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PRELIMINARY ECOLOGICAL APPRAISAL

At

Lower Park Farm – Phase 2
Parkside
Rossett
Wrexham
LL12 0BN

NGR: SJ 38841 55091

Prepared for:	Rossett Park Farming c/o Hourigan Planning Ltd.
Written by:	Daniel Smith, UES Ecologist
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[redacted]

Date:	30th June 2025
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EXECUTIVE SUMMARY

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

The PEA provides an assessment of potential ecological impacts associated with the development of the land parcel. The development proposals include an extension to an existing car park, installation of a farm shop within a converted shipping container, outdoor seating area and landscaping.

The development site is 0.12ha in size and is predominantly improved grassland with a small area of hardstanding along the eastern boundary, which will form the access point from the existing car park. A native hedgerow with mature trees runs along the northern boundary (outside of the development boundary).

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

- **Hedgerows** – generic issues relating to root protection areas (RPA).
- **Amphibians** – reasonable avoidance measures (RAMs) to be implemented during the construction phase of the development to safeguard common amphibian species.
- **Bats** – any artificial lighting installed onsite should be designed to avoid overspill onto any retained or created areas of higher quality habitat e.g. hedgerows, trees and wildflower grassland. Potential impacts on bats utilising the offsite hedgerow to be minimised via implementation of RPAs.
- **Breeding birds** – potential impacts on breeding birds utilising the offsite hedgerow to be minimised via implementation of RPAs.

The development presents an opportunity to improve the habitats on site for wildlife through native species planting: native hedgerow planting will be undertaken along the western development boundary and a wildflower grassland will be created to the south of site.

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

1 INTRODUCTION

1.1 Author, surveyors, qualifications and scope of study area

This report is written by Daniel Smith BSc MScRes, UES Ecologist. Daniel holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake UKHab surveys. Daniel is licensed by Natural Resources Wales to disturb, take and handle all species other than greater or lesser horseshoe under licence number S095430/1. Daniel is licensed by Natural Resources Wales to disturb, take and handle great crested newts (GCN) *Triturus cristatus* under licence number S093616/1. Other surveyors present include Josh Howard BSc, UES Graduate Field Ecologist. Josh also holds a level 3 FISC and is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S094673/1.

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

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

1.2 Survey objectives

UES was commissioned by Rossett Park Farming to conduct a PEA of the development site. This was completed in order to:

- Establish baseline conditions and determine the importance of ecological features present or potentially present within the survey area
- Identify key ecological constraints to the project
- Make recommendations for design options to avoid significant effects on important ecological resources at an early stage of development planning
- Identify potential requirement for further surveys for nationally or internationally protected species which may be present on site
- Identify potential requirement for mitigation or compensation, including measures that may be required based on further surveys

1.3 Proposed development

The development proposals include the extension to an existing car park, installation of a farm shop within a converted shipping container, outdoor seating area and landscaping.

1.4 Structure of the report

This report is a baseline appraisal that forms the basis for further ecological surveys and environmental impact assessments (EIA) if required. In the majority of cases the preliminary ecological assessment will not provide all the ecological data required by the Local Planning

Authority to determine an application, especially in the event that protected habitat or species issues are present or likely.

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

2 METHODOLOGY

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

2.1 Desk study

The following resources were used to inform the desk study:

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

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

2.2 Field survey

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

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

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

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

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

2.3 Survey limitations

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

3 RESULTS

3.1 Desk study

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

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

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

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

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

- Chwarel Singret SSSI
- Gatewen Marsh SSSI
- Llay Bog SSSI
- Marford Quarry SSSI
- Midland Mere and Mosses Phase 2 Ramsar
- Old Pulford Brook Meadows SSSI
- Sontley Marsh SSSI
- Vicarage Moss SSSI

3.2 Baseline conditions – Habitats

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

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

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

3.2.1 g4 Modified grassland

Secondary codes: 101

The development site is predominantly grazed pasture. As the grassland is subject to regular grazing and mowing for silage, the grassland has a low diversity of plant species (Appendix 4 – Photographs; Photograph 1). Species present include perennial rye grass *Lolium perenne*, common bent *Agrostis capillaris*, timothy *Phleum pratense*, *Festuca sp.*, annual meadow-grass *Poa annua*, cocksfoot *Dactylis glomerata*, false oat grass *Arrhenatherum elatius,* common chickweed *Stellaria media*, cow parsley *Anthriscus sylvestris*, perennial sow thistle *Sonchus arvensis*, creeping buttercup *Ranunculus repens*, hedge garlic *Alliaria petiolata*, stinging nettle *Urtica dioica*, spear thistle *Cirsium vulgare* and yarrow *Achillea millefolium*.

3.2.2 u1c Artificial unvegetated unsealed surface

Secondary codes: 804

A hardstanding car park is present to the east of site, a small section of which is located within the development boundary (Photograph 2).

3.2.3 u1c Built linear features

A newly constructed wire fence runs along the eastern development boundary.

3.3 Baseline conditions – Protected species or resources

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

3.3.1 Amphibians

A GCN impact assessment was undertaken by UES on 30th October 2024 (reference UES04733/05). Great crested newts are known to be present within in the local area, and there are two mapped ponds within 250m of the development site. However, the terrestrial habitats within the development boundary include grazed pasture and a small area of hardstanding, which are broadly unsuitable for GCNs.

No excavation works will be undertaken during the development. Instead, aggregate will be placed directly on top of the grass which will continue to be grazed / cut prior to application.

Due to the small scale of the proposed works, type of habitat due to be impacted and the proposed construction techniques, it is considered unlikely GCN will be directly impacted by the development works.

3.3.2 Reptiles

The terrestrial habitats within the development boundary include grazed pasture and a small area of hardstanding, which are broadly unsuitable for reptiles. As such, it is considered highly unlikely that reptiles will be impacted by the proposed development.

3.3.3 Badgers

No evidence of badger *Meles meles* activity, including setts, snuffle holes, footprints, hairs or latrines, was identified onsite during the walkover survey. As such, it is considered highly unlikely that badgers will be impacted by the proposed development.

3.3.4 Bats

The habitats onsite have limited potential to support foraging and commuting bats, and there are no buildings or trees onsite suitable for use by roosting bats.

A hedgerow with mature trees is present along the northern development boundary, which may contain potential roosting features for bats. The hedgerow also has potential to support foraging and commuting bats. The hedgerow is located offsite and will not be directly impacted as a result of the proposed development; however, there is potential for works onsite to disturb bats utilising the hedgerow if present at the time of works.

3.3.5 Hazel dormice

The terrestrial habitats within the development boundary are unsuitable for hazel dormice *Muscardinus avellanarius*. As such, it is considered highly unlikely that hazel dormice will be impacted by the proposed development.

3.3.6 Hedgehogs

The terrestrial habitats within the development boundary are broadly unsuitable for hedgehogs *Erinaceus europaeus*. As such, it is considered highly unlikely that hedgehogs will be impacted by the proposed development.

3.3.7 Birds

Although a targeted bird survey was not conducted during the site visit, the following bird species were recorded within the wider site area: green woodpecker *Picus viridis*, snipe *Gallinago Gallinago* and blackbird *Turdus merula*. Of these species mentioned above, snipe is listed on the most recent birds of conservation concern “amber list”.

The habitats onsite have limited potential to support foraging and breeding birds. A hedgerow with mature trees is present along the northern development boundary, which may offer potential nesting opportunities for breeding birds. The hedgerow is located offsite and will not be directly impacted as a result of the proposed development; however, there is potential for works onsite to disturb breeding birds utilising the hedgerow if present at the time of works.

3.3.8 Trees

There are no trees located within the development boundary. Mature trees are present within the hedgerow adjacent to site (offsite).

3.3.9 Hedgerows

There are no hedgerows located within the development boundary. A hedgerow is present along the northern development boundary (offsite).

3.3.10 Plant communities

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

3.3.11 Invasive species

No invasive species were identified during the survey.

3.3.12 Otters, water voles and white-clawed crayfish

No suitable watercourses are present onsite or in the immediate surrounding area. As such, it is considered highly unlikely that otters, water voles *Arvicola amphibius* and white-clawed crayfish *Austropotamobius pallipes* will be impacted as a result of the proposed development.

4 EVALUATION AND RECOMMENDATIONS

This section provides a brief assessment of the likely impacts associated with the proposed development on the receptors identified during the walkover survey and desk study. It also includes any mitigation and compensation measures which may be required for the proposed development to proceed.

4.1 Habitats

4.1.1 Designated sites

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

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

4.1.2 Hedgerows

A native hedgerow with mature trees runs along the northern development boundary (offsite).

Construction impacts

No excavation works will be undertaken during the development; however, construction activities too close to the root protection area of the hedgerow could cause permanent damage through soil compaction.

Mitigation

A BS5837 arboricultural survey should be undertaken of the hedgerow near to the development site. Any works close to the hedgerow should be mindful of its root protection area.

Enhancement

26.54m of compensatory hedgerow planting is due to be undertaken onsite in accordance with planning permission P/2024/1167. This hedgerow planting was originally due to be undertaken along the eastern development boundary. However, given that the planting works have not yet been undertaken (due to seasonal constraints) this hedgerow will instead be delivered along the western development boundary.

Although no compensatory hedgerow planting is required as part of the proposed development, a further 8.46m of native hedgerow planting will be undertaken to create a 35m hedgerow along the western development boundary. Hedgerow planting will be undertaken in winter 2025 / 2026.

Operational impacts

No operational impacts are envisaged.

4.2 Species

4.2.1 Amphibians

It is considered highly unlikely that GCN will be impacted as a result of the proposed development. However, works onsite will be completed under reasonable avoidance measures in order to safeguard common amphibians which may be present on site.

Construction impacts

Potential impacts include direct harm, injury and / or death to individuals.

Mitigation

The following RAMs should be implemented onsite during the construction phase of the development:

- The grassland is to be mown to have a sward length below 100mm. The sward length is to be reduced gradually in order to give any amphibians present time to move off site of their own accord. The mown area will then be maintained with a short sward until the works on site have been completed.

- Any potential hibernacula will be removed from the working area by a suitably experienced ecologist and placed in a suitable area close to site. Hibernacula could include piles of rubble, bricks, loose soil, debris, brash piles etc.

- No excavation works are anticipated to be undertaken during the development. Instead, the aggregate will be placed directly on top of the grass which will be cut prior to the application of the aggregate. However, if minor excavations occur, no excavations are to be left open overnight. If this is not feasible a plank should be left within the excavation at a 45° angle to allow amphibians to escape. Any open excavations should be checked for amphibians in the morning prior to start of works on site.

- Materials will be stored on pallets off the ground in order to reduce the risk of amphibians sheltering underneath them.

- The hedgerows and trees along the site boundaries will remain to continue to provide shelter and connectivity across site for amphibians and other fauna.

- UES will remain oncall throughout the development and if any great crested newts are encountered, work on site is to stop immediately and ecological advice is to be sought. UES can be contacted directly on 01565 757788.

Enhancement

0.123ha of wildflower grassland will be created to the south of the development site (offsite), which will provide foraging and sheltering opportunities for amphibians and other local wildlife. The proposed hedgerow planting along the western development boundary will also improve foraging, commuting and sheltering opportunities for wildlife.

Operational impacts

No operational impacts are envisaged.

4.2.2 Bats

The habitats onsite have limited potential to support foraging and commuting bats, and there are no buildings or trees onsite suitable for use by roosting bats. However, there is potential for works onsite to disturb bats utilising the hedgerow along the northern site boundary.

Construction impacts

If bats are roosting within the trees during construction works, they are at risk of disturbance and the roosts could be permanently lost. Inappropriate lighting could also result in the severing of commuting corridors used by bats as well as the loss of foraging habitats.

Mitigation

The root protection area to be implemented onsite will minimise works within close proximity of the hedgerow, subsequently ensuring potential impacts on roosting bats (if present) are minimised.

Any external lighting installed as part of the construction phase of the development should be designed to be wildlife friendly and avoid overspill onto the retained or created habitats along the site boundaries. See Appendix 6 – External lighting guidance.

Enhancement

The proposed hedgerow planting and wildflower grassland will improve foraging, sheltering and nesting opportunities for breeding birds locally.

Operational impacts

Any external lighting installed as part of the operational phase of the development should be designed to be wildlife friendly and avoid overspill onto the retained or created habitats along the site boundaries.

4.2.3 Birds

The habitats onsite have limited potential to support foraging and breeding birds; however, there is potential for works onsite to disturb breeding birds utilising the hedgerow along the northern site boundary.

Construction impacts

Works onsite could result in the direct loss of nests, any individuals within the nests and of available nesting territories if conducted during the breeding season.

Mitigation

The root protection area to be implemented onsite will minimise works within close proximity of the hedgerow, subsequently ensuring potential impacts on breeding birds (if present) are minimised.

Enhancement

The proposed hedgerow planting and wildflower grassland will improve foraging, sheltering and nesting opportunities for breeding birds locally.

Operational impacts

Inappropriate management of the habitats on site could degrade them and render them unsuitable for wildlife.

Mitigation

It is important to implement good horticultural practice in any landscaping scheme, including the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug pellets) should be discouraged to prevent fatal effects on the food chain. Any pesticides used should be non-residual.

Excessive removal or pruning of trees and hedgerows should be avoided to maximise the growth and plant matter available to wildlife. Pruning should be left until late winter to leave seeds and berries for wintering wildlife and to ensure no impact on breeding and nesting birds.

5 CONCLUSION

The majority of the development site comprises grazed pasture, which is of limited value to wildlife, and as such was prioritised for development. Whereas higher quality habitats, such as hedgerows and trees, were prioritised for retention and excluded from the development boundary.

The preliminary ecological appraisal has highlighted potential issues with the following ecological receptors on or adjacent to site: amphibians, bats, birds and hedgerows. Provided these issues are addressed in accordance with the recommendations detailed in this report, the development may proceed without adversely impacting the aforementioned ecological receptors.

The development presents an opportunity to improve the habitats on site for wildlife through native species planting: native hedgerow planting will be undertaken along the western development boundary and a wildflower grassland will be created to the south of site.

6 REFERENCES

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

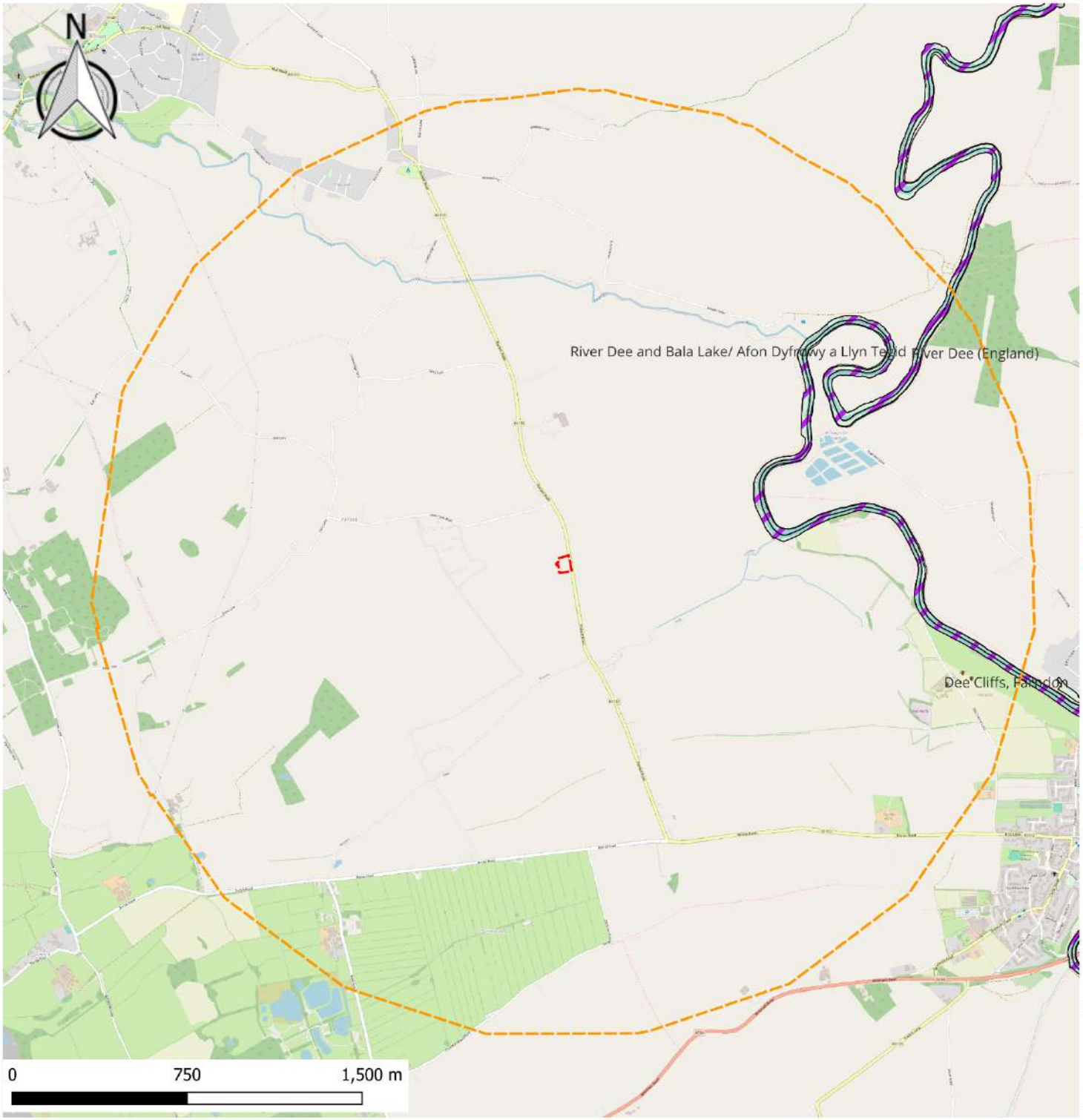
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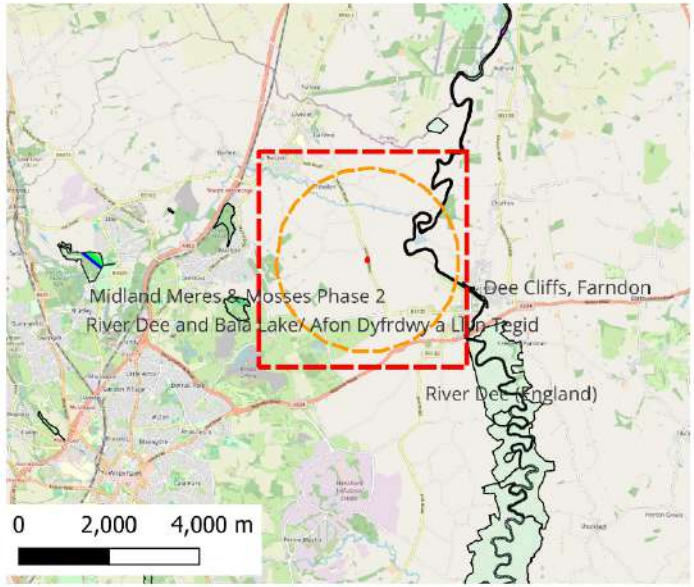
APPENDICES

Appendix 1 – Desk study



Statutorily Designated Sites (2km)

Site: Lower Park Farm - Phase 2, Rossett
NGR: SJ 38841 55091
Author: Daniel Smith
Date: 20/06/2025



- Local Nature Reserve
- National Nature Reserve
- Ramsar Site
- Site of Special Scientific Interest
- Special Area of Conservation
- Special Protection Area
- Development Boundary

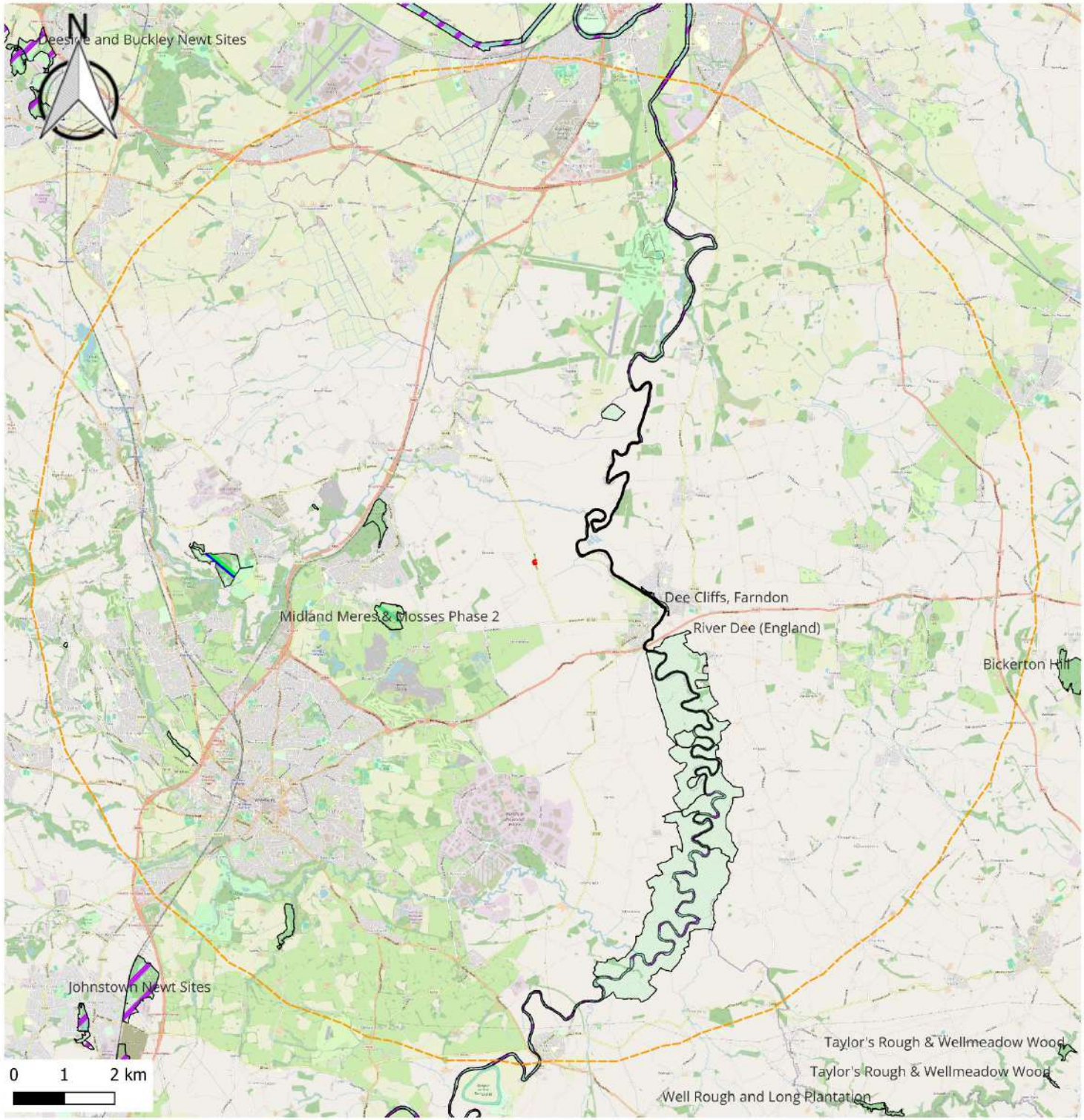
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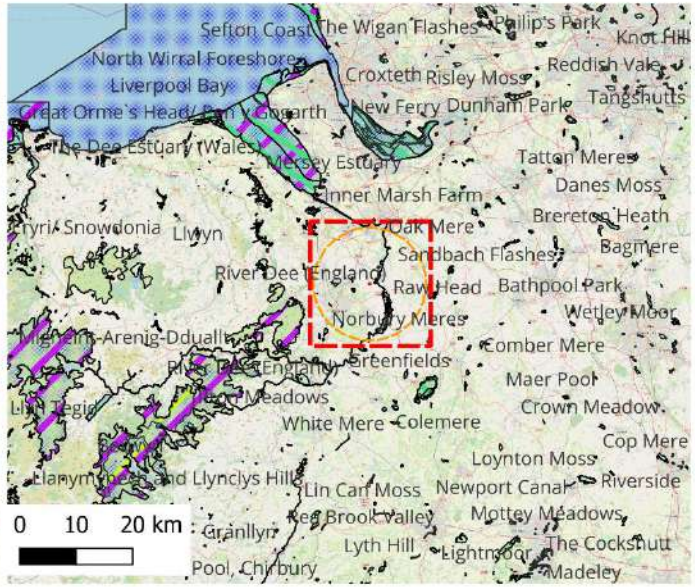
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Statutorily Designated Sites (10km)

Site: Lower Park Farm - Phase 2, Rossett
NGR: SJ 38841 55091
Author: Daniel Smith
Date: 20/06/2025





- Local Nature Reserve
- National Nature Reserve
- Ramsar Site
- Site of Special Scientific Interest
- Special Area of Conservation
- Special Protection Area
- Development Boundary

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Appendix 2 – UK habitat plan

UK Habitat Classification Plan

Site: Lower Park Farm, Rossett
NGR: SJ 38828 55090
Author: Ben Cowell
Date: 30/06/2025





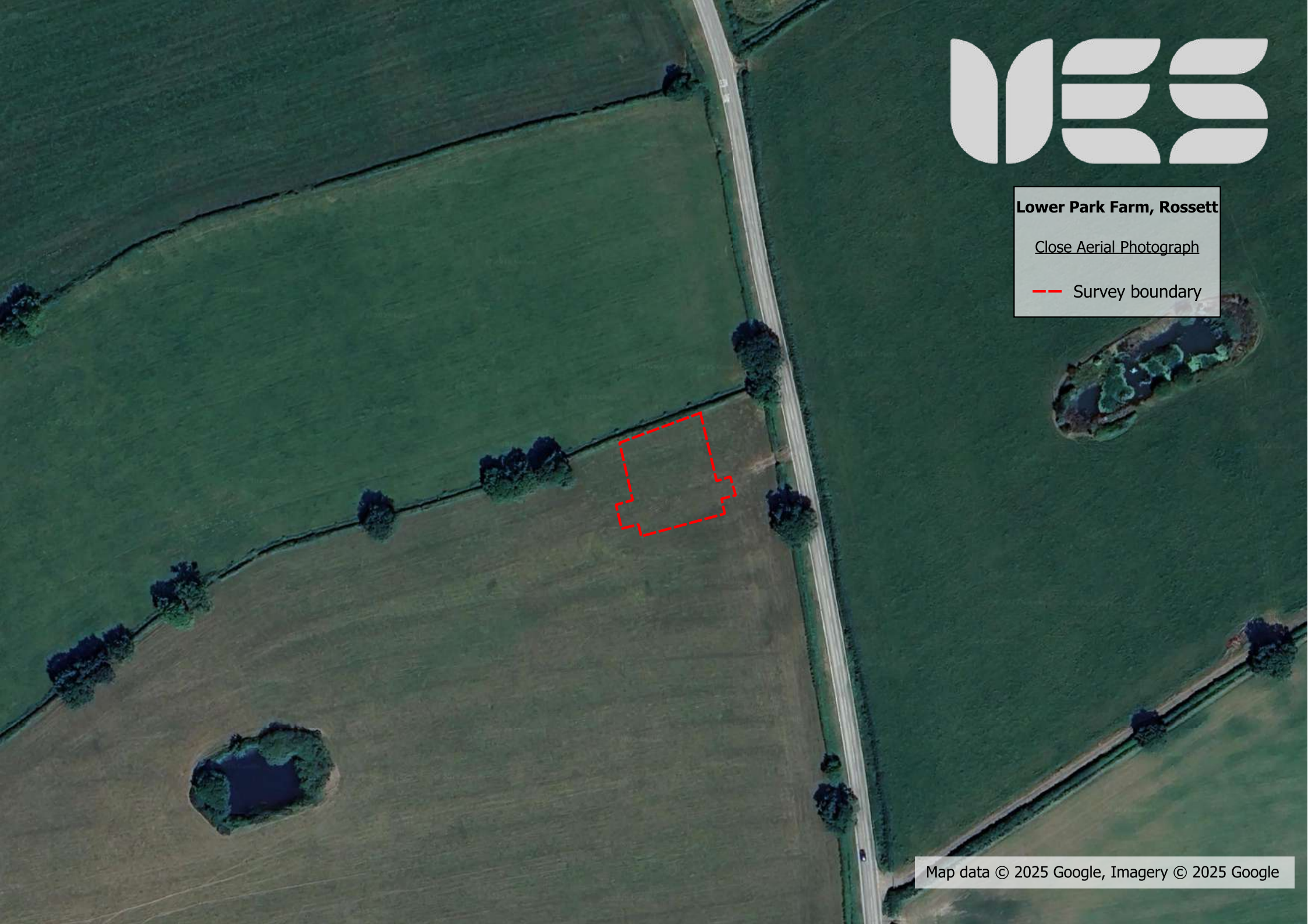
Key

- g4 - modified grassland
- u1c - artificial unvegetated unsealed surface
- u1e - built linear features
- Survey boundary

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Appendix 3 – Aerial photographs


Lower Park Farm, Rossett
Close Aerial Photograph
Survey boundary
Map data © 2025 Google, Imagery © 2025 Google


Lower Park Farm, Rossett
Wide Aerial Photograph
Site Location
Map data © 2025 Google, Imagery © 2025 Google

Appendix 4 – Photographs



Photograph 1 – Looking southwest across the development site (from the adjacent car park)



Photograph 2 – Improved grassland to the south of the existing car park (location of proposed wildflower grassland)

Appendix 5 – Botanical species list

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

Appendix 6 – External lighting guidance

Lighting scheme in relation to bats

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
- Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.
- Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

- Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.
- Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.
- If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas. Light should not leak upwards to illuminate first floor and higher levels.
- Lamps of greater than 2000 lumens (150 W) must not be used.
- Movement or similar sensors must be used. They must be carefully installed and aimed, to reduce the amount of time a light is on each night.
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible. Light must not be directed at or close to bat roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit.
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Taken from the Bat Conservation Trust

Appendix 7 – Planning and statutory context

STATUTORY AND PLANNING CONTEXT

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Habitats

Section 7 of the Environment Act (Wales) places a duty on Welsh Ministers to publish, review and revise lists of types of habitats and species in Wales which they consider are of key significance to sustain and improve biodiversity. The Welsh Ministers must also take all reasonable steps to maintain and enhance the habitats published in these lists,and encourage others to take such steps.

Amphibians

<u>Great crested newts</u>

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

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

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 7 of the Environment (Wales) Act 2016.

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural Resources Wales (NRW) team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by NRW is required for the legal implementation of a mitigation scheme.

An NRW mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Natterjack and common toad are also listed under Section 7 of the Environment (Wales) Act 2016.

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

Reptiles

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

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

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

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

- Deliberately, intentionally or recklessly kill, injure or capture any sand lizards or smooth snakes
- Deliberately, intentionally or recklessly disturb sand lizards or smooth snakes in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of such an animal
- Damage or destroy breeding sites or resting places of such animals
- Intentionally or recklessly disturb sheltering sand lizards or smooth snakes, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead sand lizards or smooth snakes, any part of such an animal or anything derived from such an animal

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

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

Badger

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

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

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

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

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

Hazel dormouse

Hazel dormice *Muscardinus avellanarius* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture dormice
- Deliberately, intentionally or recklessly disturb dormice in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of dormice
- Intentionally or recklessly disturb sheltering dormice, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead dormouse, any part of a dormouse or anything derived from a dormouse

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

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

Bats

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

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

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

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

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

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

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

Birds

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

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

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

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

Trees

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

Hedgerows

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

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

Plants

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

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

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

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

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

Invasive Plant Species

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

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

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

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

Otter

European otter *Lutra lutra* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

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

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

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

Water vole

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

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

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

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

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

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

White-clawed crayfish

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

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

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

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

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

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (Edition 12 - 2024). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online.