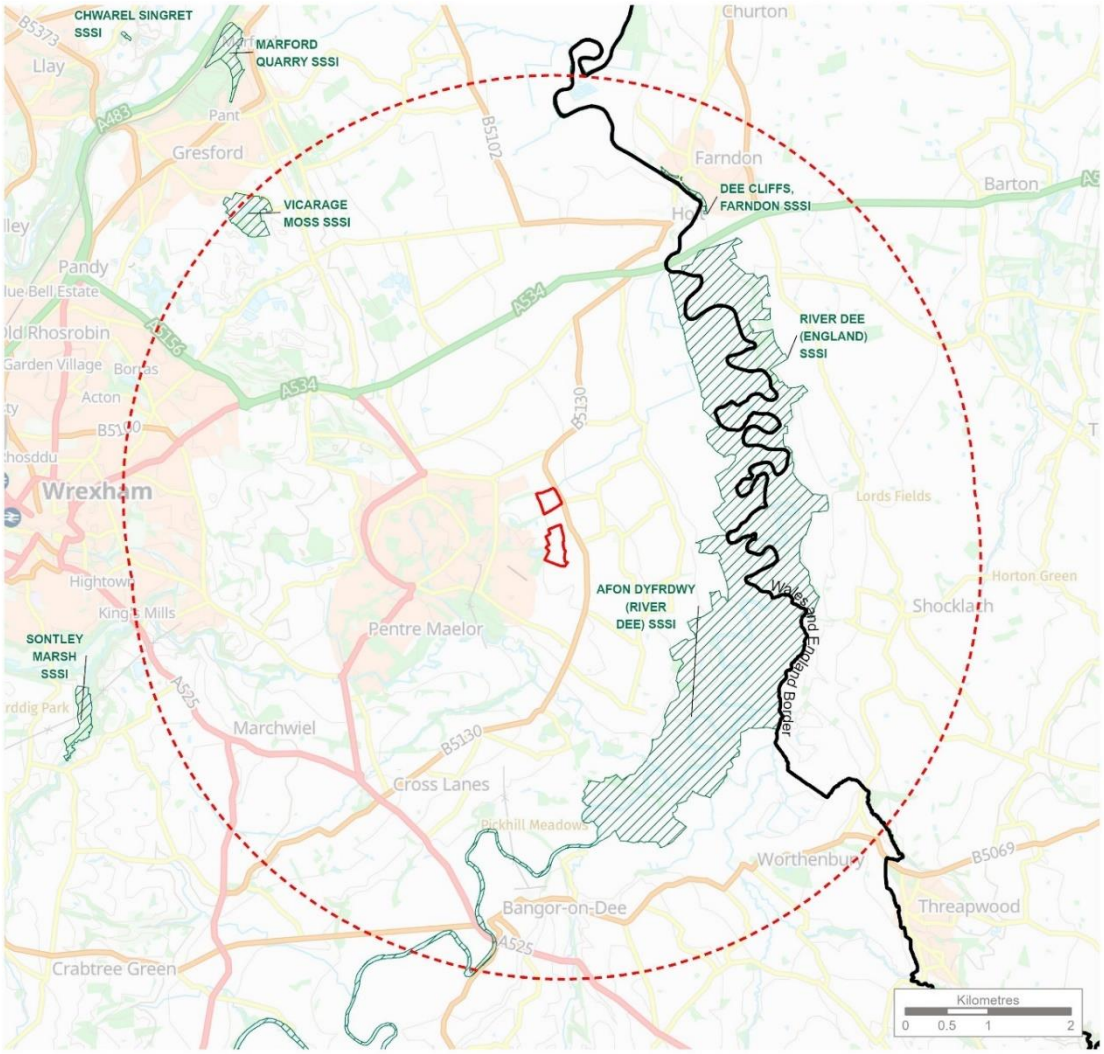
Drawing Number: G10944.003

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



Key

- Site boundary
- Site boundary - 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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Project: Networld Mitigation Land, Wrexham

Title: Nationally Designated Sites Within a 5km Buffer

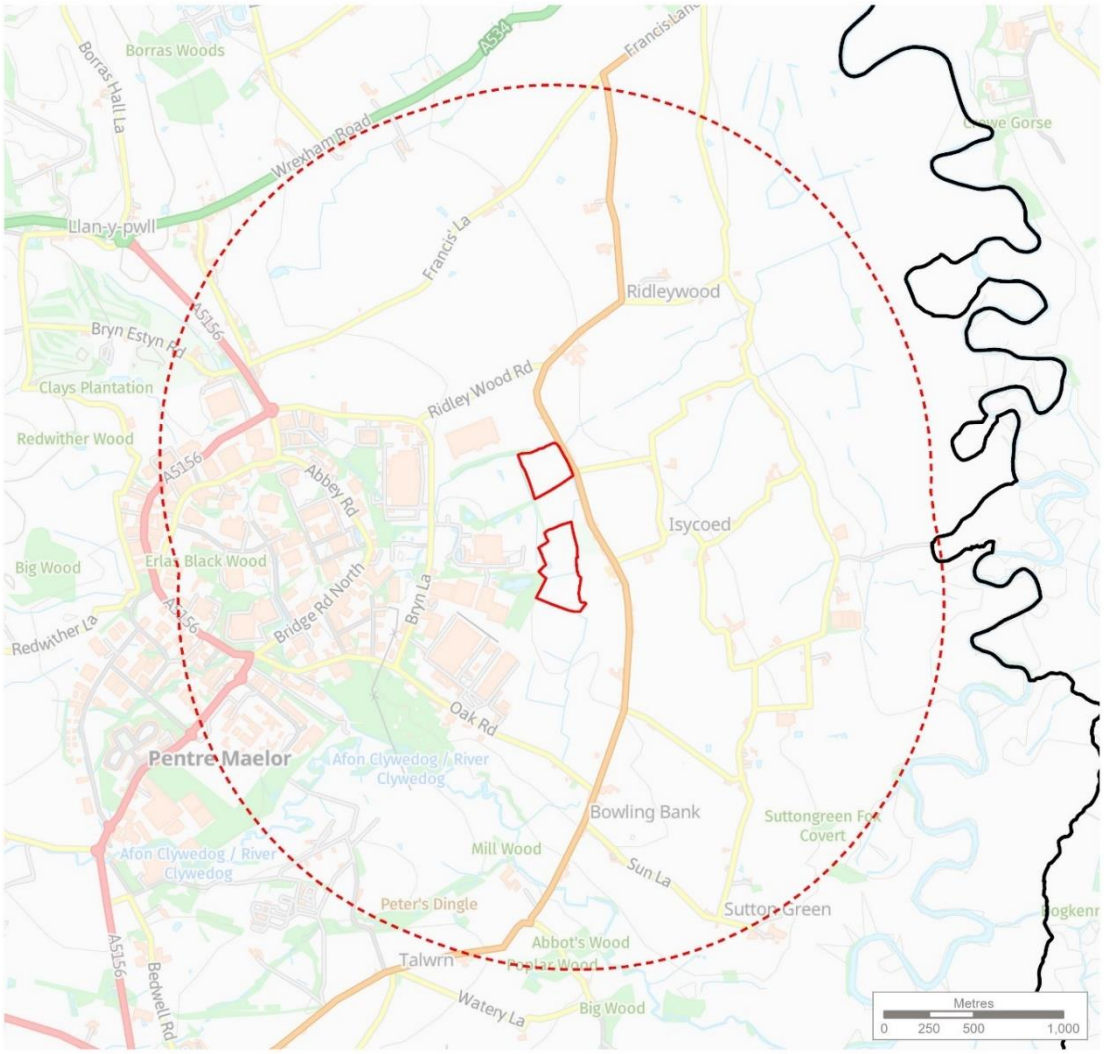
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Figure 3: Statutory wildlife sites of national significance within 5km of the site



Key

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

Sites searched for were as follows:
- Local Nature Reserves

No records found.

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

Project
Networld Mitigation Land, Wrexham

Title
Statutory Locally Designated Sites Within a 2km Buffer

Drawing Number
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Scale	Date
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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 one SSSI Impact Risk Zones (IRZ) – these are zones determined by Natural England that identify likely impacts upon SSSIs, SACs, SPAs or Ramsar sites that may result from planned development.

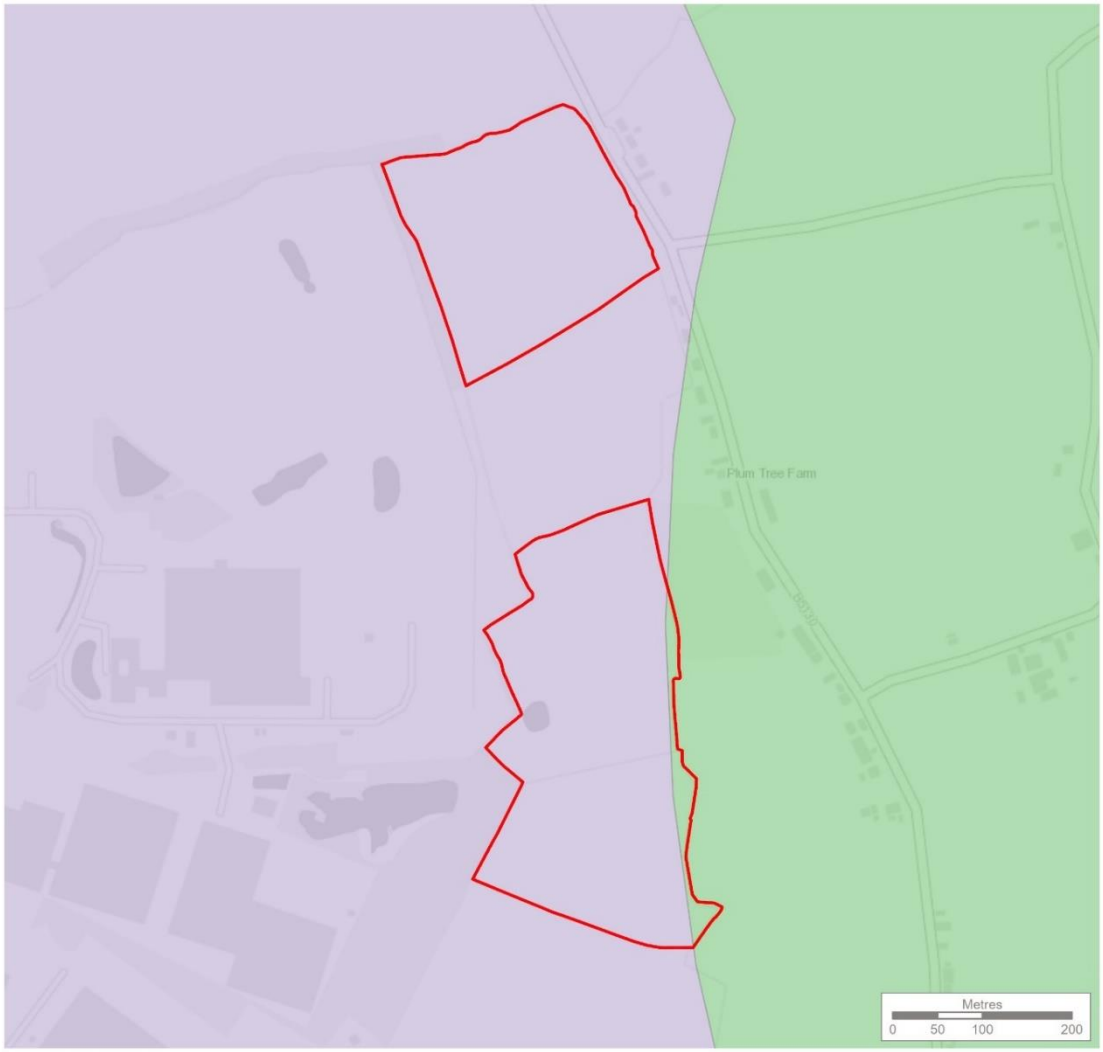
5.3 Figure 5 illustrates and references the IRZs that overlap with the site. The relevant IRZ and risk criteria are cross-referenced in Table 3.

Table 3: SSSI Impact Risk Zones crossed by the site

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:

1 PROPOSAL	2 LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:		
IRZ	A	B	
All Planning Applications	N/A	N/A	
Infrastructure	Pipelines and underground cables, pylons and overhead cables (excluding upgrades and refurbishment of existing network). Any transport proposal including new or extended footways, cycleways, roads/car parks, railways and waterways (excluding routine maintenance). Airports, helipads and other aviation proposals.	Airports, helipads and other aviation proposals.	
Wind & Solar Energy	N/A	N/A	
Minerals, Oil & Gas	Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.	Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.	
Rural Non-Residential	N/A	N/A	
Residential	N/A	N/A	
Rural Residential	N/A	N/A	

1 PROPOSAL	2 LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:		
IRZ	A	B	
Air Pollution	Any industrial/agricultural development that could cause AIR POLLUTION (including: industrial processes, livestock & poultry units with a floorspace > 500m², slurry lagoons > 200m² & manure stores > 250 tonnes).	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 >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/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.	
Waste	Landfill. Including: inert landfill, non-hazardous landfill, hazardous landfill.	N/A	
Composting	Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.	N/A	
Discharges	N/A	N/A	
Water Supply	Large infrastructure such as warehousing/industry where the total net additional gross internal floorspace following development is 1,000m² or more.	N/A	
Notes 1			
GUIDANCE	*https://magic.defra.gov.uk/Metadata_for_magic/SSSI%20IRZ%20User%20Guidance%20MAGIC.pdf*		



Key

Site boundary

Site of Special Scientific Interest Impact Risk Zones

Zone A

Zone B

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401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Networld Mitigation Land, Wrexham

Title
Sites of Special Scientific Interest - Impact Risk Zone

Drawing Number
G10944.006

Scale	Date
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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 (1)	WSW	0.7km southwest
Oatlands Meadow (2)	WSW	1.5km east

5.5 The site lies within a B-line[32], Cymru (Figure 7). B-line is an initiative that has mapped insect pathways and the Cymru area is a stronghold for rare species such as the shrill carder bee *Bombus sylvarum*.

5.6 The site also lies 1.4km east from an Important Invertebrate area (IIA)[33]. The Northeast Wales IIA encompasses vast areas of contrasting upland and lowland habitats in Powys, Denbighshire, Wrexham, Shropshire and Cheshire along the route of the River Dee/Afon Dyfrdwy. These are places that are home to nationally or internationally significant invertebrate populations and their habitats. They include diverse species from beetles and moths to freshwater shrimps and woodlice, and habitats from the shoreline, along rivers and to the uplands.

[32] *https://www.buglife.org.uk/our-work/b-lines/b-lines-wales/* (Accessed February 2025)

[33] *https://www.buglife.org.uk/our-work/important-invertebrate-areas/* (Accessed February 2025)

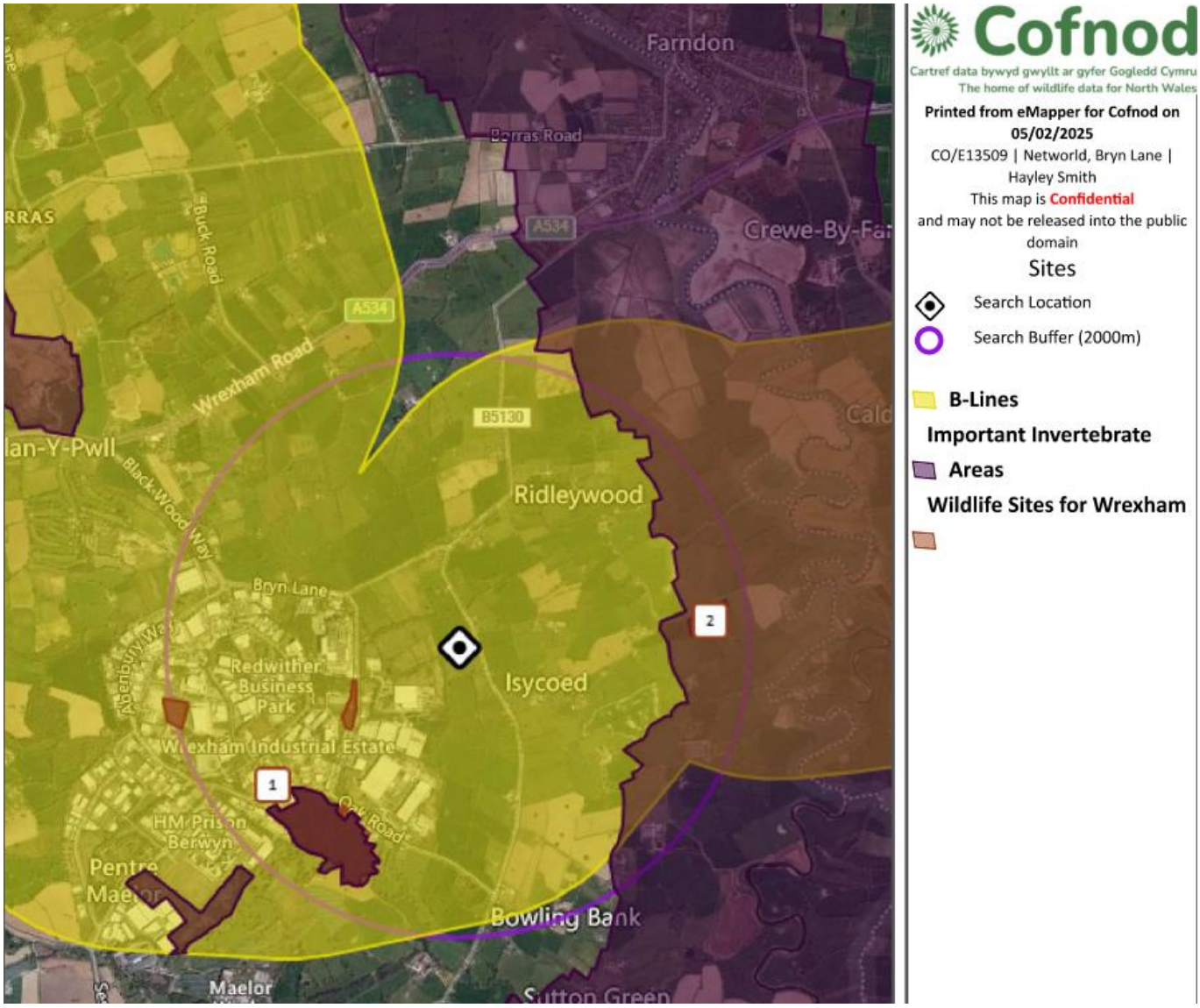


Figure 6: Non-statutory wildlife sites within 2km of the site (map provided by COFNOD)

6.0 Notable Habitats

6.1 No notable habitats are present within the site (Figure 8).

6.2 The following notable habitats are present within 0.25km of the site (Figure 8):

- Statutory main river

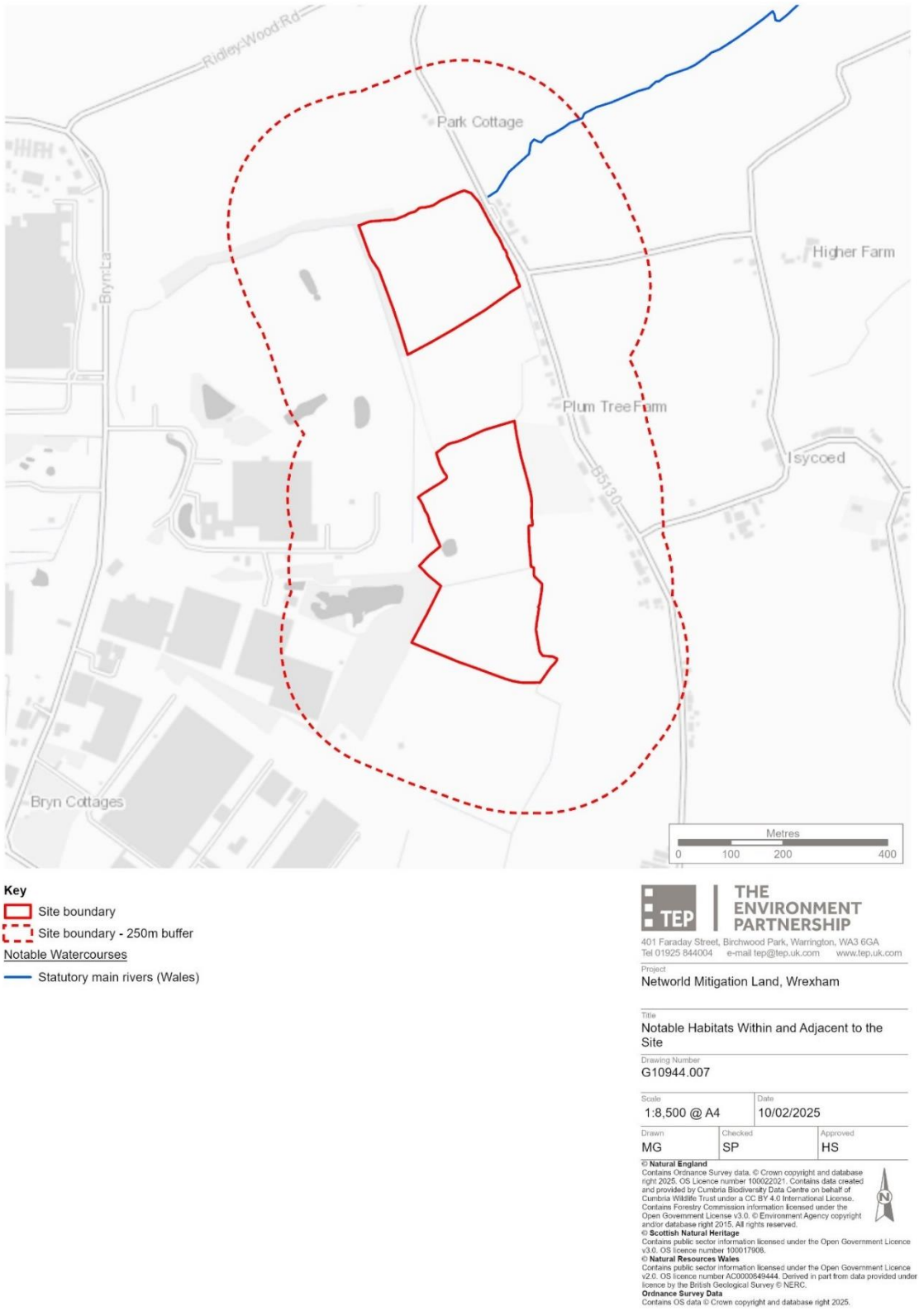


Figure 7:: Notable habitats within 0.25km of the site

7.0 Protected and Notable Species

Pre-existing Species Records

7.1 Protected and notable species records returned from COFNOD for the last 10 full years within 2km of the site are summarised on pages 27 - 29. The terms and conditions of this data state this data is valid until January 2025.

7.2 The following species were recorded within 250m to the site boundary:

- Barn Owl *Tyto alba* (WCA1.1, LBAP-W) – 1 record
- Brown Long-eared Bat *Plecotus auritus (*EPS (Sch2), S7, WCA5) – 1 record
- Common Pipistrelle *Pipistrellus pipistrellus (*EPS (Sch2), S7, WCA5) – 1 record
- Daubenton's Bat Myotis daubentoniid (EPS (Sch2), WCA5) – 1 record
- Lesser Horseshoe Bat *Rhinolophus hipposideros* (EPS (Sch2), BAP, LBAP-W, S7, WCA5) – 1 record
- Natterer's Bat *Myotis nattereri* (EPS (Sch2), WCA5) – 1 record
- Noctule Bat *Nyctalus noctula* (EPS (Sch2), S7, WCA5) – 1 record
- Soprano Pipistrelle *Pipistrellus pygmaeus (*EPS (Sch2), S7, WCA5) – 1 record
- Whiskered/Brandt's Bat *Myotis mystacinus/brandtii* (EPS (Sch2), WCA5) – 1 record

Species Records Summary: Networld Mitigation Land

Amphibians	
Species	**Count**
Common Frog *Rana temporaria*	9
Common Toad *Bufo bufo*	4
Great Crested Newt *Triturus cristatus*	17
Palmate Newt *Lissotriton helveticus*	3
Smooth Newt *Lissotriton vulgaris*	16

Bird	
Species	**Count**
Barn Owl *Tyto alba*	4
Black-headed Gull *Chroicocephalus ridibundus*	9
Brambling *Fringilla montifringilla*	1
Bullfinch *Pyrrhula pyrrhula*	8
Cetti's Warbler *Cettia cetti*	1
Coal Tit *Periparus ater*	3
Common Gull *Larus canus*	2
Coot *Fulica atra*	3
Crossbill *Loxia curvirostra*	1
Cuckoo *Cuculus canorus*	1
Curlew *Numenius arquata*	22
Dunnock *Prunella modularis*	7
European White-fronted Goose *Anser albifrons albifrons*	4
Fieldfare *Turdus pilaris*	7
Gadwall *Mareca strepera*	4
Goldcrest *Regulus regulus*	4
Golden Plover *Pluvialis apricaria*	1
Great Black-backed Gull *Larus marinus*	3
Great White Egret *Ardea alba*	2

Green Sandpiper *Tringa ochropus*	1
Green Woodpecker *Picus viridis*	15
Greenfinch *Chloris chloris*	5
Grey Wagtail *Motacilla cinerea*	6
Greylag Goose *Anser anser*	6
Herring Gull *Larus argentatus*	14
Hobby *Falco subbuteo*	2
House Martin *Delichon urbicum*	3
House Sparrow *Passer domesticus*	4
Jack Snipe *Lymnocryptes minimus*	1
Kestrel *Falco tinnunculus*	13
Kingfisher *Alcedo atthis*	1
Lapwing *Vanellus vanellus*	4
Lesser Black-backed Gull *Larus fuscus*	10
Lesser Redpoll *Acanthis cabaret*	1
Linnet *Linaria cannabina*	5

Little *Ringed Plover*	1
Mallard *Anas platyrhynchos*	8
Meadow *Pipit Anthus pratensis*	4
Mistle Thrush *Turdus viscivorus*	4
Moorhen *Gallinula chloropus*	6
Mute Swan *Cygnus olor*	3
Oystercatcher *Haematopus ostralegus*	2
Peregrine *Falco peregrinus*	3
Pink-footed Goose *Anser brachyrhynchus*	6
Pintail *Anas acuta*	3
Red Kite Milvus milvus	2
Redshank *Tringa totanus*	2
Redstart *Phoenicurus phoenicurus*	1
Redwing Turdus iliacus	8
Reed Bunting *Emberiza schoeniclus*	3
Rook *Corvus frugilegus*	5

Sedge Warbler *Acrocephalus schoenobaenus*	5
Shelduck *Tadorna tadorna*	3
Shoveler *Spatula clypeata*	2
Skylark *Alauda arvensis*	6
Song Thrush *Turdus philomelos*	7
Starling *Sturnus vulgaris*	8
Tawny Owl *Strix aluco*	2
Teal *Anas crecca*	2
Tree Sparrow *Passer montanus*	1
Wheatear *Oenanthe oenanthe*	2
White-fronted Goose Anser albifrons	2
Whitethroat *Curruca communis*	5
Wigeon *Mareca penelope*	4
Willow Warbler *Phylloscopus trochilus*	2
Woodcock *Scolopax rusticola*	5
Woodpigeon *Columba palumbus*	12
Wren *Troglodytes troglodytes*	7

Flora

Species	Count
Bluebell *Hyacinthoides non-scripta*	2
Pennyroyal *Mentha pulegium*	4

Invertebrates

Species	Count
Cinnabar *Tyria jacobaeae*	1
Dingy Skipper *Erynnis tages*	40
Grizzled Skipper *Pyrgus malvae*	28
Latticed Heath *Chiasmia clathrata*	1
Shaded Broad-bar *Scotopteryx chenopodiata*	1
Small Heath *Coenonympha pamphilus*	25

Reptiles	
Species	**Count**
Common Lizard *Zootoca vivipara*	1
Grass Snake *Natrix helvetica*	1

Terrestrial Mammals (Bats)	
Species	**Count**
Brandt's Bat Myotis brandtii	2
Brown Long-eared Bat *Plecotus auritus*	2
Common Pipistrelle *Pipistrellus pipistrellus*	6
Daubenton's Bat *Myotis daubentonii*	2
Lesser Horseshoe Bat *Rhinolophus hipposideros*	1
Myotis Bat species *Myotis*	2
Natterer's Bat *Myotis nattereri*	1
Noctule *Nyctalus noctula*	5
Soprano Pipistrelle *Pipistrellus pygmaeus*	3
Whiskered Bat *Myotis mystacinus*	1
Whiskered/Brandt's Bat *Myotis mystacinus/brandtii*	1

Terrestrial Mammals (Other)	
Species	**Count**
[redacted]	
Hare *Lepus europaeus*	1
Hedgehog *Erinaceus europaeus*	2
Otter *Lutra lutra*	2
Polecat *Mustela putorius*	2

Fish	
Species	**Count**
Eel *Anguilla Anguilla*	1

Crustacean

Species	Count
None recorded	

Mollusc	
Species	**Count**
None recorded	

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'[34] 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[35]) - 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[36] 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[37] or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020[38] is guided by the UK Post-2010 Biodiversity Framework[39].

[34] Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 *https://www.ramsar.org/*

[35] Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 *https://www.coe.int/*

[36] Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 *https://www.cms.int/*

[37] Convention on Biological Diversity, Rio de Janeiro, June 1992*https://www.cbd.int/*

[38] 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/*

[39] 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[40] (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[41] (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[9] 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)

[40] Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) *https://www.legislation.gov.uk/uksi/2017/1012/*

[41] Conservation of Habitats and Species Regulations 2019 (SI 2019/579) *https://www.legislation.gov.uk/uksi/2019/579/*

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 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)[42] (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[9] 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[10] (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales[43] by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention[11] 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.

[42] Wildlife and Countryside Act 1981 c. 69 *https://www.legislation.gov.uk/ukpga/1981/69/*

[43] 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.

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;
- 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[44] (CROW) 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

a. 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.

b. 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

y. Important hedgerows are protected from removal by the Hedgerows Regulations[45] (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.

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

[45] The Hedgerow Regulations 1997 (SI 1997/1167) *https://www.legislation.gov.uk/uksi/1997/1160/*

z. 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

aa. Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)[46]. 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.

bb. 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

cc. 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.

Relevant National Policy

Planning Policy Wales 2024

c. 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;

[46] Protection of Badgers Act 1992 c. 51 *https://www.legislation.gov.uk/ukpga/1992/51/*

- 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.

Future Wales: The National Plan 2040

a. Future Wales provides a framework for development in Wales up to 2040. It identifies and addresses national priorities in the planning system and sets a direction for investments in infrastructure and development.

b. Policy 9 - Resilient Ecological Networks and Green Infrastructure states that to ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to:

- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.

c. Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and

opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

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