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# PRELIMINARY ECOLOGICAL APPRAISAL

## At

## Croxton Farm Barns
Hanmer
Whitchurch
Wrexham County Borough
SY13 3BS

## NGR: SJ 45942 41263

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|---|---|
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# EXECUTIVE SUMMARY

United Environmental Services Ltd (UES) was commissioned by Roger Parry and Partners LLP to carry out a baseline ecological survey of Croxton Farm Barns, Whitchurch. A desk study and preliminary ecological appraisal (PEA) survey were undertaken on 11th February 2025, including searches using the Multi Agency Geographic Information Centre (MAGIC) and Cofnod. A second ecological walkover survey was caried out on 7th July 2025 to cover the site of a proposed access track to be created as part of the works.

The PEA provides an assessment of potential ecological impacts associated with the development of the land parcel. The proposed development is understood to include the conversion of two of the existing buildings onsite, the demolition of one building, and the creation of a new stone access track.

The proposed development site has an area of approximately 0.27ha and mainly comprises barn buildings with bare ground, hardstanding, modified grassland, fencing, and two species-poor native hedgerows.

The results of the survey combined with the results of the desk study have highlighted the requirement for further work in relation to the following habitats and species:

- **Bats in buildings** – bat presence / absence surveys have been carried out on the buildings onsite **(**see report ref. UES04849/04). No roosting bats or any evidence thereof was recorded; as such, it is considered that no further mitigation or compensation measures are required with regards to bats in the buildings onsite.

- **Bats in trees** – if the tree onsite will be affected by the proposed development, a further aerial tree inspection should be conducted (any time of year). If any potential roosting features are found to still be suitable following the inspections, further bat presence / absence surveys or further aerial inspections may be required (May to September inclusive). The survey results will inform the requirement for further mitigation or compensation measures. It should be noted that if bats are found to be roosting within the tree, these further measures may include an application for a European protected species mitigation licence from Natural Resources Wales.

- **Breeding birds** – site clearance, tree felling, arboricultural works and vegetation clearance are to take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If not possible and works need to take place during this period, a targeted nest survey is to be undertaken immediately prior to the works by a suitably qualified ecologist or an ecological clerk of works appointed to oversee the works.

- **Amphibians** – reasonable avoidance measures (RAMs) are to be implemented during the construction phase of the development.

- **Hedgehogs** – RAMs are to be implemented during the construction phase of the development.

- **Tree and hedgerow** – to be retained where possible or replaced as part of a detailed landscaping scheme. Generic issues relating to root protection areas (RPAs).

Mitigation measures, as detailed in section 4, should be adhered to, which may in some cases negate the need for further survey work.

The development also presents an opportunity to improve the habitats on site for wildlife, such as bats and birds. The inclusion of nest boxes and bat boxes will provide suitable nesting and roosting features in the long term.

This report should be read with appendices 1 to 7, which include results of the desk study, GIS UKHab mapping, photographs of site and relevant statutory guidance.

# 1 INTRODUCTION

## 1.1 Author, surveyors, qualifications and scope of study area

This report is written by Duncan Morrison BSc MSc, UES Sub-contractor. Duncan holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake UKHab surveys. Other surveyors include:

- Daniel Smith BSc MScRes, UES Ecologist. Daniel holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake phase 1 habitat and UKHab surveys. Daniel Smith BSc MScRes, UES Ecologist. Daniel is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S093616/1.
- Ysobella Cox BSc MBiol, UES Ecologist. Ysobella holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies her as competent to undertake phase 1 habitat and UKHab surveys.
- Bethan Beeston BA, UES Field Ecologist. Bethan holds a level 3 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies her as competent to undertake phase 1 habitat and UKHab surveys.

The report provides an assessment of the potential ecological impacts associated with the proposed development at Croxton Farm Barns, Hanmer.

The zone of influence considered within the scope of the survey includes all land within the red line boundary. Where relevant, other ecological resources, receptors and important habitats which are spatially separate from the site are considered.

## 1.2 Survey objectives

UES was commissioned in January 2025 to conduct a PEA of the proposed development site. This was completed in order to:

- Establish baseline conditions and determine the importance of ecological features present or potentially present within the survey area
- Identify key ecological constraints to the project
- Make recommendations for design options to avoid significant effects on important ecological resources at an early stage of development planning
- Identify potential requirement for further surveys for nationally or internationally protected species which may be present on site
- Identify potential requirement for mitigation or compensation, including measures that may be required based on further surveys

## 1.3 Proposed development

The proposed development is understood to include the conversion of two of the existing buildings onsite, the demolition of one building, and the creation of a new stone access track.

## 1.4 Structure of the report

This report is a baseline appraisal that forms the basis for further ecological surveys and environmental impact assessments (EIA) if required. In the majority of cases the preliminary ecological assessment will not provide all the ecological data required by the Local Planning Authority to determine an application, especially in the event that protected habitat or species issues are present or likely.

This report should be read with appendices 1 to 7, which include results of the desk study, GIS UKHab mapping, photographs of site and relevant statutory guidance.

# 2 METHODOLOGY

This PEA comprises a desk study and a field survey. The desk study is conducted in order to collate ecological information on species and / or habitats of interest that may be present. The field survey is conducted in order to assess the habitats and their importance, both on site and in the context of their wider surroundings.

## 2.1 Desk study

The following resources were used to inform the desk study:

- National – Using the UK government's MAGIC website, statutorily protected sites were scoped to a distance of 10km from the application site.

- Local – A search for protected species or otherwise notable species and local designated sites was undertaken within a 2km radius of the proposed development site by Cofnod.

## 2.2 Field survey

An initial ecological walkover survey was carried out on 11th February 2025 by Ysobella Cox and Bethan Beeston, and a second ecological walkover survey was caried out on 7th July 2025 by Daniel Smith and Duncan Morrison to reflect a change in the redline boundary in updated development plans. The purpose of the surveys was to identify, record and map dominant habitat types within the development area and highlight any further species surveys that may be required based on the quality of those habitats. When conducting the surveys particular focus was concentrated on the following species and habitat features:

- Amphibians
- Reptiles
- Badger
- Bats
- Hazel dormouse
- Hedgehog
- Otter
- Water vole
- White-clawed crayfish
- Birds
- Trees
- Hedgerows
- Plant communities
- Invasive species

The habitats were assessed by using the UKHab survey technique, which is a system for environmental audit widely used within the environmental consultancy field. The survey was undertaken in accordance with the methodology in the UK Habitat Classification Version 2.0 (UKHab Ltd, 2023) as recommended by Natural England, and in the "Guidelines for Preliminary Ecological Appraisal" (CIEEM, 2017).

The survey area encompasses all of the land within the development footprint and the land to a distance of 30m outside it where accessible. In line with recognised guidelines, ponds were also scoped to a distance of 500m (250m radius from the survey area).

The UKHab survey methodology was extended to record any signs of habitats suitable to support protected / invasive species and any incidental observations of other noteworthy species.

## 2.3 Survey limitations

The initial walkover survey was conducted in February when not all plants are readily identifiable. However, sufficient vegetative identification was possible, allowing a robust assessment of habitats to be undertaken.

# 3 RESULTS

## 3.1 Desk study

A desk study was conducted for the proposed development site and surrounding area. Statutorily protected sites were scoped to a distance of 10km. Further results of the desk study can be found at Appendix 1 – Desk study.

### 3.1.1 Protected sites

There is one statutorily protected site within 2km of the proposed development site:

- Midland Meres and Mosses Phase 2 Ramsar - *located approximately 1.70km to the south of the proposed development site. It comprises range of wetland habitats with nationally important flora and fauna.*

The proposed development site lies within a SSSI Impact Risk Zone (IRZ) within which Natural England do not request that they are consulted on this type of development.

There are also four non-statutorily protected sites within 2km of the proposed development site:

- Cranberry Moss WSW[1] - *located approximately 580m to the north-east of the proposed development site.*
- Croxton Marsh WSW - *located approximately 79m to the north of the proposed development site.*
- Hanmer Hall Woods (West & East) WSW - *located approximately 1.30km to the south of the proposed development site.*
- Lower House Marsh WSW - *located approximately 1.99km to the south-west of the proposed development site.*

There are eighteen statutorily protected sites (designated for ecological reasons) within 2 – 10km of the site:

- Abram Flashes SSSI[2]
- Brown Moss LNR[3]
- Brown Moss SAC[4]
- Colemere LNR
- Ellesmere LNR
- Fenn's, Whixall, Bettisfield, Wem, and Cadney Mosses SAC
- Fenn's, Whixall, Bettisfield, Wem, and Cadney Mosses SSSI
- Fenn's, Whixall, and Bettisfield, Mosses NNR[5]
- Greenfields LNR
- Marlot LNR
- Midland Meres and Mosses Phase 1 Ramsar
- Midland Meres and Mosses Phase 2 Ramsar
- Prees Heath SSSI
- River Dee and Bala Lake SAC
- Taylor's Rough and Wellmeadow Wood SSSI
- Well Rough and Long Plantation SSSI
- Wem Moss NNR
- West Midlands Mosses SAC

[1] WSW – Wildlife Site for Wrexham
[2] SSSI – Site of Special Scientific Interest
[3] LNR – Local Nature Reserve
[4] SAC – Special Area of Conservation
[5] NNR – National Nature Reserve

### 3.1.2 Protected species

The following records of protected or otherwise notable species were highlighted by the environmental records search:

- Amphibians: records of GCNs were returned from within 2km of the proposed development site. The closest record within the last 25 years is located approximately 1.36km to the west of the site in 2008. Records of common frog *Rana temporaria,* smooth newt *Lissotriton vulgaris,* and palmate newt *Lissotriton helveticus* were also returned.

- Badgers: multiple records of badger *Meles meles* were returned from within 2km of the proposed development site, the closest of which is approximately 251m to the north-east of the site in 2005.

- Bats: records of brown-long eared bats *Plecotus auritus* were returned, the closest of which is located approximately 450m to the north-west of the site in 2018.

- Birds: various species, including several NERC Section 41, Wildlife and Countryside Act 1981 Schedule 1, and the most recent Birds of Conservation Concern "red and amber" list species.

- Hazel dormouse: no records of hazel dormouse *Muscardinus avellanarius* were returned from within 2km of the proposed development site.

- Hedgehog: numerous records of hedgehog *Erinaceus europaeus* were returned from within 2km of the proposed development site, the closest of which is approximately 303m to the west of the site in 2022.

- Otter: multiple records of otter *Lutra lutra* were returned from within 2km of the proposed development site, the closest of which is 859m to the east of the site in 2015.

- Reptiles: no records of reptile species were returned from within 2km of the proposed development site.

- Water vole: no records of water vole *Arvicola amphibius* were returned from within 2km of the proposed development site.

- White clawed-crayfish: no records of white-clawed crayfish *Austropotamobius pallipes* were returned from within 2km of the proposed development site.

## 3.2 Baseline conditions – Habitats

The results of the PEA are also shown on the accompanying map at Appendix 2 – UKHab plan. Habitats are colour-coded in accordance with the UKHab standard. A full botanical species list is provided in Appendix 5.

The local area predominantly consists of residential dwellings and agricultural fields. The following principle habitat types were characterised on site:

- g4 Modified grassland
- u1b5 Buildings
- u1b6 Other developed land
- u1f Sparsely vegetated urban land

- h2a6 Other native hedgerow
- u1e Bult linear features
- 10 Scattered scrub
- 32 Scattered trees

### 3.2.2 g4 Modified grassland

Secondary codes: 10

Areas of modified grassland are present by the western boundary of the site, and within the central courtyard (see Appendix 4 – Photographs, Photographs 1 & 2). An individual mature sycamore *Acer pseudoplatanus* tree is present, as is scattered scrub primarily consisting of immature self-seeded sycamore saplings. Grass species present include Yorkshire fog *Holcus lanatus*, creeping bent *Agrostis stolonifera,* false oat grass *Arrhenatherum elatius,* perennial ryegrass *Lolium perenne,* and cock's foot *Dactylis glomerata.* Other species present include common nettle *Urtica dioica,* spear thistle *Cirsium vulgare,* dandelion *Taraxacum sp.,* herb robert *Geranium robertianum,* white clover *Trifolium repens,* broad leaved dock *Rumex obtusifolius,* creeping buttercup *Ranunculus repens,* cleavers *Galium aparine,* greater plantain *Plantago major,* sow thistle *Sonchus sp.,* dove's-foot crane's-bill *Geranium molle,* bramble *Rubus fructicosus* agg.*,* and common mouse-ear *Cerastium fontanum.*

Secondary codes: 100, 510, 839

A separate area of modified grassland is present at the north-west of the site, between the area of sparsely vegetated land and Willington Cross Lane (Photograph 3). Vehicle tracks and areas of bare ground indicate that this area is regularly used for access, and the area is heavily grazed. Grass species present in this area include perennial ryegrass, Yorkshire fog, annual meadow grass *Poa annua,* and creeping bent. Other species present include spear thistle, scented mayweed *Matricaria chamomilla,* greater plantain, dandelion, yarrow *Achillea millefolium*, creeping buttercup, common bird's-foot trefoil *Lotus corniculatus,* ribwort plantain *Plantago lanceolata*, curled dock *Rumex crispus,* white clover *Trifolium repens*, creeping thistle *Cirsium arvense,* shepherd's purse *Capsella bursa-pastoris*, garlic mustard *Alliaria petiolate*, common nettle, common hogweed *Heracleum sphondylium*, red clover *Trifolium pratense*, and knotgrass *Polygonum aviculare.*

### 3.2.2 u1b5 Buildings

Secondary codes: 833

Three buildings are present at the south, east, and north of the man area of the site, forming the boundaries of the central courtyard area (Photographs 1 & 2). These buildings are pitched-roofed and features numerous openings, and are used as agricultural barns. Both active and historical swallow *Hirundo rustica* nests were observed in Building 1, with four chicks observed in the active nest (Photograph 4). A woodpigeon *Columba palumbus* was flushed from Building 2, and historic nesting material was observed in the rafters. Pheasant *Phasianus colchicus* feathers were also found within Building 2.

### 3.2.3 u1b6 Other developed land

Secondary codes: 32, 510

Bare ground and hardstanding, colonised in places by ruderal/ephemeral species, is present around the buildings onsite (Photographs 5 and 6). Grass species present include Yorkshire fog, perennial rye grass, creeping bent, false oat grass, and red fescue *Festuca rubra.* Other species found in these areas include spear thistle, dandelion *Taraxacum sp.,* common nettle, white clover *Trifolium repens,* herb robert *Geranium robertianum,* cleavers, common field-speedwell *Veronica persica,* bittercress *Cardamine sp.,* dove's-foot crane's-bill, common mouse-ear *Cerastium fontanum.* common ragwort *Jacobaea vulgaris,* bramble, willowherb *Epilobium sp.,* broad leaved dock, hedge mustard *Sisymbrium officinale,* cow parsley *Anthriscus sylvestris,* common chickweed *Stellaria media,* and common daisy *Bellis perennis.*

### 3.2.4 u1f Sparsely vegetated urban land

Secondary codes: 81, 510, 532, 839

An area of sparsely vegetated urban land is present to the north of the main yard, currently used as a storage area (Photographs 7 & 8). Vegetation consists primarily of ruderal and ephemeral species and tracks indicate usage by vehicles. Grass species present include sweet vernal grass *Anthoxanthum odoratum*, cock's foot, perennial ryegrass, and tall fescue *Schedonorus arundinaceus.* Other species present include scented mayweed, common hogweed *Heracleum sphondylium,* common nettle, white clover, spear thistle, bittersweet *Solanum dulcamara*, sycamore, cleavers, greater plantain, common mugwort *Artemisia vulgaris*, and common ragwort.

### 3.2.5 h2a6 Other native hedgerow

Secondary codes: 522

The easternmost portion of the southern boundary of the site is demarcated by a small section of a species-poor native hedgerow, which extends further south-east away from the site (Photograph 9). This hedgerow is dominated by hawthorn *Crataegus monogyna,* while the ground flora is dominated by common nettle, ivy *Hedera helix,* and cleavers. Other species present Yorkshire fog, perennial ryegrass, dove's-foot crane's-bill, herb Robert, spear thistle, false oat-grass, dandelion, ribwort plantain, creeping buttercup, common mouse-ear, bittercress, and common sow-thistle.

Another section of species poor native hedgerow is present at the north-west boundary of the site along Willington Cross Lane, either side of the access gate (Photograph 10). This hedgerow is managed and mature, around 1.5m in height, and is also dominated by Hawthorn with occasional elder *Sambucus nigra* and Dutch elm *Ulmus × hollandica* present. The ground flora consists of species such as common nettle, field horsetail *Equisetum arvense*, ivy, bramble, hedge woundwort *Stachys sylvatica*, and hop *Humulus lupulus.*

#### 3.2.6 u1e Built linear features

Secondary codes: N/A

The eastern and western boundaries of the main yard area are demarcated by timber and metal fencing, and fencing is also present between the central courtyard and south-eastern corner of the site. A timber fence also separates the south-eastern corner from the northern eastern section of the site behind Building 3.

#### 3.2.7 10 Scattered scrub

Secondary codes: N/A

A small area of scattered scrub is present in the modified grassland to the north and north-west of Building 2, consisting primarily of bramble and sycamore (Photograph 11).

#### 3.2.8 32 Scattered trees

Secondary codes: N/A

A single sycamore tree is present at the north-western corner of the site, to the west of Building 2 (Photographs 12 & 13).

## 3.3 Baseline conditions – Protected species or resources

As part of the PEA, specific observations of wildlife were also recorded. Wildlife observations focused on protected species, invasive species or species of conservation concern. Habitats with potential to support protected species were noted with a view to follow up surveys if required.

### 3.3.1 Amphibians

Great crested newts *Triturus cristatus* have been recorded in the local area. The closest record within the last 25 years is located approximately 1.36km to the west.

There are six mapped ponds within 250m of the proposed development site, with the closest located ~170m to the east. Although the hedgerows present onsite may provide some commuting opportunities for amphibians, the majority of the terrestrial habitats within the development footprint are of poor suitability for GCN, as they mainly consist of developed land and modified grassland. Therefore, it is considered highly unlikely that GCN will be present onsite. However, it is considered that common amphibian species may occasionally access the site.

### 3.3.2 Reptiles

There are no records of reptile species within 2km of the proposed development site.

The habitats on site are mostly composed of modified grassland and developed land, which provide very limited / negligible opportunities for reptiles. Therefore, reptiles are not considered to be present onsite.

### 3.3.3 Badger

There are numerous records of badgers *Meles meles* within 2km of the proposed development site, the closest of which is approximately 251m to the north-east of the site in 2005.

No evidence of badger activity was observed during the survey, and the habitats present on site provide limited foraging and commuting opportunities for badgers. The site's flat topography does not provide suitable sett-building opportunities. Therefore, it is considered unlikely that badgers will be present onsite.

### 3.3.4 Bats

There are three barn buildings onsite, designated Buildings 1 – 3 (see Appendix 3 – Aerial photographs). Building 1 was assessed as having moderate potential to support roosting bats, and Buildings 2 and 3 were assessed as having low potential to support roosting bats. As such, Building 1 was subject to two presence / absence surveys, and Building 2 & 3 were each subject to one presence / absence survey. During these surveys, no roosting bats nor any evidence thereof was recorded. Please see the bat presence / absence report produced for the site (report ref. UES04849) for further details.

A ground level tree assessment was not undertaken during the walkover survey, but the tree located within the modified grassland at the north-west of the site may contain suitable potential roosting features (PRFs) for bats. As such, it has been assessed as further assessment required (FAR).

The site provides little suitable foraging or commuting habitat for bats; however, the sections of hedgerow at the site boundaries may form a part of longer commuting corridors.

### 3.3.5 Hazel dormouse

No records of hazel dormice *Muscardinus avellanarius* were returned from within 2km of the proposed development site.

The sections of hedgerow which fall within the site boundary are small and species-poor, lacking key species such as hazel *Corylus avellana* and honeysuckle *Lonicera periclymenum*. Furthermore, hazel dormice species have a very limited distribution nationally and are not known to be present in the area. Therefore, hazel dormice are not considered to be present onsite.

### 3.3.6 Hedgehog

Numerous records of hedgehog *Erinaceus europaeus* were returned from within 2km of the proposed development site.

Although the majority of the proposed development site comprises hardstanding, the areas of hedgerow and grassland may provide suitable foraging and commuting opportunities for hedgehogs.

### 3.3.7 Otter, water vole and white-clawed crayfish

No records of water vole or white-clawed crayfish were returned from within 2km of the proposed development site. While records of otter were returned, there are no watercourses within or directly adjacent to the development site. Therefore, otter, water vole and white-clawed crayfish are not considered to be present onsite.

### 3.3.8 Birds

Although a targeted bird survey was not conducted during the site visit, the following bird species were recorded whilst on site: barn swallow, kestrel *Falco tinnunculus,* pied wagtail *Motacilla alba,* carrion crow *Corvus corone,* magpie *Pica pica,* robin *Erithacus rubecula,* blackbird *Turdus merula*, wren *Troglodytes troglodytes,* woodpigeon, goldfinch Carduelis carduelis, and great tit *Parus major*

Of the species mentioned above, kestrel, wood pigeon and wren are included on the most recent Birds of Conservation Concern “amber list”.

The hedgerow, individual tree and buildings onsite will provide suitable nesting opportunities for breeding birds in the summer, as evidenced by the active swallow nest in Building 1 and historical nesting materials present in Buildings 1 and 2.

### 3.3.9 Trees

The tree on site may be protected by a Tree Preservation Order (TPO), for which a check has not been undertaken.

### 3.3.10 Hedgerows

Two small sections of species-poor native hedgerow are present at the southern and north-western boundary of the site respectively.

### 3.3.11 Plant communities

No plant communities or individual species were recorded on site which are afforded statutory protection in their own right.

### 3.3.12 Invasive species

No invasive species were identified on site during the walkover survey.

# 4 EVALUATION AND RECOMMENDATIONS

This section provides a brief assessment of the likely impacts associated with the proposed development on the receptors identified during the walkover survey and desk study. It also includes any mitigation and compensation measures which may be required for the proposed development to proceed.

## 4.1 Habitats

### 4.1.1 Designated sites

The sites identified during the desk study were cross-referenced with the survey area relevant to this report. The closest statutorily protected site is Midland Meres and Mosses Phase 2 Ramsar which is located approximately 1.73km to the south of the proposed development site. The closest non-statutorily designated site is Croxton Marsh WSW, which is located approximately 79m to the north of the proposed development site.

Given the distances from site and the small scale of development, consisting of converting existing buildings, it is considered unlikely that the proposed development will have any direct or indirect impact on these or any other local designated sites.

### 4.1.2 Trees and hedgerows

There is a single sycamore tree and two hedgerows on site.

Construction impacts

Site clearance and setting out may involve the direct loss of trees and hedgerows on site as an ecological resource or may result in damage to any trees which are to be retained. Construction activities too close to the RPAs of retained trees could cause permanent damage.

*Mitigation*

The tree and hedgerows should be retained where possible. RPAs should be established and implemented around the trees which are to be retained. Where necessary, these areas should be adequately protected by appropriately designed protective barriers and ground protection throughout the entire development process.

*Compensation*

If the tree and/or hedgerows are to be removed, they should be replaced accordingly as part of a detailed landscaping scheme, with only native species to be planted.

Operational impacts

No operational impacts are envisaged.

## 4.2 Species

### 4.2.1 Amphibians

While 6 waterbodies are present within 250m of the site, the closest record of GCM from the last 25 years is from 1.36km from the site, and the site largely consists of habitats of poor suitability for GCN. As such, the presence of GCN onsite is considered to be highly unlikely. However, it is considered that common amphibian species may occasionally access the site.

Construction impacts

Potential impacts include direct harm, injury and / or death to individuals.

*Mitigation*

The following RAMs should be implemented on site during the construction phase of the development:

- The rough grassland and scrub is to be mown / cleared to have a sward length below 10cm. The sward length is to be reduced gradually in order to give any amphibians present time to move off site of their own accord. The mown / cleared area will then be maintained with a short sward until the works on site have been completed.

- Any potential hibernacula will be removed from the working area by a suitably experienced ecologist and placed in a suitable area close to site. Hibernacula could include piles of rubble, bricks, loose soil, debris, brash piles etc.

- No excavations are to be left open overnight. If this is not feasible a plank should be left within the excavation at a 45-degree angle to allow amphibians to escape. Any open excavations should be checked for amphibians in the morning prior to start of works on site.

- Materials will be stored on pallets off the ground in order to reduce the risk of amphibians sheltering underneath them.

- The hedgerows and trees along the site boundaries should remain, where feasible, to continue to provide shelter and connectivity across site for amphibians and other fauna.

- UES will remain on-call throughout the development and if any newts are encountered, work on site is to stop immediately and ecological advice is to be sought. UES can be contacted directly on **01565 757788**.

Operational impacts

No operational impacts are envisaged.

### 4.2.2 Bats

bat presence / absence surveys have been carried out on the buildings onsite **(**see report ref. UES04849/04). No roosting bats or any evidence thereof was recorded; as such, it is

considered that no further mitigation or compensation measures are required with regards to bats in the buildings onsite.

The sycamore tree onsite contains cavities that may be suitable for roosting bats, and was assessed a further assessment required (FAR) during the walkover survey.

Construction impacts

If bats are roosting within the tree during tree felling or arboricultural works, they are at risk of direct harm and disturbance and the roosts will be lost permanently. Inappropriate landscaping could also result in the severing of commuting corridors used by bats as well as the loss of foraging habitats.

*Mitigation*

If the tree onsite is to be impacted by the proposed works, a further aerial tree inspection should be conducted (any time of year). If any potential roosting features are found to still be suitable following the inspections, further bat presence / absence surveys or further aerial inspections may be required (May to September inclusive).
The survey results will inform the requirement for further mitigation or compensation measures. It should be noted that if bats are found to be roosting within the tree, these further measures may include an application for a European protected species mitigation licence from Natural Resources Wales.

Any external lighting installed as part of the development should be designed to be wildlife friendly and avoid overspill onto vegetation.

*Potential enhancements*

The provision of bat boxes as part of the development proposals would increase the roosting opportunities for bats on site but would also increase the ecological value of the site. At the time of writing this report no detailed plans are available, but bat boxes that could be used on site include:

- Schwegler 1FF box (affixed to trees or buildings)
- Schwegler 2F box (affixed to trees or buildings)
- Schwegler 1FW hibernation box (affixed to trees)
- Schwegler 2FR bat tube (installed in connected pairs or threes into the external walls of buildings)

Bat boxes affixed to trees should be fitted at a height of between 5 and 6m metres on a southerly aspect.

The bat boxes affixed to, or installed into the external walls of buildings should be installed just below the eaves / roof height. No detailed lighting proposals are as yet available to UES, however care must be taken when installing any new lighting to ensure that light spillage onto the bat boxes is minimised. This may require the use of cowling or relocation of the bat box or lighting.

It should be noted that once bat inhabits a bat box, they may only be disturbed by a licensed bat worker.

Operational impacts

To be assessed following the further surveys.

### 4.2.3 Birds

The tree, hedgerows and buildings onsite have the potential to support breeding birds. An active swallow nest with four chicks was observed in Building 1, and historical bird nests were observed in Buildings 1 and 2.

Construction impacts

Building demolition, tree felling, arboricultural works, and vegetation removal could result in the direct loss of nests, any individuals within the nests and of available nesting territories if conducted during the breeding season.

*Mitigation*

Building demolition, tree felling, arboricultural works, and vegetation removal (including enabling works) are to take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If this is not possible and works need to take place between this period, a targeted breeding bird nest scoping survey should be conducted by a suitably qualified ecologist immediately prior to the works, or an ecological clerk of works appointed to oversee the works.

*Compensation and enhancement*

If areas of vegetation are to be removed, consideration should be given to providing replacement habitat for foraging and nesting birds by incorporating tree, shrub or scrub planting as part of the landscaping proposals.

Landscaping can also be used to promote biodiversity through the appropriate design of habitats and creating habitat mosaics, which promote natural linkages and hence the dispersal of target species. Principles and landscaping ideas beneficial to wildlife and relevant to this site include:

- Planting and management of hedgerows
- Planting of berry and nut bearing shrub species to encourage winter birds
- Planting and management of shrubs which develop a mosaic of structures to support breeding birds
- Use of nectar bearing flowers to encourage invertebrates (such as bees, flies, beetles and butterflies)

Species are to be native, of local provenance or to have a proven benefit to biodiversity. Further information can be found in Appendix 6 – Landscape design for birds.

Compensation for the loss of nesting habitat and the enhancing of the nesting habitat on site can also be provided through the provision of bird nest boxes. At the time of writing this report no detailed plans are available, but bird boxes that could be used on site include:

- Schwegler 1B nest box (affixed to trees)
- Schwegler 1SP sparrow terrace (affixed to building below the eaves)
- Schwegler 2H robin nest box (affixed to trees)

- Schwegler 3S starling nest box (affixed to trees or buildings)
- Schwegler 1MR Avianex box (affixed to trees or buildings)
- Manthorpe swift nest brick (incorporated into the external walls of buildings)

The bird boxes should be sited at a minimum height of three metres. Unless there are trees which shade the box during the day, the boxes should be oriented between north and east, thus avoiding strong sunlight and the wettest winds.

Operational impacts

Inappropriate management of the habitats on site could degrade them and render them unsuitable for wildlife.

*Mitigation*

It is important to implement good horticultural practice in any landscaping scheme, including the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug pellets) should be discouraged to prevent fatal effects on the food chain. Any pesticides used should be non-residual.

Excessive removal or pruning of trees and hedgerows should be avoided to maximise the growth and plant matter available to wildlife. Pruning should be left until late winter to leave seeds and berries for wintering wildlife and to ensure no impact on breeding and nesting birds.

### 4.2.5 Hedgehogs

No evidence of hedgehog activity was observed on site during the walkover survey. However, the grassland, scattered scrub and hedgerows provide some, albeit limited foraging and commuting opportunities for hedgehogs.

Construction impacts

Vegetation clearance works and construction activities without mitigation could result in direct harm, injury and / or death to individuals.

*Mitigation*

The following RAMs should be implemented on site during the construction phase of the development, in order to mitigate the risk of harm to hedgehogs or other mammals which may be present onsite:

- No trenches or excavations will be left open overnight. They will be backfilled or covered with board, or alternatively fitted with a means of escape for any badger (or other animal) which may become trapped within, such as a plank or slope leading out of the bottom of the excavation at an angle of 45°. All excavations left open overnight will be checked for trapped wildlife in the morning.

- Any potential refugia on site or created as part of the works should be removed by hand or checked for sheltering badger prior to their removal by mechanical means or burning. Potential refugia can include piles of leaf litter, log piles and brash piles.

- Any pipes will be stored with caps on to prevent entry by hedgehogs and other animals, and materials such as barbed wire will be stored so that animals cannot become entangled in them.

- Any chemicals or harmful materials will be stored so that they cannot be accessed by hedgehogs or other animals.

- Excavations will be checked immediately before they are backfilled to ensure that no animals have become trapped.

Operational impacts

To allow continued use of the site by hedgehog and to ensure commuting routes aren't blocked, any fences installed on site should be designed to allow passage of hedgehogs. This can either be through the choice of material e.g. choosing a fence style that naturally contains holes at the base or through the inclusion of hedgehog highways. Hedgehog highways are small 13cm x 13cm holes at the base of fences.

# 5 CONCLUSION

The proposed development site has an area of approximately 0.27ha and mainly comprises agricultural barn buildings, developed land, and modified grassland. A sycamore tree is present onsite, and two small sections of hedgerow are present at the southern and north-western boundaries, respectively.

The preliminary ecological appraisal has highlighted potential issues with the following ecological receptors on or adjacent to site: amphibians, bats in trees, birds, hedgehogs, trees and hedgerows. Provided these issues are addressed in accordance with the recommendations detailed in this report, the development may proceed without adversely impacting the aforementioned ecological receptors.

The development also presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of bat and bird nest boxes on site will provide improved roosting and nesting opportunities into the long-term future of the site.

# 6 REFERENCES

CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal* (Second Edition).

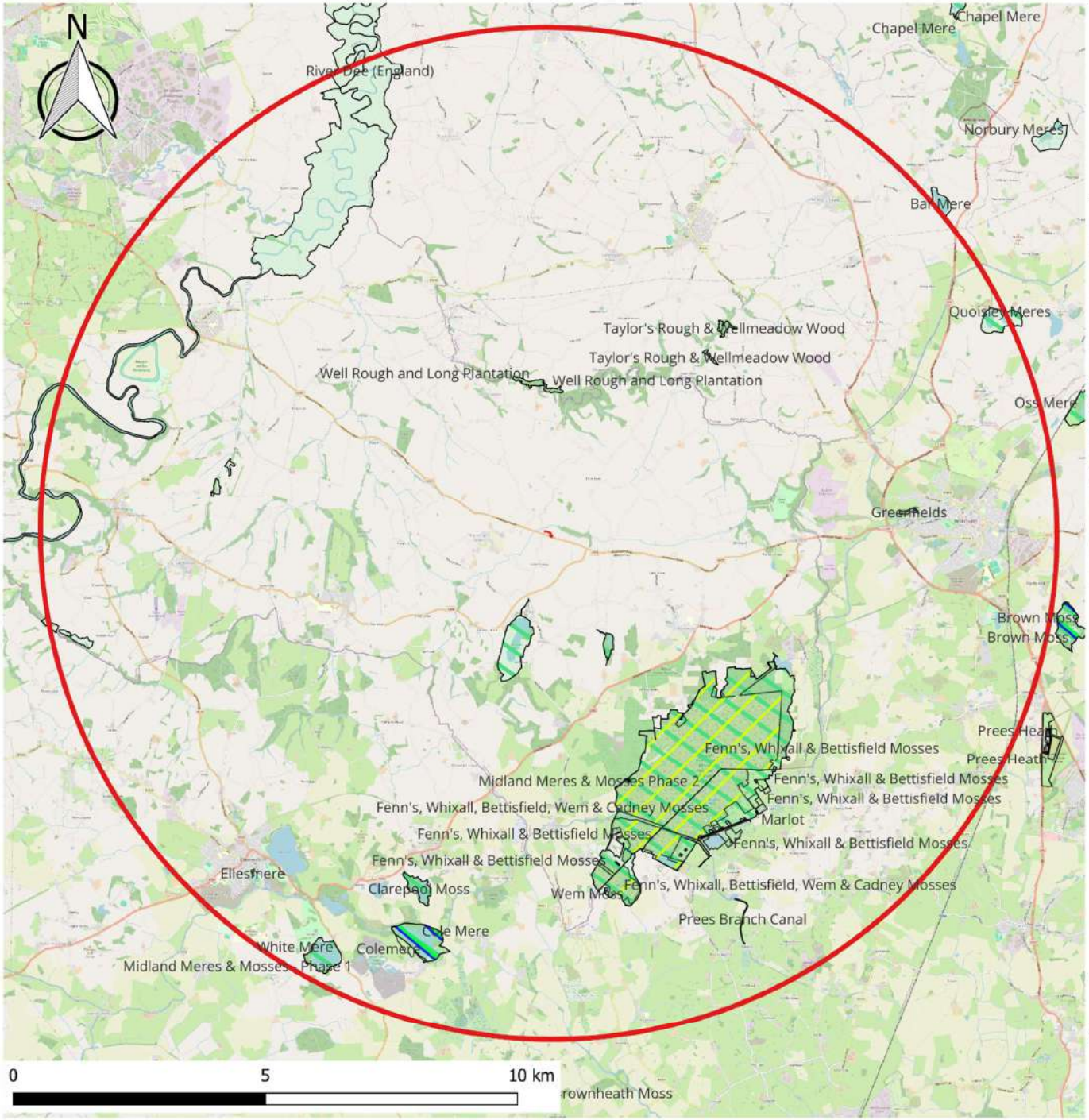
DEFRA (2019). *MAGIC* [online]. Available at: http://magic.defra.gov.uk/.

Ministry of Housing, Communities & Local Government (2024). *National Planning Policy Framework.*

UKHab Ltd (2023). *UK Habitat Classification Version 2.0.* Available at: *https://www.ukhab.org.uk).*

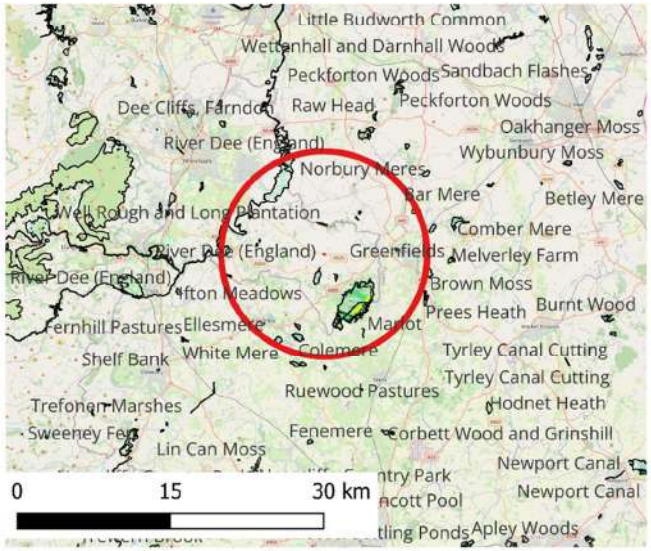
# APPENDICES

## Appendix 1 – Desk study




## Statutorily Designated Sites - 10km Buffer

**Site: Croxton Farm Barns, Hanmer**
**NGR: SJ 45942 41263**
**Author: Duncan Morrison, UES Subcontractor**
**Date: 15.08.2025**



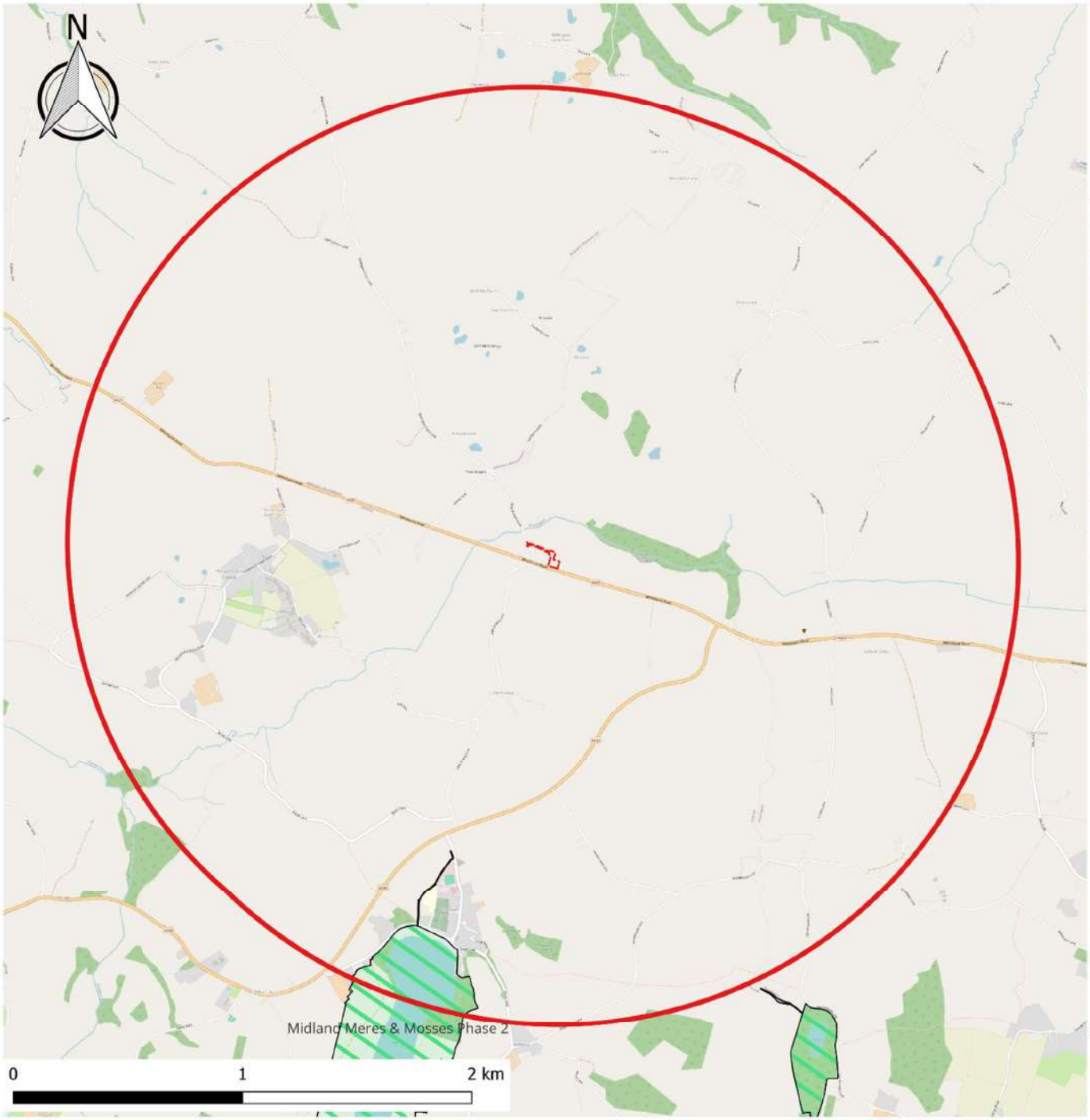

**Key**

- Local Nature Reserve
- National Nature Reserve
- Ramsar Site
- Site of Special Scientific Interest
- Special Area of Conservation
- Special Protection Area
- 10km Buffer
- Development Boundary

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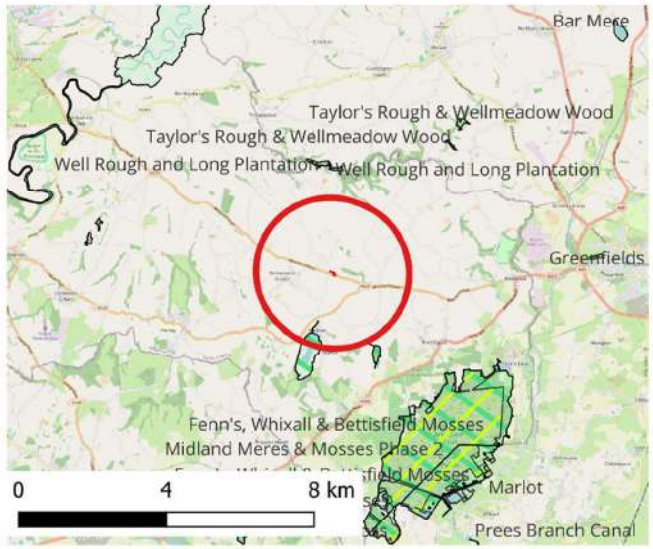
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## Statutorily Designated Sites - 2km Buffer

**Site: Croxton Farm Barns, Hanmer**
**NGR: SJ 45942 41263**
**Author: Duncan Morrison, UES Subcontractor**
**Date: 15.08.2025**




**Key**

- Local Nature Reserve
- National Nature Reserve
- Ramsar Site
- Site of Special Scientific Interest
- Special Area of Conservation
- Special Protection Area
- 2km Buffer
- Development Boundary

THIS PLAN IS BASED UPON OpenStreetMap® AND IS OPEN DATA, LICENSED UNDER THE OPEN DATA COMMONS OPEN DATABASE LICENCE (ODbl) BY THE OpenStreetMap FOUNDATION.

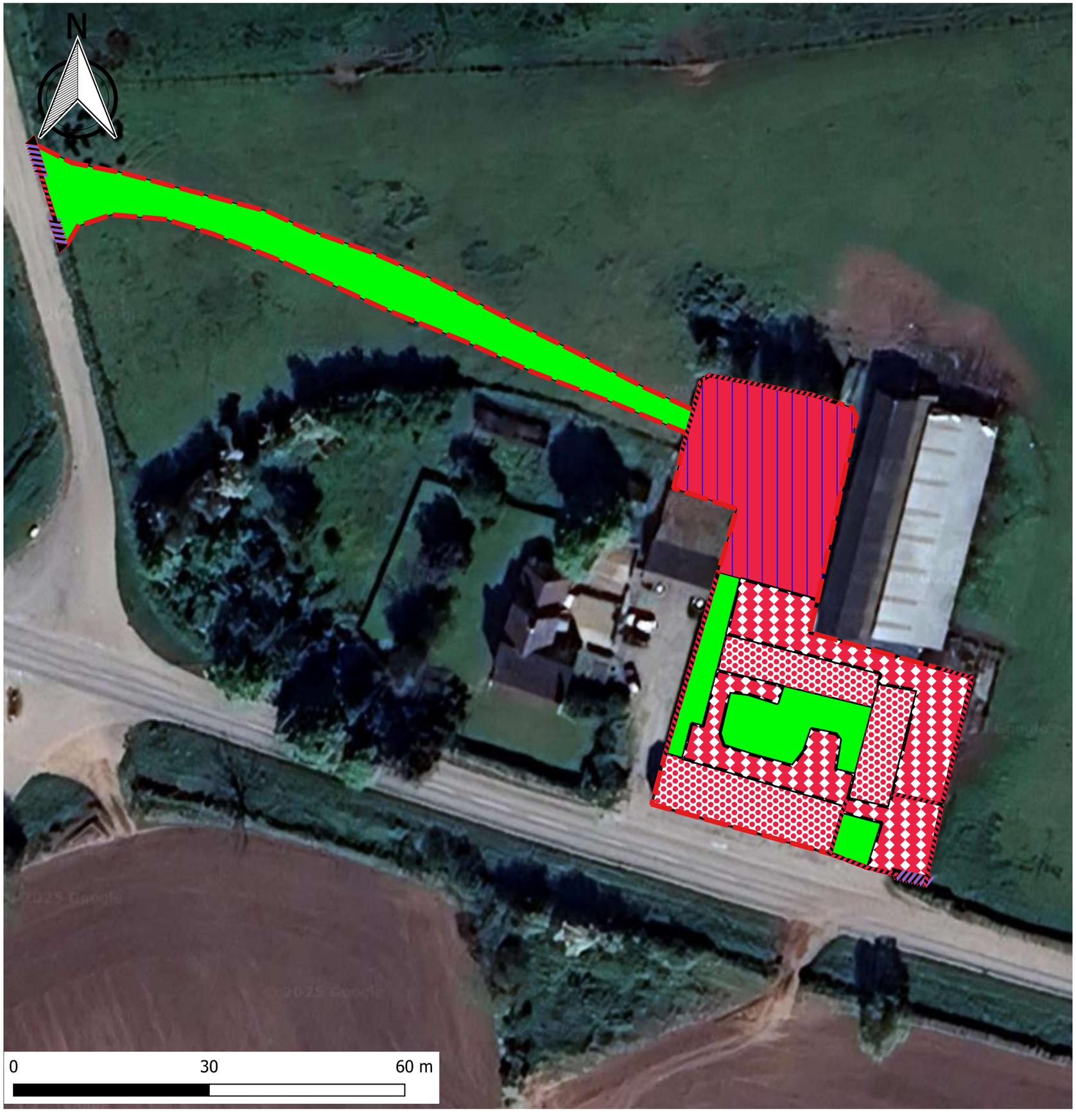
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# Appendix 2 – UKHab plan

# Preliminary Ecological Appraisal - UKHabs Map

**Site: Croxton Farm Barns, Hanmer**
**NGR: SJ 45942 41263**
**Author: Duncan Morrison, UES Subcontractor**
**Date: 15.08.2025**







## Key

- g4 - modified grassland
- u1b5 - buildings
- u1b6 - other developed land
- u1f - sparsely vegetated urban land
- h2a6 - other native hedgerow
- u1e - built linear features
- Survey boundary

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# Appendix 3 – Aerial photographs


Croxton Farm Barns, Hanmer
Close aerial photograph
Croxton farm barns
B2
B3
B1
Map data © 2025 Google, Imagery © 2025 Google


Croxton Farm Barns, Hanmer
Wide aerial photograph
Site location
Map data © 2025 Google, Imagery © 2025 Google

# Appendix 4 – Photographs



Photograph 1: Buildings 2 and 3, with areas of modified grassland and hardstanding.



Photograph 2: View of the central courtyard from the west.



Photograph 3: Modified grassland at the north-west of the site, with vehicle track connecting the site to Willington Cross Lane visible.



Photograph 4: Active swallow nest in Building 1, with four chicks present.



Photograph 5: Area of hardstanding to the west of the buildings and timber fence.



Photograph 6: Area of hardstanding to the north of Building 2.



Photograph 7: Area of sparsely vegetated urban land at the north-west of the site.



Photograph 8: Area of sparsely vegetated urban land at the north-west of the site, with vehicle track visible.



Photograph 9: Small section of species-poor native hedgerow at the south-east of the site.



Photograph 10: Hedgerow at the north-west of the site.



Photograph 11: Scattered scrub and the sycamore to the north-west of Building 2.



Photograph 12: Sycamore tree onsite.



Photograph 13: Cavity in the sycamore tree..

# Appendix 5 – Botanical species list

| *Scientific name* | Common name |
|---|---|
| *Acer pseudoplatanus* | Sycamore |
| *Achillea millefolium* | Yarrow |
| *Alliaria petiolate* | Garlic mustard |
| *Agrostis stolonifera* | Creeping bent |
| *Artemisia vulgaris* | Common mugwort |
| *Anthoxanthum odoratum* | Sweet vernal grass |
| *Anthriscus sylvestris* | Cow parsley |
| *Arrhenatherum elatius* | False oat-grass |
| *Bellis perennis* | Common daisy |
| *Capsella bursa-pastoris* | Shepherd's purse |
| *Cardamine sp.* | Bittercress |
| *Cerastium fontanum* | Common mouse-ear |
| *Cirsium arvense* | Creeping thistle |
| *Cirsium vulgare* | Spear thistle |
| *Dactylis glomerata* | Cock's foot |
| *Epilobium sp.* | Willowherb |
| *Equisetum arvense* | Field horsetail |
| *Festuca rubra* | Red fescue |
| *Galium aparine* | Cleavers |
| Geranium molle | Dove's-foot crane's-bill |
| *Geranium robertianum* | Herb Robert |
| *Hedera helix* | Ivy |
| *Heracleum sphondylium* | Common hogweed |
| *Holcus lanatus* | Yorkshire fog |
| *Humulus lupulus* | Hop |
| *Jacobaea vulgaris* | Common ragwort |
| *Juncus effusus* | Soft rush |
| *Lolium perenne* | Perennial rye-grass |
| *Lotus corniculatus* | Common bird's-foot trefoil |
| *Matricaria chamomilla* | Scented mayweed |
| *Plantago major* | Greater plantain |
| *Poa annua* | Annual meadow-grass |
| *Polygonum aviculare* | Knotgrass |
| *Ranunculus acris* | Meadow buttercup |
| *Ranunculus repens* | Creeping buttercup |
| *Rubus fructicosus* | Bramble |
| *Rumex crispus* | Curled dock |
| *Rumex obtusifolius* | Broad-leaved dock |
| *Sambucus nigra* | Elder |
| *Schedonorus arundinaceus* | Tall fescue |
| *Sisymbrium officinale* | Hedge mustard |
| *Solanum dulcamara* | Bittersweet |
| *Sonchus oleraceus* | Common sow-thistle |
| *Stachys sylvatica* | Hedge woundwort |
| *Stellaria media* | Common chickweed |
| *Taraxacum officinale* | Dandelion |
| *Trifolium repens* | White clover |
| *Ulmus × hollandica* | Dutch elm |
| *Urtica dioica* | Common nettle |
| *Veronica persica* | Common field-speedwell |

# Appendix 6 – Landscape design for birds

| SPECIES | F | SIZE | | | | LOCATION | | | SOIL MOISTURE | BENEFITS TO WILDLIFE |
|---|---|---|---|---|---|---|---|---|---|---|
| | | T | S | M | L | H | W | Su/Sh | | |
| **TREES** | | | | | | | | | | |
| Alder* | D | | | | Y | | | Su | M | Seed food for birds |
| Beech* | D | | | Y | Y | Y | | Su | D | Seed food for birds |
| Birch* | D | | Y | Y | Y | | | Su | D | Seed food for birds |
| Bird cherry * | D | | | Y | Y | | | Su | D | Food for birds, flowers attract insects |
| Crab apple* | D | | Y | Y | Y | | | Su | D | Food for birds, flowers attract insects |
| English oak* | D | | | | Y | | | Su | D | Food for birds, insects and mammals, nesting sites |
| European larch* | D | | | | Y | | | Su | M | Seed food for birds |
| Holly* | E | | Y | Y | Y | Y | | Su | D | Fruits eaten by birds, food plant of holly blue butterfly |
| Juniper* | E | | | | | | | Su | D | Shelter and nest sites, fruits eaten by thrushes |
| Lime* | D | | | | Y | Y | | Su | D | Seed food for birds |
| Rowan* | D | | | Y | Y | | | Su | D | Fruits eaten by birds |
| Scot's pine* | E | | | | Y | | | Su | D | Seed food for birds |
| Swedish whitebeam | D | | Y | Y | Y | | | Su | D | Food for birds, flowers attract insects |
| Wild cherry* | D | | | Y | Y | | | Su | D | Food for birds, flowers attract insects |
| Yew* | E | | Y | Y | Y | Y | | Su | D | Food for birds, nesting sites |
| **SHRUBS** | | | | | | | | | | |
| Barberry | B | Y | Y | Y | Y | Y | | Su | D | Good shelter and nest cover for birds, berries may provide food |
| Blackthorn* | D | | | Y | Y | Y | | Su | M | Attracts insects, food for birds, nesting sites |
| Buckthorn* | D | | | Y | Y | Y | | Su/Sh | D | Food plant of brimstone butterfly, fruits eaten by birds |
| Butterfly bush | E | Y | Y | Y | Y | Y | | Su | D | Attracts insects |
| Californian lilac | E | | | Y | Y | Y | Y | Su | D | Flowers attractive to various insects |
| Dogwood* | D | | | Y | Y | Y | | Su | D | Food for birds, winter stem colour |
| Elder* | D | | Y | Y | Y | Y | | Su | D | Food for birds |
| Escallonia | E | | | Y | Y | Y | | Su | M | Flowers attractive to various insects, tolerant of salt - good in coastal areas |
| Field maple* | D | | Y | Y | Y | Y | | Su | D | Good source of insect food for birds |
| Firethorn | E | Y | Y | Y | Y | Y | Y | Su | D | Berries popular with many bird species |
| Flowering current | D | | Y | Y | Y | | | Su | D | Early flowers attractive to insects |
| Forsythia | D | | Y | Y | Y | Y | Y | Su | D | Early flowers attractive to insects |
| Garria | E | Y | Y | Y | Y | | Y | Su | D | Winter catkins, early cover for nesting birds |
| Goat willow* | D | Y | Y | Y | Y | | | Su | D | Catkins attractive to bees, good source of insect food for birds |
| Gorse* | E | | | Y | Y | Y | | Su | D | Early flowers attractive to insects, good protection for birds |
| Rhytismatales | E | | | Y | Y | Y | | Su | D | Good cover, tolerant of salt - good in coastal areas |
| Guelder-rose* | D | | | Y | Y | Y | | Su | D | Food for birds & insects |
| Hawthorn* | D | | Y | Y | Y | Y | | Su | D | Flowers attractive to insects, fruits eaten by birds, good shelter and nesting site |
| Hazel* | D | Y | | Y | Y | Y | | Su | D | Food for birds, insects and mammals, nesting sites |
| Laurel-leaved vibumum | E | | Y | Y | Y | | | Su | D | Early flowers good for insects, good cover for birds |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Lavender | E | Y | Y | Y | Y | Y | | Su | D | Flowers attract many insects, seeds popular with finches |
| Lilac | D | | Y | Y | Y | | | Su | D | Flowers attractive to insects |
| Oregon grape | E | | Y | Y | Y | | | Su/Sh | M | Early flowers good for insects |
| Pheasant berry | E | | | Y | Y | | | Su | D | Berries popular with many bird species |
| Privet* | E | | Y | Y | Y | Y | | Su | D | Flowers attract butterflies, produces berries |
| Rose | D | Y | Y | Y | Y | Y | Y | Su | D | Fruits of some varieties attractive to birds |
| Rosemary | E | Y | Y | Y | Y | Y | | Su | D | Flower attract many insects |
| Shad bush | D | | Y | Y | | | | Su | M | Flowers attract insects, early forming berries good for thrushes |
| Snowberry | D | | | Y | Y | Y | | Su/Sh | D | Flowers attractive to bees, fruits attractive to birds, dense stems provide cover |
| Spindle* | D | | Y | Y | Y | | | Su | D | Berries eaten by birds, but poisonous to mammals |
| Tamarix | D | | | Y | Y | Y | | Su | D | Flowers attractive to various insects, tolerant of salt - good in coastal areas |
| **CLIMBERS & RAMBLERS** | | | | | | | | | | |
| Bramble* | D | | Y | Y | Y | Y | Y | Su/Sh | D | Food for birds, insects and mammals, nesting sites |
| Clematis | D | Y | Y | Y | Y | | | Su | D | Nesting sites |
| Honeysuckle* | D | Y | Y | Y | Y | Y | Y | Su/Sh | D | Attractive to insects, good nesting site, food for birds |
| Ivy* | E | Y | Y | Y | Y | Y | Y | Su/Sh | D | Attractive to insects, good nesting site, food for birds |
| Rose | D | Y | Y | Y | Y | Y | Y | Su | D | Fruits of some varieties attractive to birds |
| Winter jasmin | E | Y | Y | Y | Y | Y | Y | Su | D | Early flowers attractive to insects |
| Wisteria | D | Y | Y | Y | Y | | Y | Su | D | Attractive to insects, good nesting site |

| **KEY** | | | |
|---|---|---|---|
| ***** | Native (NB: some varieties are cultivars or non-native) | **Location** | H = may be used as a hedge plant |
| **F** | D = Deciduous | | W = may be used as a wall shrub |
| Foliage type | E = Evergreen | | Su = Sunny borders |
| | B = Both | | Sh = Shade tolerant |
| **Size** | T = Terraces & balconies | | Su/Sh = Grows in partial shade |
| Suitable for garden sizes | S = Small garden (</= 6m x 4m) | **Soil mositure** | D = Well drained |
| | M = Medium gardens (</= 12m x 6m) | | M = Moist |
| | L = Large gardens (> 12m x 6m) | | W = Wet soil |

# Appendix 7 – Planning and statutory context

## STATUTORY AND PLANNING CONTEXT

### Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

### Habitats

Section 7 of the Environment Act (Wales) places a duty on Welsh Ministers to publish, review and revise lists of types of habitats and species in Wales which they consider are of key significance to sustain and improve biodiversity. The Welsh Ministers must also take all reasonable steps to maintain and enhance the habitats published in these lists,and encourage others to take such steps.

### Amphibians

<u>Great crested newts</u>

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 7 of the Environment (Wales) Act 2016.

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural Resources Wales (NRW) team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by NRW is required for the legal implementation of a mitigation scheme.

An NRW mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Natterjack and common toad are also listed under Section 7 of the Environment (Wales) Act 2016.

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

**Reptiles**

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure any of the species listed above
- Sell, offer, advertise or transport for sale a live or dead animal of the species listed above

If a proposed development is likely to have an impact on these reptiles the local statutory nature conservation organisation must be consulted.

Sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* receive full protection under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017. Read together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture any sand lizards or smooth snakes
- Deliberately, intentionally or recklessly disturb sand lizards or smooth snakes in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of such an animal
- Damage or destroy breeding sites or resting places of such animals
- Intentionally or recklessly disturb sheltering sand lizards or smooth snakes, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead sand lizards or smooth snakes, any part of such an animal or anything derived from such an animal

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

All reptile species (except for smooth snake) are also listed under Section 7 of the Environment (Wales) Act 2016.

**Badger**

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

**Hazel dormouse**

Hazel dormice *Muscardinus avellanarius* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture dormice
- Deliberately, intentionally or recklessly disturb dormice in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of dormice
- Intentionally or recklessly disturb sheltering dormice, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead dormouse, any part of a dormouse or anything derived from a dormouse

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Dormice are also listed under Section 7 of the Environment (Wales) Act 2016.

**Bats**

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (known as the "Habitats Regulations"). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat
- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] … uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by NRW.

The Environment (Wales) Act 2016 also lists the following bat species as species of principle importance under Section 7:

- Barbastelle *Barbastella barbastellus*
- Bechstein's bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Common pipistrelle *Pipistrellus pipistrellus*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long-eared bat *Plecotus auritus*
- Greater horseshoe *Rhinolophus ferrumequinum*
- Lesser horseshoe *Rhinolophus hipposideros*

**Birds**

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The Environment (Wales) Act 2016 offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status' of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

**Trees**

Trees may be protected on an individual or group level through a Tree Preservation Order (TPO). In order to carry out works to trees with a TPO, prior written consent must be obtained from the Local Planning Authority. Trees may also be protected through a condition of planning consent or designated conservation areas.

**Hedgerows**

The Hedgerow Regulations are made under Section 97 of the Environment Act 1995 and came into operation on 1st of June 1997. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification to the Local Planning Authority.

A hedgerow can only be considered for classification as "important" if it, or the hedgerow of which the section belongs to is over 20m in length (or which meets a hedgerow at either end) and has existed for 30 years or more.

## Plants

Schedule 8 of the Wildlife & Countryside Act 1981 (as amended) lists a number of plant species which are protected under Section 13 of the same legislation. As such, it is an offence to:

- Intentionally or recklessly pick, uproot or destroy a plant, or any seeds or spores attached to it, which is listed on Schedule 8
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead wild plant on Schedule 8, any part of the plant or anything derived from the plant

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

The Conservation of Habitats and Species Regulations 2017 extends European legislative protection to a further subset of plants. It is therefore an offence to pick, collect, cut, uproot, destroy or trade any plant listed in Schedule 4 of these Regulations, unless the appropriate licence is first obtained.

A large number of species of vascular plants, lichens, algae, fungi, mosses, stoneworts and liverworts are also protected through planning policy as species of principal importance, as required under Section 7 of the Environment Act (Wales) 2016.

## Invasive Plant Species

A number of invasive, non-native plant species are listed under Schedule 9 (Part II) of the Wildlife and Countryside Act 1981 (as amended). The most commonly encountered listed species in ecological surveys are Japanese knotweed *Fallopia japonica*, Montbretia *Crocosmia x crocosmiiflora* and variegated yellow archangel *Lamiastrum galeobdolon subsp. argentatum*. Section 14(2) of this Act makes it an offence to *plant or otherwise cause to grow in the wild* any plant listed on Schedule 9 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

A number of invasive, non-native plants species are listed under Schedule 2 (Part II) of the Invasive Alien Species (Enforcement and Permitting) Order 2019. The most commonly encountered listed species in ecological surveys are Himalayan balsam *Impatiens glandulifera* and giant hogweed *Heracleum mantegazzianum*. Section 3 of this Act make it an offence to *plant* or *otherwise causes to grow in the wild* any plant which is listed on Schedule 2 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

Soil or plant material contaminated with non-native and invasive plants can cause ecological damage and may be classified as controlled waste. It is an offence to keep, treat or dispose of waste that could harm the environment or human health. If there is any doubt, contact the local authority or Environment Agency.

Japanese knotweed has an extensive root system and new plants can regenerate rapidly from the smallest fragments of rhizomes. Material containing this species is classed as “controlled waste” under the Environmental Protection Act (Duty of Care) Regulations 1991. The disposal of such waste requires all involved parties to follow a strict code of practice and maintain adequate records regarding their conduct.

**Otter**

European otter *Lutra lutra* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture otters
- Deliberately, intentionally or recklessly disturb otters in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of otters
- Intentionally or recklessly disturb sheltering otters, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead otter, any part of an otter or anything derived from otter

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Otters are also listed under Section 7 of the Environment (Wales) Act 2016.

**Water vole**

Water voles *Arvicola amphibius* are protected by the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take water vole
- Possess or control live or dead water vole or any part of a water vole
- Intentionally or recklessly damage destroy or obstruct access to any structure or place which a water vole uses for shelter or protection, or disturb water vole using such a place
- Sell, offer, advertise or transport live or dead water voles for sale

Licences are available from NRW to allow activities that would otherwise be an offence, including:

- Scientific or educational purposes
- For the purposes of ringing or marking
- Conserving wild animals or introducing them into particular areas
- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to any form of property or to fisheries

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Water voles are also listed under Section 7 of the Environment (Wales) Act 2016.

**White-clawed crayfish**

White-clawed crayfish *Austropotomobius pallipes* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure white-clawed crayfish
- Sell, offer, advertise or transport for sale a live or dead white-clawed crayfish

If a proposed development is likely to have an impact on white-clawed crayfish then the local statutory nature conservation organisation must be consulted.

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.
Their inclusion on the EC Habitats Directive allows areas to be designated as Special Areas of Conservation (SAC) for the presence of white-clawed crayfish. Such a designation brings legal protection under the Conservation of Habitats Regulations 2017, this includes how the site is managed and what development can occur on and in proximity to these sites.

White-clawed crayfish are also listed under Section 7 of the Environment (Wales) Act 2016.

**Planning Policy**

National planning guidance is issued in the form of Planning Policy Wales (Edition 12 - 2024). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online.