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ECOLOGY

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Site Address: Laurel Bank
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The report should be read in its entirety. Questions arising from the survey report should be directed to the author of the report who will be pleased to clarify any technical issues raised.

Whilst surveyors make every reasonable effort, Ben Jones Ecology cannot guarantee that all protected species have been identified and survey results are definitive. Many species are cryptic and transitional in habit.

Reports are considered valid for two years for planning purposes, after which time further survey information may be required.

Ben Jones Ecology can provide advice and support for recommendations and planning conditions.

The use of this report or survey data for any form of formal submission to an NGO or other authority implicitly implies acceptance of the terms and conditions.

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1 Executive Summary

1.1 Purpose of the Report

Ben Jones Ecology was commissioned by the client, Mrs Stef Lamb, to undertake a preliminary ecological appraisal of Laurel Bank to provide supporting information for a planning application for a single storey link between the two buildings on site to provide a kitchen room.

The survey report has these principal aims:

- To provide an initial assessment of the ecological value of the site in local context.
- To identify potential ecological constraints relating to the development, and recommend measures to avoid, reduce or manage negative effects, and to provide a net ecological gain.

1.2 Methodology

The appraisal included a desktop study for nearby designated sites and previously recorded protected species and a site visit undertaken at the site, OS grid reference SJ48313945 on 7th February 2024 by Ben Jones.

1.3 Key Impacts and Mitigation Measures

It was considered that the site could provide potential habitat for bat, bird species and great crested newts and these should be the main focus of the ecological appraisal.

The site comprises two brick buildings and a region of amenity grassland. The site is of extremely low ecological value for any protected species. No evidence of protected species was seen on site.

There are four bodies of water within 250m which have been taken into consideration. The nearest pond is located approximately 170m southwest of the site. Of the four bodies of water within the zone of influence around the site, three were not accessed as the owner could not be contacted for permission. The fourth was visible from the roadside and supported a large colony of waterfowl and likely fish. As the site is of extremely low value for amphibians in their terrestrial phase, further surveys are not considered necessary, and work will proceed under a precautionary method statement with enhancements such as a hibernaculum in a field corner.

No sign of bats was found in any areas of site. The new link building will be slightly above eaves height but no areas with potential to support crevice dwelling bats were identified that might be impacted. No negative impact is expected.

No sign of nesting birds was found on or around the site, and there is good potential for enhancement by erecting artificial nest boxes around site post-development.

1.4 Conclusion

It has been agreed with the client that the biodiversity value of the site will be enhanced post-construction with the inclusion of bird boxes and a hibernaculum for small mammals and amphibians. As there is currently no habitat of significant value for either of these species groups in the area to be affected, these will provide value not currently present.

The method statements provided in section 6.6.2 of this report will be followed and works will be done at a suitable time of year. Other than those listed above, there are no ecological constraints to the development as currently proposed.

2 Introduction

This report has been compiled by Ben Jones BSc (hons) MSc who has 9 years' experience conducting ecological appraisals.

For full details of surveyors and licences please see Appendix A.

2.1 Project Background

Ben Jones Ecology was commissioned by Stef Lamb to conduct a survey to determine the presence of protected species and potential for the damage or destruction of habitats of value. This forms part of the planning application for a single storey extension to link the two buildings at Laurel Bank and provide a useable kitchen which is not currently present on site.

2.2 Purpose of the Report

This report aims to:

- Identify the key ecological constraints to the proposed development relating to priority habitats and species and protected species (HMSO, 1981).
- Inform planning to allow significant ecological effects to be minimised or avoided where possible.
- Allow any necessary mitigation or compensation measures to be developed following the mitigation hierarchy.
- Identify the opportunities offered by a project to deliver ecological enhancement (Ministry of Housing, Communities and Local Government, 2021).
- Provide information to assist landowners with avoiding committing legal offences in relation to wildlife (HMSO, 2000)

2.3 Site Context and Location

The site is located in the village of Bronington, OS grid reference SJ48313945. It is set in a rural environment surrounded by broadleaved woodland to the north, residential to the northeast and east and arable land to the remaining surrounds. There is good connectivity to the surrounding countryside via field boundary hedgerows and the broadleaved woodland to north. The woodland is located approximately 40m north. The surrounds provide potential foraging, resting, and commuting opportunities for bats, nesting birds and amphibians.

3 Methodology & Constraints

Broad methodologies for data collection and interpretation were informed by PEA guidance (CIEEM, 2017). Full details can be found in Appendix B.

3.1 Desk Study

The desk study provides contextual information such as the site's proximity to designated areas and previously granted licences (Natural England, 2018). Previously recorded species in the vicinity are obtained from local records centres (NBN) – due to the small scale of the development, purchasing a data search from the local records centre was not considered necessary or proportionate to the potential impacts and so a free search was conducted.

3.2 Field Survey

3.2.1 Date and Survey Conditions

Table 3.1. Survey conditions

Date	Time	Study Area	Equipment Used	Weather
05/02/2024	10:00	Whole site	Camera, strong torch, DJI mini 4 Pro drone	Overcast, damp underfoot
Comments	One surveyor used: Ben Jones Constraints: None All undated photographs in this document were taken on this date by the author unless otherwise stated.			

3.2.2 Habitats

The habitats on site were assessed for their potential to support protected species and therefore assist in the determination of site value.

The habitats on site were assessed in line with current UKHab classifications and secondary codes (UKHab Ltd, 2023).

3.3 Species Survey

3.3.1 Bats

An assessment of the suitability of site to support roosting bats was conducted following best practice guidance looking for evidence of roosting or potential access points (Collins, J. BCT, 2023). There were no constraints to this methodology.

3.3.2 Other Mammals

An assessment of the suitability of site and its surrounds to support badgers was conducted following best practice guidance looking for tracks, signs or setts (Scottish Badgers, 2018). There were no constraints to this methodology.

3.3.3 Birds

An assessment of the suitability of site and its surrounds to support any nesting birds was conducted, looking for current/old nests and listening for bird calls. There were no constraints to this methodology.

3.3.4 Amphibians

An assessment of aquatic habitat for great crested newts is based on the Habitat Suitability Index (ARG UK, 2010). The HSI assessment is based on ponds as they would be during the aquatic phase of a great crested newt, between March and the end of September. Some of the factors involved in the assessment cannot be accurately determined outside of this time period; such as macrophyte cover and water quality assessments. These values are given an educated guess based on the appearance of the pond in conjunction with any local knowledge.

An assessment of terrestrial habitats of site and its surrounds to support great crested newts was conducted by looking for potential shelter and commuting features (Langton, et al., 2001).

4 Baseline Ecological Conditions

4.1 Nearby Features of Importance

The map from Natural England presented in Figure 4.1 indicated that the site is not within 1km of any designated areas.

MAGiC

Designated Sites

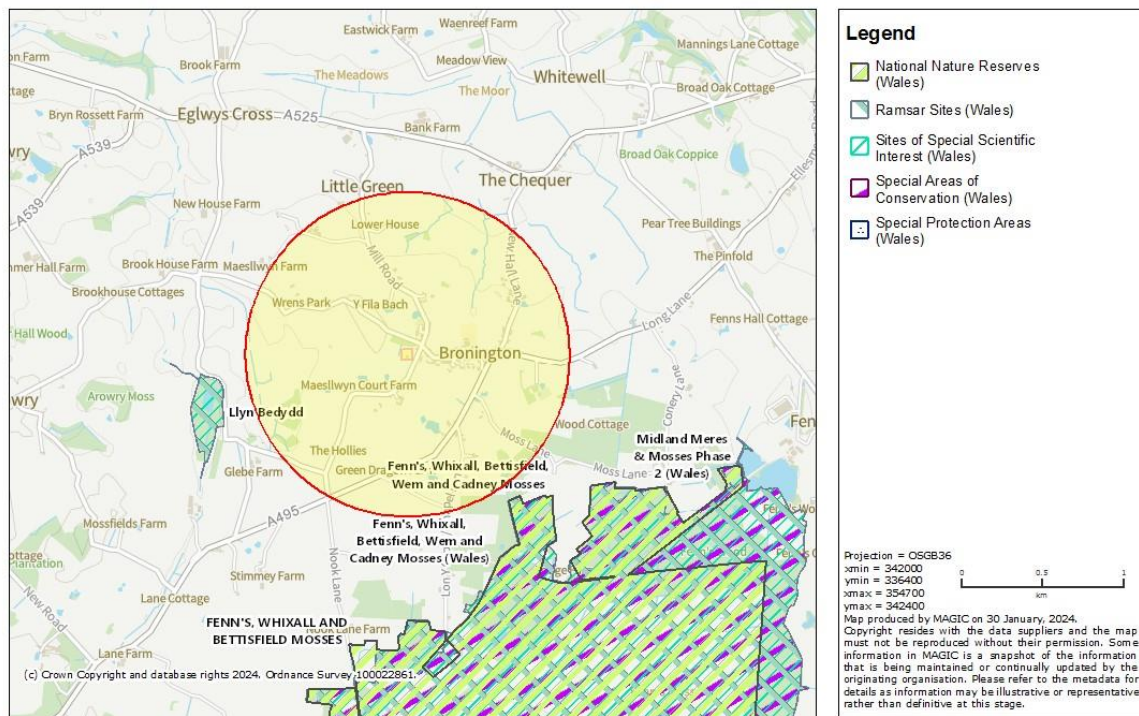


Figure 4.1. Identifying any designated areas near site, a 1km buffer is shown

4.2 Habitats on Site

The site comprises approximately 70m² of amenity grassland between the two buildings. There is a patio with generally well-set slabs around the grass which will require removal as part of the initial site clearance.

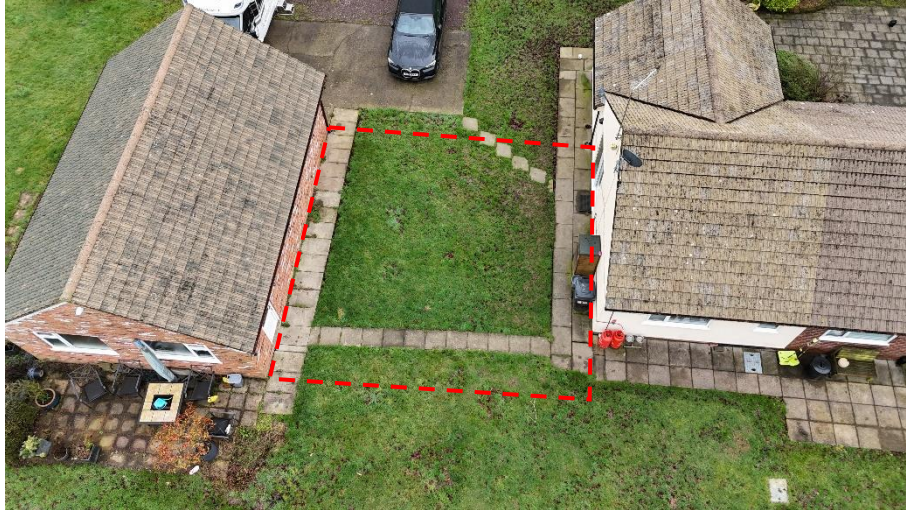


Figure 4.2. Approximate site area



Figure 4.3. Amenity grassland and slab walkways

The two buildings comprise the house to the southwest and a garage outbuilding to the northeast. These are both red brick buildings with well-set concrete tile roofs, the house is rendered on the end to be connected to.



Figure 4.4. House area in question



Figure 4.5. Garage building

4.3 Bats

4.3.1 Records

Records of bats within 2km include common pipistrelle (*Pipistrellus pipistrellus*), which were recorded 1.2km east of the site in 2009.

Bat species data was provided to the NBN Atlas by Roost Count. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.3.2 Field Observations

The site had no features of value for roosting bats. The roofs over both buildings were in excellent condition with no damaged or raised tiles that might be of value for crevice dwelling bat species. The soffits on the garage and house were all well-sealed with no potential ingress points, and the end-mortar on the house tiles was complete. The loft over the garage was checked for evidence of bats and none was found.



Figure 4.6. Loft space clear of bat droppings



Figure 4.7. Well-set tiles with no potential access points

4.4 Other Mammals

4.4.1 Records

Records of other mammals within 2km include water vole (*Arvicola amphibius*), which were recorded 1.8km south in 2021.

Mammal data (not including bats) was provided to the NBN Atlas by iRecord Surveys. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.4.2 Field Observations

The site had no evidence of non-bat mammals such as badger. A walk around the large garden and along the boundary to the north with the woodland did not identify any tracks, pathways, latrines, foraging signs or sett entrances that might indicate use of the area by species such as badger.

There is no habitat of value for hazel dormouse in the vicinity of the proposed development.

4.5 Birds

4.5.1 Records

No relevant commercially available records are present at the time of the desktop survey.

4.5.2 Field Observations

The area of site to be developed has no features of value for nesting birds. The wooded area to the north and the trees within the garden will provide nesting space, but these are outside the red line area of the development and will not be impacted.

The area to be developed is a garden of negligible value for ground-nesting birds.

There is no evidence of, nor potential for, raptor species such as owls in the development site itself. The woodland to the north may provide suitable habitat, but the site is neither of nesting nor foraging value.

4.6 Amphibians

4.6.1 Records

Records of amphibians within 2km include common frog (*Rana temporaria*), which were recorded 1.7km south of the site in 2018.

Amphibian species data was provided to the NBN Atlas by Records of amphibians and reptiles via iRecord. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

Records not on NBN Atlas but that are known by the surveyor include Great Crested Newts in the general Bronington area.

4.6.2 Field Observations

The site had very limited value for amphibians in their terrestrial phase. The garden is kept well mown and does not provide shelter for newts. The slab walkways are in generally good condition, with no obvious gaps that might allow amphibians access beneath them, but the use by amphibians cannot be ruled out through unknown crevices.

There were four ponds within 250m. Ponds 1-3 are on private land and the owner could not be contacted to arrange access. They were visible from a drone flown over Laurel Bank, however, and the lack of connectivity between at least ponds 1 and 2 was evident.

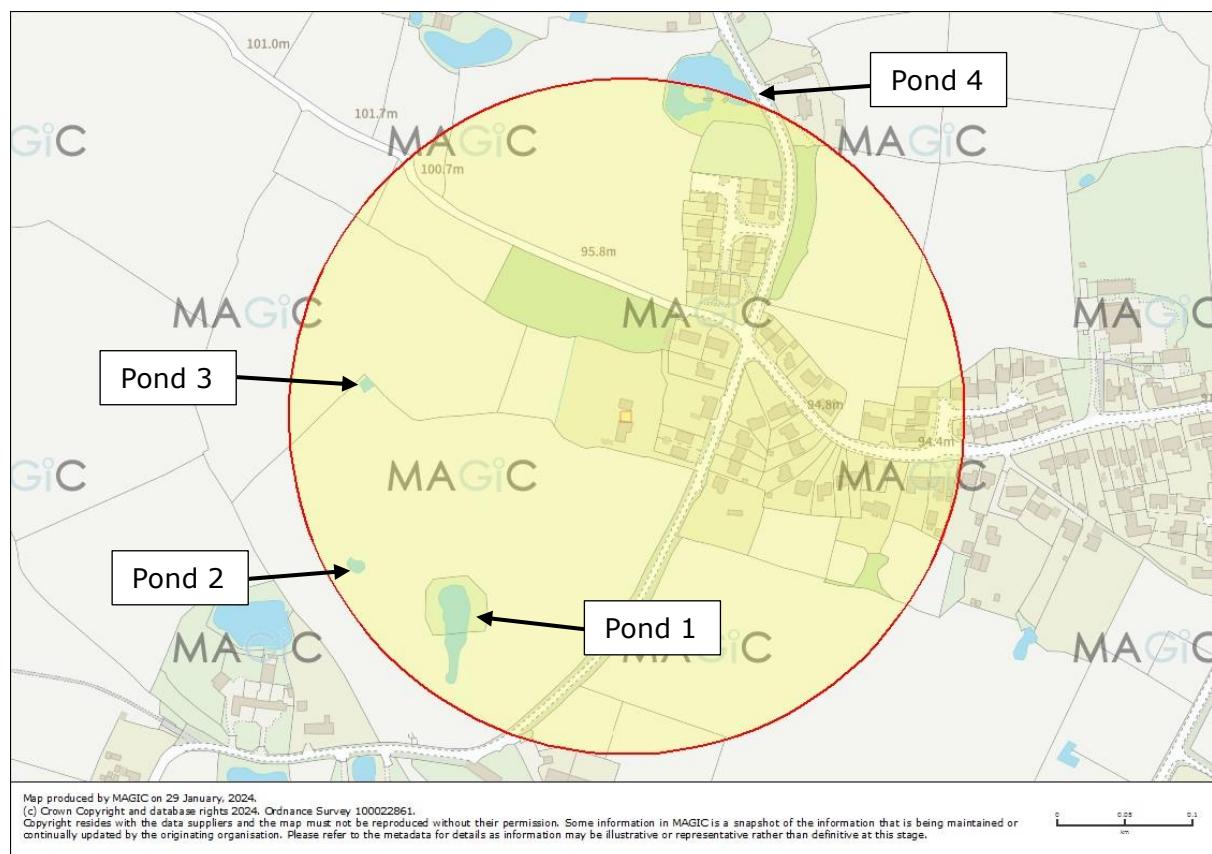


Figure 4.8. OS Map showing a 250m buffer around site, highlighting four ponds

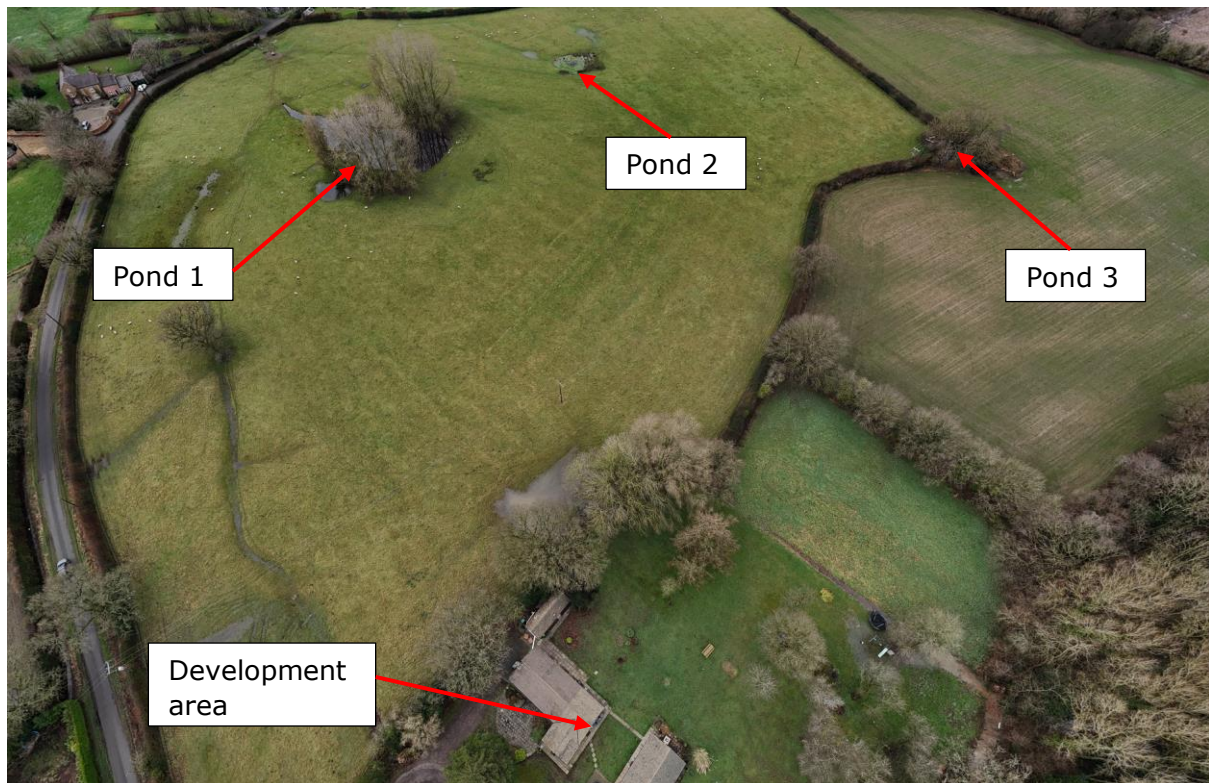


Figure 4.9. Ponds 1-3 aerial view

Pond 4 was visible from the roadside and was seen to support wildfowl and appeared likely to support fish.



Figure 4.10. Pond 4

5 Description of Proposed Development

The current plans are for an extension/link to the current dwelling. This will not significantly impact on the roof of the bungalow as the new link room will only impact the lower three courses of tiles on the house. It will break into the roof tiles of the garage as the flat roof will be slightly higher than eaves height.

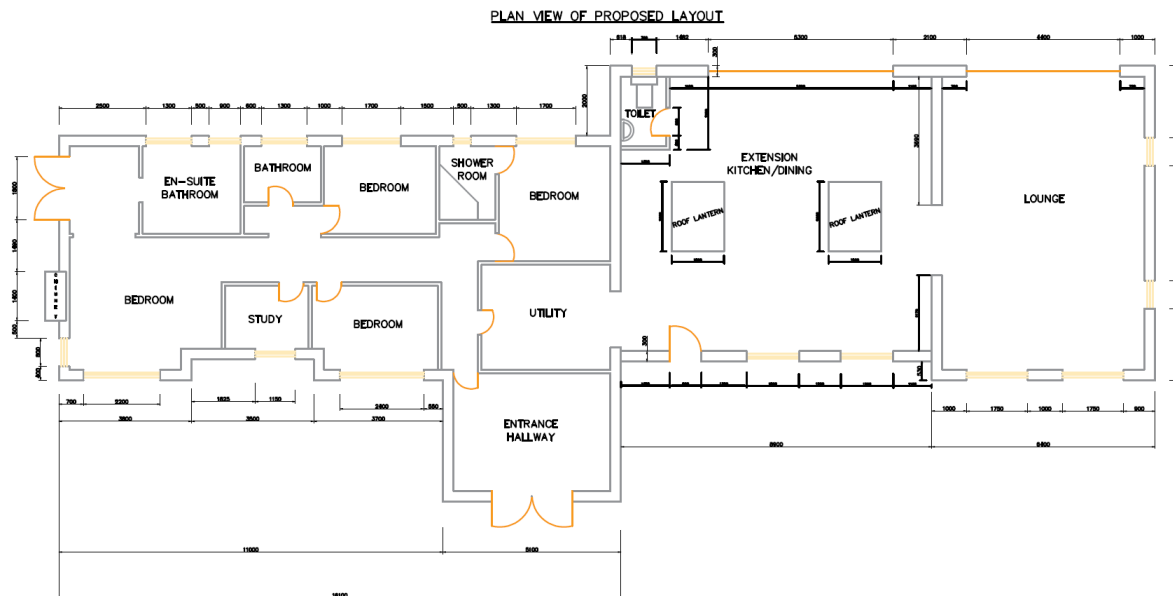


Figure 5.1. Proposed layout plan

6 Impacts, Enhancements and Mitigation

6.1 Nearby Features of Importance

No designated sites were recorded within 1km of the proposed development. No impact to designated sites is anticipated and no mitigation is required.

6.2 Habitats on Site

As the site is not comprised of any habitats of principal importance listed in Section 7 of the Environment (Wales) Act (HMSO, 2016), mitigation will be delivered at a species level.

6.3 Bats

No negative impact is expected on any bats in the vicinity from the proposed development. No sign of bats was seen on site, and no potential habitat was present. No further consideration is required.

6.4 Other Mammals

Even without consideration there is unlikely to be any negative impact on local non-bat mammals such as badger, dormouse or hedgehog. The habitat to be affected is of negligible value for such species and no further consideration is required.

6.5 Birds

6.5.1 Impacts

Work at this site will not include anything that might affect known bird nesting sites. New nests can be constructed under the eaves of buildings during the nesting season, however, and so a precautionary approach should be taken.

The ground will continue to be managed as a garden, and as such no negative impact on any ground nesting birds is expected, as the vegetation will not grow to offer shelter. The client owns dogs who would also offer a predatory threat to any birds at ground level.

6.5.2 Mitigation

1. The developer will be responsible for ensuring no nesting birds will be impacted by the proposed development, either by timing the work for outside of the nesting season (1st March to 31st August inclusive) or if this is not possible, after a visual inspection within 24 hours prior to the development commencing shows no birds are nesting.
2. Should a nesting bird be found, a 4m buffer will be left around the nest, and no further disturbance conducted until the young have fledged and the nesting bird season has finished, which is March to August inclusive.

6.5.3 Enhancements

It is recommended that a range of woodcrete boxes are erected around the site to provide an enhancement for passerine birds, and a selection of the following would be appropriate.

- a. 26/32mm hole nest boxes (e.g. Schwegler 1b) should be installed at a minimum height of 3m in a westerly, northerly or easterly aspect.
- b. Robin boxes should be installed inside vegetation such as a hedge or shrub, ideally at a height of over 2m.

- c. Wren boxes should be installed inside vegetation such as a hedge or shrub, ideally 1-3m from the ground.



Figure 6.1. Bird boxes

6.5.4 Monitoring

Failing boxes or enhancements will be replaced at the cost of the developer if deterioration or damage is noted within five years post-development.

6.6 Amphibians

6.6.1 Impacts

Potential impacts were ascertained in conjunction with chapter 6 of the mitigation guidelines (English Nature, 2001). As ponds 1-3 were not accessible for assessment a precautionary approach will be taken as though these ponds are of high value. Table 6.5 of the mitigation guidelines shows the potential generic impacts from a development at different distances from a pond. The development is 170m from the nearest pond and therefore sits well within the "Intermediate terrestrial habitat (approx. 50-250m from breeding pond)" category, for which a partial destruction is shown to have a low scale of impact. This is, of course, a generic table and a site-specific assessment is used to reinforce this claim.

The site to be development is of almost negligible value for newts in their terrestrial phase. The grassland is well-maintained and mowed which significantly reduces the potential shelter value for newts in the area. The client also owns dogs which presents a predation threat for small animals crossing the garden.

The only habitat of potential shelter value is the walkway slabs. These were mostly in good condition, but some were seen to be slightly loose. These slabs were raised in the end of summer 2023 to install CCTV cables, and no amphibians were seen beneath. These could provide shelter for amphibians in their terrestrial phase, but habitats of significantly higher value are within close proximity to the site, such as the hedgerow boundaries and the woodland to the north.

Whilst the site is not of notable shelter value for amphibians, they will traverse sites such as these and so any impact from the loss of this ground must be considered. There are no valuable connective features running through the site that might be used, and the loss of the small area for the extension will not fragment any known or likely dispersal corridors for amphibians in the area. The likelihood is that any newts dispersing terrestrially around the vicinity will use the field boundary hedgerows as these offer both shelter and foraging value.

It is acknowledged that survey data is lacking, but as per Section 6.4 of the Mitigation Guidelines, *"the evidence strongly indicates that the area to be affected by development is of very low importance, and the impacts will be negligible, in this case, a lower standard of survey might be acceptable."* A precautionary approach will therefore be taken as further survey and strong mitigation will be costly and provide no benefit beyond what is recommended below.

6.6.2 Mitigation and Enhancements

Appropriate mitigation for amphibians has been designed in line chapters 7 and 8 of the mitigation guidelines.

The residential development would lead to a net loss of very low value terrestrial habitat in the intermediate range from the nearest pond.

Work will follow a strict method statement outlining reasonable precautions for securing the safety of individual newts. This will create a scenario by which the risk to individual newts is negated even without further survey information.

Working Method Statement

The aim of the working method statement is to eliminate as far as possible, the risk of killing, injuring or disturbing amphibians, particularly GCN.

Pre-Construction

1. The site will be kept under its current management prior to construction. This will reduce the potential for newts to cross the land and reduce the potential for the terrestrial features to improve. All plants will continue to be kept short (<10cm) to ensure no shelter for great crested newts develops on the site

Site Setup

2. A consultant will be employed as the ECoW to oversee the work in areas sensitive to great crested newts on site. This person will need to be licensed and an experienced surveyor for great crested newts.
3. The ECoW will provide contractors with a toolbox talk prior to work commencing. This will include information about the legal status of newts and responsibilities of the construction company to ensure no offence is committed. A document to assist with the identification of newts will be left on site.
4. The site will be checked thoroughly by the ECoW prior to work commencing. This will confirm there are no newts present and that there are no potential places of shelter. The ECoW will remain on site while the slabs are lifted to ensure no amphibians are sheltering beneath.
 - Note that if a newt is found at any point, work will stop immediately and the need for additional surveys and a licence will be reconsidered.
5. Soil and vegetation will be stripped prior to setting up the site compound to ensure the compound contains no vegetation which could potentially attract great crested newts. Ideally this will be undertaken outside the period of November to March when newts are hibernating.
6. Preconstruction works will be conducted when night temperatures have been over 5°C for at least three nights to avoid disturbing hibernating amphibians.
7. Contractors are advised not to handle newts at any time.

Construction Phase

8. The site foreman will be responsible for ensuring all contractors are aware of the potential to find newts, and that they are familiar with the appearance of newts. If in doubt the ECoW will be contacted.
9. Contractors are advised to avoid handling newts at any time.
10. All groundwork will be conducted during daylight hours as newts are least likely to move during this time.
11. Trenches will be dug and filled in on the day created or will be covered over with close-fitting boards at the end of each working day.
12. If it is not possible to cover the trench, a ramp will be placed from the edge of the trench to the base to allow newts and small mammals to escape.
13. Open or covered trenches will be checked the following morning. This is particularly important when newts are most active, between March and November.
14. Pipes at ground level will be capped off if left open. This will prevent reptiles looking for refugia inside them. (e.g. sewerage pipes and water pipes and other conduits)
15. If a newt is found, then work will stop immediately and the ECoW contacted for advice.
16. Any heavy machinery will be stored on an area of hardstanding to avoid refugia being created.
17. Stored material will be raised on pallets to reduce the potential they might act as a temporary resting place. This reduces the potential for damage or destruction of individual newts.
18. All waste to be removed from site will be placed straight into skips to reduce the potential of creating refugia, or moved into the corner of the garden to become part of the hibernaculum as per the enhancement recommendations below.
19. Great crested newts will not be handled or moved without permission from Natural Resources Wales as this would constitute an offence.

Enhancements for Newts

1. A hibernaculum will be constructed in the corner of the site curtilage.
 - The northeastern corner is currently used for storage of branches and grass cuttings and may therefore be of value already. This is immediately adjacent to the woodland and so is an excellent location for an enhancement.
2. A hibernaculum is a generic term describing a place specifically designed to provide refuge for local fauna, in this case amphibians. It will be constructed of offcuts, broken materials, timbers and bricks that are generated as part of normal construction activities. These will be piled roughly to leave interstitial gaps, and then covered with soil.
 - Note that the soil laid on top should not be compacted, and can include that removed for foundations and footings of the extension.

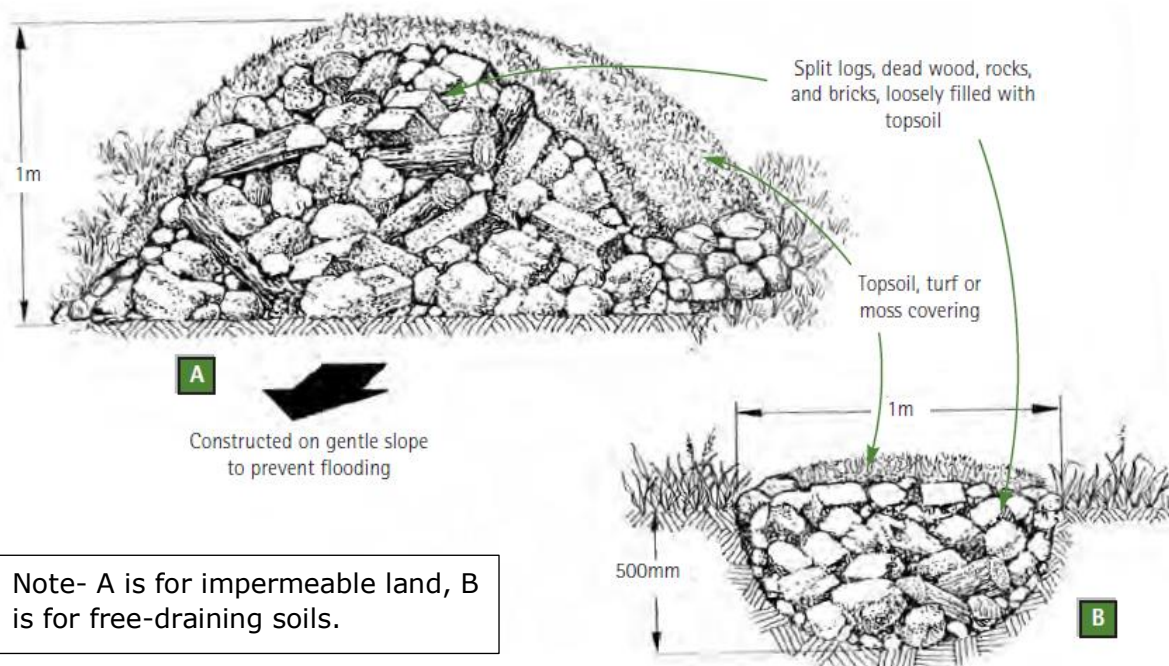


Figure 6.2. Hibernacula design from Froglife ©

7 Concluding Remarks

The survey has focussed on the potential habitats or protected species to be damaged or destroyed as part of this development.

The area of site to be developed is of negligible value for bats, birds and terrestrial mammals.

There are four ponds within 250m, three of which were not accessible. The nearest of these is 170m from site and the development area is of extremely low value. Further surveys would be costly and disproportionate to the potential risk. A strict precautionary approach is recommended, including the presence of an ecological clerk of works on site to oversee the lifting of the slabs, which present the only minimally valuable habitat on site. Following this method statement and enhancing the area with a hibernaculum post-development will create a scenario whereby the risk of amphibians is negated and more valuable habitat is present on site than there is currently.

The development can proceed without the loss of habitat of significant value, and without the loss of the favourable conservation status of any protected species. As there is no evidence of protected species within and around the development site, there is no requirement to address the three tests under Regulation 55 of The Conservation of Habitats and Species (HMSO, 2019).

The method statements provided in section 6.6.2 of this report will be followed and works will be done at a suitable time of year. Other than those listed above, there are no ecological constraints to the development as currently proposed.

Appendix A – Surveyor Details

Table A.1. Details of surveyors' experience and licences held

Name	Membership of associations/ experience	Licenses
Ben Jones BSc(hons) MSc	Senior Consultant MCIEEM Ben has a degree in Marine and Freshwater biology and a Master's degree in "Managing the Environment". He has 9 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales. As a member of the CIEEM he is bound by professional conduct.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS <u>Wales:</u> Bats – S091847/1 GCN – S091242/1
Logan Maggs BSc(hons) Of Barns Ecology	Senior Consultant Logan has a degree in Conservation and Land Management. He has over 10 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2016-24901-CLS-CLS GCN - 2017-29218-CLS-CLS <u>Wales:</u> Bats – S091096/1

Appendix B – Methodology

Desk Study

Table B.1. Data sources

Organisation/Resource	Information Assessed
Freely available online species datasets (NBN Atlas)	Protected/Priority Species records (2km)
MAGIC website	International statutory designations (1km) • Special Protection areas (SPA) • Special Areas of Conservation (SAC) • RAMSAR sites National statutory designations (1km) • Sites of Special Scientific Interest (SSSI) • National Nature Reserves (NNR)

As the development is a small-scale householder application a full data search is not required, a search was conducted on NBN for commercially available records.

Field Survey

The level of survey is aimed to identify field signs of or habitats with the potential to support protected species and therefore assist in the determination for detailed phase 2 surveys.

Determination of Ecological Value is based on the general criteria provided by CIEEM (2017).

Table B.2. Criteria of ecological values

Ecological Value	Description and Examples
High	Habitats or features that have high importance for nature conservation, such as statutory designated nature conservation sites of international or national importance or sites maintaining viable populations of species of international or national importance (e.g. Red Data Book species; European protected species).
Medium	Sites designated at a county or district level, e.g. Local Wildlife Site (LWS), ancient woodland site, ecologically 'important' hedgerows or ecological features that are notable within the context of a region, county or district (e.g. a viable area of a Priority Habitat or a site that supports a viable population of a priority species).
Low	Sites of nature conservation value within the context of a parish or neighbourhood, low-grade common habitats, such as arable fields and improved grasslands and sites supporting common, widespread species.

Species Surveys

Bats

Features on site were assessed for potential for bat roosts, foraging and commuting.

An external assessment of all structures on site was undertaken to determine potential roost features (PRF). The potential suitability of the structures assessed was assigned a rating of None, Negligible, Low, Moderate or High in accordance with table 4.1 of Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition.

An internal assessment of all structures was undertaken by a suitably licensed surveyor for evidence of roosting bats such as droppings, feeding remains and staining.

Evidence for the presence of bats includes:

- Holes, cracks and rot holes used as roosts, marked by streaks of urine and faeces.
- Smoothed, darkened edges where bats have rubbed and left natural body oils when entering and exiting a space.
- Faeces under a roof access point, a well-used feeding point or a resting spot.
- Feeding signs such as discarded insect wings under a feeding point.
- Lack of cobwebs around eaves, roof spaces, beams or ceilings where routes are kept clear by bats or presence of droppings in a cobweb.
- Presence of roosting or dead bats in or behind any object.

Badgers

Surveys were conducted in line with Harris, S., Cresswell, P. and Jefferies, D. (1989) Surveying Badgers. Mammal Society - No9.

Daytime surveys for badgers involved looking for:

- Scrapings where badgers have dug for food or used as latrines.
- Signs of a sett, including signs of use such as presence of badger hair.
- Tracks and prints.

Hazel Dormice

Surveying for hazel dormouse includes the following, as outlined in the Dormouse Conservation Handbook (Second Edition) by English Nature:

- 'Nut hunting' – looking for characteristic foraging marks on fallen nuts, particularly around hazel coppices.
- Looking for nests in suitable vegetation
- Assessing the suitability of the habitat for foraging and nesting opportunities– Ideal habitat is close canopied woodland, diverse with low lying shrub and some mature species.

Birds

Searching for evidence of nesting birds, including barn owls, involved looking for:

- Presence of nests
- Collections of droppings and/or feathers
- Highly distinctive droppings or splats under roosting points.
- Presence of owl pellets/feathers
- Listening for bird song
- Recording bird activity

Amphibians

The assessment of aquatic habitat is based on the Habitat Suitability Index (HSI) and is applied according to guidance set out by the Oldham 2000, superseded by ARG in 2010, ARG UK Advice note 5. The HSI is a quantitative method of assessing the potential quality of a body of water in terms of its ability to sustain a population of great crested newts.

The terrestrial habitats at the application site were surveyed and assessed for their suitability and potential value for the support of GCN. The general topography, ground conditions and presence or absence of vegetation were recorded. A refugia search was conducted for amphibians by looking under any logs, large stones and other debris.

Appendix C – Policy

The following areas of policy and legislation are of relevance to ecology and provide context to the surveys conducted. Findings presented in this report are in line with the following:

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – as listed in:

- Schedule 2. European protected species of animals
- Schedule 5. European protected species of plants

The Wildlife and Countryside Act (1981) – as listed in:

- Schedule 1. Birds protected by special penalties at all times
- Schedule 5. Protected animals
- Schedule 8. Protected plants

Countryside and Rights of Way Act (2000)

Environment Act (2021) – Part 6 – Nature and Biodiversity

The Protection of Badgers Act (1992)

Natural Environment and Rural Communities (NERC) Act (2006)

Planning Policy Wales 2002, updated Dec 2018

Section 6.4 – Biodiversity and Ecological Networks

The Nature Recovery Plan for Wales – Setting the course for 2020 and beyond (2015)

Environment Act (Wales) (2016)

Section 7

Wrexham Unitary Development Plan – EC6 Biodiversity Conservation

Bats

All bat species are protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both .

Seven bat species are on the UK Biodiversity Action Plan and are listed as Species of Principal Importance under the provisions of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, “*planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations*”.

Badgers

Badgers and their setts are specifically protected (HMSO, 1992). The act was primarily brought into force to prevent the deliberate injury to or death of badgers. Some aspects of the act affect developers. It is important that developers are aware of any badger setts located on the land they intend to develop.

All personnel working on sites where there are badgers should be aware of the Protection of Badgers Act 1992. Under this legislation it is an offence to:

- Damage a badger sett or any part of it.
- Destroy a badger sett.
- Obstruct access to, or any entrance of a badger sett.
- Causing a dog to enter a badger sett.
- Disturbing a badger when it is occupying a badger sett.

Birds

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), birds, their nests and young are all protected from damage, particularly during the breeding season. The Act allows for fines or prison sentences for every bird, egg or nest destroyed. It makes it an offence to:

- Intentionally kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built.
- Take damage or destroy the egg of any wild bird.
- To have in one's possession or control any wild bird, dead or alive or egg or any part of a wild bird or egg.

Some bird species are included in the UK and local BAPS and are recognised as species of principal importance for nature conservation in accordance with section 41 of the NERC Act 2006. Such species and their habitats receive protection through the provisions of the NPPF.

Amphibians

All species of amphibians receive a measure of protection under legislation.

The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CROW) 2000. This applies to England and Wales only. The key relevant fact is:

- Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.

Great Crested Newts

Great crested newts are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Deliberately take or destroy eggs of any such wild animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

Great crested newts are listed as a priority species on the UK BAP and Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Work can be conducted under derogation licence from Natural Resources Wales providing suitable compensation and mitigation is provided and the "three tests" can be met. These are:

- Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety" or other imperative reason of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Regulation 55(9)(a) States: the appropriate authority (Natural Resources Wales) shall not grant a licence unless they are satisfied "that there is no satisfactory alternative"
- Regulation 55(9)(b) states that the appropriate authority shall not grant a licence unless they are satisfied "that the action licensed will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in its natural range."

Appendix D - Bibliography

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