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Project: Broughton Shopping Park Northern Quarter
Report: Net Benefit for Biodiversity Assessment

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1.0 INTRODUCTION

Greengage Environmental Limited (Greengage) was commissioned by CPC Project Services to undertake a Net Benefit for Biodiversity (NBB) Assessment for an area of land known as Broughton Shopping Park Northern Quarter, hereafter referred to as 'the site'.

Planning Policy Wales¹ (PPW) requires that developments “provide a net benefit for biodiversity”. NBB is assessed through implementation of the DECCA Framework, where diversity, extent, condition, connectivity and resilience of habitats and ecosystems are measured qualitatively.

This NBB Assessment has been produced to inform a planning submission for the site which seeks construction of a new stand-alone LIDL foodstore (21,200 ft² Gross Internal Area (GIA)) complete with sales area and back of house facilities, service dock and yard, with customer car parking (138 spaces) and soft landscaping to front, side and rear of the building. Separate customer and servicing. Access/egress will be provided to the existing main entrance road and service road respectively. Hereafter, this is referred to as the 'proposed development'.

The purpose of the report is to demonstrate how the proposed development complies with PPW requirements to achieve a net benefit for biodiversity and to contribute to the resilience of ecosystems, in line with national and local planning policy.

This NBB Assessment has been undertaken in December 2025. Any further changes to the design will impact upon the NBB Assessment, and calculations will need to be updated to reflect such changes. This also carries forward throughout the entire lifetime of the project, including after planning permission has been granted, in and throughout the construction phase.

1.1 SITE DESCRIPTION

The survey area extends to approximately 1.36 hectares (ha) and is centred on National Grid Reference SJ 34958 64154, OS Co-ordinates 334958, 364154.

The site is an approximately triangular parcel of land in Broughton, North Wales. It is located approximately 5.6km west-southwest of Chester and 13.25km north of Wrexham. It is bound to the north by Chester Road (A5104), to the west by a roundabout, the south by an access road and the wider Broughton Shopping Centre and the east by undeveloped scrub, beyond which is pasture grassland.

The site is situated in a mixed context, with agricultural, industrial and residential land uses all within the immediate vicinity, in addition to large farming/forestry estates and parks. Green and blue infrastructure provision is poor in the immediate vicinity of the site, with the exception of small ponds and minor areas of scrub and secondary woodland to the east of the site. However, most habitats present in the vicinity are low value agricultural habitats. Beyond the immediate surroundings, the River Dee lies 2.8km north of the site, while the Dee Estuary lies more than 12km northwest.

1.2 PROPOSED DEVELOPMENT

The proposed development proposes to deliver a new retail unit and associated hard surfaces, alongside two attenuation basins, retained scrub habitat and areas of enhanced grassland.

The 'Proposed Landscape Strategy' produced by Urban Edge², dated 11/11/2025, has been used as the basis for information regarding the proposed post-development habitats and has been used to inform the comparison against the baseline values.

1.3 ECOLOGICAL BACKGROUND

Greengage undertook a Preliminary Ecological Appraisal (PEA - report ref: 552445dpSep23FV01_PEA) of the site in August 2023. This consisted of a desk study which included a review of relevant ecological records from the Local Environmental Records Centre (Cofnod) and a site walkover habitat survey to classify the habitats using the UK Habitat Classification System (UK Hab). The site walkover also aimed to identify the suitability of/potential of the site to support notable and/or protected species.

An updated site walkover and PEA (report ref: 553496AB16SEPT25FV02_PEA) was undertaken in September 2025.

Detailed habitat descriptions are provided below for the following habitats on site:

- h3h - Mixed scrub;
- g4 - Modified grassland with [10 - scattered scrub] [128 - tall/tussocky sward] [124- anthills];
- w1 33 - Line of trees; and
- h3d - Bramble scrub.

Mixed Scrub [530 - Ecotone]

The mixed scrub habitat lies to the west of the site and is composed of a mixture of woody species, the most dominant of which is hawthorn *Crataegus monogyna*. Also present are blackthorn *Prunus spinosa*, lime *Tilia sp.*, bramble *Rubus fruticosus* agg, alder *Alnus glutinosa*, maple *Acer sp.* and hazel *Corylus avellana*. Ground-level flora is dominated by meadow foxtail *Alopecurus pratensis*, with frequent creeping thistle *Cirsium vulgare*.

The scrub transitions through dense creeping thistle *Cirsium arvense* to modified grassland habitat at its eastern extent.

The age structure of the scrub is varied, with numerous lime and hawthorn trees and young saplings present. The main body of the scrub is very dense and impenetrable, however around its edge it is thinner.

Modified grassland [10 - scattered scrub] [32 - scattered trees [128 - tall/tussocky sward] [124 - anthills]

The majority of the site comprises modified grassland. Minor scrub encroachment is present along its interface with the scrub habitat, and there are two hawthorn trees within the centre of the grassland. The grassland is rank and unmanaged with a tall, tussocky sward and numerous anthills.

The sward is species poor and is almost entirely dominated by meadow foxtail. Creeping thistle is abundant, and dock *Rumex obtusifolius*, willowherb *Epilobium sp.* and nettle *Urtica dioica* are frequent. Occasional species include ragwort *Jacobaea vulgaris* and hogweed *Heracleum sphodylium* whilst common fleabane *Pulicaria dysenterica* and cow parsley *Anthriscus sylvestris* were recorded rarely.

Broadleaved herbs are found at low densities owing to the dense grass sward, and there is little spatial variation in the grassland with the only change visible being the increased frequency of nettles towards the western mixed scrub.

A row of lime *Tilia cordata* trees was present along the southern boundary of the site. They are semi-mature and approximately 8m in height, although their canopies do not overlap and they show signs of poor health such as epicormic growth.

Bramble scrub

The bramble scrub present forms the eastern site boundary and is the start of transition into more developed mixed scrub beyond the site boundary. It is dominated exclusively by bramble growing to approximately 1m height and is uniform in age structure.

Species

The site is considered to have potential to support the following notable and/or protected species:

- Moderate potential to support foraging and commuting bats;
- High potential to support birds; and
- Low potential to support hedgehogs.

2.0 METHODOLOGY

The NBB Assessment utilises the following guidance and tools:

- Chartered Institute of Ecology and Environmental Management (CIEEM) Briefing: Welsh Government's Approach to Net Benefits for Biodiversity and the DECCA framework;³
- State of Natural Resources Report (SoNaRR) (2020): Assessment of the sustainable management of natural resources. Chp4. Resilient Ecosystems;⁴
- Ecosystem Resilience Field Guide (2021);⁵
- Biodiversity and resilience of ecosystems duty (section 6): Guidance for public authorities;⁶
- Green Infrastructure Assessments 'A guide to key Natural Resources Wales data sets and how to use them as part of a Green Infrastructure Assessment';⁷
- Nature Conservation and Planning Document Technical Advice Note;⁸ and
- Natural Resources Wales: How to avoid or reduce the effects of development on Ancient Woodland.⁹

2.1 STEPWISE APPROACH

All recommendations and design choices have been made following the 'stepwise approach' as required by PPW Chapter 6 section 6.4¹⁰. Specifically, recommendations were made in the following priority order:

1. Avoiding negative impacts upon biodiversity;
2. Minimising negative impacts upon biodiversity;
3. Mitigating negative impacts upon biodiversity; and
4. Compensating for negative impacts upon biodiversity.

Compensation should only be considered as a last resort, where it is demonstrated that adverse effects cannot be sufficiently avoided or mitigated in full.

2.2 DECCA FRAMEWORK

As there is currently no statutory biodiversity metric in Wales. The assessment of NBB has been undertaken using a qualitative approach, informed by professional ecological judgement and best practice guidance.

This NBB assessment follows the DECCA framework, considering:

- Diversity - maintaining and enhancing diversity at every scale, including genetic, structural, habitat and between-habitat levels. This supports the complexity of ecosystem functions and interactions that deliver services and benefits;
- Extent - incorporating measures which maintain and increase the area of semi-natural habitat/features and linkages between habitats. In general, smaller ecosystems have reduced capacity to adapt, recover or resist disturbance;
- Condition - the condition of an ecosystem is affected by multiple and complex pressures acting both as short-term and longer-term types of disturbance. Both direct and wider impacts

should be considered, for example avoiding or mitigating pressures such as climate change, pollution, invasive species, land management neglect etc;

- Connectivity - this refers to the links between and within habitats, which may take the form of physical corridors, stepping stones in the landscape, or patches of the same or related vegetation types that together create a network that enables the flow or movement of genes, species and natural resources. Developments should take opportunities to develop functional habitat and ecological networks within and between ecosystems, building on existing connectivity; and
- Aspects of ecosystem resilience - ecosystem resilience is a product of the above four attributes. Adaptability, recovery and resistance to/from a disturbance are defining features of ecosystem resilience.

2.3 PRE-DEVELOPMENT (BASELINE)

Habitat Data

A PEA [Report Ref: 553496AB16SEPT25FV02_PEA] has been undertaken by Greengage in accordance with guidance in the UKHab¹¹ and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal¹², in accordance with British Standard (BS) 42020: 2013: Biodiversity¹³. The PEA included a site walkover which identified and mapped the extent and distribution of different habitat types on site according to the standard UKHab classification methodology. A habitat map was produced to illustrate the results, which is provided as Appendix A.

A desk study, consisting of consultation with Local Environmental Records Centres and readily available environmental databases was concurrently undertaken to identify records of priority habitats and designated sites within the likely zone of impact of the proposed development and identify whether the site is in a Priority Ecological Network, as defined by Natural Resources Wales (NRW)¹⁴.

2.4 POST- DEVELOPMENT (PROPOSED)

The area extents for each habitat type post-development were measured based on the 'Proposed Landscape Strategy', using QGIS software. Habitat types were inferred from discussions with the client and landscape architect.

2.5 COMPETENCES

This NBB Assessment has been completed by competent, suitability trained and qualified ecologists:

- Daniel Perlaki, Senior Consultant, has an undergraduate degree in Ecology (BSc Hons), a Master's degree in Conservation Science and Policy and is a Graduate member of CIEEM. Dan has over 8 years' experience in ecology survey and consultancy.
- Laura Thomas, Senior Consultant, has an undergraduate degree in Biology (BSc Hons) and a Master's degree in Evolutionary and Behavioural Ecology, holds a Natural England Bat Survey Level 2 Class Licence and is an Associate member of CIEEM. Laura has over eight years' experience in the commercial sector.

- Dr Alison Fairbrass, Principal Consultant, has over ten years of experience as a biodiversity and natural capital scientist. Alison is a Full member of the Institute of Sustainability & Environmental Professionals (MISEP) and is a Chartered Environmentalist (CEnv). She holds a PhD in Urban Sustainability & Resilience. Alison is a specialist in biodiversity monitoring, having developed masterplan and national-scale biodiversity monitoring protocols. She is also a recognised expert in natural capital and has developed natural capital reporting frameworks that are used internationally.

This report was written by Daniel Perlaki, reviewed by Laura Thomas and verified by Alison Fairbrass who confirms in writing (see the QA sheet at the front of this report) that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and
- Avoids invalid, biased, and exaggerated statements.

3.0 RESULTS

3.1 PRE-DEVELOPMENT (BASELINE)

Desk Study

A consultation with the local biodiversity records centre (Cofnod) during the 2023 PEA and a recent review of DEFRA's Multi-Agency Geographic Information for the Countryside (MAGIC) website¹⁵ confirms that there are no statutory designated sites of national or international importance within the boundary of the site or within a 2km radius. The site is however, located approximately 1.45km northeast of one non-statutory Wildlife Site, Mold Junction Triangle Wildlife Site, a disused railway junction designated for its species-rich grassland, silver birch *Betula pendula* scrub, and uncommon plant species that support a variety of butterflies.

Consultations with MAGIC also confirms there are no Biodiversity Action Plan (BAP) priority habitats on site. The following UK BAP priority habitats were present in the immediate vicinity:

- Ponds located approximately 200m east of the site.

Priority Ecological Networks

Priority Ecological Networks (PENS) are 'areas that have relatively high ecological connectivity between protected sites for a range of broad habitats and so provide a framework for targeting activities such as habitat improvement, restoration and creation to build a functionally connected and resilient series of the best biodiversity sites'. The site is not within a PENS.

Habitats

The baseline site is composed of the following habitats:

- Poor condition bramble scrub (0.0062 ha);
- Moderate condition mixed scrub (0.3710 ha);
- Poor condition modified grassland (0.9254 ha); and
- 19 individual trees, the majority of which are native.

None of the habitats present on site are considered to be irreplaceable habitats. The individual trees are considered to be Section 7 habitats as defined by the Environment Act Wales (2016). No habitat degradation had occurred prior to Greengage visiting site.

3.2 POST-DEVELOPMENT (PROPOSED)

Habitats

The proposed habitats on site include:

- Moderate condition mixed scrub retained from the baseline habitats (0.0826 ha);
- 14no. individual trees retained from the baseline habitats;
- Moderate condition other neutral grassland enhanced from baseline modified grassland habitat (0.1227 ha);

- 18no. newly planted trees;
- Moderate condition modified grassland habitat created (0.1229 ha);
- Moderate condition other neutral grassland habitat created (0.1316 ha);
- Good condition sustainable drainage system created (0.0801 ha); and
- Developed land; sealed surface (0.7583 ha).

The stepwise approach has been followed throughout the design process, with retention/protection of the medium value scrub habitats and low value grassland habitats prioritised.

Habitat loss

Table 3.1 shows permanent habitat loss incurred as a consequence of the proposed development. These areas will be replaced with developed land; sealed surface associated with the new retail unit and parking. Value is the relative biodiversity value of the habitats listed.

Table 3.1 Habitat loss

Habitat	Value	Area lost (Ha)
Modified grassland	Low	0.80
Bramble scrub	Low	0.01
Mixed scrub	Medium	0.29

4.0 STEPWISE APPROACH TO NBB

This section outlines the measures recommended to be implemented, in line with the stepwise approach, to manage potential detrimental impacts upon biodiversity. Only ecological receptors with potential to be present on site or within the zone of impact have been considered. Greengage have been actively involved in advising on ecology matters since 2023, and all opportunities for ecological avoidance, minimisation, mitigation and compensation have been explored.

Table 4.1 Stepwise approach to NBB

Ecological Constraint	Level of Suitability/Confirmed Presence	Stepwise recommendations
Amphibians (great crested newt (GCN) and other native species)	Low	Physical barriers between known populations exist in the form of permanent herb exclusion fencing and roads. However, due to the known population within the terrestrial dispersal range of GCN, a Reasonable Avoidance Measures (RAM) method statement will be produced and adopted to detail avoidance measures during site clearance. This will include phased directional clearance under supervision of an Ecological Clerk of Works (ECOW). RAM will include measures to avoid impacts upon amphibians. The loss of suitable terrestrial habitat will be compensated for via creation of higher value habitats for amphibians.
Bats (foraging/commuting)	Moderate	Foraging/commuting habitat of moderate importance (individual trees along site boundaries) will be retained, which constitutes avoidance of impacts. Foraging/commuting habitat of low importance (mixed scrub and grassland) will be in part retained and enhanced, which constitutes an avoidance of impacts, and compensation via additional habitat creation. Site layout facilitates retention of the majority of the notable scrub habitat and trees, which constitutes minimising impacts. It is also recommended that lighting design for the proposed development should follow best practice guidance set out by the Bat Conservation Trust (BCT) and Institute of Lighting Professionals to avoid impacts upon foraging and commuting bats.
Birds (nesting)	Moderate	Habitat with the potential to support nesting birds, in particular the trees and scrub, are to be retained on site insofar as possible.

Ecological Constraint	Level of Suitability/ Confirmed Presence	Stepwise recommendations
		Clearance of mixed scrub proposed will only take place outside of the nesting bird season. If clearance is required in the nesting bird season, this will only take place after a nesting bird check has been undertaken by a Suitably Qualified Ecologist (SQE). This constitutes avoidance of ecological impacts. Provision of compensatory planting of value for nesting birds (i.e. individual trees) will compensate for the loss of areas of scrub habitat.
Other priority/notable species	Low	The site has low suitability for hedgehogs. The measures recommended for a RAM for amphibians will address potential impacts upon hedgehogs. This constitutes avoidance of ecological.

5.0 DECCA FRAMEWORK

NBB does not utilise a biodiversity metric to quantifiably assess change in biodiversity value. The Welsh Government and NRW have developed the DECCA framework, which is utilised for a better understanding of aspects of ecosystem resilience.

Table 5.1 below indicates how the DECCA framework has been applied to proposed habitat creation measures:

Table 5.1 DECCA Framework

Habitat Impacted	Mitigation/compensation measures	DECCA Framework measures				
		Diversity	Extent	Condition	Connectivity	Adaptability to change
Mixed scrub	Retention and protection of mixed scrub habitat through construction exclusion fencing. Creation of suitable herpetofauna refugia and hibernacula could increase suitability of the site for amphibians and reptiles	Existing scrub demonstrates high diversity with >3 native woody species. This will be maintained. Proximity of the scrub to enhanced areas of 'other neutral grassland' will likely result in propagules entering the scrub ground-flora, thereby increasing the diversity of the scrub habitat. Increasing suitability of the	There will be a net loss of 0.29ha of mixed scrub. The loss in extent of mixed scrub is mitigated on site through increased extent of other high diversity habitats, such as other neutral grassland and individual trees.	Condition of the scrub will be maintained. The areas of retained scrub are largely inaccessible to the public and will remain as such, due to the presence of thorny shrubs.	Connectivity at site is low, as shown in Plate 5.1 below. The proposed development will not impact habitat connectivity.	Adaptability to change will be improved through maintenance of the retained scrub.

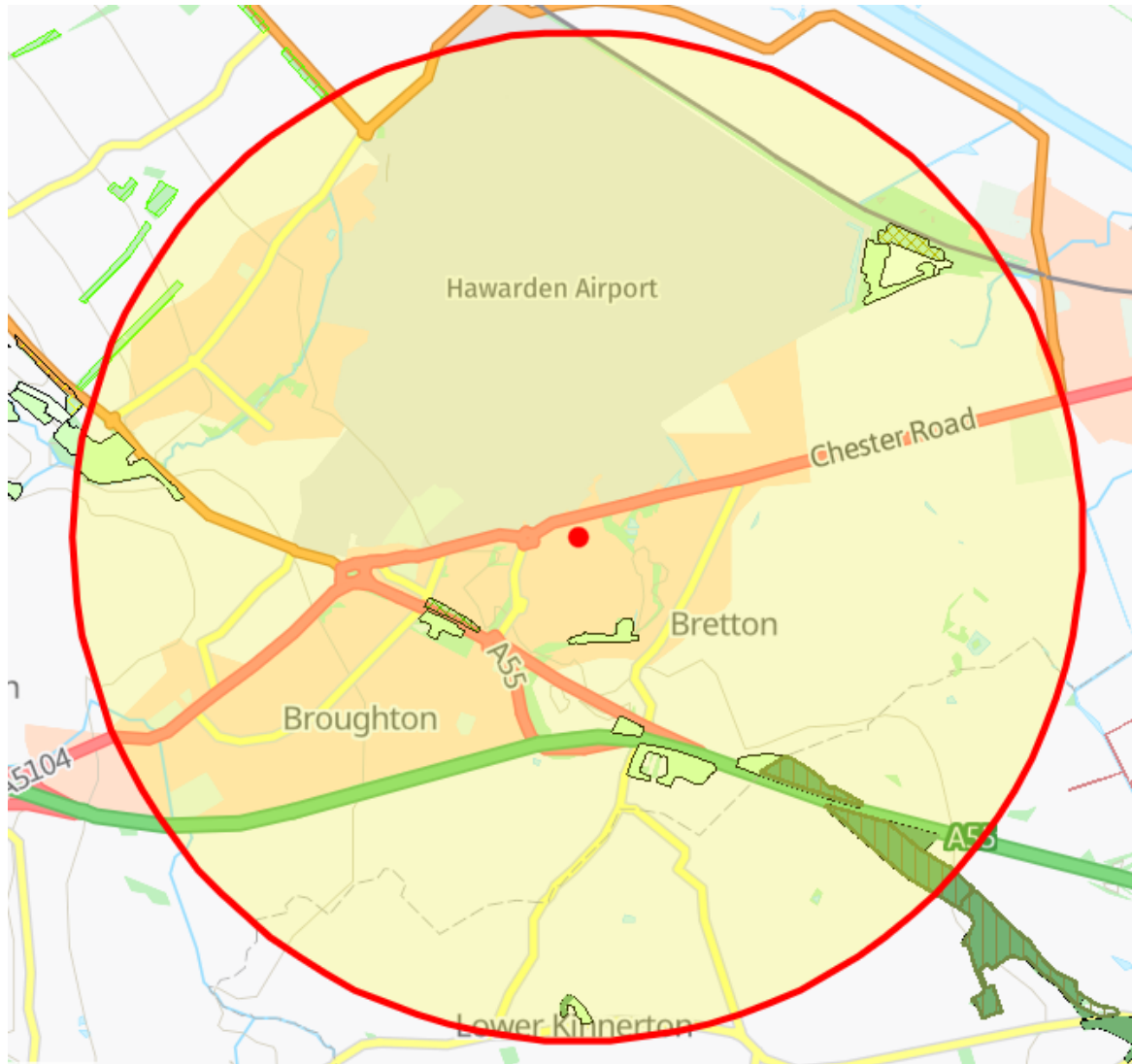
		habitat for reptiles and amphibians will increase diversity within this habitat.				
Modified grassland	Enhancement of modified grassland through mowing and removing arisings to reduce fertility and broadcast seeding.	Reducing the dominance of meadow foxtail and introducing a diverse mix of herbaceous annuals and perennials will increase the diversity within this habitat	There will be a net loss of 0.80ha of modified grassland. This is unavoidable within the parameters of the development but is compensated for through provision of higher quality other neutral grassland.	The condition of retained areas modified grassland will be improved through increasing diversity of the sward and re-seeding where damage occurs.	Connectivity at site is low. The proposed development will not impact habitat connectivity.	Through reducing the dominance of the single grass species present, habitat resilience will increase. By introducing a diverse seedbank, environmental fluctuations will be less impactful.
Bramble scrub	N/A - habitat to be removed	N/A	There will be a net loss of 0.01ha of bramble scrub	N/A	N/A	N/A
Other neutral grassland	N/A - created and enhanced from existing modified grassland	Habitat will feature diverse array of native herbaceous species and grasses exceeding those currently existing	The extent of other neutral grassland will increase from 0.00ha to 0.25ha.	The condition of the grassland will be maintained through ongoing monitoring and maintenance.	Connectivity at site is low. The proposed development will not impact habitat connectivity.	By introducing a diverse seedbank, environmental fluctuations will be less impactful and

		on site. This will provide a broader flowering window, increasing nectar resources year-round for pollinators.				habitat resilience increased.
Sustainable drainage system (SuDS)	N/A - newly created habitat	Habitat will incorporate a diverse array of native and non-native species suitable for temporary inundation.	The extent of SuDS will increase from 0.00ha to 0.08ha.	The condition of the SuDS will be maintained through ongoing monitoring and maintenance.	Connectivity at site is low. The proposed development will not impact habitat connectivity.	Increased risk of flooding at site associated with climate change is mitigated through use of SuDS features to receive surface water runoff.
Individual trees	Retained trees should be protected through use of tree protection fencing. This is detailed within the Arboricultural Impact Assessment (AIA - report ref: 1290 Broughton Shopping Park North Arboricultural Report). Furthermore, planting of approximately 21 new trees is proposed, mitigating for the loss	Proposed tree planting will increase the diversity of tree species on site above the baseline levels.	The extent of individual trees will increase significantly.	The condition of the newly planted and retained trees will be maintained through ongoing monitoring and maintenance.	Connectivity at site is low. The proposed development will not impact habitat connectivity.	By increasing diversity of tree stock on site, the resilience to disease and climate fluctuations is improved.

	of 6 individual trees at a 3.5:1 ratio.					
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Plate 5.1 below demonstrates the low habitat connectivity present on site, as referenced in Table 5.1. Light green parcels indicate parcels of broadleaved woodland, and dark green indicates parcels of ancient semi-natural woodland:

Plate 5.1 Priority habitat parcels within 2km of the site



6.0 ONGOING MAINTENANCE AND MONITORING

A Landscape and Ecology Management Plan (LEMP) should be secured through planning condition to detail long-term maintenance and monitoring measures.

7.0 SUMMARY AND CONCLUSIONS

In order to ensure that NBB is met, the mitigation and compensation measures outlined in Table 5.1 must be followed.

Using the DECCA framework, the development proposals will result in a net loss in extent of habitats due to the construction of a new retail development and associated hard surfaces. However this is offset by the increase in diversity and resilience of habitats through landscaping proposals which include higher value habitats (other neutral grassland, SuDS) than those lost (modified grassland, mixed scrub).

Implementation of long-term management (to be outlined in an LEMP) will set out an approach to managing the created, retained and enhanced habitats in the long-term.

APPENDIX A PRE-DEVELOPMENT (BASELINE) HABITAT MAP

Figure A.1 Pre-development (Baseline) Habitat Map

BROUGHTON SHOPPING PARK NORTHERN QUARTER

 Red Line Boundary

HABITATS

Habitats

-  Bramble scrub
-  Mixed scrub
-  Modified grassland

Title: Figure A.1 UK Hab Plan

Drawn by: DP
Date: 13/01/2026

Reviewed by: LT
Date: 13/01/2026

Project number: 553496
Sources: Google Earth



APPENDIX B POST-DEVELOPMENT HABITAT MAP

BROUGHTON SHOPPING PARK NORTHERN QUARTER

 Red Line Boundary

HABITATS

Habitats

-  Developed land; sealed surface
-  Mixed scrub
-  Modified grassland
-  Other neutral grassland
-  Sustainable drainage system
-  Buildings

Title: Figure 2 UK Hab Plan - Proposed

Drawn by: DP
Date: 13/01/2026

Reviewed by: LT
Date: 13/01/2026

Project number: 553496
Sources: Google Earth



APPENDIX C RELEVANT LEGISLATION AND POLICY

A.1 LEGISLATION

Current key legislation relating to ecology includes The Environment Act¹⁶ Wildlife and Countryside Act 1981 (as amended)¹⁷; The Conservation of Habitats and Species Regulations 2019 ('Habitats & Species Regulations')¹⁸, The Countryside and Rights of Way Act 2000 (CRoW Act)¹⁹, and The Natural Environment and Rural Communities Act, 2006²⁰.

The Environment (Wales) Act 2016

Part 1: Sustainable management of natural resources enables Wales' resources to be managed in a more proactive, sustainable and joined-up way.

Section 6 under Part 1 of the Environment (Wales) Act introduced an enhanced duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales.

The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. To follow the S6 duty public authorities should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)²¹, and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')²², and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')²³ into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats²⁴ (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CROW Act. The CROW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity Action Plans provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity. The list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog (*Erinaceus europaeus*), and 65 habitats that were listed as priorities for conservation action under the now defunct UK Biodiversity Action Plan²⁵ (UK BAP). Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework²⁶ (and Biodiversity 2020 strategy²⁷ in England), as a response to the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020²⁸ and EU Biodiversity Strategy (EUBS)²⁹, this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CRow Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have Biodiversity Action Plans (BAPs) assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annex IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species Regulations 2019, which transposes the Habitats Directive into UK law. Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and
- Intentionally or recklessly obstruct access to a bat roost.

Legislation Relating to Reptiles

All species of reptile native to the UK are protected to some degree under national and/or international legislation, which provides mechanisms to protect the species, their habitats and sites occupied by the species.

Sand lizards and smooth snakes are European protected species and are afforded full protection under Section 9 of the Wildlife and Countryside Act 1981 and Regulation 43 of the Conservation of Habitats and Species Regulations 2019. However, these species are rare and highly localised. Their occurrence is not considered as relevant in this instance, as the ranges and specialist habitats of these species do not occur at this site.

The remaining widespread species of native reptiles (adder, grass snake, slow worm and viviparous lizard) are protected under part of Section 9(1) and all of Section 9(5) of the Wildlife and Countryside Act 1981. They are protected against intentional killing and injury and against sale, transporting for sale etc. The habitat of these species is not protected. However, in terms of development, disturbing or destroying reptile habitat during the course of development activities while reptiles are present is likely to lead to an offence under the Wildlife and Countryside Act 1981. It is therefore important to identify the presence of these species within a potential development site. If any of these species are confirmed, all reasonable measures must then be taken to ensure the species are removed to avoid the threat of injury or death associated with development activities.

Each species of native reptile has specific habitat requirements but general shared features include a structurally diverse habitat that provides for shelter, basking, foraging and hibernating.

All reptiles are BAP species and as such are also of material consideration in the planning process due to the NPPF.

Legislation Relating to Great Crested Newts

Great crested newts are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the great crested newt a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a great crested newt;
- Possess or control and live or dead specimen or anything derived from a great crested newt (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt; and
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a great crested newt;
- Deliberately disturb a great crested newt;
- Damage or destroy a breeding site or resting place of a great crested newt; and
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead great crested newt or any part of a great crested newt.

A.2 PLANNING POLICY

National

Planning Policy Wales

Planning Policy Wales sets out the Welsh Government's planning policies at National Level, setting out responsibilities of local authorities in respect of planning and development. It states:

The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems.

Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

Planning Authorities should also refer to up to date ecological survey information (where appropriate).

Flintshire Local Development Plan³⁰

Policy EN2 Green infrastructure

Development proposals will be required to protect, maintain and enhance the extent, quality and connectivity of the green infrastructure network, including designated and non-designated green spaces (as shown on the proposals maps and listed in the table below), and where appropriate: a. create new green infrastructure linkages from the proposed development to the existing local network; b. fill in gaps in the existing network to improve connectivity. Where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required.

Policy EN6: Sites of Biodiversity and Geodiversity Importance

Development will not be permitted that would result in an adverse effect on the integrity of sites of international nature conservation importance. Proposals where adverse effects on site integrity cannot be ruled out would not be supported.

Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided.

Development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted where:

- a. it can be demonstrated that the need for the development outweighs the biodiversity or geological importance of the site; and
- b. it can be demonstrated that the development cannot reasonably be located elsewhere; and
- c. any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall biodiversity value of the area. Where this is not feasible compensation measures designed to create, restore and enhance biodiversity must be provided.

Development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.

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