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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.

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1 Executive Summary

1.1 Purpose of the Report

Ben Jones Ecology was commissioned by Simon Smith of En-Plan on behalf of the client, [redacted], to undertake a preliminary ecological appraisal of land to the north of Brymbo Road to provide supporting information for a planning application for two stable blocks.

The survey report has these principal aims:

- To provide an initial assessment of the ecological value of the site in local context.
- To provide details supporting further surveys that may be required.
- 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 SJ27535318 on 8th and 16th February 2024 by Ben Jones. A revisit was required as snow covering on the first visit made the survey uninformative and unviable.

1.3 Key Impacts and Mitigation Measures

The site comprises an equine pasture including two small stable buildings which will be removed and replaced as part of this development. The site is of low ecological value, supporting grasses and successional weed vegetation. The boundaries are scarcely vegetated, and where trees or shrubs are present they are outgrown or largely fallen.

There is one body of water within 250m which is located 215m northeast. The pond owner could not be identified and so it was not assessed. Artificial cover objects on site were lifted and no amphibians were found.

The stables on site were of negligible roost potential. Some large trees beyond the site boundaries, particularly to the east may be of value for roosting bats but will remain unaffected as they are outside the curtilage. The rest of the site is valuable only as commuting or foraging value.

No sign of terrestrial mammals such as badger was found on site – no latrines, pathways, prints, snuffle holes, tracks or sett entrances were seen. The northeastern boundary falls steeply down into a small valley which was not safe to check intimately, but no sign of fresh earth movements could be seen from the top.

1.4 Conclusion

It is recommended that the biodiversity value of the site will be enhanced post-construction with the inclusion of bat and bird boxes. The landscaping will also be improved by planting new native species hedgerows and trees on currently unvegetated site boundaries.

The method statements provided in this report will be followed, and work will be conducted at a suitable time of year to minimise potential impacts. There are no other 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 En-Plan 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 the erection of two stable blocks at Land North of Brymbo Road.

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 Bwlchgwyn, OS grid reference SJ27535318. It is set in a rural environment surrounded by a small number of residential dwellings to the east and west and arable land in all orientations. There is moderate value connectivity to the surrounding countryside via field boundary hedgerows. [redacted]

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).

3.2 Field Survey

3.2.1 Date and Survey Conditions

Table 3.1. Survey conditions

Date	Time	Study Area	Equipment Used	Weather
08/02/2024	10:00	Whole Site	Camera	Snowfall, very cold
Comments	One surveyor used: Ben Jones Constraints: Snow covering the ground meant a detailed assessment of the ground was not possible.			
16/02/2024	13:00	Whole site	Camera, Mavic Mini 4 Pro drone	Damp underfoot, no rain
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.

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.

[redacted]

3.3.3 Birds

An assessment of the suitability of site and its surrounds to support 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 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.

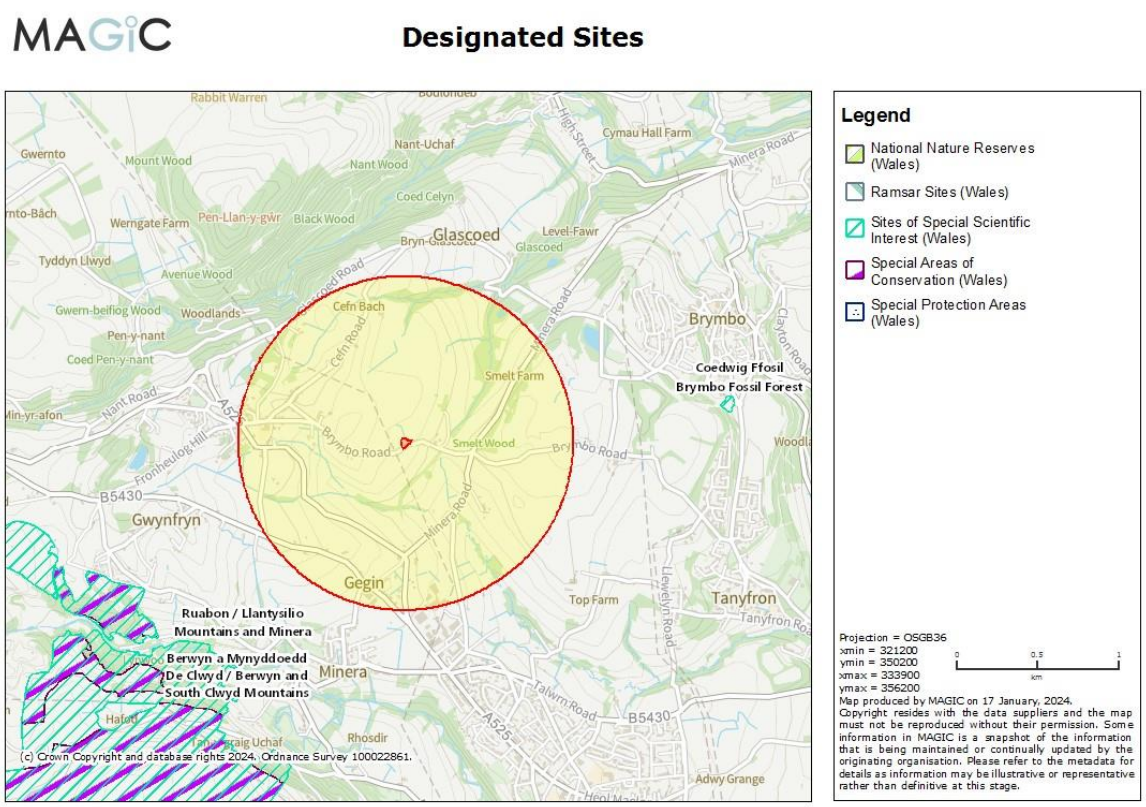


Figure 4.1. Identifying any designated areas near site, a 1km buffer is shown

4.2 Habitats on Site

The site comprises an equine pasture which appears to have not been extensively grazed for some time. Vegetation is rough and varied compared to a closer cropped sward that would be expected of recent grazing.

The species composition was of no botanical interest, with only weeds and self-set ornamental vegetation present. Species found within the grasses include cow parsley (*Anthriscus sylvestris*), common mugwort (*Artemisia vulgaris*), thistle (*Cirsium sp*), snowdrops (*Galanthus sp.*), cleavers (*Galium aparine*), common hogweed (*Heracleum sphondylium*), feverfew (*Tanacetum parthenium*) and nettle (*Urtica dioica*).



Figure 4.2. Site overview

The entrance to site is in the southwest corner, where a small area of hardstanding supports two small stable buildings. These are timber walled structures supporting unlined profile metal roofs.



Figure 4.3. Larger stable building



Figure 4.4. Smaller stable building

The site boundaries are generally scarcely vegetated, with individual trees and shrubs such as hawthorn (*Crataegus monogyna*) and willow (*Salix sp.*).



Figure 4.5. Willows on northern boundary



Figure 4.6. Fallen tree on northwestern corner

The eastern boundary forms the top of a steep drop into a small valley with a brook or drain flowing at the base. The site boundary itself is just a stockproof fence, but vegetation within the valley includes mature trees such as ash (*Fraxinus excelsior*) and oak (*Quercus sp.*).



Figure 4.7. Eastern boundary



Figure 4.8. Mature trees beyond eastern boundary

4.3 Bats

4.3.1 Records

Records of bats within 2km include Daubenton's bat (*Myotis daubentonii*), whickered bat (*Myotis mystacinus*), Natterer's bat (*Myotis nattereri*), common pipistrelle (*Pipistrellus pipistrellus*), brown long-eared bats (*Plecotus auratus*) and lesser horseshoe bats (*Rhinolophus hipposideros*).

The nearest records are of lesser horseshoe bats at a site 1.7km northwest, recorded in 2021.

Bat species data was provided to the NBN Atlas by Natural Resources Wales North Wales Bat Roosts, Mammal records captured from Licence Returns submitted to Natural Resources Wales and Ad-hoc Bat Records from Across Wales. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.3.2 Field Observations

The site, including the immediately boundary features and the stable buildings, had no features of value for roosting bats. The mature trees beyond the eastern boundary may have features suitable for roosting bats, but are beyond the scope of this assessment.

The stables had no potential roost features on the inside, and the open nature of the roof and single-skin walls does not provide crevices or hidden space enough to be of value for roosting bats.



Figure 4.9. Stable interior

[redacted]

4.5 Birds

4.5.1 Records

Records of birds within 2km include skylark (*Alauda arvensis*), swift (*Apus apus*), house martin (*Delichon urbicum*), swallow (*Hirundo rustica*) and house sparrow (*Passer domesticus*).

The nearest records are of skylark recorded at a site 1.8km northeast in 2017.

Bird species data was provided to the NBN Atlas by 1921 Onwards Swift Screaming Parties, UK, Birds (BTO/JNCC/RSPB partnership). Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY, CCO or OGL.

4.5.2 Field Observations

No evidence of nesting birds was seen in the stable buildings or the trees on site, though the survey was conducted in February before nesting was likely to begin. The stable buildings did not show signs of previous nesting, though these types of building are often used by species such as swallows.

4.6 Amphibians

4.6.1 Records

There are no commercially available records that have been recorded within the last two decades.

Historical records of common frog (*Bufo* bufo), smooth newt (*Lissotriton vulgaris*), common frog (*Rana temporaria*) and great crested newt (*Triturus cristatus*) have been recorded approximately 1.5km west. These recordings are to a low degree of accuracy, recorded in 1992.

Amphibian species data was provided to the NBN Atlas by NRW Regional Data: North, Wales Great Crested Newt (Triturus cristatus) Sites in Wales to 2003 and Reptiles and Amphibians Dataset. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.6.2 Field Observations

The site had limited features of value for amphibians in their terrestrial phase. Where possible, artificial cover objects were lifted to check for sheltering amphibians and none were seen, either on the first visit in the snow, or on the return visit a week later.



Figure 4.10. Checking beneath artificial potential cover objects

There is one pond within 250m, located 215m northeast of the site. The owner could not be found and so the pond was not assessed.

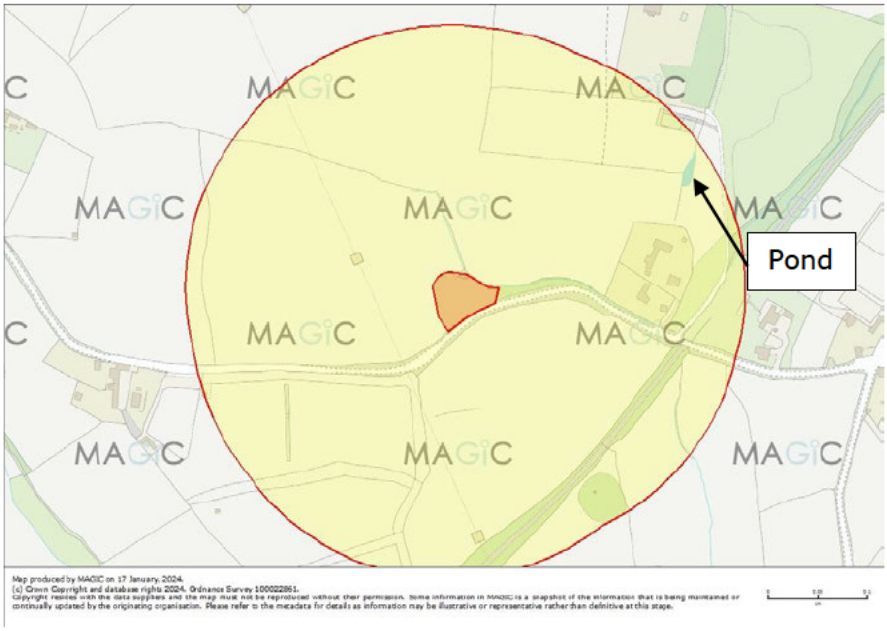


Figure 4.11. OS Map showing a 250m buffer around site, highlighting one waterbody

5 Description of Proposed Development

The current plans are for the removal and replacement of the stable buildings, with access remaining in the southwestern corner.

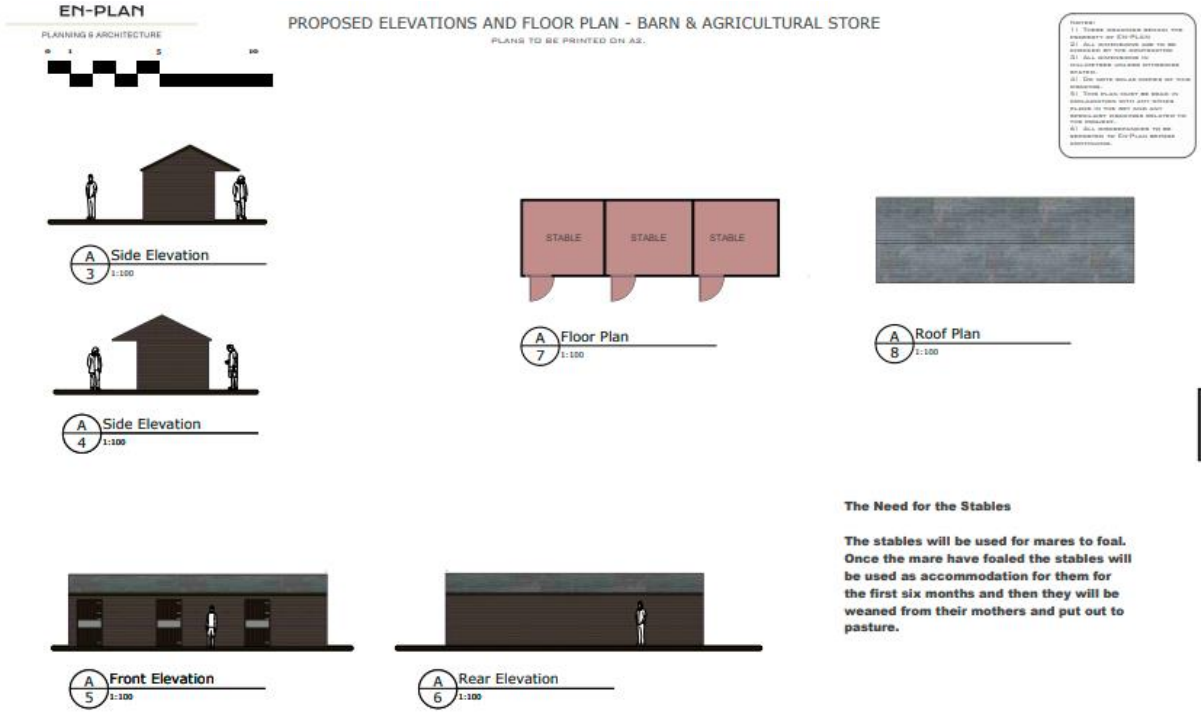


Figure 5.1.1 Proposed Elevations and Floor Plan



Figure 5.2. Proposed 3D view

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 or further consideration is required.

6.2 Habitats on Site

6.2.1 Impacts

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.

6.2.2 Enhancements

In order to obtain an ecological net gain for the site, the remaining green spaces and site boundaries will require enhancement for local wildlife.

Hedgerows

It is recommended that the development will include some hedge planting along the currently unvegetated site boundaries to enhance the area for biodiversity. The proposed 3D views of site do show the site boundaries as vegetated, though it is unclear if this is just an artistic rendering or actual plan.

Plants to use for landscaping and gapping-up of existing boundaries will include locally sourced native species. These will be planted in accordance with BS3936 (part 1, 1992, Nursery Stock, Specifications for trees and shrubs). Planting will occur between November and April depending on the timing of the development.

Table 6.1. New hedge planting scheme

Common Name	*Latin Name*	Distribution (%)
Hawthorn	*Crataegus monogyna*	35%
Blackthorn	*Prunus spinosa*	35%
Hazel	*Corylus avellana*	10%
Holly	*Ilex aquifolium*	10%
Wild Service Tree	*Sorbus torminalis*	10%

Table 6.2. Fruiting plant enhancement

Common Name	*Latin Name*
Crab Apple	*Malus sylvestris*
Wild Cherry	*Prunus avium*
Wild Pear	*Pyrus communis*

Trees

Trees to be used should be from the list below. These should also be native species, locally sourced where possible. Oak should particularly be encouraged because it supports a large diversity of invertebrates.

Table 6.3. Trees proposed for enhancement

Common Name	*Latin Name*
English Oak	*Quercus robur*
Lime	*Tilia cordata*
Rowan	*Sorbus aucuparia*
Silver Birch	*Betula pendula*

6.2.3 Monitoring

All habitat enhancements will be monitored post-development and any failing plants or features will be addressed as appropriate to maintain the value of the enhancement.

6.3 Bats

6.3.1 Impacts

Even without consideration there is unlikely to be any loss or damage of roosts, nor the risk of death or damage of individual bats.

There is opportunity to include roost features for bats as an enhancement to create a positive impact from the development.

6.3.2 Enhancements

As the stables are likely to be timber clad, it is proposed on at least one section of the building that one of the horizontal boards be artificially raised by 15-25mm. This will create access into the cavity between the cladding and the interior wall behind. If no interior wall is proposed, this area will be blocked internally with a sheet of OSB to create a small cavity that bats can use. Any membrane lining beneath the raised boarding will be bitumen hessian type 1F or TLX Batsafe breather membrane in order to prevent bats coming into contact with modern non-bitumastic breathable membrane.

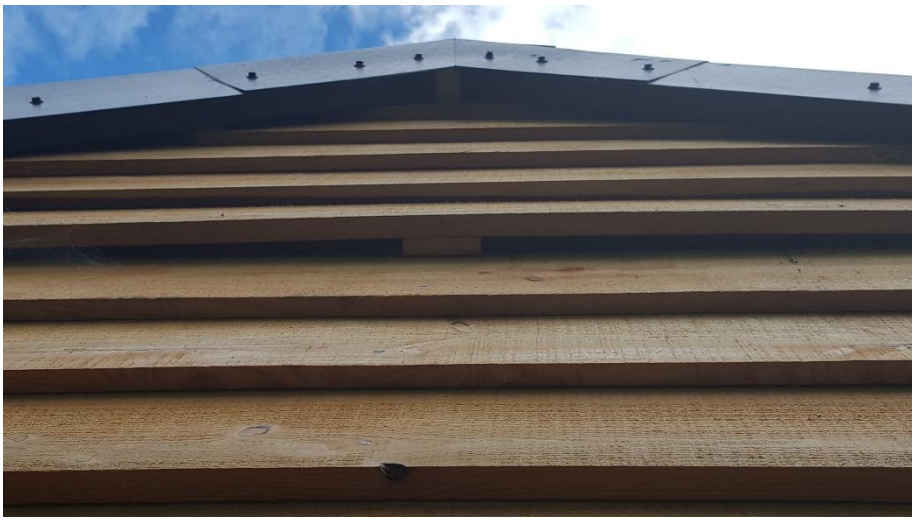


Figure 6.1. Raised timber cladding creating bat access between wall and timber

6.4 Other Mammals

Even without consideration there is unlikely to be any negative impact on local non-bat mammals. There is limited scope for enhancements and so no further consideration is required.

6.5 Birds

6.5.1 Impacts

Work at this site will include removal of the old stables which could affect nesting birds if conducted during the nesting season.

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 24hours 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 Compensation and 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. Swallow cups should be installed on the exterior of the building at eaves height, ideally beneath an overhang to shelter the cup, or within the stable itself near the roof.



Figure 6.2. 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

The pond was not accessible for assessment and so a precautionary approach will be recommended. The pond is separated from site by grazed fields and field boundary hedgerows. Some valuable connective features to and from the site do extend in the approximate general direction but do not directly link the pond and site.

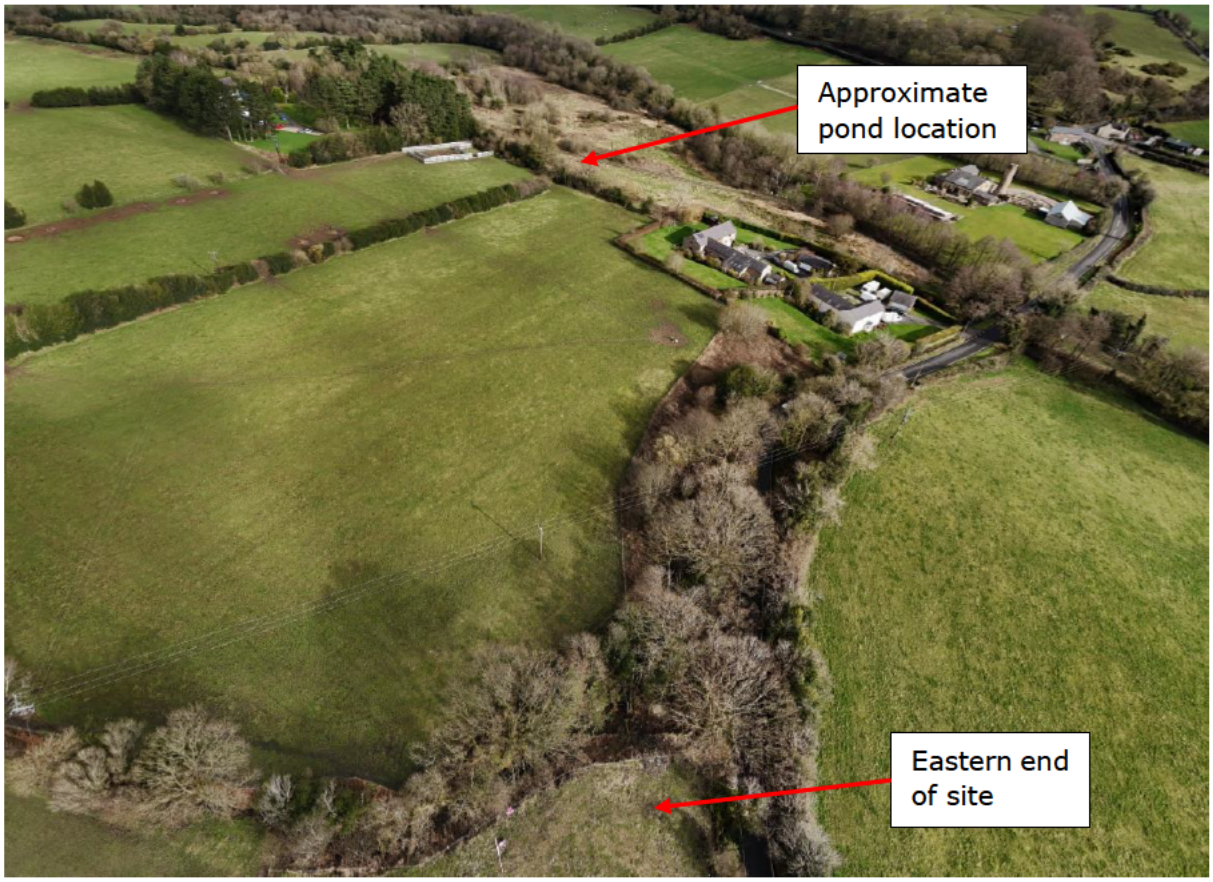


Figure 6.3. Pond location in relation to site

Potential impacts were ascertained in conjunction with chapter 6 of the mitigation guidelines (English Nature, 2001).

The pond is over 200m from site, which is well outside of the core area (typically considered to be 50m around a pond). The land between includes a significant quantity of the heavily vegetated brook surrounds to the east of site that is of significantly higher value for amphibians in their terrestrial phase. The field containing the pond appears to be rough, tussocky grassland that is likely to be of significantly higher value to any amphibians using the pond.

The site is clearly a pasture field, and though the vegetation suggests it has not been extensively grazed in recent month, it is likely to be more extensively grazed in spring and summer months.

6.6.2 Mitigation and Enhancements

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

The removal and replacement of the stables will only be a temporary impact, as any habitat loss will be recuperated in place of the relocated buildings. There will be no net loss of habitat.

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.

Planting new hedgerows and trees along site boundaries will provide more habitat of value than is currently present, and so there is potential for a positive impact from this development.

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 management prior to construction. Horses will be placed into the field when appropriate to keep the vegetation down. This will reduce the potential for newts to cross the land and reduce the potential for the terrestrial features to improve.

Site Setup

2. 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.
3. All cabins and equipment will be located on firm compacted ground, preferably a stone or concrete base.
4. Contractors are advised not to handle newts at any time.

Construction Phase

5. 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 ecologist will be contacted.
6. Contractors are advised to avoid handling newts at any time.
7. Stored subsoil must not be tipped onto any tall vegetation.
8. Any plants around the site will be kept short to stop the development of an area of terrestrial habitat more suitable for newts.
9. Removal of any unwanted plants will be conducted between mid-February and May when there is least opportunity for newts to be hibernating in the roots.
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 ecologist 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 will be placed straight into skips to reduce the potential of creating refugia.
19. Great crested newts will not be handled or moved without permission from Natural Resources Wales as this would constitute an offence.
20. It is recommended that regular site visits are carried out by the ECoW to ensure compliance with the legislation and the Method Statement. A record of these visits will be made as part of the audit trail.

7 Concluding Remarks

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

No habitats of significant value were identified on site, and no signs of use by any protected species was seen.

Work will follow a method statement to ensure any amphibians in the area are protected.

There is opportunity to enhance the site with new planting and the inclusion of artificial roost and nest boxes for bats and birds respectively.

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 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) EPS Licenses for protected species (2km)

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

A search on Multi Agency Geographic Information for the Countryside (Magic Maps) determined nearby designated areas. The map is presented in Section 4.1.

Field Survey

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.

All trees were assessed from ground level (BTHK, 2018). All trees examined were categorised on their potential roost features (PRF). These features include cracks, splits in limbs, cavities, loose bark and thick stemmed ivy. Where appropriate and accessible these features were assessed using binoculars and/or endoscopes.

Table B.3. Categorisation of trees for bats

Value for Bats	Example Features
NONE	Either no PRFs in the tree or highly unlikely to be any
FAR	Further assessment required to establish of PRFs are present in tree
PRF	A tree with at least one PRF present

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.
- Feeding signs such as discarded insect wings under a feeding point.
- 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.

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 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 Rurally 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 bought 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 and 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 Directed 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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