
Environmental Statement

Appendix 8.1: Ecology Desk Study Report

Land at Lower Berse Farm, Wrexham

On behalf of Redrow Homes Ltd

October 2025





Ruthin Road, Wrexham

Ecological Desk Study

Prepared For: Redrow Homes

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May 2025

Version 1

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

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Annexes

Annex A: Key Ecological Legislation and National Policy

1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by Redrow Homes in Wrexham to complete a range of ecological surveys and assessment for a site called Ruthin Road in Wrexham.
- 1.2 The assessment is required to inform an outline planning application for development of up to 1,450 dwellings on a 72.85 hectare site at Ruthin Road.
- 1.3 To inform the assessment, this ecological desk study was also completed. This Ecological Desk Study report details the method of data gathering and interpretation and presents the findings of the desk-based assessment.
- 1.4 This report is not sufficient in isolation to support a planning application and should be read in conjunction with the Ecology ES chapter.

Site Location

- 1.5 The site (central grid reference SJ 31500 49800) is within the administrative area of Wrexham County Borough Council. The site comprises of farmland on the edge of Wrexham, flanked by the A525 to the north, B5099 to the south, and the A483 to the west (Figure 1).

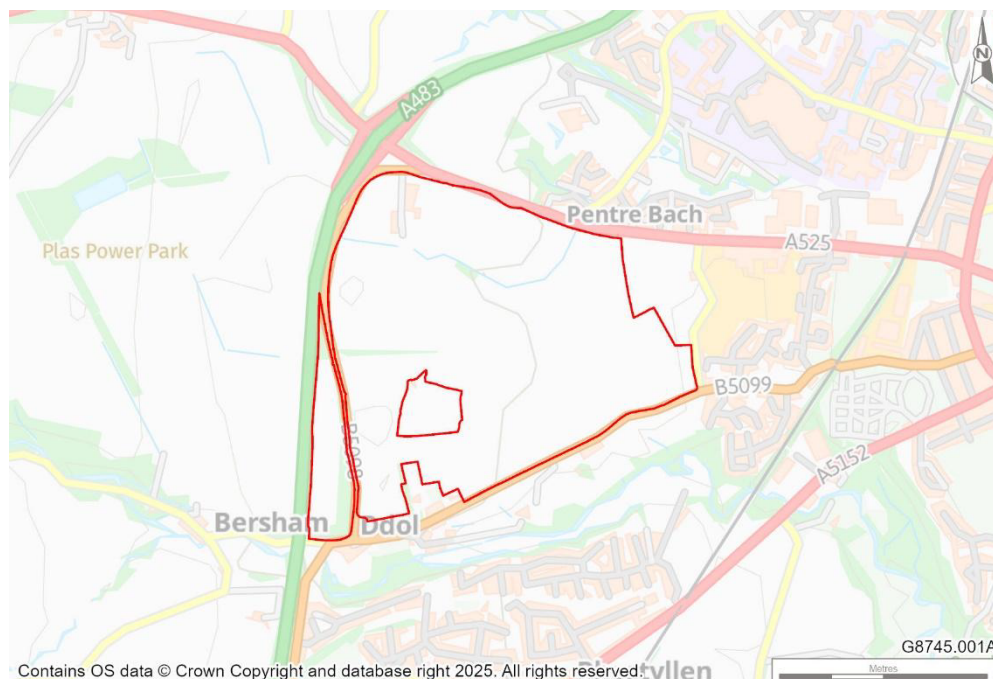


Figure 1: Site location plan

2.0 Methods

Scope and Data Sources

- 2.1 The ecological Zone of Influence (ZOI) is an area defined by the ecological assessment within which valued ecological features may be subject to significant biophysical changes as a consequence of the proposed development under assessment.
- 2.2 For the purposes of this assessment, the preliminary ZOIs (pZOI) within which ecological features were searched for as part of this desk study were varied according to the geo-spatial and/or legal significance of the feature. The scope and the pZOIs applied for this desk study, which were searched from the site boundary, are summarised in Table 1.
- 2.3 Species records for within the last 10 full years (i.e. from 01/01/2014 to present) were obtained from Cofnod in April 2025. This report lists protected and notable species records obtained in the data search that are listed under any of the following:
- Protected species listed under Schedule 2 (animals) or Schedule 5 (plants) under the Conservation of Habitats and Species Regulations 2017 (EPS);
 - Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
 - Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
 - Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
 - Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
 - Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
 - Protection of Badgers Act 1992 (PBA);
 - Species of principal importance (SPI) listed by requirements under Section 7 of the Environment (Wales) Act 2016.
 - Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
 - Local Biodiversity Action Plan Species (LBAP).
- 2.4 An absence of records does not indicate the absence of protected species from the search area.

2.5 Geological sites are not designated for ecology reasons and is therefore excluded from further consideration in this ecological assessment.

Table 1: Scope and preliminary ecological Zones of Influence (ZOI)

Scope	Key Source(s)	ZOI
Policy and Related Guidance (Chapter 3.0 and 4.0)		
■ Land allocations and relevant environment / biodiversity policy ■ Local biodiversity priority habitats and species ■ Habitat Network / Nature Recovery Network	■ Wrexham Local Development Plan 2013-2028 (adopted December 2023)¹	As applicable to site
Statutory wildlife sites (Chapter 5.0)		
■ Ramsar and proposed Ramsar sites ■ Special Areas of Conservation (SAC), including possible SAC and SAC with marine components ■ Special Protection Areas (SPA) and potential SPA ■ Marine Conservation Zones	■ Natural Resources Wales² ■ North Wales Environmental Information Service (COFNOD)³ ■ Wrexham Local Development Plan 2013-2028 (adopted December 2023) ■ MAGIC Maps⁴	10km
■ Sites of Special Scientific Interest (SSSI) ■ National Nature Reserves (NNR) ■ Marine Nature Reserves (MNR) ■ National Parks		5km
■ Local Nature Reserves (LNR) ■ Country Parks ■ Strategic Nature Areas		2km
Non-statutory wildlife sites (Chapter 5.0)		

¹Wrexham County Borough Local Plan (Online) <https://www.wrexham.gov.uk/service/development-plans-and-other-planning-policy/wrexham-local-development-plan-2-ldp2-2013-2028> [Accessed April 2025]

² Natural Resources Wales. (Online) <https://naturalresources.wales/?lang=en> [Accessed April 2025]

³ Local Environments Records Centre for Wales (COFNOD) (Online) <https://www.cofnod.org.uk/Home?AspxAutoDetectCookieSupport=1> [Accessed April 2025]

⁴ MAGIC Maps (Online) <https://magic.defra.gov.uk> [Accessed April 2025]

Scope	Key Source(s)	ZOI
- Local Wildlife Site (LWS) - Regional Parks - Green Wedges - Wildlife Corridors	- COFNOD - Wrexham Local Development Plan 2013-2028 (adopted December 2023)	2km
Notable habitats (Chapter 6.0)		
- Ancient Woodland - Habitats of principal importance - Local Biodiversity Action Plan (LBAP) habitats - Main rivers - Peaty Soils	- Natural Resources Wales² - COFNOD	0.25km
Protected or notable species (Chapter 7.0)		
Pre-existing records for protected or notable species, non-native invasive species	COFNOD	2km

3.0 Legislation and Policy

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

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'³ or 'Wetlands Convention');
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention⁴);
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention⁵ or CMS)
- The Convention on Biological Diversity (Biodiversity Convention⁶ or CBD)
- Conservation of Habitats and Species Regulations 2017⁷ (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁸ (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981⁹;
- Countryside and Rights of Way Act (CROW) 2000¹⁰;
- Hedgerow Regulations 1997¹¹;
- Protection of Badgers Act (PBA) 1992¹²;
- Wild Mammals (Protection) Act (WMPA) 1996¹³;
- Planning Policy Wales – Edition 12 (2024)¹⁴;
- Environment (Wales) Act 2016

³ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 <https://www.ramsar.org/>

⁴ Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

⁵ Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

⁶ Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

⁷ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) <https://www.legislation.gov.uk/uksi/2017/1012/>

⁸ Conservation of Habitats and Species Regulations 2019 (SI 2019/579) <https://www.legislation.gov.uk/uksi/2019/579/>

⁹ Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

¹⁰ Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

¹¹ The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/uksi/1997/1160/>

¹² Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

¹³ Wild Mammals (Protection) Act 1996 c.3 <https://www.legislation.gov.uk/ukpga/1996/3/>

¹⁴ Planning Policy Wales – Edition 12 (February 2024). Welsh Government. <https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf>

National Planning Policy

Planning Policy Wales 2024

- 3.2 Planning Policy Wales delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities' development plans. This is supplemented by 21 topic based Technical Advice Notes (TANs). Technical Advice Note 5- Nature Conservation and Planning is a key TAN in relation to nature conservation and biodiversity.
- 3.3 TAN 5 states that the town and country planning system in Wales should:
- work to achieve nature conservation objectives through a partnership between local planning authorities, NRW, the Environment Agency Wales, voluntary organisations, developers, landowners and other key stakeholders.
 - integrate nature conservation into all planning decisions looking for development to deliver social, economic and environmental objectives together over time.
 - ensure that the UK's international and national obligations for site, species and habitat protection are fully met in all planning decisions.
 - look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.
 - help to ensure that development does not damage, or restrict access to, or the study of, geological sites and features or impede the evolution of natural processes and systems especially on rivers and the coast.
 - forge and strengthen links between the town and country planning system and biodiversity action planning particularly through policies in local development plans and the preparation of supplementary planning guidance that adds value to Local Biodiversity Action Plans (LBAPs) by highlighting the ways in which the planning system can help to deliver the objectives of LBAPs in practical ways; and
 - plan to accommodate and reduce the effects of climate change by encouraging development that will reduce damaging emissions and energy consumption and that help habitats and species to respond to climate change.

Future Wales: the national plan 2040

- 3.4 Future Wales is the national development framework for Wales and has development plan status. It sets the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Local Planning Policy

Wrexham Unitary Development Plan

- 3.5 The Wrexham Unitary Development Plan¹⁵ sets out a planning strategy to safeguard the County Borough's natural environment whilst allowing the provision of future built development.
- 3.6 The Wrexham Unitary Development Plan proposals map can be viewed by following the link: In the Wrexham Unitary Development Plan, the site at Ruthin Road is classified as a Green Barrier (see Policy EC1) and a Special Landscape Area (see Policy EC5). The site also features some walking/cycling routes (see Policy T10).
- 3.7 The following policies relate to biodiversity and nature conservation:
- Policy PS2 - The Broad Location of Development;
 - Policy PS11 - Biodiversity;
 - Policy GDP1 - Development Objectives;
 - Policy EC1 - Green Barriers;
 - Policy EC2 - Agricultural Land;
 - Policy EC4 - Hedgerows, Trees and Woodland;
 - Policy EC6 - Biodiversity Conservation;

Supplementary Planning Guidance

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

¹⁵ The Wrexham Unitary Development Plan 1996-2011 (online).
https://www.wrexham.gov.uk/sites/default/files/2021-02/map3_inset5.pdf [Accessed July 2025]

- LPG 17: Trees and Development
- LPG 32 Biodiversity and Development

Draft Wrexham Local Development Plan 2013 - 2028

- 3.9 Wrexham County Borough Council prepared a Draft Local Development Plan (LDP) with proposed planning policies for up to 2028, which would replace the current adopted UDP. The LDP would be a long-term land use and development strategy, focused on achieving sustainable development. By Order of the High Court of Justice, dated 19 May 2025, Wrexham Council's decision on the 20 December 2023 to adopt the Local Development Plan (LDP) has been quashed. The LDP is no longer part of the development plan for Wrexham and is now un-adopted.
- 3.10 The Draft LDP contains several policies relating to natural environment strategy including:
- Strategic Policy SP15 Natural Environment
 - Strategic Policy SP19 Climate Change
- 3.11 The Draft LDP also contains several topic, criteria and area based policies relating to the natural environment including:
- Policy NE1 International and Nationally Designated Nature Conservation Sites
 - Policy NE2 Locally Designated Sites of Nature Conservation and Geological Importance
 - Policy NE3 Trees, Woodlands and Hedgerows
 - Policy NE6 Waste Water Treatment and River Water Quality

Natural Resources Wales (NRW) Area Statements

- 3.12 NRW has developed seven Area Statements covering different areas of Wales. These statements are seen as a collaborative response to the Natural Resources Policy, published by the Welsh Government in 2017.
- 3.13 The following sections of the Area Statement for North East Wales¹⁶ relate to biodiversity and nature conservation:
- Develop and improve urban and rural infrastructure
 - Increasing woodlands
 - Promoting resilience of ecosystems in maintaining and enhancing biodiversity

¹⁶ Natural Resources Wales / North East Wales Area Statement (Online)
https://www.wrexham.gov.uk/sites/default/files/2021-02/map3_inset5.pdf [Accessed July 2025]

- Farming and sustainable land management

4.0 Biodiversity Initiatives and Strategies

Wrexham Local Biodiversity Action Plan

4.1 The LBAP document for Wrexham¹⁷ has identified the following habitats within LBAPs by Wrexham County Borough Council:

- Derelict and Industrial Land
- Garden
- Linear aquatic habitats (rivers, streams, canals)
- Ponds
- Upland Moorland
- Woodland
- Lowland raised bog
- Lowland wood-pasture and parkland
- Wet Woodland

4.2 The following species are identified within LBAPs by Wrexham County Borough Council:

- Great Crested Newt (*Triturus cristatus*)
- Barn Owl (*Tyto alba*)
- Song Thrush (*Turdus philomelos*)
- Badger (*Meles meles*)
- Otter (*Lutra lutra*)
- Lesser Horseshoe Bat (*Rhinolophus hipposideros*)
- Black Poplar (*Populus nigra*)
-

¹⁷ Local Biodiversity Action Plan (Online)
<https://webarchive.nationalarchives.gov.uk/20110303154000/http://www.ukbap.org.uk/lbap.aspx?id=499#6>
[accessed July 2025]

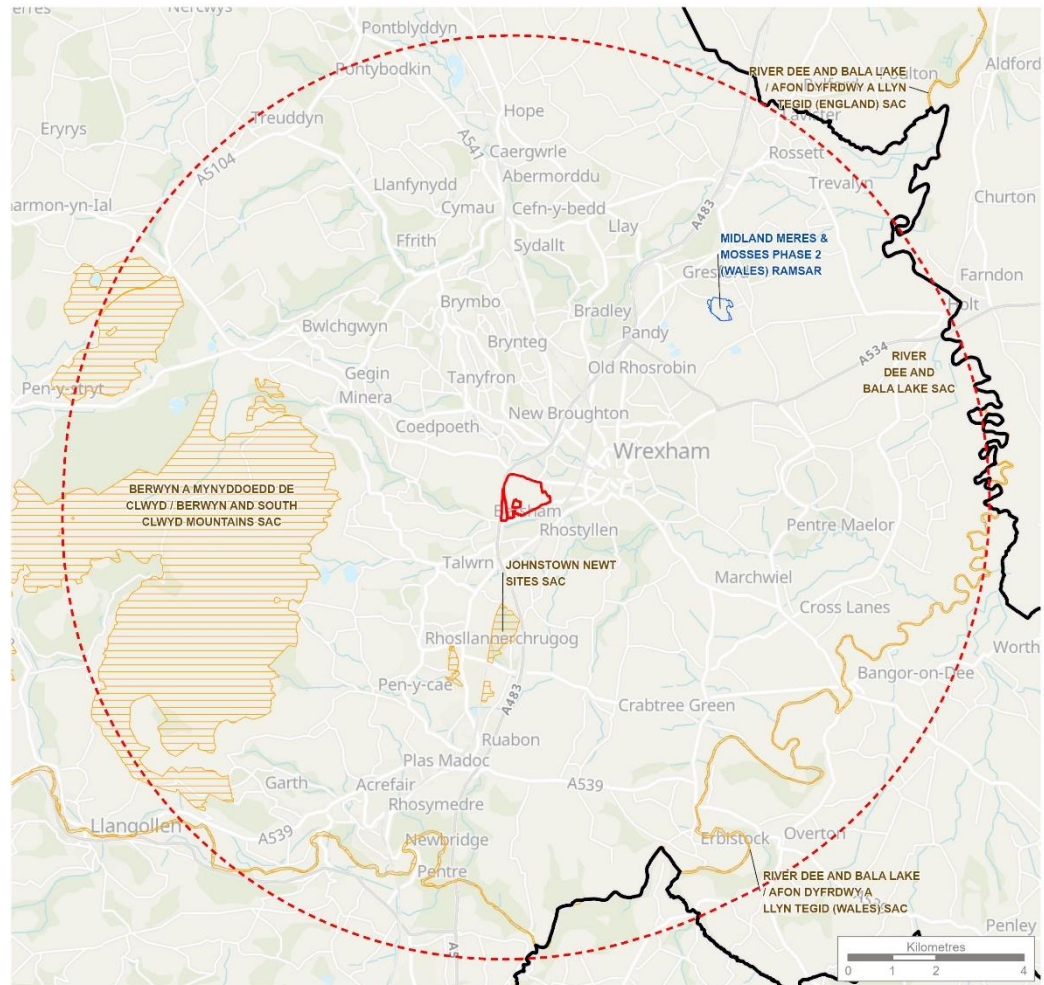
5.0 Wildlife Sites

Statutory Sites

- 5.1 Table 2 and Figures 3, 4 and 5 summarise the statutory designated wildlife sites within influencing distance of the site.

Table 2: Statutory wildlife sites within influencing distance of the site

Site Name	Designation	Distance and Direction from Site
Statutory wildlife sites of international significance within 10km of the site (Figure 3)		
Johnstown Newt Sites	SAC (Wales)	1.90km south
Berwyn a Mynyddoedd De Clwyd / Berwyn and South Clwyd Mountains	SAC (Wales)	3.70km west
Midland Meres & Mosses Phase 2	RAMSAR (England) RAMSAR (Wales)	5.54km northeast
River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid	SAC (England) SAC (Wales)	7.16km southeast at nearest point
Statutory wildlife sites of national significance within 5km of the site (Figure 4)		
Gatewen Marsh	SSSI (Wales)	1.07km north
Stryt Las A'r Hafod	SSSI (Wales)	1.90km south
Sontley Marsh	SSSI (Wales)	2.27km southeast
Coedwig Ffosil Brymbo Fossil Forest	SSSI (Wales)	3.57km northwest
Ruabon/Llantysilio Mountains and Minera	SSSI (Wales)	3.70km west
Statutory wildlife sites of local significance within 2km of the site (Figure 5)		
None present	n/a	n/a



Key

- Site boundary
- Site boundary - 10km buffer
- Ramsar
- Special Area of Conservation (SAC)
- Wales/England Border

Sites searched for were as follows:

- Ramsar
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)

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Project
Ruthin Road, Wrexham

Title
Internationally Designated Sites Within a 10km Buffer

Drawing Number
G8745.002A

Scale
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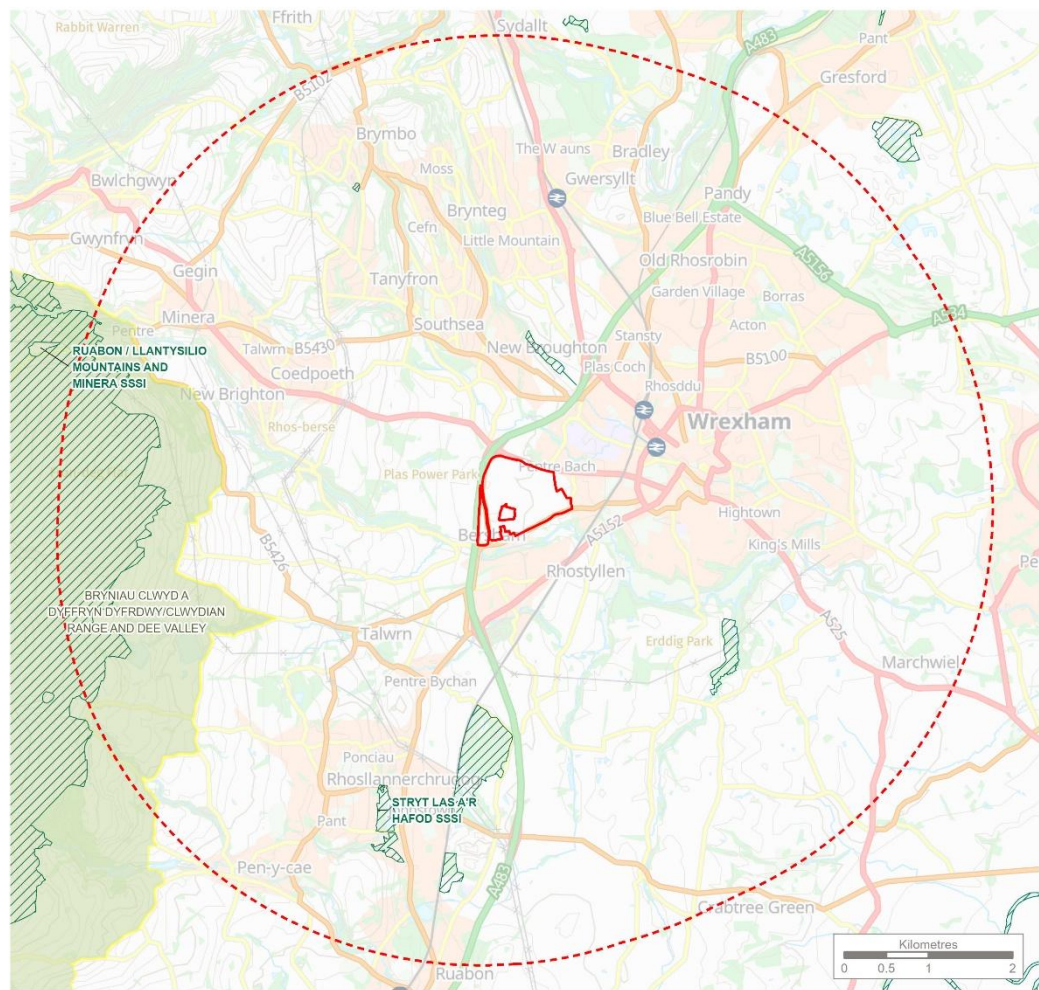
Date
17/04/2025

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



Key

- Site boundary
- Site boundary - 5km buffer
- National Landscape
- Sites of Special Scientific Interest (SSSI)

Sites searched for were as follows:

- Sites of Special Scientific Interest (SSSI)
- National Nature Reserve (NNR)
- National Landscapes



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Project
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Title
Nationally Designated Sites Within a 5km Buffer

Drawing Number
G8745.003A

Scale
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Date
17/04/2025

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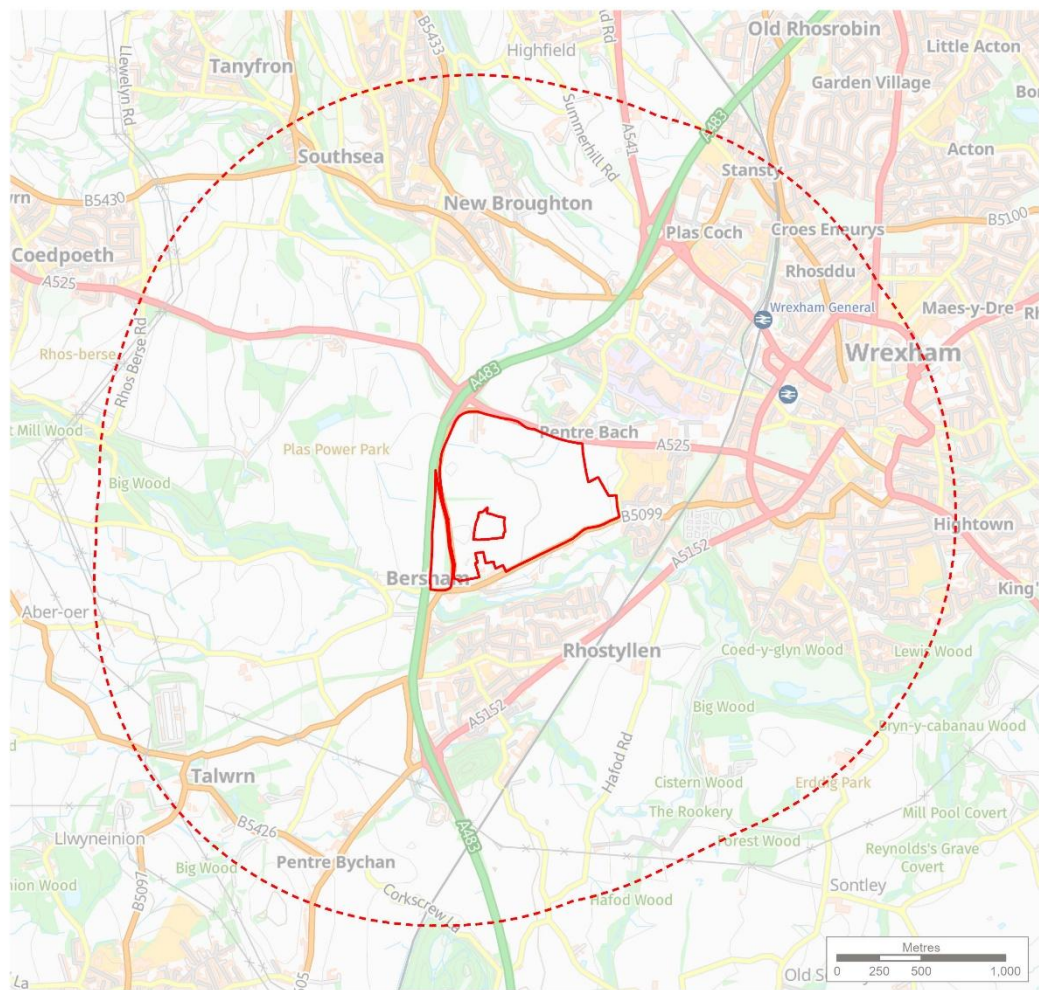
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Figure 3: Statutory wildlife sites of national significance within 5km of the site



Key
 Site boundary
 Site boundary - 2km buffer

Sites searched for were as follows:
 - Local Nature Reserves

No records found



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Project
 Ruthin Road, Wrexham

Title
 Statutory Locally Designated Sites Within a
 2km Buffer

Drawing Number
 G8745.004A

Scale
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 17/04/2025

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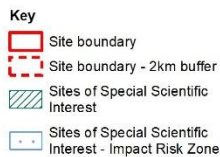
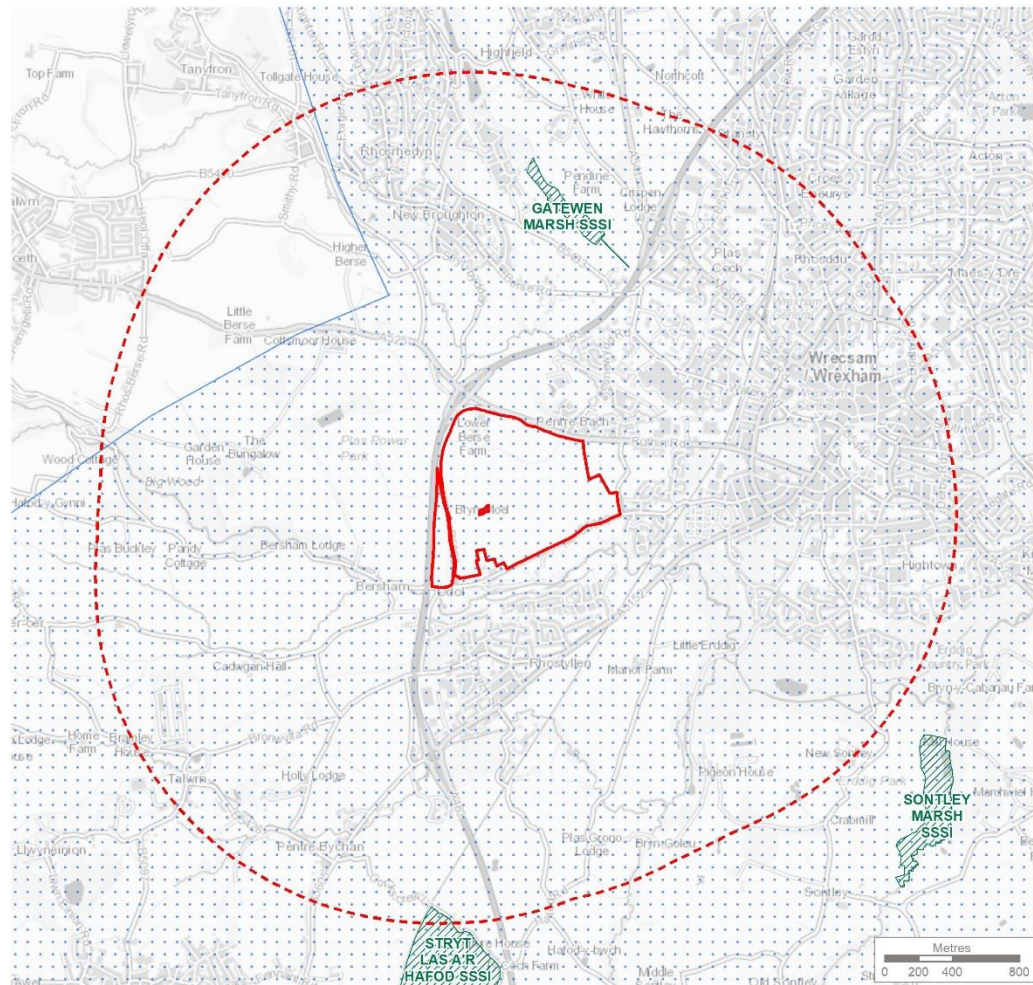
Figure 4: Statutory wildlife sites of local significance within 2km of the site

SSSI Impact Risk Zones

- 5.2 The site overlaps with SSSI Impact Risk Zones (IRZ) – these are zones determined by Natural England that identify likely impacts upon SSSIs, SACs, SPAs or Ramsar sites that may result from planned development.
- 5.3 Figure 6 illustrates the IRZs that overlap with the site, however, none of the risk criteria for residential development are identified as requiring consultation with Natural England. The relevant IRZ and risk criteria are cross-referenced in Table 3.

Table 3: SSSI Impact Risk Zones crossed by the site

Proposal	2 LPA should consult Natural England on likely risks from the following:
IRZ	
All Planning Applications	N/A
Infrastructure	N/A
Wind & Solar Energy	N/A
Minerals, Oil & Gas	N/A
Rural Non-Residential	N/A
Residential	N/A
Rural Residential	N/A
Air Pollution	Livestock & poultry units with a floorspace > 500m ² , slurry lagoons > 4000m ²
Combustion	General combustion processes >50MW energy input. Including: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/combustion.
Waste	N/A
Composting	N/A
Discharges	N/A
Water Supply	N/A
Notes 1	N/A
Guidance	https://magic.defra.gov.uk/Metadata_for_magic/



Project
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Title
Sites of Special Scientific Interest - Impact Risk Zone

Drawing Number
G8745.006

Scale
1:30,000 @ A4

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11/05/2021

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Figure 5: No SSSI Impact Risk Zones relevant to the site

Non-Statutory Wildlife Sites

- 5.4 Table 4 and Figure 7 show the non-statutory designated wildlife sites within influencing distance of the site.

Table 4: Non-statutory wildlife sites within 2km of the site

Site Name	Designation	Distance and Direction from Site
Erddig Estate	Local Wildlife Site	350m southeast
Big Wood	Local Wildlife Site	440m west
Berse Drelincourt	Local Wildlife Site	460m south
New Broughton Meadow	Local Wildlife Site	1.09km northwest
Nant Mill – Grasslands	Local Wildlife Site	1.20km west
Higher Berse Marsh	Local Wildlife Site	1.21km northwest
Crematorium	Local Wildlife Site	1.33km southwest
Legacy Substation	Local Wildlife Site	1.47km southwest
Moss Valley	Local Wildlife Site	1.51km north
Afon Gwenfro	Local Wildlife Site	1.79km northwest

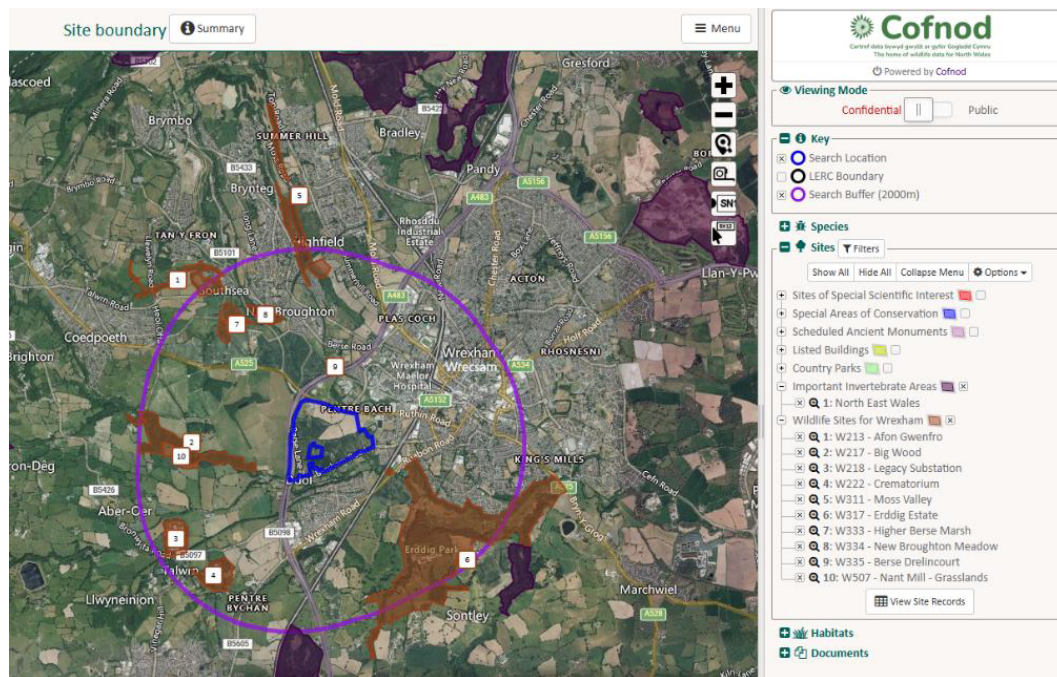


Figure 6: Non-statutory wildlife sites within 2km of the site (map provided by COFNOD)

- 5.5 The scheme also lies 1.88km north from an Important Invertebrate Area (IIA). The North East Wales IIA encompasses vast areas of contrasting upland and lowland habitats in Powys, Denbighshire, Wrexham, Shropshire and Cheshire along the route of the River Dee/Afon Dyfrdwy. These are places that are home to nationally or internationally significant invertebrate populations and their habitats. They include diverse species from beetles and moths to freshwater shrimps and woodlice.

6.0 Notable Habitats

6.1 The following notable habitats are present within the site (Figure 8)

- Ancient woodland

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

- Ancient woodland
- Lowland fens and reedbeds

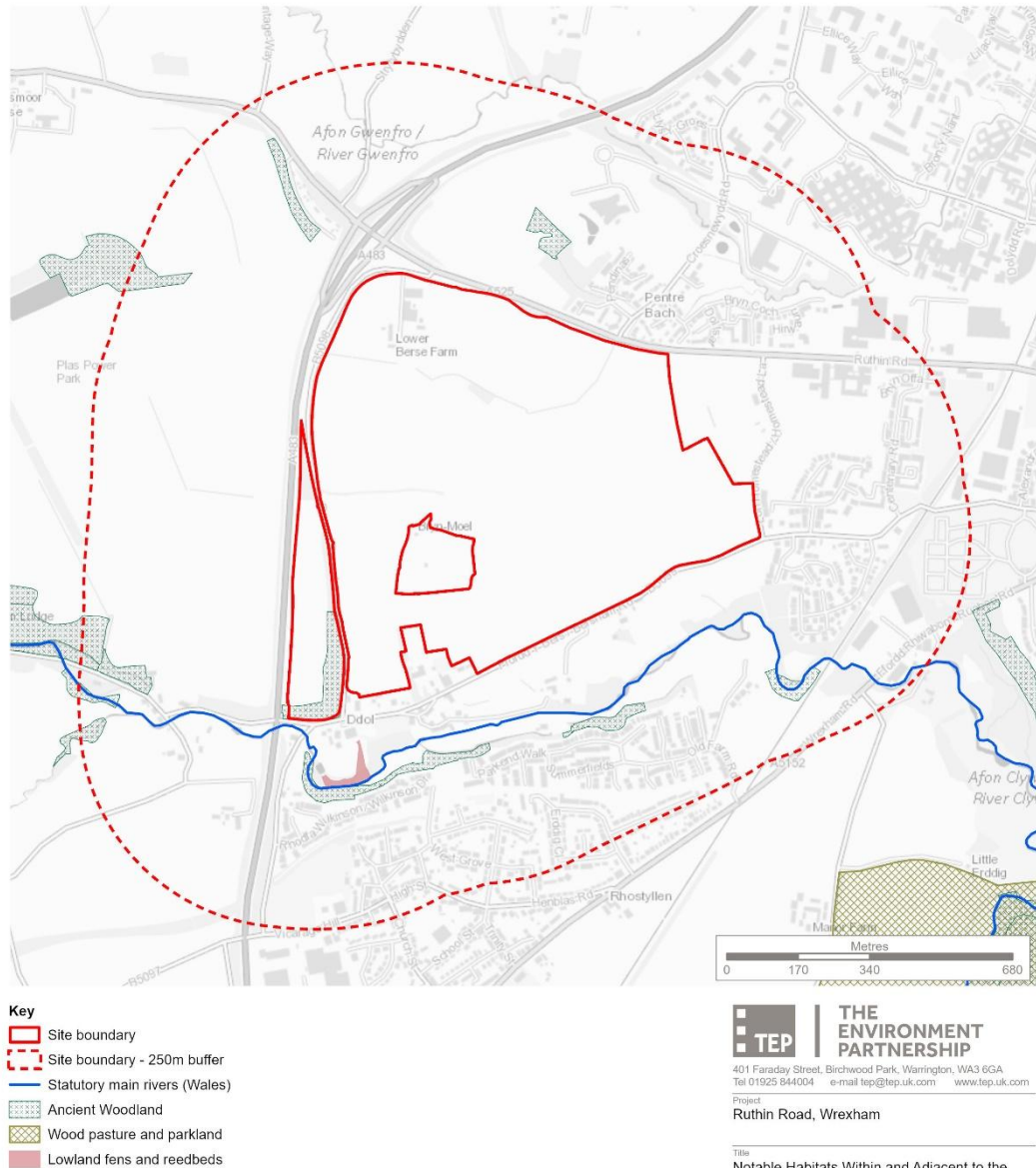


Figure 7: Notable habitats within 0.25km of the site

7.0 Notable Species

Pre-existing Species Records

7.1 Protected and notable species records returned from COFNOD for the last 10 full years within or adjacent to the site are summarised below. The terms and conditions of this data state this data is valid until October 2025.

- Badger
- Brandt's Bat
- Daubenton's Bat
- Whiskered Bat
- Natterer's Bat
- Noctule
- Pipistrelle
- Soprano Pipistrelle
- Brown Long Eared Bat
- Lesser Horseshoe Bat
- Redwing
- Woodcock
- Dipper

7.2 Protected and notable species records returned from COFNOD for the last 10 full years within 2km of the site are summarised below. The terms and conditions of this data state this data is valid until October 2025.

Species Records Summary: Ruthin Road, Wrexham

Amphibians	
Species	Count
Great Crested Newt	53
Common Toad	9

Birds	
Species	Count
Avocet	1

Birds	
Barn Owl	8
Barnacle Goose	1
Black-headed Gull	53
Brambling	10
Bullfinch	105
Cetti's Warbler	8
Common Gull	8
Cuckoo	1
Curlew	2
Dipper	55
Duncock	93
Fieldfare	16
Goshawk	1
Grasshopper Warbler	3
Great Black-backed Gull	2
Green Sandpiper	6
Greenfinch	20
Grey Wagtail	123
Greylag Goose	14
Herring Gull	124
Hobby	4
House Martin	13
House Sparrow	80
Kestrel	9
Kingfisher	36
Lapwing	11
Lesser Black-backed Gull	47
Lesser Redpoll	2
Lesser Spotted Woodpecker	1
Mallard	135
Marsh Harrier	1
Meadow Pipit	4
Merlin	1

Birds	
Mistle Thrush	48
Moorhen	98
Peregrine	2
Pink-footed Goose	2
Pintail	2
Red Grouse	1
Red Kite	10
Redstart	6
Redwing	73
Reed Bunting	34
Sedge Warbler	7
Shelduck	4
Shoveler	4
Skylark	1
Snipe	9
Song Thrush	97
Sparrowhawk	33
Spotted Flycatcher	3
Starling	33
Stock Dove	68
Swift	48
Tawny Owl	10
Teal	3
Tree Sparrow	1
Whinchat	1
Willow Warbler	12
Woodcock	4
Woodpigeon	217

Flora	
Species	Count
Bluebell	33

Flora	
Canadian Waterweed / Nuttall's Waterweed	1
Himalayan Balsam	22
Himalayan Cotoneaster	1
Japanese Knotweed	15
Japanese Rose	1
Montbretia	3
New Zealand Pigmyweed	3

Invertebrates	
Species	Count
Cinnabar	4
Centre-barred Sallow	2
September Thorn	2
Ghost Moth	2
Mottled Rustic	2
Dusky Thorn	2
Brown-banded Carder Bee	1
White-letter Hairstreak	1
Sallow	1
Autumnal Rustic	1
Rosy Rustic	1
Buff Ermine	6
Feathered Gothic	1
Small Emerald	1
White Ermine	3
Small Phoenix	1
Rosy Minor	3
Wall	1

Reptiles	
Species	Count
Common Lizard	4

Terrestrial Mammals (Bats)	
Species	Count
Brandt's Bat	5
Brown Long-eared Bat	13
Common Pipistrelle	207
Daubenton's Bat	31
Lesser Horseshoe Bat	10
Long-eared Bat species	29
Myotis Bat species	57
Natterer's Bat	20
Noctule	116
Soprano Pipistrelle	224
Whiskered Bat	50

Terrestrial Mammals (Other)	
Species	Count
American Mink	1
██████	█
Hedgehog	63
Otter	13
Polecat	1

Fish	
Species	Count
N/A	N/A

Crustacean	
Species	Count
N/A	N/A

Mollusc	
Species	Count
N/A	N/A



Annex A: Key Ecological Legislation and National Policy

Relevant Legislation

International Conventions

- a. The UK is a Contracting Party to numerous environmental conventions, the commonest form of international agreements to encourage a coordinated response to managing the environment. Key environmental conventions ratified in the UK include:
- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'¹⁸ or 'Wetlands Convention') - provides the only international mechanism for protecting sites of global importance;
 - The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention¹⁹) - imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species;
 - The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention²⁰ or CMS) - provides strict protection for endangered migratory species. The UK has currently ratified four legally binding Agreements under the convention relating to bats (EUROBATS), African-Eurasian migratory birds (AEWA), small cetaceans in the Baltic, Irish and North Seas (ASCOBANS) and albatrosses and petrels (ACAP) in addition to five Memorandum of Understanding (MoU) and is non-party range state to a further Agreement and a further MoU;
 - The Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention) - seeks to protect both cultural and natural heritage;
 - The Convention on Biological Diversity (Biodiversity Convention²¹ or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020²² is guided by the UK Post-2010 Biodiversity Framework²³.
- b. The legal obligations of the multiple Conventions to which the UK is a Contracting Party are enacted through a suite of national environmental legislation. The most relevant are described in the following paragraphs.

¹⁸ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 <https://www.ramsar.org/>

¹⁹ Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

²⁰ Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

²¹ Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

²² In October 2010, at the 10th Conference of the Parties to the CBD in Nagoya, Japan, the Parties adopted a new 'Strategic Plan for Biodiversity 2011–2020' along with its 20 'Aichi targets'. <https://www.cbd.int/sp/>

²³ The framework is overseen by the Environment Departments of the four UK governments working through the Four Countries' Biodiversity Group. It demonstrates how the UK, through each of the four countries, contributes to achieving the 'Aichi targets', and identifies the activities required to complement the individual country biodiversity strategies <https://jncc.gov.uk/our-work/uk-post-2010-biodiversity-framework/>

Conservation of Habitats and Species Regulations`

- c. The Conservation of Habitats and Species Regulations 2017²⁴ (2017 Regulations) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into domestic law.
- d. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019²⁵ (2019 Regulations) amends the 2017 Regulations to make them operable following the withdrawal of the United Kingdom from the European Union (EU). Most of the changes involve transferral of functions from European Commission to the appropriate authorities in England and Wales, also extending to Scotland and Northern Ireland and applies to Scotland and Northern Ireland (including the adjacent territorial sea to a limited degree), as regards reserved and excepted matters respectively. It also amends Section 27 of the Wildlife and Countryside Act 1981 to maintain existing protections and enforcement for species of wild birds.
- e. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance and obligations (of a competent authority) remain relevant.

National Site Network

- f. Under the 2019 Regulations, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) in the UK no longer form part of the EU's 'Natura 2000' ecological network, but instead (along with new SACs and SPAs designated under the 2019 Regulations) form the new National Site Network (NSN). Ramsar sites^{Error! Bookmark not defined.} do not form part of the NSN but remain protected in the same way as SACs and SPAs.
- g. Proposals which may significantly affect a site belonging to the NSN and which are not connected with or necessary to the management of that site require (by Regulations 63 and 64 of the 2017 Regulations, as amended by Regulations 24 and 25 of the 2019 Regulations, respectively) competent authorities to undertake an Appropriate Assessment of the implications of the plan or project in view of that site's conservation objectives. This process is commonly referred to as a 'Habitats Regulations Assessment' (HRA). The assessment must consider the potential effects both of the plan/project itself and in combination with other plans or projects. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and if the necessary compensatory measures can be secured.

²⁴ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) <https://www.legislation.gov.uk/uksi/2017/1012/>

²⁵ Conservation of Habitats and Species Regulations 2019 (SI 2019/579) <https://www.legislation.gov.uk/uksi/2019/579/>

Protected Species

- h. Certain animals and their breeding sites or resting places are protected under Regulation 43 of the 2017 Regulations, which makes it illegal to:
- Deliberately capture, injure or kill any such animal or to deliberately take or destroy the eggs of such an animal;
 - Deliberately disturb such an animal; and
 - Damage or destroy a breeding site or resting place of such an animal.
- i. Disturbance is defined in the 2017 Regulations as an activity which is likely to impair a species' ability to survive, to breed or reproduce, to rear or nurture young or, in the case of animals hibernating or migratory species, to hibernate, migrate or which may affect significantly the local distribution or abundance; of the species.
- j. A bat's resting place is known as a roost site. Because bats tend to be faithful to roost sites but their biology is such that different roost site characteristics are preferred at different times of the year by different species for different functions, a bat roost is considered to be afforded protection even when it is not occupied.
- k. Certain plant species are protected under Regulation 47 of the 2017 Regulations against deliberate picking, collecting, cutting, uprooting or destruction. It is also an offence to be in possession or control and to transport any live or dead plant or part of a plant of such a species which has been taken in the wild.
- l. The 2017 Regulations (Regulation 55) enables a relevant licensing body to grant a licence for certain activities that may affect animal or plant species protected by the above provisions. The purpose must conform to one of those listed under Regulation 55(2). For most development related activities, the purpose normally relates to Regulation 55(2)(e) 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment' – commonly known as the IROPI test. Regulation 55(9) introduces two further tests that the licensing body must consider:
- There is no satisfactory alternative; and
 - The favourable conservation status of the species concerned will be maintained and/or enhanced.
- m. Under Regulation 9(1) of the 2017 Regulations (as amended), competent authorities "must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the Directives". Regulation 9(3) requires a competent authority, in exercising any of its function, to "have regard to the requirements of the Directives so far as they be affected by the exercise of those functions." Local planning authorities must therefore
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consider the above three ‘tests’ when determining if planning permission should be granted for developments likely to cause an offence under the Regulations.

Wildlife and Countryside Act 1981

- n. The Wildlife and Countryside Act 1981 (as amended)²⁶ (WCA) is a major legal instrument for wildlife protection in the UK. In respect of habitats and flora, the WCA protects important habitats and/or species as Sites of Special Scientific Interest (SSSI). The designation of UK Ramsar sites^{Error! Bookmark not defined.} has usually been underpinned through prior notification of these areas as SSSI and accordingly they receive statutory protection under the WCA.
- o. The obligations of the Bern Convention^{Error! Bookmark not defined.} (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales²⁷ by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention^{Error! Bookmark not defined.} is also provided by the WCA.
- p. All wild birds (as defined by the WCA and with exception to species listed in Schedule 2) are protected under the WCA, which makes it illegal to:
 - Intentionally kill, injure or take any wild bird;
 - Take, damage or destroy the nest (whilst being built or in use) of any wild bird; or
 - Take or destroy the eggs of any wild bird.
- q. Special penalties are available for offences related to birds listed in Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The WCA also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.
- r. Certain animal species (listed under Schedule 5) of the WCA receive protection which makes it illegal (with certain exceptions) to:
 - Intentionally kill, injure or take any such animal;
 - Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal;
 - Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.

²⁶ Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

²⁷ In Scotland by the Nature Conservation (Scotland) Act 2004 (as amended) and in Northern Ireland by Wildlife (Northern Ireland) Order 1985 and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

- s. The Environment Act (EA) 2021 amends the licensing regime under Section 16 of the WCA 1981 to enable licences to be granted (in England only) for reasons of overriding public interest. This new purpose will enable those involved in development activities to apply for a derogation under the WCA for species domestically protected under Schedule 5 of the WCA 1981.
- t. The amendments introduced by the EA 2021 at Section 16(3) requires that licensed may only be granted (in England) where:
 - there is no other satisfactory solution, and
 - the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.
- u. Plant species listed under Schedule 8 of the WCA 1981 are protected from unauthorised intentional picking, uprooting and destruction.
- v. It is an offence to plant or otherwise cause to grow in the wild any plant that is included in Schedule 9.

Countryside and Rights of Way Act 2000

- w. Part III of the Countryside and Rights of Way Act 2000 (CROW)²⁸ deals specifically with wildlife protection and nature conservation. It requires that Government Departments have regard for the conservation of biodiversity, in accordance with the CBD. In addition, it requires that The Secretary of State publishes a list of living organisms and habitat types that are considered to be of principal importance in conserving biodiversity.
- x. CROW also amends the WCA, expanding the terms of offences to include reckless activity. It increases the legal protection of threatened species, by also making it an offence to “recklessly” obstruct access to a sheltering place used by an animal listed in Schedule 5 of the WCA or “recklessly” disturb an animal occupying such a structure or place.

Environment (Wales) Act 2016

- y. Section 6 (S6) places a duty on public authorities to ‘seek to maintain and enhance biodiversity’ so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to ‘promote the resilience of ecosystems’. Section 729 (S7) requires The Welsh Ministers to publish, review and revise lists of living organisms and types of habitats in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. This is known as the S7 list. The S7 list includes priority habitats and priority species drawn from earlier lists of United Kingdom Biodiversity Action Plan Priority Species and Habitats

²⁸ Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

²⁹ Environment (Wales) Act 2016 c.3 <https://www.legislation.gov.uk/anaw/2016/3/section/7/enacted>

Hedgerow Regulations 1997

- z. Important hedgerows are protected from removal by the Hedgerows Regulations³⁰ (as amended). Regulation 3 defines the hedgerows to which the Regulations apply. Regulation 4 sets out the criteria for identifying “important hedgerows” including ecological, landscape or historical/cultural reasons. Under the Hedgerow Regulations it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Works to “important hedgerows” are exempt under the Hedgerow Regulations if planning consent is granted which allows their removal.
- aa. The identification of important hedgerows also provides an additional means to value hedgerows aside from their botanical value (e.g. species richness) as the assessment of importance also includes characteristics relating to maturity and structure (e.g. associated features, connectivity, integrity) which will affect the functional value of the hedgerow.

Protection of Badgers Act 1992

- bb. Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)³¹. This makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett.
- cc. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as “any structure or place, which displays signs indicating current use by a badger.”

Wild Mammals (Protection) Act 1996

- dd. All UK wild mammals are afforded a degree of protection from certain cruel acts. The Act is intended to preserve animal welfare more so than nature conservation. The Act makes it an offence to use a variety of methods to intentionally cause suffering to a wild mammal. It also has exemptions including in relation to euthanasia and otherwise lawful use of certain methods of killing.

Relevant National Policy

Planning Policy Wales 2024

- ee. Planning Policy Wales delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities’ development plans. This is supplemented by 21 topic based Technical Advice Notes (TANs). Technical Advice Note 5- Nature

³⁰ The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/ukxi/1997/1160/>

³¹ Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

Conservation and Planning is a key TAN in relation to nature conservation and biodiversity. TAN 5 states that the town and country planning system in Wales should:

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



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