







Strategic Ecology Corridor - Land off Francis Lane

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 Scheme is approximately 3.0ha in size and is located to the north of Francis Lane in Holt, Wrexham, approximately 300m south of Wrexham Industrial Estate and 2.2km west of the city of Wrexham. • The approximate central grid reference of the Site is SJ 38100 51300.
Proposals	• The development proposals are for the development of an ecological mitigation and enhancement site for great crested newts *Triturus cristatus*, including the creation of ponds and amphibian hibernacula and native planting, to mitigate for the loss of great crested newt habitat within the wider area.
Designated wildlife sites	• The Scheme lies within the Cymru B-line, which is classified by Buglife as a stronghold for rare invertebrate species. However, the onsite habitat is determined to be unsuitable for invertebrates, therefore it is considered unlikely that there will be any impacts on this designation as a result of the proposals. • The site falls within 10km of five internationally designated sites and 5km of six nationally designated sites. There are no statutory locally designated sites within 2km of the site boundary, however three non-statutory locally designated sites are located within 2km of the site. • Given the small-scale nature of the works, the distance from the site and the lack of connectivity to these wildlife sites, no direct or indirect impacts on any designated sites are anticipated as a result of the proposals.
Important Ecological Features present within or adjacent to the site	• The walkover habitat assessment was undertaken outside the recommended season of mid-April to mid-October, however, 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. • The site is comprised of modified grassland with scattered scrub and trees (g4,10,32). Native hedgerows with trees (h2a,11) and dense bramble scrub (h3d) are also present. • The hedgerows onsite are classified as a Habitat of Principal Importance (HPI) and a small area of HPI Traditional Orchard is located immediately adjacent to the western site boundary. • No evidence of any invasive or protected plant species was identified on site. • The habitats within the site provide suitable habitat for foraging and ranging badger and suitable cover for sett excavation. [redacted] • Seven onsite trees and an offsite group of trees adjacent to the site boundary were assessed as having suitability for roosting bats. • The onsite habitats also provide suitable habitat for foraging and ranging common amphibians, nesting birds and sheltering, hibernating, foraging and ranging hedgehog.

Conclusions	▸ Appropriate tree protection measures will need to be put in place to ensure an adequate habitat buffer is maintained from the proposed development during construction of the site. ▸ In the absence of adequate mitigation, there will be implications for the development during construction with regards to amphibians, badger, bats, birds and hedgehogs. However, the development of the mitigation site will create new quality habitat for these species.
Recommendations	The following recommendations are made to ensure that delivery of the project remains compliant with relevant legislation and policy: ▸ All retained trees and hedgerows should be protected from incidental damage and disturbance during construction in accordance with current standards (BS5837:2012). ▸ A Root Protection Zone (RPZ) should be implemented around retained trees adjacent to the site if development is likely to affect them. ▸ Replacement native hedgerow planting will be required if the HPI hedgerows are to be impacted. Replacement planting of scrub is also recommended. ▸ A Precautionary Working Method Statement (PWMS) should be produced to ensure no harm or injury to protected/priority species, if present on site. ▸ A pre-commencement survey for badgers should be undertaken to confirm the absence of badger within 30m of the site which may be impacted by the proposals. ▸ If tree T6 will be unavoidably impacted by the development, aerial inspections will be required to determine the presence of bats and/or requirements for further survey. ▸ If trees T1-T5, T7 or the group of offsite trees with bat roost suitability are to be unavoidably impacted by the development, they will need to be soft-felled sectionally under the supervision of a bat licenced ecologist. ▸ If works have not commenced within 12 months of the survey (i.e. by February 2026), an updated assessment of the trees on site for bat roosting potential will be required. ▸ A Sensitive Lighting Strategy should be incorporated within proposals to avoid impacts of lighting on nocturnal species, primarily bats, during construction. ▸ Works should be completed outside of the nesting period (typically taken to be March to August inclusive). ▸ Additional biodiversity enhancement could include planting of native species and/or the installation of bat and bird boxes onto retained trees.

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 fully owned subsidiary of Net World Sports, in January 2025 to undertake an Ecological Assessment for a site called Utopia, Francis Lane in Holt, Wrexham (hereafter referred to as 'the Scheme').

1.2 An Ecological Desk Study has been produced to support this Ecological Assessment, reported under separate cover (TEP Report Ref: 10934.002). This Ecological Assessment report should read in conjunction with the Desk Study.

1.3 This 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 Scheme, an assessment of the potential impacts associated with the creation of a mitigation site for great crested newts. The mitigation site will include a network of ponds, scrub, meadow creation and hibernacula. The assessment has been undertaken with due consideration for current best practice guidelines (CIEEM 2017a[1], 2018[2]).

Site Location

1.4 The Scheme is located within the administrative area of Wrexham County Borough Council. The location of the site is depicted by the red line shown in Figure 1. The approximate central grid reference of the Site is SJ 38100 51300.

1.5 The Scheme is immediately bound by Francis Lane to the south, Holt Lodge Farm to the west and fields in all other directions. The wider area comprises the A534, situated approximately 660m north, and the A5156, which is situated approximately 130m west of the site boundaries and beyond which a golf course is situated. Wrexham Industrial Estate is located approximately 300m south of the site and the city of Wrexham is located approximately 2.2km 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: Scheme location

Proposals

1.6 This report is in reference to the Land North of Francis Lane, referred to as the Northern Ecological Mitigation Area. Proposals for the site are for the development of an ecological mitigation and enhancement site for great crested newts *Triturus cristatus* (GCN) which includes the creation of ponds and amphibian hibernacula along with native planting.

1.7 GCN have previously been recorded in waterbodies within 500m of the site (TEP Report Refs: 9134.001 and 9134.007), and proposals arein support of various submitted and proposed planning applications being brought forward by the Applicant in the Wrexham Industrial Estate. Please see the Planning, Design, and Access Statement for further details.

Planning Context

1.8 Relevant information regarding local planning policy is provided in the Ecological Desk Study (TEP Report Ref 10934.001).

1.9 The following policies within the Wrexham Local Development Plan 2 (LDP2) 2013 to 2028 are of relevance to ecology and biodiversity:

- 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; and
- Policy NE3: Trees, Woodlands and Hedgerows.

1.10 The following policies within the Wrexham Local Development Plan 2 (LDP2) 2013 to 2028 are of relevance to ecology and biodiversity:

- 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; and
- Policy NE3: Trees, Woodlands and Hedgerows.

Local Planning Guidance Notes

1.11 Wrexham County Borough Council has approved a series of local planning guidance notes to support their Development Plan policy and the following relate to biodiversity and nature conservation:

- 17. Trees and Development
- 29. Wrexham Industrial Estate: Employment Development and Nature Conservation
- 32. Biodiversity & Development
- 35. Great Crested Newt Mitigation Requirements

Scope

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

1.13 This report provides baseline information on the habitats and protected species present within the Scheme, gathered during a desktop study, habitat survey, ground level tree assessment and badger survey undertaken in February 2025.

1.14 This report presents the findings of the Ecological Assessment, the objectives of which are to:

- Detail the methods and results of the aforementioned surveys;
- Identify features of ecological value within the Scheme, such as legally protected species or habitats of importance to biodiversity;
- Identify any non-native invasive species within the Scheme and provide advice regarding removal or management; and
- Advise on avoidance or mitigation requirements that may be needed prior to development commencing.

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 1km minimum radius of the Scheme 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 9331.003).

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
- Marine Nature Reserve (MNR) (5km);
- Local Nature Reserves (LNR) (2km).

2.4 Non-statutory designated wildlife sites were searched for within 1km of the Scheme and, within Wrexham, these may include:

- Wildlife Sites for Wrexham (WSW);
- B-lines;

[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

- Important Invertebrate Areas (IIA).

2.5 Notable habitats were searched for within 250m of the Scheme. 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 7 of the Environment (Wales) Act 2016; 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 Scheme. Notable species include those 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 in the UK (BRd/BAm);
- Red and Amber listed Birds of Conservation Concern in Wales (WBRd/WBAm); and
- Local Biodiversity Action Plan Species (LBAP).

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 Walkover

2.8 An extended UK Habitat survey was completed by an ecologist certified to Level 3 under the Field Identification Skills Certification, on 10th February 2024. The survey was carried out in accordance with the UK Habitat Classification (UKHab) assessment method and Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017b). The method records the habitat types present within the survey route, based on the JNCC/UKHab descriptions. Plant species were identified in accordance with the New Flora of the British Isles (Stace, 20195) and recorded as target notes using the DAFOR[6] scale, where relevant.

2.9 The survey was expanded to include off-site habitats adjacent to the Scheme in order to provide context. Adjacent habitats were viewed from accessible locations within the Scheme boundary. Habitats are displayed with the Scheme boundary on Drawing G10934.008.

Limitations

2.10 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 relatively small size, the seasonality of the survey is not considered to be a significant constraint.

2.11 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.

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 Scheme. The

[5] Clive Stace (2019) New Flora of the British Isles

[6] DAFOR = Dominant, Abundant, Frequent, Occasional & Rare

Ecological Desk Study identified any pre-existing records for protected and notable species within at least 1km of the Scheme.

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.

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

Badger Survey

2.15 A badger survey was undertaken by the TEP ecologist concurrently with the Habitat Walkover. The survey included all land within the site and within 30m of the redline site boundary, where access allowed. All suitable habitats including tree root plates, scrub and hedgerow bases were checked for badger signs (see Chapter 3).

2.16 The standard methodology as recommended by Harris, Cresswell and Jefferies (1989) was followed to complete a thorough search for evidence which would indicate the presence of badgers both on the site and locally.

2.17 Evidence of badger which may be found within a site and their descriptions are provided below:

- Sett - any structure or place that displays signs indicating current use by a badger
- Badger trails through vegetation - badgers use the same routes within their territory, so the paths are usually well worn and obvious, being at least 20 cm in width. The paths will often link feeding grounds with the badger sett.
- Dung pits/latrines - found along territory boundaries and near to inhabited setts. The pits are on average 15 cm across and 15 cm deep. Where dung pits are grouped together, they are termed latrines.
- Excavations – badgers often create shallow depressions to pass under fencing or push the fencing up to open up commuting routes.
- Badger hair – often snagged when the badger slides under fencing. The hairs are black and white and coarse.
- Scratch marks – scratching poles can be found close to the sett entrance, with shredded or scored bark to a height of 2 or 3 feet. Sometimes scratch marks can be seen on rocks in the spoil heap close to a sett entrance where they have been loosened by badgers.
- Snuffle holes – excavated depressions in areas of bare earth where the badger has been searching for worms or insects.

- Bedding and bedding trails – piles of old bedding (bracken, dead leaves, and dry grass) in or near the entrance to a sett is a good sign that the sett is active or has been very recently. Badgers can gather bedding up to 100 m away from the sett and trails of bedding can sometimes be seen along well-used badger trails.
- Other signs – for example, occasionally remains of dead badgers can be seen close to setts.

2.18 Where setts were found, their status was noted. Setts may be classified as a main, annexe, subsidiary, or outlying sett. The definitions of the various sett categories are given in Table 1 (Harris et al, 1989).

Table 1: Sett classifications

Type of Sett	Description
Main Sett	Large number of holes and spoil heaps, well established, often extensive and in continuous use with many signs of activity. Obvious paths leading from and between sett entrances. There is only one main sett per social group/clan of badgers.
Annexe Sett	Occur in close association with the main sett, normally less than 150m, comprise several holes and are linked to the main sett by clear well-used paths. May not be in use all the time, even if the main sett is very active.
Subsidiary Sett	These are usually at least 50m from a main sett. They are lesser used setts comprising a few holes, and do not have an obvious path connecting them with another sett. May only be used intermittently so are not continuously occupied.
Outlier Sett	Consists of one or two holes without obvious paths. Usually have small spoil heaps indicating they are not very extensive underground. Only used sporadically.

2.19 The sett entrances found were assessed for levels of activity. Three levels of activity were used for recording purposes, shown in Table 2.

Table 2: Activity level classification

Activity Level	Description

Active / Well-used	Entrances are clear of any debris or vegetation, are obviously in regular use with signs such as trampled spoil mounds and prints and dislodged guard hairs round the entrances. May or may not have been recently excavated.
Partially Used	Entrances are not in regular use and have debris such as leaves or twigs in the entrance or have plants growing around the entrance. Partially used holes could be in regular use after only a minimal amount of clearance. Usually have signs of activity within the vicinity, such as badger pathways.
Disused	Entrances have not been in use for some time, are partially or completely blocked and cannot be used without considerable clearance.

Limitations

2.20 It should be noted that badger survey information is accurate at the time of survey; badgers are a mobile species and may dig new setts or entrance holes, abandon old setts, and change the status of existing setts (e.g., extend an annexe sett to create a main sett) at any time. Furthermore, classification of setts is based on the best available evidence at the time of survey. There is also a degree of overlap in these classifications and therefore clear distinctions are not always possible.

2.21 The majority of the 30m buffer of the site could not be accessed due to access limitations. Where possible, these areas were observed from within the site boundary. However, a shallow dry ditch that runs adjacent to hedgerow H2 could not be checked for evidence of badger as visibility was obscured by the hedgerow.

Ground Level Tree Assessment for Bats (GLTA)

2.22 A ground-based assessment of the trees within the site boundary was carried out to determine their suitability to provide bat roost habitat. These assessments were undertaken at the same time as the Habitat Walkover. The habitats on site and surrounding the site were also assessed for potential to support roosting, foraging and commuting bats.

2.23 The GLTA involved the surveyor using close focussing binoculars to search from the ground for any Potential Roost Features (PRFs), which may be used by bats. Most tree roosts are created by one or a combination of the following:

- Old woodpecker holes;

- Splits in trunk, bough or large branches;
- Rot holes in trunk, bough or large branches;
- Holes formed by two boughs or branches growing in contact;
- Loose or lifting bark; and
- Underneath a covering of dense latticed creeper, usually ivy (*Hedera helix*).

2.24 Following the GLTA, the trees within the site were categorised in accordance with the criteria for roost habitat assessments identified in the Bat Conservation Trust (BCT) 2023 Good Practice Guidelines (Collins). Bat roost habitat suitability categorisation details are described in Table 2. Roost habitat suitability categorisation takes into consideration parameters such as location, habitat connectivity, materials, condition and aspect of structures and trees.

Table 1: Categorisation of suitability of tree PRF's for roosting bats (taken from the BCT Good Practice Guidelines, Collins J, 2023)

Tree PRF Suitability	Further Requirements
Negligible	No survey requirements.
PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat)	No further surveys required. Appropriate compensation required for each PRF-I, prior to impacts. Supervision of works and a precautionary inspection of the PRFs to be completed by a bat licenced consultant.
PRF - M (PRF is suitable for multiple bats and may therefore be used by a maternity colony.)	Three aerial PRF inspections of the PRF-M features to be undertaken within May – September, spaced three weeks apart. Where access is not possible for aerial inspection either by ladder or MEWP, or features are too extensive to survey thoroughly, three dusk emergence surveys will be carried out, supported with night vision camera aids.

Limitations

2.25 There are no seasonal constraints for undertaking preliminary bat roost assessments of trees. However, the optimal period to undertake this survey of trees is between December and March when trees are out of leaf. This survey was undertaken in February, within the optimal period.

2.26 Surveys from ground level often have restricted visibility of features higher up in a tree, where a good view to assess the viability of a feature can be limited. Visibility was also limited for some trees along the boundaries of the site, where a good view of the aspects facing offsite were limited by restricted access. Where visibility was obscured, a precautionary assessment was made.

Ecological Assessment Process

2.27 This Ecological Assessment follows the published guidelines (CIEEM, 2018) and accepted best practice approach (BS42020:2013[7]) of the mitigation hierarchy whereby impacts are first avoided or, where this is not possible, reduced or mitigated or, as a last resort, compensated.

2.28 In summary, the following procedure was undertaken during this Ecological Assessment:

- Describe the baseline and identify important ecological features;
- Describe important ecological features and identify those which may potentially be affected by the Scheme;
- 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.

2.29 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.

2.30 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

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

assessment and reporting so that the decision maker is adequately informed of the environmental consequences of permitting a project".

2.31 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).

2.32 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

2.33 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 former Local Plan was the Wrexham Unitary Development Plan 1996 – 2011 (Adopted 14th February 2005). The following policies relate to biodiversity and nature conservation:

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

3.2 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.

Wildlife Sites

National Sites Network

3.3 Full details regarding designated sites are provided within the Ecological Desk Study (TEP Report Ref: 10934.001).

3.4 There are five sites within the National Sites Network located within 10km of the Scheme. These are:

- Midland Meres and Mosses Phase 2 Ramsar (designated in both England and Wales), which is located approximately 3.0km northwest of the site and is designated for supporting a diverse range of habitats and rare plant and insect species;
- River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC (designated in both England and Wales), which is located approximately 3.7km 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.*
- Johnstown Newt Sites SAC (designated in Wales only), which is located approximately 8.0km southwest of the site and is designated for its great crested newt *Triturus cristatus* population.

Other Statutory Wildlife Sites

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

- Vicarage Moss SSSI (Wales), which is located approximately 3.0km northwest of the site and is of botanical interest;
- Afon Dyfrdwy (River Dee) SSSI (Wales), which is located approximately 3.3km 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 3.5km 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*;
- Dee Cliffs, Farndon SSSI (England), which is located approximately 4.2km northeast of the site and is of geological interest only, excluding it from further consideration;
- Marford Quarry SSSI (Wales), which is located approximately 4.6km northwest of the site and is of entomological interest; and
- Sontley Marsh SSSI (Wales), which is located approximately 5.0km southwest of the site and is of botanical interest.

3.6 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 Scheme falls within a single IRZ, however proposals do not meet any of the risk parameters identified for this IRZ.

3.7 No sites of regional or local importance are located within 2km of the site.

Local Wildlife Sites

3.8 There are three non-statutory local wildlife sites identified within 2km of the Scheme. These are:

- Wrexham Industrial Estate WSW, which is located approximately 1.24km south of the site and is designated for its habitats, including species-rich grasslands and ancient broadleaved woodland;
- Borras Wood North WSW, which is located approximately 1.55km north of the site and is designated for its ancient woodland over marshy ground habitat; and
- Cefn Park WSW, which is located approximately 1.65km southwest of the site and is designated for its habitats, including fen and semi-natural broad-leaved woodland.

Other Wildlife Designations / Consultation Zones

3.9 The Scheme lies within the Cymru B-line[8], which is classified by Buglife as a stronghold for rare species such as the shrill carder bee *Bombus sylvarum*.

3.10 The Scheme also lies 1.24km northwest from the Northeast Wales Important Invertebrate area (IIA)[9]. The Northeast Wales IIA encompasses vast areas of contrasting upland and lowland habitats along the route of the River Dee/Afon Dyfrdwy. IIA's are identified by Buglife as places that are home to nationally or internationally significant invertebrate populations and their habitats.

3.11 The Scheme lies approximately 3.0km southeast of the nearest Important Plant Area (IPA)[10], Midland Meres and Mosses. IPA's are designated by Plantlife as key sites for exceptional botanical richness; rare, threatened and socio-economically valuable plant species; and rare and threatened habitats.

3.12 The Scheme also lies 20.9km northeast of the nearest Important Bird Area (IBA)[11], Berwyn. Important Bird Area's are identified by BirdLife Partners as being internationally significant for the conservation of birds and other biodiversity.

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

[9] Buglife [Online]. Important Invertebrate Areas. *https://www.buglife.org.uk/our-work/important-invertebrate-areas/* [Accessed: 04/02/2025].

[10] Plantlife [Online]. Important Plant Areas (IPAs). *https://www.plantlife.org.uk/protecting-plants-fungi/important-plant-areas/#uk-important-plant-areas* [Accessed: 04/02/2025].

[11] BirdLife [Online]. Important Bird and Biodiversity Areas (IBAs). *https://datazone.birdlife.org/about-our-science/ibas* [Accessed: 04/02/2025].

Habitats and Flora

Pre-existing Data

3.13 The Desk Study identified the following notable habitats on, adjacent to or connected with the Scheme:

- A small area of S7 Traditional Orchard, located immediately adjacent to the western site boundary; and
- Redwither Brook, which is classified as a Statutory Main River and runs approximately 250m west of the site.

3.14 No records of protected, notable or non-native invasive flora were returned from within the Scheme.

3.15 Flora records returned from within 2km of the Scheme are as follows:

- Protected and notable species:
  - 4 records of bluebell *Hyacinthoides non-scripta* (WCA8); and
  - 3 records of pennyroyal *Mentha pulegium* (WCA8, S7).
- Non-native invasive species:
  - 1 record of Canadian waterweed *Elodea canadensis* (WCA9);
  - 2 records of Himalayan balsam *Impatiens glandulifera* (WCA9, IAS);
  - 2 records of Japanese knotweed *Fallopia japonica* (WCA9);
  - 2 records of New Zealand pigmyweed *Crassula helmsii* (WCA9); and
  - 1 record of Water Fern *Azolla filiculoides* (WCA9).

Habitat Walkover

3.16 Habitats in and around the Scheme at the time of survey are described below and illustrated in Drawing G10934.008. Target notes (TN) and photographs are provided in Appendix B.

3.17 The habitats present on site are as follows:

- Modified grassland with scattered scrub and trees (g4,10,32);
- Native hedgerows with trees (h2a,11); and
- Dense bramble scrub (h3d).

Grasslands and Heathlands

Modified grassland (g4) with scattered scrub (10) and scattered trees (32)

3.18 Two areas of modified grassland were recorded within the site boundaries. In the south of the site there is a large agricultural field bounded by a fence to the west and by hedgerows in all other directions (TN1). Perennial ryegrass *Lolium perenne* is abundant within the grassland, and Yorkshire fog *Holcus lanatus* and creeping buttercup *Ranunculus repens* were frequently recorded. Towards the boundaries of the agricultural field the presence of cock's-foot was increasingly noted, along with knapweed *Centaurea sp.*, creeping thistle *Cirsium arvense*, cleavers *Galium aparine* and common nettle *Urtica dioica*. In the northeastern corner of this area, scattered hawthorn *Crataegus monogyna* and bramble *Rubus fruticosus* scrub is beginning to encroach into the grassland from the adjacent hedgerows. Scattered scrub was also recorded in the centre of the southern boundary, adjacent to hedgerow H1, where species included blackthorn *Prunus spinosa* and rare buddleia *Buddleja davidii*.

3.19 The second area of modified grassland is situated in the north of the site (TN2) and is also comprised of an agricultural field bounded by hedgerows to the west and south and fences to the north and east. This area is wetter than southern grassland but has a similar species composition. Perennial ryegrass, Yorkshire fog and creeping buttercup are abundant and broad-leaved dock *Rumex obtusifolius* was rarely noted.

3.20 A small number of scattered trees were also recorded within both areas of the onsite modified grassland. The recorded species include horse-chestnut *Aesculus hippocastanum* and young silver birch *Betula pendula*.

Native hedgerows (h2a) with trees (11)

3.21 Both areas of modified grassland on site are partially bounded by native hedgerows, the locations of which are indicated in Drawing G10934.008. Hedgerows H1-H4, in the southernmost field, were comprised of abundant hawthorn with frequent bramble and blackthorn. Other recorded species include field maple, elm *Ulmus sp.* and Ivy *Hedera helix*. Most of the onsite trees were recorded within hedgerows H1-H4, with recorded species including English oak *Quercus robur* and ash *Fraxinus excelsior*.

3.22 Hedgerow H4, on the western boundary of the northernmost field, runs adjacent to the trees within the offsite Traditional Orchard HPI. This hedgerow is comprised of abundant bramble, frequent hawthorn and blackthorn and occasional Ivy.

Dense bramble scrub

3.23 A small area of dense bramble scrub was recorded along the western boundary of the southern field, adjacent to the offsite treeline.

Notable or Invasive Flora

3.24 No evidence of any invasive (WCA9) or protected (WCA8) plant species was identified on site.

Habitat Connectivity

3.25 The site maintains habitat connectivity to additional agricultural fields to the north and east. Connectivity with habitats to the west of the site is limited by the A5156, which is located approximately 130m west, and connectivity to the south of the site is limited by Wrexham Industrial Estate, which is situated approximately 300m south.

Fauna

3.26 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.

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

Amphibians

3.28 Notable amphibian records returned from within 2km of the Scheme are as follows:

- 15 records of common toad *Bufo bufo* (S7); and
- 115 records of great crested newt *Triturus cristatus* (EPS, WCA5, S7).

3.29 There are no ponds on or within 250m of the site as identified on Ordnance Survey mapping. As such there are no opportunities for breeding amphibians, including great crested newt, on or within influencing distance of the site.

3.30 The grassland and hedgerow habitats within the site provide suitable habitat for foraging and ranging common amphibians. The root balls of hedgerows and scattered trees and scrub provide suitable habitat for hibernating amphibians.

Badger

3.31 [redacted]

3.32 The grassland within the site provides suitable foraging and ranging habitat for badger and the hedgerows, scattered trees and scrub within and adjacent to the site provide potential suitable cover for sett excavation for badger.

Bats

3.33 40 bat records were returned from within 2km of the Scheme, including records of roosts and field signs. Records were returned for at least eight species and include:

- Two field sign records of Brandt's Bat *Myotis brandtii* (EPS, WCA5);
- Three roost and three field sign records of Brown Long-eared Bat *Plecotus auritus* (EPS, WCA5, S7);
- Three roost and seven field sign records of Common Pipistrelle *Pipistrellus pipistrellus* (EPS, WCA5, S7);
- One roost and two field sign records of Daubenton's Bat *Myotis daubentoniid* (EPS, WCA5);
- Three roost and one field sign record of Lesser Horseshoe Bat *Rhinolophus hipposideros* (EPS, WCA5, S7);
- Two field sign records of an unidentified Myotis Bat species *Myotis sp*. (EPS, WCA5);
- One field sign record of Natterer's Bat *Myotis nattereri* (EPS, WCA5);
- One roost and five field sign records of Noctule *Nyctalus noctula* (EPS, WCA5, S7); and
- Two roost and three field sign records of Soprano Pipistrelle *Pipistrellus pygmaeus* (EPS, WCA5, S7); and
- One field sign record of a Whiskered or Brandt's Bat *Myotis mystacinus/brandtii* (EPS, WCA5).

3.34 Seven trees within the site were assessed as having suitability for roosting bats, as described in Table 3 and depicted on Drawing G10934.009. All other trees within the site lacked any PRFs suitable to support roosting bats and were assessed to have negligible suitability for roosting bats in accordance with the BCT 2023 Guidelines.

Table 3: Trees with suitability for roosting bats

Tree ID and grid reference	Species and description	Photograph(s)
T1 SJ 38204 51244	An approximately 7m tall tree within hedgerow H1 on the southern boundary of the site. The species could not be accurately identified at the time of survey. Dense ivy cover was present over the majority of the tree and may have obscured the detection of any PRF's, if present. Precautionary PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat).	
T2 SJ 38227 51250	An approximately 10m tall ash *Fraxinus excelsior* at the end of hedgerow H1 on the southern boundary of the site. Dense ivy cover was present over the central trunk of the tree and may have obscured the detection of any PRF's, if present. Precautionary PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat).	

T3 SJ 38222 51274	A mature oak *Quercus robur* within hedgerow H2 along the eastern boundary of the site. The tree is approximately 10m tall and there is light ivy cover on the eastern aspect. A split limb is present at a height of approximately 3m on the southern aspect. This feature could not be accurately assessed from the ground. The eastern aspect of the tree was not fully visible due to access restrictions. Precautionary PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat).	 
T4 SJ 38219 51289	A mature oak *Quercus robur* within hedgerow H2 along the eastern boundary of the site. The tree is approximately 10m tall and there is light ivy cover at the base. The eastern aspect of the tree was not fully visible due to access restrictions. Precautionary PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat).	
T5 SJ 38217 51295	A mature oak *Quercus robur* within hedgerow H2 along the eastern boundary of the site. The tree is approximately 9m tall. Dense ivy cover was noted on the main trunk and the eastern aspect of the tree was not fully visible due to access restrictions. Precautionary PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat).	

T6 SJ 38214 51298	A mature oak *Quercus robur* within hedgerow H2 along the eastern boundary of the site. The tree is approximately 10m tall. Three knot holes within the tree were visible and may each lead to small cavities, however this could not be accurately assessed from the ground. The largest knot hole is situated at a height of approximately 7m on the western aspect. The remaining two knotholes were smaller and recorded at heights of approximately 6m on the western aspects of branches. Precautionary PRF - M (PRF is suitable for multiple bats and may therefore be used by a maternity colony).	   
T7 SJ 38214 51304	A mature oak *Quercus robur* within hedgerow H2 along the eastern boundary of the site. The tree is approximately 10m tall. A small knot hole is present on the western aspect of the main trunk at a height of approximately 6m. The eastern aspect of the tree was not fully visible due to access restrictions. Precautionary PRF - I (PRF is only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat).	

3.35 Furthermore, a group of offsite trees immediately adjacent to the western boundary of the site also had some suitability for roosting bats due to their ivy cover. Approximately fifteen of these trees had limbs that extended into the red line boundary of the site.

3.36 The grassland and scattered scrub and trees within the site provide suitable foraging and commuting habitat for bats. The site has some connectivity to the wider landscape via a network of hedgerows and trees that bound additional agricultural fields to the north, east and south. It is therefore considered that the site has some commuting and foraging suitability for bats in the wider landscape.

Birds

3.37 The desk study identified 472 records from 68 species of protected and notable birds within 2km of the site boundary. Recorded species include:

- Eight records of barn owl *Tyto alba* (WCA1);
- One record of crossbill *Loxia curvirostra* (WCA1);
- Seven records of fieldfare *Turdus pilaris* (WCA1, BRd);
- One record of goshawk *Accipiter gentilis* (WCA1);
- Ten records of greylag goose *Anser anser* (WCA1, BAm);
- Two records of hobby Falco subbuteo (WCA1);
- One record of kingfisher *Alcedo atthis* (WCA1);
- One record of little ringed plover *Charadrius dubius* (WCA1);
- Three records of peregrine *Falco peregrinus* (WCA1);
- Seven records of pintail *Anas acuta* (WCA1, BAm);
- One record of red kite *Milvus milvus* (WCA1); and
- 18 records of redwing *Turdus iliacus* (WCA1, BAm).

3.38 The modified grassland, trees, hedgerows and scrub within the site provide suitable nesting opportunities for a variety of common and widespread bird species, including ground nesting birds.

Hedgehog

3.39 Five records of hedgehog *Erinaceus europaeus* (S7) were returned from within 2km of the Scheme.

3.40 The hedgerows within the site provide potential sheltering and hibernating habitat for hedgehog and the grassland habitats within the site are suitable to support foraging and ranging hedgehog.

4.0 Conclusions

4.1 This section assesses the potential impacts on ecological features associated with the Scheme described in Section 1.0 and detailed in Appendix A.

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).

Relevant Planning Policies and Guidance

4.3 Proposed development should take into consideration current Local Policies and draft policies, to address potential ecological issues with regard to proposed development and aim to maintain, protect and enhance biodiversity and the ecological network in the local and wider area.

Wildlife Sites

4.4 All statutory designated sites are located over 3km from the site, beyond major barriers to species movement. Given the distance of these designated sites from the development boundaries and the lack of hydrological connection to these sites, it is not considered likely that there will be any direct or indirect impacts as a result of development proposals. Therefore, they will not be discussed further in this report.

4.5 The Scheme lies within the Cymru B-line, which is designated as a stronghold for rare species such as the shrill carder bee. However, the onsite habitat is determined to be unsuitable for shrill carder bee and other invertebrates, therefore it is considered unlikely that there will be any impacts on this designation as a result of the proposals.

4.6 Wildlife Sites for Wrexham (WSW) are non-statutory sites designated by Wrexham County Borough Council under the Town and Country Planning system and are a material consideration when planning applications are being determined. There are three WSWs and a designated Important Invertebrate area within 2km of the site, the closest of which are located 1.24km from the site boundaries.

4.7 Given the type of development (ecological enhancement), small scale of the development proposals and the lack of hydrological connection to any non-statutory locally designated sites, no direct or indirect impacts are anticipated as a result of the development proposals.

Habitats and Flora

Notable Habitats

4.8 All onsite hedgerows consist predominantly (i.e. 80% or more cover) of at least one woody UK native species and are therefore listed as an HPI.

4.9 Broadleaved trees lie within and adjacent to the site and a small area of HPI Traditional Orchard is located immediately adjacent to the western site boundary. Appropriate tree protection measures will therefore need to be put in place to ensure an adequate habitat buffer is maintained from the proposed development during construction of the site.

4.10 A Statutory Main River, Redwither Brook, runs approximately 250m west of the site. Given the small-scale nature of the proposed works and lack of hydrological connection to Redwither Brook, no direct or indirect impacts are anticipated on this river.

Notable or Invasive Flora

4.11 No protected (WCA8) or invasive (WCA9) plant species were identified during the extended Phase 1 habitat survey. There are no implications for the development proposals with regard to protected or invasive plant species.

Fauna

Amphibians

4.12 GCN and their habitats are fully protected under the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended). GCN and common toad are also SPI.

4.13 No ponds are present on or within 250m of the site, therefore there will be no direct impacts of the development to common amphibian breeding habitat.

4.14 The grassland and hedgerow habitats within the site provide suitable habitat for foraging and ranging common amphibians and the root balls of hedgerows and scattered trees and scrub provide suitable habitat for hibernating amphibians. Therefore, there is potential for amphibians to be present within the onsite terrestrial habitat whilst taking cover, foraging, and travelling through the site. Therefore, there will be implications for the development with regards to amphibians.

Badger

4.15 Badgers are protected under the Protection of Badgers Act 1992[12] from killing, injury and certain acts of cruelty. Their setts are also protected from damage, obstruction or destruction.

4.16 [redacted]

4.17 The site and adjacent scrub and hedgerow habitats also offer suitable cover for badger sett excavation, [redacted]

Bats

4.18 All British bats are European protected species, afforded full protection under the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended). Bats are protected from killing or injury, and from disturbance at the place of rest. Bat roosts are also protected from obstruction, damage or destruction (whether or not a bat is in occupation at the time). Several species are also SPI.

4.19 Seven trees within the site and a group of trees adjacent to the western site boundary were found to have features that could potentially support roosting bats. Current proposals for the site do not anticipate any impacts upon trees within nor adjacent to the site, therefore there are currently no implications of the development with regards to roosting bats. However, if proposals change and any trees with supporting features will be impacted by the development, there will be implications with regard to roosting bats.

4.20 The grassland, scrub and tree habitats within the site provide suitable foraging and commuting habitat for bats and the site has some connectivity to other suitable bat foraging habitat in the wider landscape. If these habitats are to be lost or impacted under development proposals, this would result in a direct loss of habitat and connectivity for foraging bats.

Birds

4.21 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. Many are also SPI.

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

4.22 The modified grassland, trees, hedgerows and scrub within the site provide suitable nesting opportunities for a variety of common and widespread bird species, including ground nesting birds. There may be implications with regards to nesting birds if any vegetation clearance is proposed during the nesting period (typically taken to be March to August inclusive).

4.23 Loss of habitats across the site is likely to have only a minor impact on any bird species using the site due to the abundance of suitable habitat in the wider area.

Hedgehog

4.24 Hedgehogs are also classified as SPI. 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 Recommendations

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

Notable Habitats and Flora

5.2 All retained trees and hedgerows 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.

5.3 A Root Protection Zone (RPZ) should be implemented around retained trees adjacent to the site if development is likely to affect the trees, their roots and overhanging canopies.

5.4 Existing hedgerows should be retained where possible under the proposals. It is recommended that new native hedgerows are planted on site to mitigate for any HPI hedgerow loss as a result of the development.

5.5 Replacement planting of scrub within the site is recommended to mitigate for any loss of these habitats to the development. It is recommended that any scrub loss is replaced with native, locally stocked species.

Fauna

Amphibians

5.6 Precautionary working measures should be adopted to minimise the risk of harm or injury to common amphibian species during vegetation clearance and construction works. Measures should be outlined within a protected/priority species Precautionary Working Method Statement (PWMS) to ensure no harm or injury to common amphibians, if present on site.

Badger

5.7 [redacted] A pre-commencement survey for badgers should be undertaken prior to works to confirm the absence of badger within 30m of the site which may be impacted by the proposals.

5.8 A 30 m buffer should be implemented around any badger setts identified within or adjacent to the site. If unavoidable development works are to be undertaken within 30m of a sett, monitoring surveys may be required to confirm the activity status. The monitoring surveys will involve weekly checks of the sett(s) over a period of 28 days.

5.9 If works are required within 30m of any active sett, a licence will likely be required from Natural Resources Wales for the works to proceed lawfully. In the unlikely event that a main sett will be impacted by the works, a replacement sett will need to be provided in advance of works commencing. The closure of a sett under licence can only be undertaken between 1st July and 30th November inclusive. Prior to sett closure, a one-way gate will be installed over the sett entrance(s) and the gate will be monitored by an ecologist every 3 days over a 21-day period.

5.10 A precautionary working measures method statement (PWMS) should be implemented during future site works to ensure no harm or injury comes to foraging or ranging badger within the site.

5.11 Native landscaping should be incorporated into the proposals to mitigate for the loss of foraging habitat and to act as a corridor for badger movement. The use of tunnels or bridges could also be included to ensure that commuting to foraging areas further afield is not disrupted.

Bats

5.12 Tree T6 is classified as having PRF-M bat suitability. If this tree will be unavoidably impacted (either directly or indirectly) by the development, additional survey effort in the form of aerial inspections will be required to determine the presence of bats and/or requirements for further survey.

5.13 In accordance with BCT Guidelines, three survey visits will be required for PRF-M trees with surveys spaced at least 3 weeks apart. The surveys must be completed between May and September, with at least two visits between May and August. Following nocturnal roost survey, if bats are confirmed roosting within any trees, there will be a requirement to obtain a European Protected Species (EPS) Mitigation Licence from Natural Resources Wales prior to felling. Following submission of a licence application, Natural Resources Wales aim to return the outcome of the licence application within 6 weeks. This should be taken into consideration in line with the proposed programme of works.

5.14 Trees T1-T5 and T7, in addition to several offsite trees adjacent to the western site boundary, have been classified as having PRF-I bat suitability. If these trees are to be

unavoidably impacted by the development, they will need to be soft-felled sectionally under the supervision of a bat licenced ecologist.

5.15 If works have not commenced within 12 months of the survey (i.e. by February 2026), an updated assessment of the trees on site for bat roosting potential will be required.

5.16 Across the rest of the site any lighting proposals for the scheme, including temporary lighting during construction works or permanent lighting as part of the development, should avoid direct lighting of any tree canopies or hedgerows which are being retained. A Sensitive Lighting Strategy should be implemented to avoid adverse impacts on bats. This is of particular relevance to construction during the autumn and spring when bats are active, and when working hours fall within an hour of dusk or dawn and artificial lighting is required.

5.17 The Strategy should address four key design principles:

- Use of unnecessary lighting will be avoided.
- Spatial spread of lighting – the horizontal and vertical spread of artificial light will be minimised, and take into account both primary and reflected light sources. Directional lighting can be achieved by angle and orientation of beam, use of a cowl, louvre or other light shield, or a combination of these.
- Timing and duration of lighting – timers and bespoke dimming regimes may be used to ensure that luminaires are reduced at times of predicted low use. These can be set to change with the seasons and therefore reflect the shifting time of dusk and dawn throughout the year. Motion sensors provide further control to ensure that areas are illuminated only when required.
- Intensity and colour of lighting – light intensity will be as low as possible whilst meeting the objectives of the intended function. The colour of lighting will need to take into account the sensitivity of the ecological receptors on site. Light sources selected should emit zero ultra-violet light wherever possible. Interim guidance from the Bat Conservation Trust (2014) recommends that white and blue spectrum light should be avoided or, where white lights are required, these should be of warm/neutral colour and have a peak wavelength above 550 nanometers. Narrow spectrum light sources should be used (to lower the range of species affected by lighting).

Birds

5.18 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.

Hedgehog

5.19 Precautionary working measures should be adopted to minimise the risk of harm or injury to hedgehogs during vegetation clearance and construction works. Measures should be outlined within a protected/priority species Precautionary Working Method Statement (PWMS) to ensure no harm or injury to hedgehogs, if present on site.

5.20 Work likely to cause disturbance during hibernation – for example removal of hibernation habitats such as hedgerows – should not take place during November to March.

Biodiversity Enhancement

5.21 Landscape planting should aim to utilise native species appropriate to the local area and should maximise berry-bearing and nectar and pollen rich species. These can provide a valuable foraging resource for a range of pollinators and other invertebrates, which in turn benefits wildlife such as bats, small mammals and many bird species. Native wildflower seed mixes, suitable to the soil type at the application site, are available commercially and could be planted on site. This would also be beneficial to invertebrates such as bees and butterflies. Planting should focus on enhancing the small area of modified neutral grassland that is being retained in current proposals.

5.22 A bat box and/or a bird box could be incorporated onto retained trees to provide roosting opportunities for bat species and nesting opportunities for birds. Nest boxes should be appropriate to species that occur locally. Bat and bird boxes should be located at an appropriate height and aspect, with suitable lighting levels and close to vegetation

Annex A: Development Proposals

STRATEGIC APPROACH FOR LANDSCAPE PLANTING AND ECOLOGICAL IMPROVEMENT

The overall aim of these landscaping proposals is to provide connections between the existing established surrounding hedgerows, trees, ponds, and grasslands with the wider Strategic Ecological Network of the Wrexham Industrial Estate. The ponds and planting will increase species diversity, start to create a range of linked habitats and provide an uplift in ecological attributes such as pollinator species, breeding sites and wildlife foraging potential.

RE-ESTABLISHING AND ENCOURAGING EXISITING VEGETATION

The approach within these parcels is to encourage the locally established and appropriate vegetation to re-colonise the fields and ponds. The existing grassland will be retained as much as possible throughout and following earthworks, excavations and ground repair, will be prepared to allow for Natural Regeneration. The seedbank contained within the soil should allow the regeneration of grassland and wetland marginal planting. We would advocate selective vegetative propagation for the aquatic planting by taking small transplants of existing vegetation and relocating in suitable conditions within the newly created ponds to allow natural establishment. Grasslands can also be vegetatively extended by taking sprigs' or small areas of grass and transplanting to areas needing coverage. Ongoing maintenance would reinforce the regenerative approach for grasslands and aquatic planting.
If successful regeneration has not been achieved after 2 growing seasons, we would then suggest implementing the wildflower grass and aquatic marginal planting mixes specified on the following drawings. The Wildflower species rich meadow mix is suggested for the western slopes to achieve a diverse flowering mix to support the ground level grassland. These western slopes will be backfilled with 'nutrient poor' subsoils that are available on site to create the right conditions for wildflower establishment. The eastern slopes will have normal nutrient level topsoil backfilled to the given depths shown on the sections for good growth conditions of trees and thicket transplant species. We would suggest seeding the Bent and Fescue grass mix beneath the thicket planting matrix for weed control measures.

PONDS - The ponds follow the principles set out by TEP (The Environment Partnership) Pond and Hibernacula Details (drawing D7215.002A) for Bryn Lane, Wrexham. Ponds to be multi-level with lower ponds depths maximum 1.5m; maximum 1:3 gradient to banks (based on stability of cover material); shallow ledge with regenerative grassland (or seeding as necessary after 2 seasons); marginal planting on 1500mm shelf (regenerative marginals from site); 1:5 banks to tie in with surrounding site levels. Refer to Earthworks notes, Pond Notes and liner specification as part of specialist information across all Networld Sports sites.

EXISTING PONDS existing ponds on site to be protected during earth movement operations to ensure good conditions maintained. Any ditches or smaller linked ponds to be checked with ecologist and engineer to ensure drainage patterns are uninterrupted and condition retained. Selective vegetation can be harvested during the planting season to vegetatively repopulate new pond areas.

BOUNDARY THICKET (SCRUB) PLANTING
These native species thicket areas to be planted on a 1.5m grid layout comprising of smaller whips with Select Standard trees (8-10cm girth) as shown on plan within that grid. A gap of around 3-5m to be kept between the thicket planting and existing site hedgerow to allow maintenance of the hedge, retain the clear margin and prevent thicket growing into the hedgerow. This measure is to ensure that the hedgerow habitat remains as that and the new thicket planting becomes another layered habitat over time. It is recommended to seed Bent and Fescue species within planting matrix for weed control.

HIBERNACULA AND HABITAT CREATION
Hibernacula to be built following TEP guidelines following dimensions, materials and construction recommendations. Butterfly and bee banks and scrapes to be built according to ecologists recommendations. Log and rock piles to be sited as per plan to ecologists specification for material sizes and placement methods.

These proposals outline the bigger picture' objectives of the site planting approach and provide the strategy of how this can be achieved through earthworks modelling, creating the right soil conditions, allowing Natural Regeneration and implementing the correct species to achieve this.

General Notes

1. Do not scale from drawing unless it is a specified setting out plan and you have confirmed it is printed to scale.
2. All dimensions and levels shown must be confirmed by contractors prior to the commencement of construction works.
3. All measurements must be checked on site.
4. Drawings are to be read in conjunction with all other relevant plans, specifications and schedules.
5. All work must comply with the current building regulations.
6. No materials used or methods of workmanship to be employed that do not conform to the current relevant British Standard and Code Of Practice.
7. All plants and materials are subject to availability at time of ordering.
8. Topsoils to be placed to 450mm overall depth in shrub and herbaceous areas and 600mm in tree pits and hedge trenches. Soils should be placed in 150mm layers, firming as you go, over compaction free, well draining subsoil.

Drawing Annotations

1. Insert note here
2. Insert note here
3. Insert note here
4. Insert note here
5. Insert note here
6. Insert note here

Key

- Existing Fence
- Proposed Tree
- Existing Retained Tree
- Proposed Log Pile
- Proposed Hibernacula
- Retained Trees & Scrub
- Proposed Native Scrub / Thicket
- Proposed Native Hedge
- Retained Wild/meadow Grass
- Proposed Wet Grassland
- Aquatic Marginal Planting
- Proposed Wildlife Pool
- Existing Water
- Redline Boundary



Existing Site Condition



Proposed Site Treatment

Ponds Retained	*0 (of 0)*
New Ponds Proposed	*10*
Hedgerow Lost	*0 lin.m*
Hedgerow Created	*249 lin.m*
Trees Lost	*0*
Trees Proposed	*38*

20/03/2025	J	CB	Minor Revisions
19/03/2025	I		Issue

Date 20/03/2025 | Original size A1 | Scale 1:1000 | Drawn by CB | Checked by JK | Rev V2

Drawing no 4826-Strategic Ecology Corridors-4.1

Status PLANNING

Drawing Title Parcel 4, Francis' Lane, Overview

Location Utopia City Strategic Ecology Corridor, Wrexham

Client name Net World Sport

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Annex B: Target Notes

Target Notes

The habitat survey was undertaken in February, which is a sub-optimal 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

Target Note 1 (Modified Grassland)

A large agricultural field in the south of the site. The area is bounded by a fence bordering a residential property to the west, and hedgerows that lead to Francis Lane to the south and additional agricultural fields to the north and east.



Figure 2: Modified grassland present at TN1 in the south of the site

Species recorded within the TN area at the time of survey included:

Binomial	Common	DAFOR
Lolium perenne	Perennial ryegrass	A
Dactylis glomerata	Cock's-foot	F
Holcus lanatus	Yorkshire fog	F
Ranunculus repens	Creeping buttercup	F
Anthriscus sylvestris	Cow parsley	O
Centaurea sp.	Knapweed species	O
Cirsium arvense	Creeping thistle	O

Epilobium sp.	Willowherb	O
Galium aparine	Cleavers	O
Urtica dioica	Common nettle	O
Arum italicum	Italian arum	R
Buddleja davidii	Buddleia	R
Crataegus monogyna	Hawthorn	R
Prunus spinosa	Blackthorn	R
Rubus fruticosus	Bramble	R

Target Note 2 (Modified Grassland)

An agricultural field in the north of the site. The area is bounded by hedgerows to the south and west and a fence line to the north and east.



Figure 3: Modified grassland present at TN2 in the north of the site

Species recorded within the TN area at the time of survey included:

Binomial	Common	DAFOR
Lolium perenne	Perennial ryegrass	A
Holcus lanatus	Yorkshire fog	A
Ranunculus repens	Creeping buttercup	A
Dactylis glomerata	Cock's-foot	O
Arum italicum	Italian arum	R
Rumex obtusifolius	Broad-leaved dock	R

Drawings

Drawing 1: UK Habitat Classification Survey (Ref: G10934.008)

Drawing 2: Ground Level Tree Assessment for Bats (Ref: G10934.009)



KEY

- Site boundary
- 200 Tree
- u1e 612 Fence
- h2a Native hedgerow
- g4 Modified grassland

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

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Rev	Description	Drawn	Approved	Date

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Project
Utopia, Francis Lane

Title
UK Habitat Classification Survey

Drawing Number
G10934.008

Drawn	Checked	Approved	Scale	Date
MC	CW	PP	1:1,100 @ A3	18/03/2025



KEY

Site boundary

Tree Assessment for Bat Roost Potential

- PRF-I: Tree with potential roost feature suitable for individual/very small numbers of bats
- PRF-M: Tree with potential roost feature suitable for multiple bats

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

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Site Map



Rev	Description	Drawn	Approved	Date

THE ENVIRONMENT PARTNERSHIP

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

Project
Utopia, Francis Lane

Title
Ground Level Tree Assessment for Roosting Bats

Drawing Number
G10934.009

Drawn	Checked	Approved	Scale	Date
MC	CW	PP	1:1,100 @ A3	18/03/2025

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Strategic Ecology Corridor - Land off Francis Lane

Wrexham

Ecological Desk Study

Prepared For: Net World Sports

Document Reference: 10934.001

March 2025

Version 1.0

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Location:	Wrexham
Document Title:	Ecological Desk Study
Client:	Net World Sports
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Document Ref:	10934.001

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Annexes

Annex A: Key Ecological Legislation and National Policy

1.0 Introduction

1.1 The Environment Partnership (TEP) was commissioned by Mauna Kea Limited, a fully owned subsidiary of Net World Sports, in January 2025 to complete an Ecological Assessment for a site called Utopia, Francis Lane in Holt, Wrexham.

1.2 It is understood that proposals are for the development of an ecological mitigation and enhancement site for great crested newts *Triturus cristatus* (GCN), including the creation of ponds and amphibian hibernacula and native planting, to mitigate for the loss of GCN habitat within the wider area.

1.3 To inform the Ecological Assessment, 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.

1.4 This report is not sufficient in isolation to support a planning application. This report should be read in conjunction with the Ecological Assessment (TEP Report Ref: 10934.002).

Site Location

1.5 The site (central grid reference SJ 38100 51300) is within the administrative area of Wrexham County Borough Council. It is immediately bound by Francis Lane to the south, Holt Lodge Farm to the west and fields in all other directions (Figure 1).

1.6 Within the wider area, the A534 is situated approximately 660m north and the A5156 is situated approximately 130m west of the site boundaries, beyond which a golf course is situated. Wrexham Industrial Estate is located approximately 300m south of the site and the city of Wrexham is located approximately 2.2km west. Agricultural fields are situated in all other directions.



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 - North Wales Environmental Information Service 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 in the UK (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)		
• 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 to 2028 (Adopted December 2023)[1] • Wrexham Unitary Development Plan 1996 – 2011 (Adopted February 2005)[2] • Local Development Plan Proposals Map 3 - Wrexham Industrial Estate[3] • Local Development Plan Constraints Map 3 - Wrexham Industrial Estate[4]	As applicable to site
Statutory wildlife sites (Chapter 4.0)		
• 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[5] • Local Development Plan Proposals Map 3 - Wrexham Industrial Estate • Local Development Plan Constraints Map 3 - Wrexham Industrial Estate	10km
• Sites of Special Scientific Interest (SSSI) • National Nature Reserves (NNR) • Marine Nature Reserves (MNR) • National Parks		5km
• Local Nature Reserves (LNR) • Country Parks • Strategic Nature Areas		2km
Non-statutory wildlife sites (Chapter 4.0)		
• Wildlife Sites for Wrexham (WSW) • B-lines • Important Invertebrate Areas (IIA)	• Cofnod - North Wales Environmental Information Service • Wrexham Local Development Plan 2 (LDP2) 2013 to 2028 • Local Development Plan Proposals Map 3 - Wrexham Industrial Estate • Local Development Plan Constraints Map 3 - Wrexham Industrial Estate	2km
Notable habitats (Chapter 5.0)		

[1] Wrexham County Borough Council (2023) [Online]. Wrexham County Borough Local Development Plan 2013-2028. *https://wrexham-consult.objective.co.uk/file/6265559* [Accessed: 04/02/2025].

[2] Wrexham County Borough Council (2005) [Online]. Wrexham Unitary Development Plan 1996-2011. *https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf* [Accessed: 10/02/2025].

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

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

[5] Public sector information

• Ancient Woodland • Habitats of principal importance • Main rivers • Peaty Soils	• Natural Resources Wales[5] • Environment Agency[5] • Cofnod - North Wales Environmental Information Service • Google Earth	0.25km
Protected or notable species (Chapter 6.0)		
• Pre-existing records for protected or notable species, non-native invasive species	• Cofnod - North Wales Environmental Information Service	2km

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'[6] or 'Wetlands Convention');
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention[7]);
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention[8] or CMS)
- The Convention on Biological Diversity (Biodiversity Convention[9] or CBD)
- Conservation of Habitats and Species Regulations 2017[10] (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[11] (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981[12];
- Countryside and Rights of Way Act (CROW) 2000[13];
- Environment (Wales) Act 2016[14];
- Hedgerow Regulations 1997[15];
- Protection of Badgers Act (PBA)1992[16];
- Wild Mammals (Protection) Act (WMPA) 1996[17];
- Planning Policy Wales Edition 12[18];
- Future Wales: The National Plan 2040[19]
- Nature Recovery Action Plan: Our Strategy for Nature [20]

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

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

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

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

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

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

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

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

14 Environment (Wales) Act 2016 c. 7 16 https://www.legislation.gov.uk/anaw/2016/3/section/7

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

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

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

18 Llywodraeth Cymru Welsh Government (2024). Planning Policy Wales Edition 12. https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf [Accessed: 04/02/2025].

19 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 [Accessed: 04/02/2025].

20 Llywodraeth Cymru Welsh Government (2015) [Online]. Nature Recovery Action Plan Part 1: Our Strategy for Nature *https://www.gov.wales/sites/default/files/publications/2019-05/nature-recovery-action-plan-2015.pdf* [Accessed: 18/02/2025]

- Nature Recovery Action Plan: Our Action Plan [21]
- Government Circular 06/2005[22].

Local Planning Policy

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

3.2 The current Local Plan was 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:

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

Site Allocations

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

21 Llywodraeth Cymru Welsh Government (2015) [Online]. Nature Recovery Action Plan Part 2: Our Action Plan *https://www.gov.wales/sites/default/files/publications/2020-10/nature-recovery-action-plan-wales-2020-2021.pdf* [Accessed: 18/02/2025]

22 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

Wrexham Local Development Plan 2 2013 to 2028 (adopted December 2023)

3.7 The Wrexham Local Development Plan 2 (LDP2) was adopted by the County Borough Council on 20th December 2023.

3.8 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.

Site Allocations

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

Local Planning Guidance Notes

3.10 Wrexham County Borough Council has approved a series of local planning guidance notes to support their Development Plan policy.

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

- 17. Trees and Development[23]

[23] Wrexham County Borough Council (2012) [Online]. Local Planning Guidance Note No. 17 – Trees and Development. *https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-17e.pdf* [Accessed: 04/02/2025].

- 29. Wrexham Industrial Estate: Employment Development and Nature Conservation[24]
- 32. Biodiversity & Development[25]
- 35. Great Crested Newt Mitigation Requirements[26]

[24] Wrexham County Borough Council (2009) [Online]. Local Planning Guidance Note No. 29 – Wrexham Industrial Estate: Employment Development and Nature Conservation. *https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-29e.pdf* [Accessed: 04/02/2025].

[25] Wrexham County Borough Council (2011) [Online]. Local Planning Guidance Note No. 32 - Biodiversity & Development. *https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-32e.pdf* [Accessed: 04/02/2025].

[26] Wrexham County Borough Council [Online]. Great Crested Newt Mitigation Requirements. Available on request from planning_admin@wrexham.gov.uk.

4.0 Wildlife Sites

Statutory Sites

4.1 Table 2 and Figures 2, 3 and 4 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 2)		
Midland Meres & Mosses Phase 2	Ramsar (England)	3.0km northwest
Midland Meres & Mosses Phase 2	Ramsar (Wales)	3.0km northwest
River Dee and Bala Lake	SAC (England)	3.7km east
Afon Dyfrdwy a Llyn Tegid	SAC (Wales)	3.7km east
Johnstown Newt Sites	SAC (Wales)	8.0km southwest
Statutory wildlife sites of national significance within 5km of the site (Figure 3)		
Vicarage Moss	SSSI (Wales)	3.0km northwest
Afon Dyfrdwy (River Dee)	SSSI (Wales)	3.3km east
River Dee (England)	SSSI (England)	3.5km east
Dee Cliffs, Farndon	SSSI (England)	4.2km northeast
Marford Quarry	SSSI (Wales)	4.6km northwest
Sontley Marsh	SSSI (Wales)	5.0km southwest
Statutory wildlife sites of local significance within 2km of the site (Figure 4)		
None.		

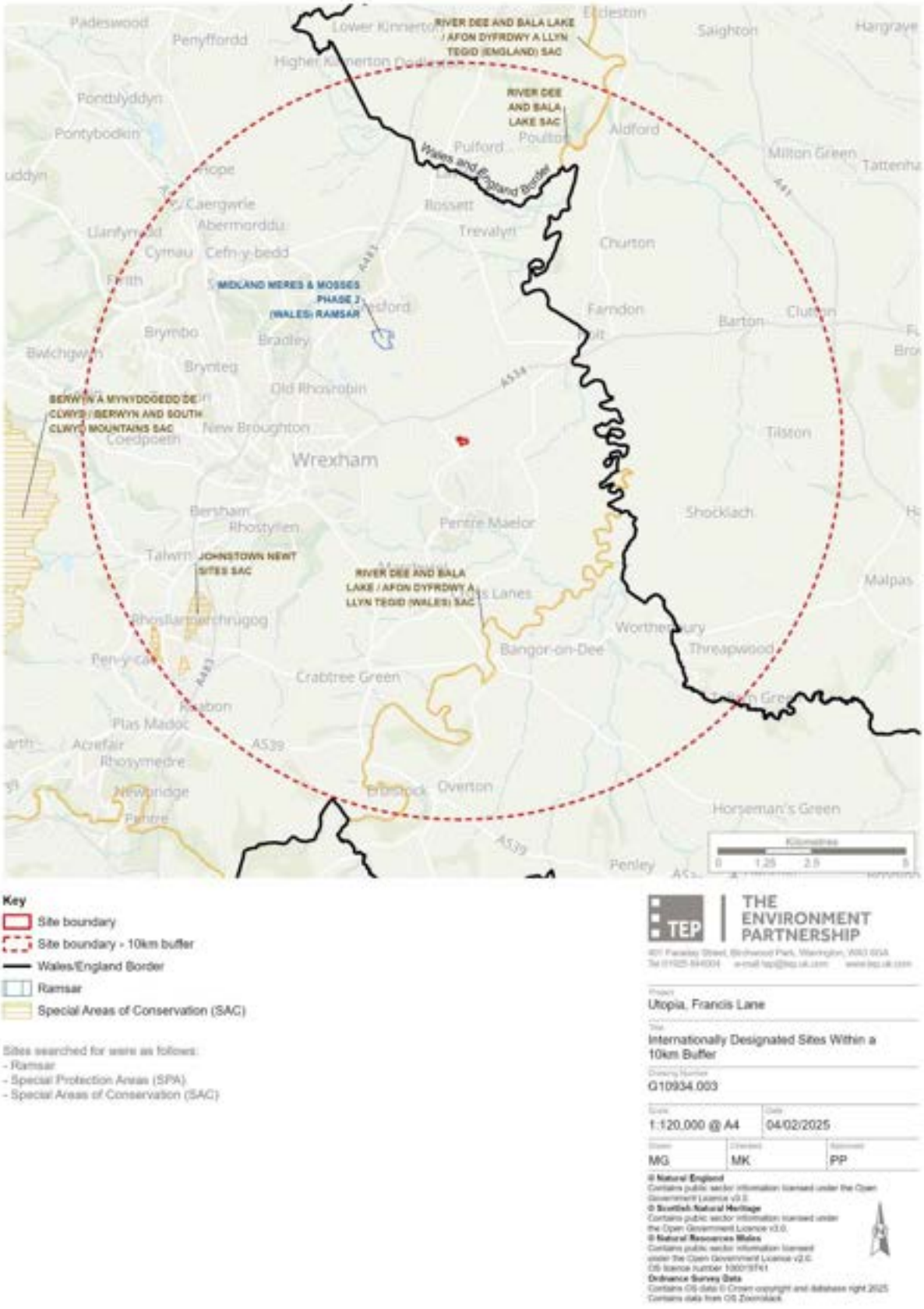


Figure 2: Statutory wildlife sites of international significance within 10km of the site

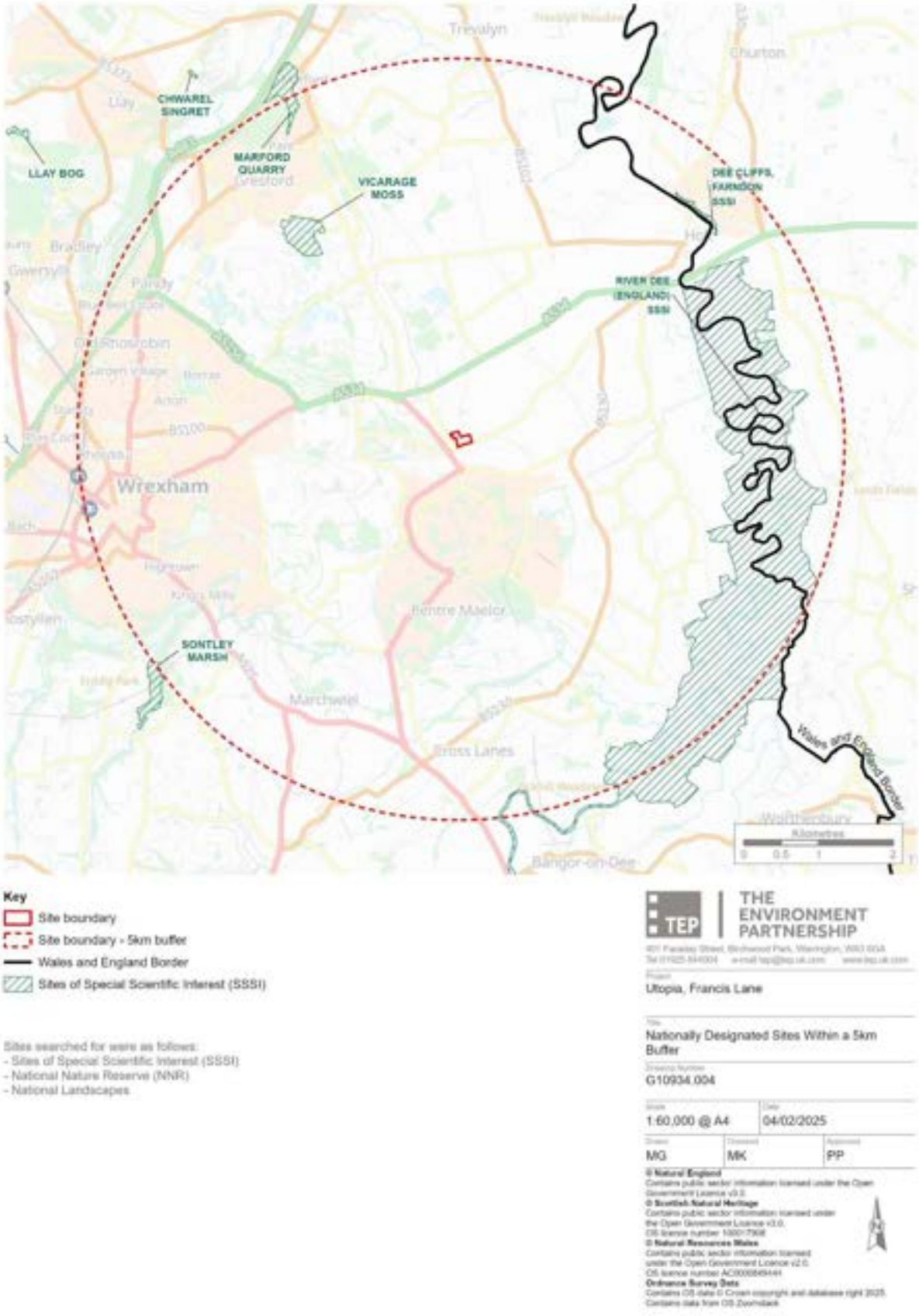


Figure 3: Statutory wildlife sites of national significance within 5km of the site

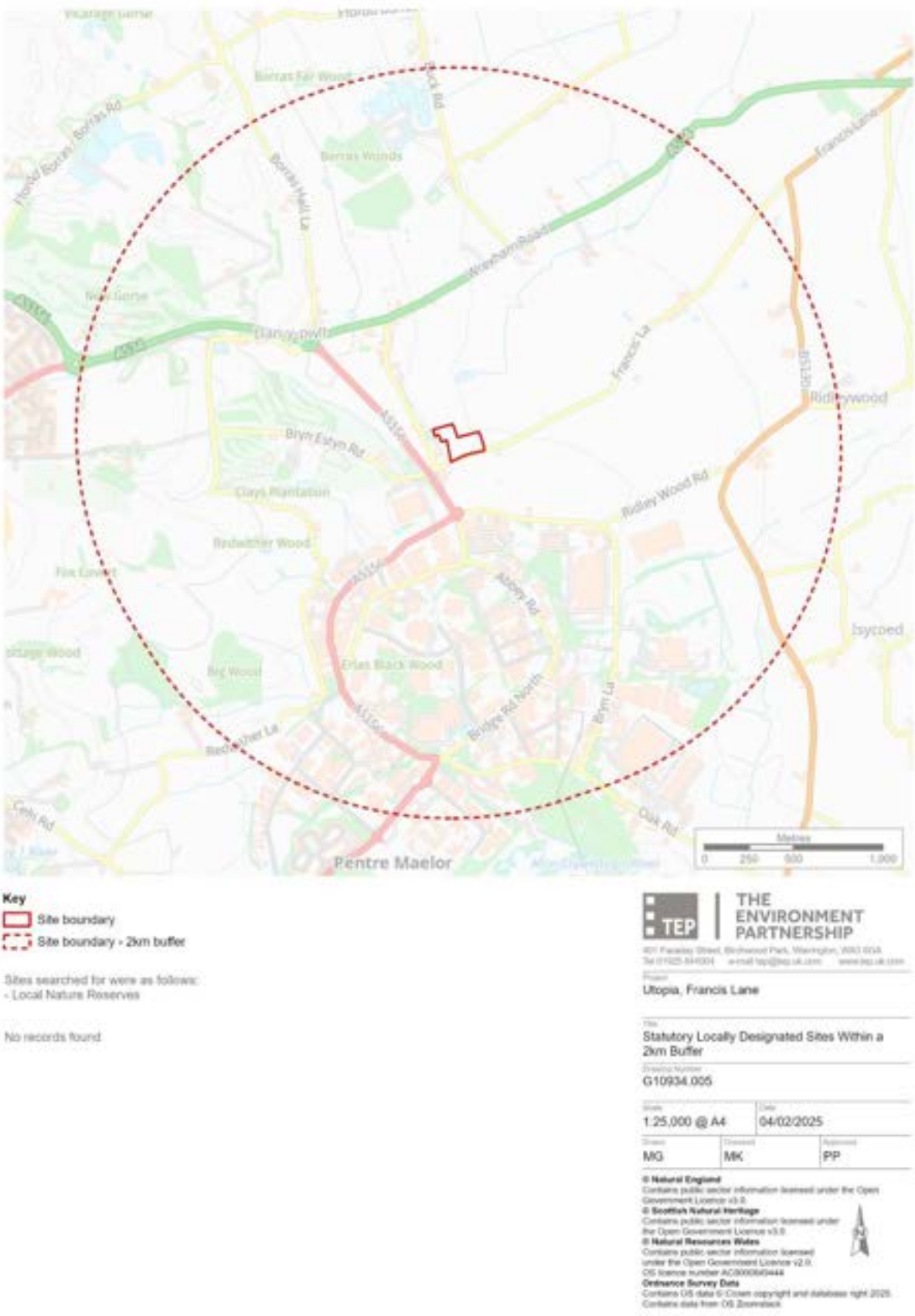


Figure 4: Statutory wildlife sites of local significance within 2km of the site

SSSI Impact Risk Zones

4.2 The site lies within a single 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.

4.3 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:
All Planning Applications	Assessed not to impact the SSSI.
Infrastructure	Airports, helipads and other aviation proposals.
Wind & Solar Energy	Assessed not to impact the SSSI.
Minerals, Oil & Gas	Assessed not to impact the SSSI.
Rural Non-Residential	Assessed not to impact the SSSI.
Residential	Assessed not to impact the SSSI.
Rural Residential	Assessed not to impact the SSSI.
Air Pollution	Any industrial/agricultural development that could cause air pollution (including: industrial processes, livestock & poultry units with a floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500 tonnes).
Combustion	General combustion processes >50MW energy input. Including: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/combustion.
Waste	Assessed not to impact the SSSI.
Composting	Assessed not to impact the SSSI.
Discharges	Assessed not to impact the SSSI.
Water Supply	Assessed not to impact the SSSI.
GUIDANCE	*https://magic.defra.gov.uk/Metadata_for_magic/SSSI%20IRZ%20User%20Guidance%20MAGIC.pdf*



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

Non-Statutory Wildlife Sites

4.4 Table 4 and Figure 6 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 (Map Ref)	Designation	Distance and Direction from Site
Wrexham Industrial Estate (2)	WSW	1.24km south
Borras Wood North (3)	WSW	1.55km north
Cefn Park (1)	WSW	1.65km southwest

4.5 The Scheme lies within a B-line[27], Cymru (Figure 4). 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*.

4.6 The Scheme also lies 1.24km northwest from an Important Invertebrate area (IIA)[28]. 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.

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

[28] Buglife [Online]. Important Invertebrate Areas. *https://www.buglife.org.uk/our-work/important-invertebrate-areas/* [Accessed: 04/02/2025].

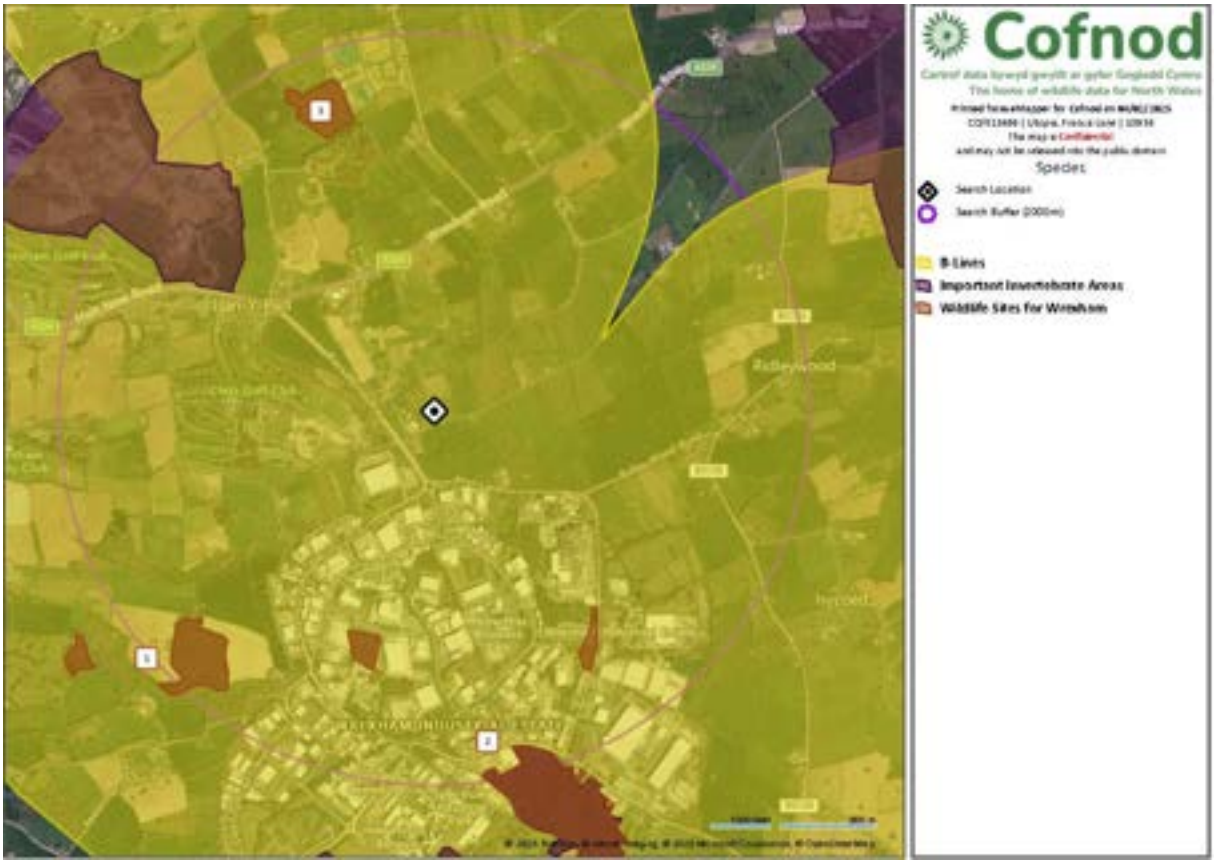


Figure 6: Non-statutory wildlife sites within 2km of the site (map provided by Cofnod)

5.0 Notable Habitats

5.1 No notable habitats are present within the site (Figure 7).

5.2 A small area of S7 Traditional Orchard habitat lies immediately adjacent to the western boundary of the site, and the Redwither Brook, which runs approximately 250m west of the site, is designated as a Statutory Main River in Wales. There are no other notable habitats present within 250m of the site.



Figure 7: Notable habitats within 250m of the site

6.0 Protected and Notable Species

Pre-existing Species Records

6.1 Protected and notable species records returned from Cofnod for the last 10 full years within 2km of the site are summarised on pages 24 - 27. The terms and conditions of this data state this data is valid until 23rd July 2025.

6.2 No species were recorded within nor adjacent to the site boundary.

Species Records Summary: Utopia, Francis Lane

Amphibians	
Species	**Count**
Common Toad *Bufo bufo*	15
Great Crested Newt *Triturus cristatus*	115

Birds	
Species	**Count**
Barn Owl *Tyto alba*	8
Black-headed Gull *Chroicocephalus ridibundus*	15
Bullfinch *Pyrrhula pyrrhula*	10
Coal Tit *Periparus ater*	6
Common Gull *Larus canus*	6
Cormorant *Phalacrocorax carbo*	1
Crossbill *Loxia curvirostra*	1
Curlew *Numenius arquata*	3
Dunnock *Prunella modularis*	8
European White-fronted Goose *Anser albifrons albifrons*	3
Fieldfare *Turdus pilaris*	7
Gadwall *Mareca strepera*	2
Goldcrest *Regulus regulus*	10
Golden Plover *Pluvialis apricaria*	1
Goshawk *Accipiter gentilis*	1
Great Black-backed Gull *Larus marinus*	2
Great White Egret *Ardea alba*	1
Green Woodpecker *Picus viridis*	20
Greenfinch *Chloris chloris*	2
Grey Wagtail *Motacilla cinerea*	11
Greylag Goose *Anser anser*	10
Herring Gull *Larus argentatus*	32
Hobby *Falco subbuteo*	2
House Martin *Delichon urbicum*	6
House Sparrow *Passer domesticus*	9
Kestrel *Falco tinnunculus*	19
Kingfisher *Alcedo atthis*	1
Lapwing *Vanellus vanellus*	2
Lesser Black-backed Gull *Larus fuscus*	16
Lesser Redpoll *Acanthis cabaret*	1
Little Ringed Plover *Charadrius dubius*	1
Long-tailed Tit *Aegithalos caudatus*	8
Mallard *Anas platyrhynchos*	15
Mandarin Duck *Aix galericulata*	3

Meadow Pipit *Anthus pratensis*	7
Mistle Thrush *Turdus viscivorus*	5
Moorhen *Gallinula chloropus*	9
Oystercatcher *Haematopus ostralegus*	1
Peregrine *Falco peregrinus*	3
Pink-footed Goose *Anser brachyrhynchus*	8
Pintail *Anas acuta*	7
Red Kite *Milvus milvus*	1
Redshank *Tringa totanus*	1
Redwing *Turdus iliacus*	18
Reed Bunting *Emberiza schoeniclus*	6
Rook *Corvus frugilegus*	19
Sedge Warbler *Acrocephalus schoenobaenus*	6
Shelduck *Tadorna tadorna*	7
Shoveler *Spatula clypeata*	2
Skylark *Alauda arvensis*	3
Song Thrush *Turdus philomelos*	18
Sparrowhawk *Accipiter nisus*	7
Starling *Accipiter nisus*	3
Stock Dove *Columba oenas*	10
Swallow *Hirundo rustica*	3
Swift *Apus apus*	7
Tawny Owl *Strix aluco*	2
Teal *Anas crecca*	1
Tree Sparrow *Passer montanus*	1
Tufted Duck *Aythya fuligula*	7
White-fronted Goose *Anser albifrons*	1
Whitethroat *Curruca communis*	4
Wigeon *Mareca penelope*	7
Willow Warbler *Phylloscopus trochilus*	2
Woodcock *Scolopax rusticola*	8
Woodpigeon *Columba palumbus*	20
Wren *Troglodytes troglodytes*	23
Yellowhammer *Emberiza citrinella*	2

Flora	
Species	**Count**
Bluebell *Hyacinthoides non-scripta*	4
Canadian Waterweed *Elodea canadensis*	1
Himalayan Balsam *Impatiens glandulifera*	2
Japanese Knotweed *Fallopia japonica*	2
New Zealand Pigmyweed *Crassula helmsii*	2
Pennyroyal *Mentha pulegium*	3

Water Fern *Azolla filiculoides*	1

Invertebrates	
Species	**Count**
Cinnabar *Tyria jacobaeae*	7
Dingy Skipper *Erynnis tages*	53
Grayling *Hipparchia semele*	7
Grizzled Skipper *Pyrgus malvae*	38
Latticed Heath *Chiasmia clathrata*	5
Shaded Broad-bar *Scotopteryx chenopodiata*	6
Small Heath *Coenonympha pamphilus*	76

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

Terrestrial Mammals (Bats)	
Roost Records	
Species	**Count**
Brown Long-eared Bat *Plecotus auritus*	3
Common Pipistrelle *Pipistrellus pipistrellus*	3
Daubenton's Bat *Myotis daubentonii*	1
Lesser Horseshoe Bat *Rhinolophus hipposideros*	3
Noctule *Nyctalus noctula*	1
Soprano Pipistrelle *Pipistrellus pygmaeus*	2
Other Records	
Species	**Count**
Brandt's Bat *Myotis brandtii*	2
Brown Long-eared Bat *Plecotus auritus*	3
Common Pipistrelle *Pipistrellus pipistrellus*	7
Daubenton's Bat *Myotis daubentonii*	2
Lesser Horseshoe Bat *Rhinolophus hipposideros*	1
Myotis Bat species *Myotis sp.*	2
Natterer's Bat *Myotis nattereri*	1
Noctule *Nyctalus noctula*	5
Soprano Pipistrelle *Pipistrellus pygmaeus*	3
Whiskered/Brandt's Bat *Myotis mystacinus/brandtii*	1

Terrestrial Mammals (Other)	
Species	**Count**
[redacted]	
Grey Squirrel *Sciurus carolinensis*	2
Hare *Lepus europaeus*	3

Hedgehog *Erinaceus europaeus*	5
Otter *Lutra lutra*	13
Polecat *Mustela putorius*	1

Fish	
Species	**Count**
Eel *Anguilla anguilla*	2

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'[29] 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[30]) - 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[31] 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[32] or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020[33] is guided by the UK Post-2010 Biodiversity Framework[34].

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.

---

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

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

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

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

[33] 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/*

[34] 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/*

Conservation of Habitats and Species Regulations

c. The Conservation of Habitats and Species Regulations 2017[35] (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[36] (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[6] do not form part of the NSN but remain protected in the same way as SACs and SPAs.

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

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

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

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)[37] (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[6] 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[7] (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales[38] by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention[8] is also provided by the WCA.

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

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

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

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

- Intentionally kill, injure or take any such animal;
- Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal;
- Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.

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

[38] 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.

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[39] (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.

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

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

c. Important hedgerows are protected from removal by the Hedgerows Regulations[40] (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.

d. 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

e. Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)[41]. 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.

f. 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

g. 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

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

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

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

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

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

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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