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Client Name: Mr Philip Cooper

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Whitewell
SY13 3AN

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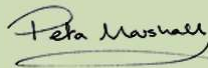
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The report should be read in its entirety.

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 the surveyors make every reasonable effort, Greenscape Environmental 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 one year for planning purposes, after which time further survey information may be required.

Greenscape Environmental Ltd can provide advice and support for recommendations and planning conditions.

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1 Executive Summary

1.1 Purpose of the Report

Greenscape Environmental Ltd was commissioned by the client, Mr Philip Cooper, to undertake a preliminary ecological appraisal of land at Brook Farm to provide supporting information for a planning application for the installation of camping pods. This will involve clearing the land of stored construction items, installation of a domestic sewage treatment plant and removal of a redundant building.

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 and a site visit undertaken at the site, OS grid reference SJ49294141 on 3rd June 2021 by P Marshall.

1.3 Key Impacts and Mitigation Measures

The desktop study included a search for nearby designated sites and previously recorded protected species. It was considered that the site would provide potential habitat for bat and bird species, and these should be the main focus of the ecological appraisal.

The majority of the site comprises grassland of low species diversity, and stored construction items, this is considered to be of low ecological value as it is typical habitat in the area. A building is to be removed. This was assessed for potential for bats and considered to be of negligible ecological value. No further surveys are considered necessary.

There are no bodies of still water within 250m, further consideration of great crested newts is therefore not considered necessary.

No evidence of badger activity was found on site. Bird activity was recorded in surrounding hedgerows, but these will be managed and enhanced, so no negative impact is anticipated. Hedgerows will be maintained as dark areas with no external lighting illuminating them.

Removal of the building and management of the hedgerow must be undertaken following a method statement for nesting birds.

1.4 Conclusion

It has been agreed with the client that the biodiversity value of the site will be enhanced with the inclusion of bat and bird boxes. The landscaping will also be improved by planting new native species hedgerows and trees surrounding the plots for the glamping pods.

The mitigation, compensation and enhancements provided in sections 6.2.2, 6.3.2, 6.5.2 and 6.7.2 of 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 Peta Marshall BSc (hons) MA who has over 10 years' experience conducting ecological appraisals. It has been reviewed in line with Greenscape's Quality Management System.

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

2.1 Project Background

Greenscape Environmental Ltd was commissioned by Mr Cooper 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 installation of glamping pods at land at Brook Farm.

2.2 Purpose of the Report

This report aims to:

- Identify the key ecological constraints to the proposed development.
- 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.

2.3 Site Context and Location

The site is located in Whitewell, in the east of Wrexham County Borough, OS grid reference SJ49294141. It is set in a rural environment surrounded by arable land. There is high value connectivity to the surrounding countryside with Matthews's Wood located 300m east, open field boundary hedgerows and paths. The surrounds provide potential foraging, and commuting opportunities for bats, nesting birds, badgers and amphibians.



3 Methodology

Broad methodologies for data collection and interpretation were informed by guidance outlined in CIEEM (2017) – Guidelines for Preliminary Ecological Appraisals. Full details can be found in 0.

3.1 Desk Study

The desk study provides contextual information such as the site's proximity to designated areas and known records of protected or notable species.

3.2 Field Survey

3.2.1 Date and Survey Conditions

Table 3.1. Survey conditions

Date	Time	Structure	Equipment Used	Weather
03/06/2021	Day	Whole site	Strong torch, Camera	Overcast, 18°C light breeze
Comments	One surveyor used: Peta Marshall			

3.2.2 Habitats

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 of site value.

3.2.3 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).

3.3 Species Survey

Features on site were assessed for potential for bat roosts, foraging and commuting. These were conducted in accordance with Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd Edition, BCT, Collins (ed.) (2016).

Badger surveys were conducted using guidance from Scottish Natural Heritage commissioned Report No. 096 (2003).

Features on site were assessed for potential for nesting birds.

3.4 Constraints of the Survey

All areas were accessible for this survey. It was conducted at an optimal time of year for the assessment of flora and fauna. No specific constraints have been identified.



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 site is not within 1km of any designated areas.

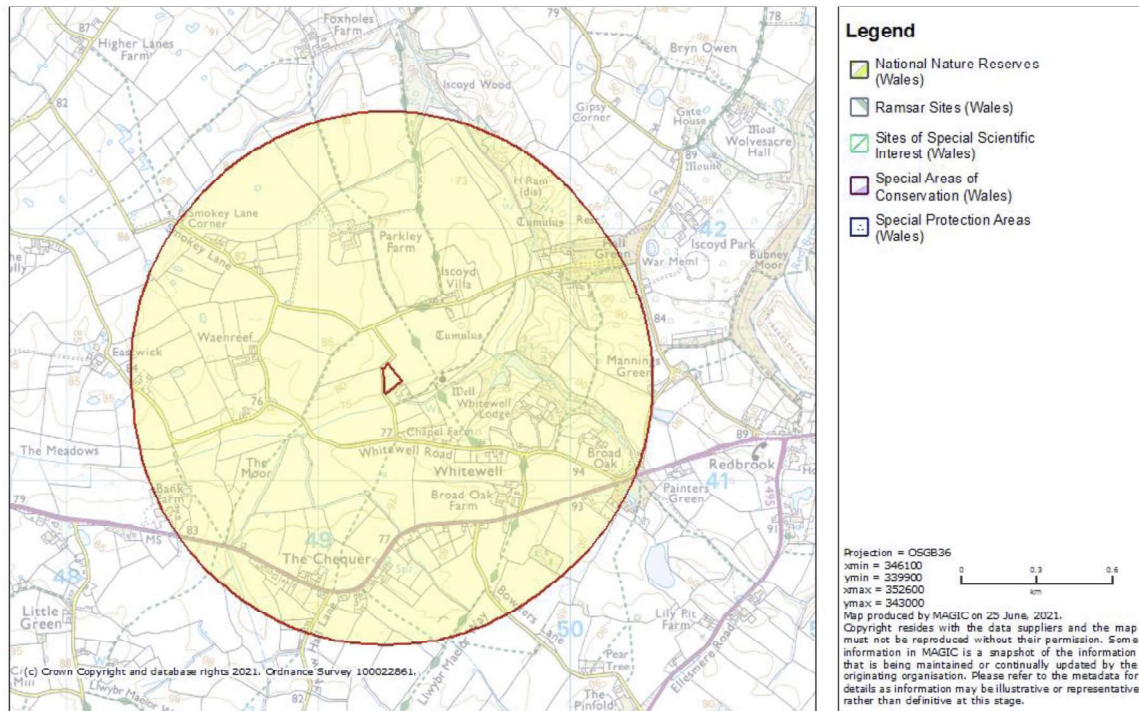
MAGiC**Brook Farm**

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



4.1.2 Nearby European Protected Species Licences

The English border is less than 2km from site in places, so a search for licenses from Natural England was conducted. The site is not within 2km of any licences listed on Magic Maps. There are no Great Crested Newt Class Licence returns within 2km. Great crested newts have been recorded at Agden House Barns over 2km to the north east of the site. Ponds have been assessed at Iscoyd Park, and great crested newts ruled out for a similar proposal for glamping pods. Barns at Kiln Green to the north and at Iscoyd Park to the northeast have been converted under mitigation licence from bats from National Resources Wales.

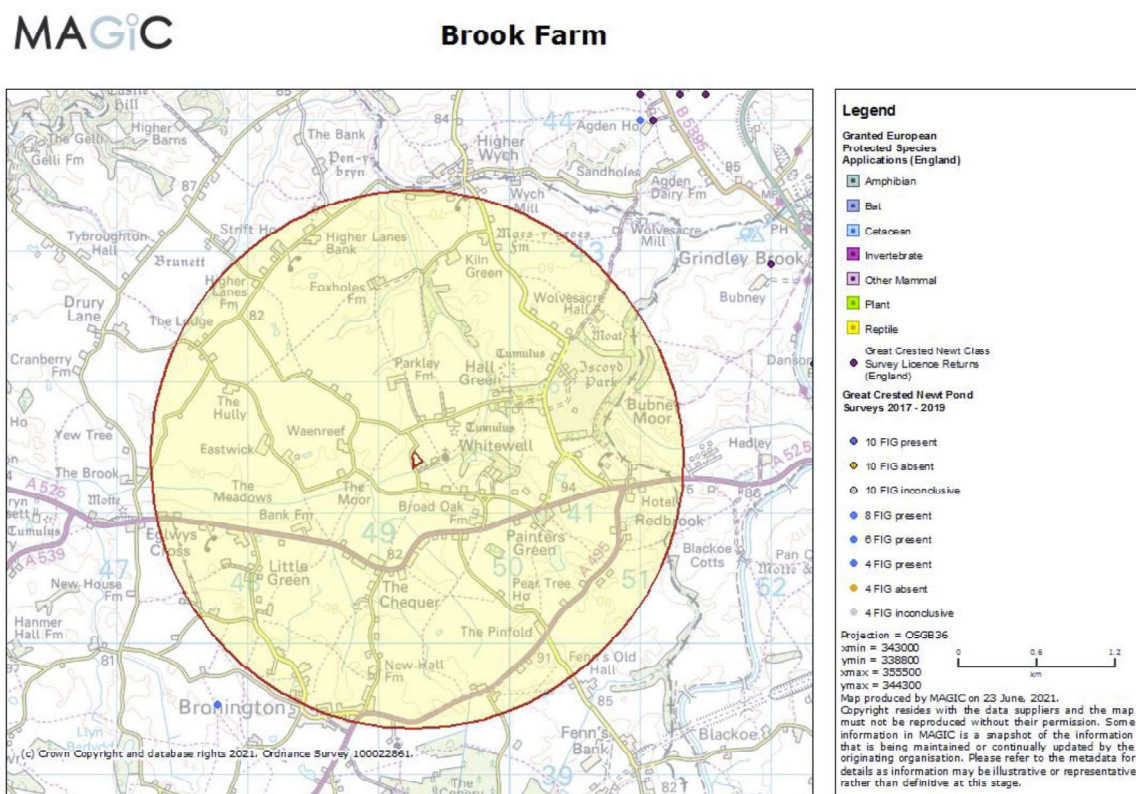


Figure 4.2. Identifying any previous EPS licences near site, a 2km buffer is shown



4.2 Habitats on Site

The site comprises a field of rough grassland which has been used for the storage of building materials. One section has been separated for use as a vegetable patch. There is a Dutch barn atop hardstanding which is used as storage and a workshop. Hedges surrounding the field comprise mixed species hedges with a significant amount of dead elm (*Ulmus sp*).



Figure 4.3. Field

Plants in the field comprise typical plants including grasses such as timothy (*Phleum pratense*), cocksfoot (*Dactylus glomerata*), rye grass (*Lolium perenne*) and annual meadow grass (*Poa annua*). Flowers within the grassland include creeping buttercup (*Ranunculus repens*), broad-leaved dock (*Rumex obtusifolius*), nettle (*Urtica dioica*), greater plantain (*Plantago major*) and cow parsley (*Anthriscus sylvestris*).



Cooper

The hedge to the west and south of the site comprises a significant amount of hawthorn (*Crataegus monogyna*). This is to be managed, leaving a good barrier along the lane and from the adjacent field.



Figure 4.4. Showing hedge to the west and south

The hedge along the eastern boundary comprises mixed species, particularly hawthorn and a frequent elm. Much of the elm has disease and is in need of management. None of the trees were seen to have potential for bat roosts.



Figure 4.5. Showing dead elm



Cooper

Two sycamore trees are in the eastern hedge. These will not be removed for this development.



Figure 4.6. Former vegetable and fruit bush area.

Dutch Barn

The Dutch barn is set on an area of hardstanding with stored items surrounding it.



Figure 4.7. Barn to the left hand side.



4.3 Bats

4.3.1 Records

Records of bats within 2km include common pipistrelle (*Pipistrellus pipistrellus*) at a site 2km from 1997 to 2014. There are also historical records of brown long-eared bat (*Plecotus auritus*) in 1994. Brown long eared bats and soprano pipistrelle bats (*Pipistrellus pygmaeus*) have been recorded to the north at Kiln Green. These do not appear to have been added to the data set. Soprano pipistrelles have been recorded at Iscoyd Park along with brown long eared bats and noctules (*Nyctalus noctula*).

Bat species data was provided to the NBN Atlas by Roost Count and Natural Resources Wales North Wales Bat Roosts). Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL and from Greenscape Environmental.

4.3.2 Field Observations

The building was assessed for potential for bats. Being constructed of timber and corrugated metal, this offers negligible potential for bat roosts. There were no wall plates or crevices.



Figure 4.8. Showing gaps at the eaves.

Items stored in the workshop were examined for bat droppings and signs of bat urine. None was observed.



4.4 Other Mammals

4.4.1 Records

Records of other mammals within 2km include badger (*Meles meles*) at a site 1.8km east from 2013 to 2015.

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

4.4.2 Field Observations

The site was examined for signs of badger activity. No tracks or sett entrances were observed.

4.5 Birds

4.5.1 Records

Records of birds within 2km include swallow (*Hirundo rustica*) and dunnock (*Prunella modularis*).

The nearest records are of dunnock at a site 1.7km northeast in 2001.

Bird species data was provided to the NBN Atlas by Birds (BTO/JNCC/RSPB Partnership). Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.5.2 Field Observations

No ground nesting birds were observed during the site visit. Hedgerow birds included typical passerine birds such as blue tit (*Cyanistes caeruleus*), robin (*Erithacus rubecula*), great tit (*Parus major*) and finches. These are regularly fed close to the development area at Brook Farm.



4.6 Amphibians

4.6.1 Records

Records of amphibians within 2km include great crested newt (*Triturus cristatus*) at a site 1.4km northwest in 2004. There are also historical records of smooth newt (*Lissotriton vulgaris*) and common frog (*Rana temporaria*) dating to 1987, that have been recorded to a low degree of accuracy.

Amphibian species data was provided to the NBN Atlas by NRW Regional Data: North Wales 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

Stored items which could be lifted and examined were. No amphibians or reptiles were observed.



Figure 4.9. Stored item lifted.

There are no ponds within 250m.

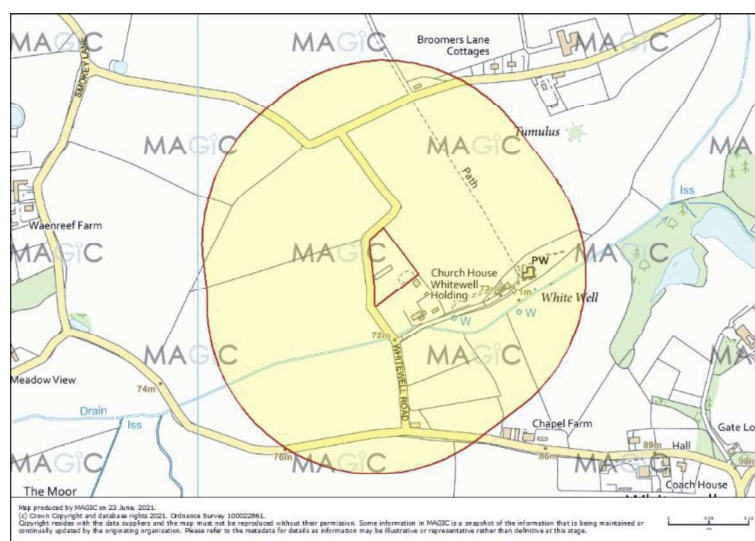


Figure 4.10. OS Map showing a 250m buffer around site, showing lack of ponds



4.7 Invertebrates

4.7.1 Records

Records of invertebrates within 2km include green hairstreak (*Callophrys rubi*), purple hairstreak (*Favonius quercus*), wall (*Lasiommata megera*) and comma (*Polygonia c-album*).

All of the above listed species have been recorded at a site 1.9km south in 2018.

Invertebrate species data was provided to the NBN Atlas by UK Butterfly Monitoring Scheme (UKBMS). Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.7.2 Field Observations

The long grasses and flowering plants provide good opportunity for butterflies, although none were observed during the survey.

4.8 Invasive Species

4.8.1 Records

Records of invasive species within 2km include American mink (*Neovison vison*) at a site 1.2km northeast in 2005.

Invasive species data was provided to the NBN Atlas by Records Of Invasive Non Native Species Held On The Cofnod Database. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

4.8.2 Field Observations

No evidence of invasive species was found on or around the site.



5 Description of Proposed Development

The current plans are for the installation of six camping pods at land at Brook Farm.

The scheme has been designed to avoid or minimise negative ecological effects by existing gaps in hedgerows being used for access.



Figure 5.1. Proposed site plan



6 Impacts, Enhancements and Mitigation

6.1 Nearby Features of Importance

There are no designated sites within 1km of the site's boundaries. No negative impact on designated sites is expected and no mitigation is required.

6.2 Habitats on Site

6.2.1 Impacts

The development as proposed will result in the loss of some grassland habitat as in areas it will be mown shorter than the current management regime. There will be gain of habitat with the new hedgerow planting between the glamping pods. There will also be gain with the maintenance of the existing hedgerows, with dead plants being removed and replaced with native species hedges.

Table 6.1. Summary of potential impacts on habitats recorded

Habitat	Value to Protected Species	Impact Without Consideration
Grassland	Of value to butterfly species	Low negative impact
Building	Negligible value to protected species	Negligible negative impact

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.

Hedgerows

It is recommended that the landscaping around the site will include hedge replanting to enhance the area for biodiversity. The dead elms need to be removed and replaced.

Plants to use for landscaping and gapping-up of existing boundaries will include locally sourced native species of hedgerow and fruit trees. 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 out of the main growing season.

Table 6.2. New hedge planting scheme

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

Table 6.3. Fruiting plant enhancement

Common Name	Latin Name
Crab Apple	<i>Malus sylvestris</i>
Wild Cherry	<i>Prunus avium</i>
Wild Pear	<i>Pyrus communis</i>



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

No negative impact is anticipated, and an offence considered highly unlikely. No further surveys are needed for the elm tree removal.

6.3.2 Compensation & Enhancements

It is recommended that provision be made for roosting opportunities for bats with the erection of two woodcrete bat boxes suitable for day roosts in the sycamore trees along the hedgerow. These will be erected at a height of 3-4 m and in a westerly or easterly facing direction.



Figure 6.1. Example woodcrete bat box: Schwegler 1FF

Lighting

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 ILP and BCT Guidance Note 08/18.
2. There will be no direct illumination of any enhancement features erected for bats.
3. There will be no direct illumination of the hedgerows around the site.
4. All lighting will be below 10 lux, orientated towards the ground and controlled by PIR (Passive Infra-red), set on a short timer.



Figure 6.2. Example external downlightMonitoring

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

No negative impact is anticipated on mammal other species.

6.5 Birds

6.5.1 Impacts

The hedgerows have potential to support nesting birds.

6.5.2 Mitigation and Enhancements

1. Hedge management will be conducted outside of the bird nesting season, which is March to August inclusive. If this is not possible, a suitably experienced ecologist will conduct a check within the 24 hours prior to work commencement to ensure no nesting birds will be affected.
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.
3. 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.



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

No negative impact on amphibians is expected from the proposed development. No mitigation is required.

6.7 Invertebrates

6.7.1 Impacts

No negative impact is anticipated on invertebrates.

6.7.2 Enhancements

Bug houses will be erected around the site to enhance the area for nesting bees.



Figure 6.4. Bug house



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 habitat being disturbed comprises grassland with typical floral species. This is to be maintained, and can be managed.

The surrounding hedges will be maintained and managed with removal of the dead elm and subsequent replacement with native species. This will occur outside the bird nesting season.

The flowers in the grassland may provide food sources for butterflies, although none were seen on site during the survey. Erection of bug houses will provide an enhancement for local invertebrates.

No potential bat roost features were observed, erection of artificial bat roost boxes in the sycamore trees will provide a roosting enhancement. There are no ponds within 250m and no amphibians were seen on site.

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 (Amendment) (EU Exit) Regulations 2019.

The mitigation, compensation and enhancements provided in sections 6.2.2, 6.3.2, 6.5.2 and 6.7.2 of this report will be followed and works will be done at a suitable time of year. Other than those listed above, there are no ecological constraints to the development as currently proposed.



Appendix A – Surveyor Details

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

Name	Membership of associations/ experience	Licenses
Peta Marshall BSc(hons)MA	Principal Consultant MCIEEM PIEMA Peta has a degree in Applied Biology and has been working in commercial environmental assessment for over 10 years. She has 10+ years' experience surveying for protected species. As a member of the CIEEM she is bound by professional conduct.	Holder of survey licenses for bats and newts in England and Wales. Registered Consultant for Mitigation Class Licence for Bats <u>England:</u> Bats - 2015-12200-CLS-CLS BMCL - RC084 GCN - 2015-18939-CLS-CLS Dormice - 2017-29225-CLS-CLS <u>Wales:</u> Bats – S087133-1 GCN – S087606-1
Ben Jones BSc(hons) MSc	Lead Consultant Ben has a degree in Marine and Freshwater biology and a Master's degree in "Managing the Environment". He has 6 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 - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS <u>Wales:</u> Bats – S088669-2 GCN – S087992-1
Demi Cook BSc(hons) QCIEEM	Demi has a degree in Zoology with Herpetology from Bangor University. She has been assisting with bat activity surveys for 5 years, and has experience working with bats in England and Wales. Bound by professional conduct as a member of the CIEEM	Listed as an accredited agent on Ben Jones' NRW bat licence – S088669-2



Appendix B – Methodology

Desk Study

Table B.1. Data sources

Organisation/Resource	Information Assessed
Freely available online species datasets (NBN Atlas)	Protected/UK BAP 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)

The National Biodiversity Network (NBN) Atlas was checked to identify the protected species that have formally been recorded in the area. This was considered proportionate to the size of the development, as the Shropshire Environmental Data Network (SEDN) provides most of its records to the NBN.

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

An assessment of habitats was conducted broadly following the JNCC Handbook for Phase 1 Surveys 2010.

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 IEEM (IEEM 2006).

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 on the county BAP or a site that supports a viable population of a county BAP 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

Methodology used is in accordance with recommendations by BCT, Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition, Collins (2016).

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

All trees were assessed from ground level. 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 borescopes.

**Table B.3. Categorisation of trees for bats**

Value for Bats	Example Features
Negligible	A tree that lacks the requisite features to support roosting bats
Low	A tree that contains a feature or features that clearly offer little roosting habitat for bats
Moderate/High	A tree that provides one or more potentially suitable roosting features for bats
Confirmed roost	Bat presence has been confirmed

Daytime surveys were conducted with the aid of a strong torch and a pair of Pentax Papilio 8.5x21 close focus binoculars. 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.
- 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 using guidance from Scottish Natural Heritage commissioned Report No 096 (2003).

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



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)

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

Planning Policy Wales 2002, updated Dec 2018

Section 6.4 – Biodiversity and Ecological Networks

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

Environment Act (Wales) (2016)

Section 7

Wrexham Unitary Development Plan – EC6 Biodiversity Conservation



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 or 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 (2004). 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 under the Protection of Badgers Act 1992. The act was primarily brought into force to prevent the deliberate injury to or death of badgers. Some aspects of the act affect developers. It is important that developers are aware of any badger setts located on the land they intend to develop.

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

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

Birds

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

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

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



Invertebrates

There are three invertebrate species that are European protected species (EPS) in the UK. They are:

- Large blue butterflies (eggs, caterpillars, chrysalises and adults)
- Fisher's estuarine moths (eggs, caterpillars, chrysalises and adults)
- Little ramshorn whirlpool snails

It is an offence to:

- capture, kill, disturb or injure, on purpose or by not taking enough care, an EPS species
- damage or destroy a breeding or resting place (even accidentally)
- obstruct access to their resting or sheltering places (on purpose or by not taking enough care)
- possess, sell, control or transport live or dead EPS invertebrates, or parts of them

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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