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|---|---|
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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 Ltd 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 Ltd 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 Berrys UK on behalf of the client, Mr G Lewis, to undertake a preliminary ecological appraisal of land at Manley Hall, Erbitock to provide supporting information for a planning application for a single agricultural worker's dwelling at one end of a large field.

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 a site visit undertaken at the site, OS grid reference SJ35074157 on 8th September 2025 by Ben Jones.

## 1.3 Key Impacts and Mitigation Measures

The site comprises an agricultural rotation field, growing grass for pasture at the time of survey but also rotates through cereal crop. No sign of any protected species in the grassland was found.

The field is bound to the west by mature oak and sycamore trees along the access track, several of which had potential roost features for bats and all of which had suitable bird nesting potential, though no nests were seen from ground level. These trees will be retained as access will come from the south where an unvegetated stock-proof fence forms the boundary. The field has a mature intact hedgerow on the northern boundary but the red line falls short of this.

No negative impact on any protected species is expected, and no habitats of principal importance will be affected as the mature trees will be retained.

## 1.4 Conclusion

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 10 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 Mr G Lewis 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 an agricultural worker's dwelling on land at Manley Hall, Erbistock.

## 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 to the southwest of Erbistock, itself south of Wrexham, OS grid reference SJ35074157. It is set in an rural environment surrounded on all sides by open farmland, scattered dwellings and farms and pockets of woodland. The River Dee flows ~200m southwest of the site and Manley Wood is located 200m west, both of which will be valuable for local wildlife.

# 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).

## 3.2 Field Survey

### 3.2.1 Date and Survey Conditions

**Table 3.1. Survey conditions**

| Date | Time Start | Study Area | Equipment Used | Weather |
|---|---|---|---|---|
| **08/09/2025** | 11:30 | Whole Site | Camera, strong torch | Dry, cloudy. |
| **Comments** | One surveyor used: Ben Jones<br>Constraints: N/A<br>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 site had not been subject to any form of non-standard management prior to this survey.

### 3.2.3 Hedgerows

The hedgerows were assessed using species composition, length, age and previous management to ascertain whether the hedgerow could be classified as important (HMSO, 1997).

## 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 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

### 4.1.1 Designated Sites

The map from Natural England presented in Figure 4.1 indicated that the only statutory designated site within 1km is the River Dee (both in England and Wales).

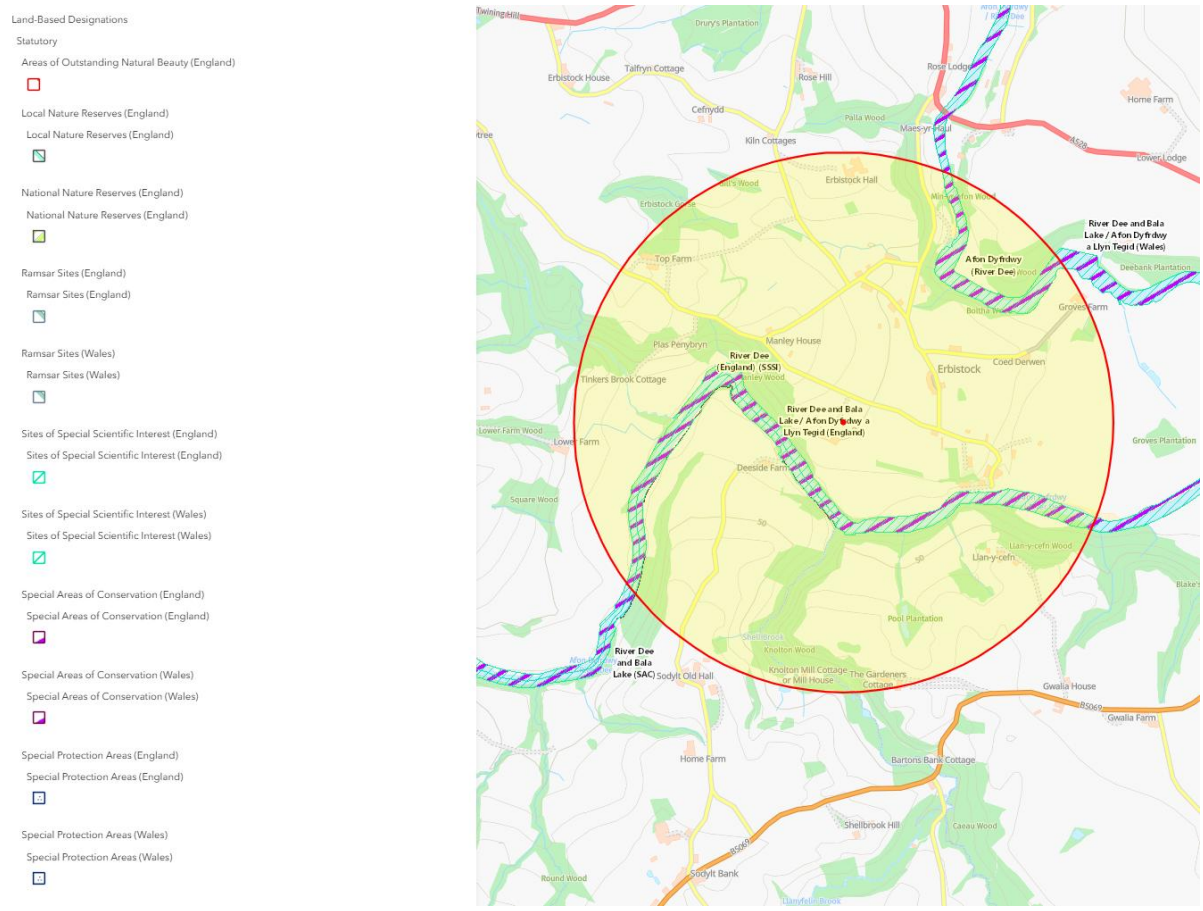



**Figure 4.1. Identifying any designated areas near site, a 1km buffer is shown**

## 4.2 Habitats on Site

The site comprises an area of an agricultural field used as grazing pasture at the time of survey. It is understood to be part of an arable rotation and will be used for crops also.

The western side of the field is a line of mature oak and sycamore trees separating the field from the access track. As a recently planted grassland there are few species found within the field, though less managed parts such as those around the base of the trees include typical weed species such as thistle (*Cirsium arvense*), broad-leaved dock (*Rumex obtusifolius*) and dandelion (*Taraxacum officinale*).



**Figure 4.2. Wider field overview, looking east**



**Figure 4.3. Mature trees on western end**



**Figure 4.4. Line of mature trees**

The southern boundary is a stock-proof fence with no boundary vegetation. There are no formal boundaries to the east or north as the red line forms a corner of the field. The field has an intact hedgerow with mature trees along the north but this is beyond the scope of this development.



**Figure 4.5. Northern hedge beyond red line**



**Figure 4.6. Stock fence to south**

## 4.3 Bats

The mature trees on the western side of the field were assessed for their potential to support roosting bats.

Several of the trees have potential roost features, most notably within the oaks at the southern end of the line of trees. The sycamores are more closely grouped and therefore are smaller and have less features visible from ground level suitable for bat species.



**Figure 4.7. PRFs on mature oak**



**Figure 4.8. PRFs on mature oak**



**Figure 4.9. Smaller sycamores with less opportunity for roosting bats**

## 4.4 Other Mammals

No evidence of any terrestrial mammals, such as prints, feeding signs, latrines or sett/burrow entrances were seen either on site or along its boundaries.

## 4.5 Birds

No nesting activity was observed during the site survey, though the canopies of the trees may provide suitable nesting habitat. The field itself is unlikely to be of value to ground-nesting birds as grazing and frequent management and growing regime changes without a maintained field margin do not provide a stable habitat.

## 4.6 Amphibians

There are no ponds shown on OS maps within 250m. The habitat on site to be developed upon provides negligible suitability for great crested newts in their terrestrial phase.

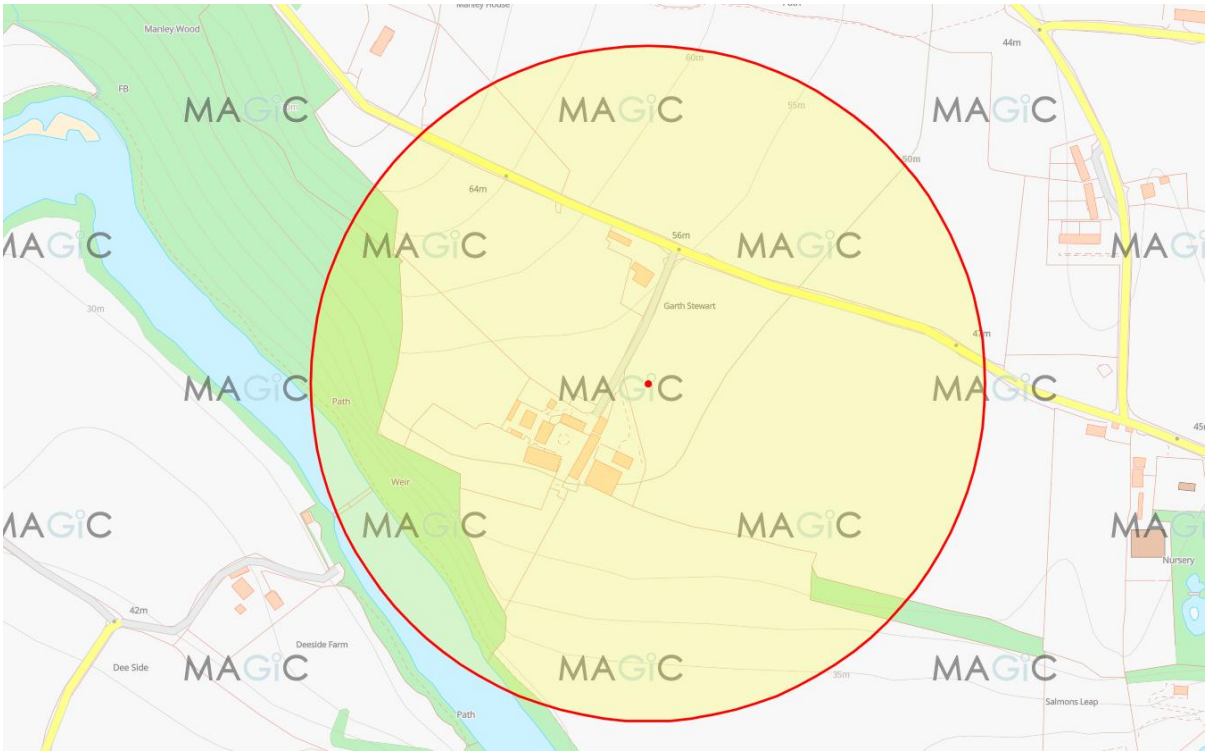



**Figure 4.10. OS Map showing a 250m buffer around site, showing lack of ponds**

# 5 Description of Proposed Development

The current plans are for the construction of a single agricultural worker's dwelling, with associated parking and access coming from the south through the unvegetated boundary. No plans beyond location have been provided at the time of writing this report.




**Figure 5.1. Site location plan**

# 6 Impacts, Enhancements and Mitigation

## 6.1 Nearby Features of Importance

Figure 4.1 shows that the only statutory designated site within 1km of site is the River Dee. This is 200m from site and the development is small, covering only a single dwelling. Impacts on the river are extremely unlikely from a development of this scale at that distance. No further consideration is required.

## 6.2 Habitats on Site

### 6.2.1 Impacts

The only valuable habitat within the vicinity of the proposal is the line of mature trees. Whilst plans have not been provided in any detail, it is understood that any development would be conducted with these trees in mind, avoiding root protection zones and with vehicular access from the track to the south, not requiring the removal of any vegetation.

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 Mitigation and 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.

It is recommended that the landscaping around the site will include some hedge planting to enhance the area for biodiversity. This will include planting along currently unvegetated boundaries.

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* |

### 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 potential for death or damage of individual bats. As potential roost features were observed in trees on the western boundary of site, a lighting plan will be required to ensure these are not disturbed. This will also ensure foraging value is retained for any bats in the area.

With appropriate enhancement, the development is likely to result in more roosting potential for bats than is currently present and so can be considered a net gain in terms of bat roost potential.

No further surveys are required, and work can proceed as soon as permission is granted.

### 6.3.2 Mitigation

Lighting needs to be designed to have minimal impact on bats and their commuting and foraging areas. This results in the recommended use of downlights and the horizontal spread of lighting to be kept to a minimum.

Where it is not possible to reduce the horizontal spread of light, a 2700°K to 3000°K LED light bulb is recommended, which will provide a warm white light. This range has the least impact on bats and invertebrates.

1. A lighting scheme will be drawn up in line with best guidance (ILP, 2023).
2. All newly proposed external lighting will be directed away from any vegetated boundary features to retain dark corridors for commuting bats.
3. There will be no direct illumination of any enhancement features erected for bats.
4. There will be no direct illumination of the southern boundary tree line.
5. All domestic lighting will be orientated towards the ground and controlled by PIR (Passive Infra-red), set on a short timer.



**Figure 6.1. Example external down light design**

### 6.3.3 Enhancements

It is recommended that permanent provision be made for roosting opportunities for bats with the inclusion of an integrated bat box in the new house. These will be erected at a height of 3-4 m and in a southerly, westerly or easterly facing direction.

**Enclosed Bat Box (B and C)**

- Designed specifically for the pipistrelle bat
- Available in all brick types
- Discrete home for bats
- Various sizes
- Several roosting zones are created inside the box
- Bats are contained within the bat box itself
- Maintenance free with entrance at the base
- Ideal for new build & conservation work



Bat Box B Bat Box C

| Eco Habitats for Bats | Sizes (mm) | Durability |
|---|---|---|
| Bat Box Type A | 215 x 65 | F2 S2 – Fully Frost Resistant |
| Bat Box Type B | 215 x 215 or 215 x 290 | F2 S2 – Fully Frost Resistant |

**Figure 6.2. Example integrated bat box**

### 6.3.4 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.

## 6.4 Other Mammals

Even without consideration there is unlikely to be any negative impact on local non-bat mammals.

## 6.5 Birds

### 6.5.1 Impacts

Work at this site will include the planting of new hedgerows which will provide a nesting enhancement once developed.

### 6.5.2 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. Sparrow Terraces should be erected under the eaves of a building at a minimum height of 3m, in a westerly, northerly or easterly aspect.

b. 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.

c. Robin boxes should be installed inside vegetation such as a hedge or shrub, ideally at a height of over 2m.




**Figure 6.3. Bird boxes**

### 6.5.3 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

There are no ponds within 250m and no habitat of significant value on site for great crested newts in their terrestrial phase. No mitigation is required.

# 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 field itself is of very low ecological value, though the line of mature trees to the west is incredibly valuable and should be retained and considered at all stages of development. Vehicular access will come via the existing track to the south of site through the unvegetated boundary.

The development presents significant opportunities to enhance for local wildlife by including artificial enhancements in the new dwelling such as bat and bird boxes.

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).

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<br>MCIEEM<br>Ben has a degree in Marine and Freshwater biology and a Master's degree in "Managing the Environment".<br>He has 10 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.<br><br>As a member of the CIEEM he is bound by professional conduct. | Holder of survey licenses for bats and newts in England and Wales.<br><br>England:<br>Bats - 2017-29112-CLS-CLS<br>GCN - 2016-25209-CLS-CLS<br>Wales:<br>Bats – S095663/1<br>GCN – S094375/1 |

# Appendix B – Methodology

## Desk Study

**Table B.1. Data sources**

| Organisation/Resource | Information Assessed |
|---|---|
| **MAGIC website** | International statutory designations (1km)<br>• Special Protection areas (SPA)<br>• Special Areas of Conservation (SAC)<br>• RAMSAR sites<br>National statutory designations (1km)<br>• Sites of Special Scientific Interest (SSSI)<br>• National Nature Reserves (NNR) |

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

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. |

## Hedgerows

The aim of the assessment is to ascertain whether the hedgerow could be classified as important according to the definitions listed in the Hedgerow Regulations 1997.

The hedgerow is measured and gaps within a hedge included in the total length as long as the gaps are 20m or less in length.

The total number of woody species present was recorded in the following manner:

- Where the length of the hedgerow did not exceed 30m the total number of woody species present in the hedgerow was recorded
- Where the hedgerow was between 30m and 100m the number of woody species present in the central 30m was recorded

- Where the length was between 100m and 200m the number of woody species in the central 30m stretches of 2 halves of the hedgerow were counted and the mean of the 2 halves calculated
- Where the length of the hedge was over 200m the hedge was divided into thirds and the central 30m of each section counted and the mean calculated

The hedgerow height, width, integrity, structure and management history was recorded.

Notes were made of the following in accordance to the criteria outlined in Schedule 1 of the Hedgerow Regulations 1997:

- Evidence of certain species of birds, animals or plants listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended)
- Number of woody species on average in a 30m length
- Presence of rare tree species such as Black Poplar, Large Leaved lime, Small leaved Lime, Wild Service tree
- Number of standard trees within each 50m length
- Percentage of gaps in the hedge
- Presence of ditches, banks or walls
- Numbers of connections with other hedgerows, ponds or woodland
- Presence of parallel hedgerow within 15m of the hedge
- Presence of bridleways, footpaths, byways of public paths

Non-woody ground flora species listed in Schedule 2 of the Hedgerow Regulations were recorded.

### 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 |

Daytime surveys were conducted with the aid of a strong torch. Bat species may leave little evidence of their presence.

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 well-used feeding point or a resting spot.
- 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 and reptiles 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)

Hedgerow Regulations (1997)

The Protection of Badgers Act (1992)

Planning Policy Wales 12th edition, updated Feb 2024
Section 6.2 – Green Infrastructure
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 6 – Enhancement for biodiversity requirement
Section 7 – Lists of priority species and habitats

Wrexham Unitary Development Plan – EC6 Biodiversity Conservation

## Hedgerows

All hedgerows are potentially protected by the Hedgerow Regulations 1997. Under these regulations it is against the law to remove or destroy certain hedgerows without permission from the LPA. These Regulations do not apply to any hedgerow within the curtilage of or marking the boundary of a dwelling house.

Permission is required before removing hedges that are least 20m in length and over 30 years old. Permission is gained by submitting a Hedgerow Removal Notice to the LPA as set out in Schedule 4 of the Regulations.

Permission is not required in the following instances:

- To make a new opening in substitute for an existing one which gives access to land.
- To obtain temporary access to any land in order to give assistance in an emergency.
- To gain access to land where another means of access is not available of is available at a disproportionate cost.
- For National Defence purposes.
- Where planning permission has been authorised except where permission has been granted by the Town and Country Planning General Permitted Development Order 1995.
- To carry out work for the purposes of flood defence or land drainage.
- To prevent spread of or ensure eradication of a plant or tree pest.
- For work undertaken by the Secretary of State in respect of any highway for which he is the highway authority or in relation to which he has the same powers as the Local Highway Authority.

- To prevent obstruction of or interference with electric lines and plant or prevent danger under the Electricity Act 1989.
- For the proper management of the hedgerow.

Hedgerows in areas covered by Historic Landscape Characterisation are often protected on the basis of historical importance and their wildlife value.

Hedgerows are listed as a habitat of principal importance under section 41 of the NERC Act (2006). This draws on the UK Biodiversity Action Plan (BAP) definition of priority habitats. Under the 2007 UK BAP, hedgerow priority habitat includes all hedgerows with at least 80% cover of at least one woody UK Native species (BRIG 2011).

## 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.

## 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.
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## 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.

# Appendix D - Bibliography

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