



Ty Gwynn Jones, Abergele

Ecological Impact Assessment (EclA)

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

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

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Executive Summary

Site Details	The site is located immediately south of Rhuddlan Rd in Abergele (grid ref: SH 94928 77491).
Proposals	The proposals include the demolition of building B1 to support a redevelopment within the existing site boundary.
Designated Wildlife Sites	There are no implications regarding the proposed development and designated sites.
Important Ecological Features Present Within or Adjacent to the Site	The site comprises habitats of ecological value including native hedgerows and scattered trees. Invasive non-native species <i>Cotoneaster sp.</i> was identified on the site. There is the potential for amphibians, bats and birds to be present within the site.
Recommendations	The following recommendations are made to ensure that delivery of the project remains compliant with relevant legislation and policy: ■ A Precautionary Working Method Statement should be produced to ensure no harm or injury to protected/priority species if present on site. ■ Production of, and adherence to, a Construction Environmental Management Plan including pollution prevention and control measures for dust and airborne debris, and tree protection in accordance with BS5387:2012. ■ Replacement planting of trees on a ratio of at least three for every tree lost, in line with Planning Policy Wales (PPW12). ■ Production of an invasive species management plan.
Conclusions	Ecological enhancements at the site could include: ■ Installation of bird and bat boxes on the new building or suitable retained trees. ■ Installation of invertebrate hotels.

This Executive Summary is not a substitute for the full report. Refer to the full text of this report for further detail.

1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by Enfys Developments in April 2025 to undertake an Ecological Impact Assessment (EclA) to support a redevelopment at the site of Ty Gwynn Jones in Abergele, Wales.
- 1.2 An Ecological Desk Study has been produced to support this EclA, reported under separate cover (TEP Ref: 11137.001). This EclA report should read in conjunction with the Desk Study.
- 1.3 This EclA report includes details of the methods employed and any limitations of the surveys undertaken. Results are provided with supporting maps, together with an evaluation of the ecological features within the site, an assessment of the potential impacts associated with the development proposals and requirements for mitigation. The assessment has been undertaken with due consideration for current best practice guidelines (CIEEM 2017a¹, 2018²).

Site Location

- 1.4 The site is located near Abergele (central grid reference SH 94928 77491) immediately south of Rhuddlan Rd and 0.5km west of the A55 North Wales Expressway.
- 1.5 The site is surrounded by residential development comprising of private gardens and public greenspace with pockets of woodland to the south and west. The wider landscape comprises arable land, with Pensarn Beach approximately 1.5km north. Water bodies such as Pentre Mawr Lake can be found nearby, approximately 0.8km to the northwest. The location of the site in the context of the wider landscape is depicted by the red line shown in Figure 1.

¹ CIEEM (2017a) Guidelines for Ecological Report Writing, 2nd Edition. Chartered Institute of Ecology & Environmental Management

² CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester

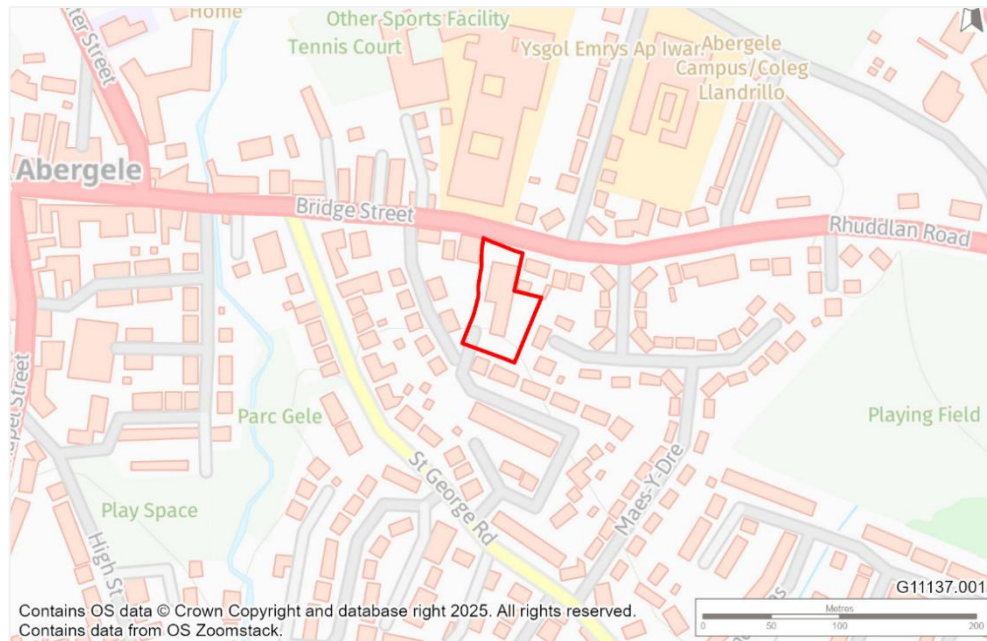


Figure 1: Site location

Proposals

- 1.6 The proposals include the demolition of building B1 to support a redevelopment within the existing site boundary.
- 1.7 Further details for site proposals are presented in Annex A.

Planning Context

- 1.8 Relevant information regarding local planning policy is provided in the Ecological Desk Study.
- 1.9 The following policies within the Conwy Local Development Plan 2007 - 2022 (adopted 2013) are of relevance to ecology and biodiversity:
- Policy NTE/1 – The Natural Environment;
 - Policy NTE/2 – Green Wedges and Meeting the Development Needs of the Community; and
 - Policy NTE/3 – Biodiversity.

Site Allocations

- 1.10 The site is allocated by the following policies:
- Policy DP/2 – Overarching Strategic Approach;
 - Policy DP/7 – Masterplans and Community Appraisals; and

- Policy DP/8 – Colwyn Bay Urban Regeneration Masterplan.
- 1.11 Land adjacent to the site is allocated by the following conservation area policies:
- Policy DP/6 – National Planning Policy and Guidance
 - Policy CTH/1 – Cultural Heritage
 - Policy CTH/2 – Development Affecting Heritage Assets

Supplementary Planning Guidance

- 1.12 The following Supplementary Planning Guidance documents relate to biodiversity and nature conservation:
- LDP5 – Biodiversity; and
 - LDP40 – Trees and Development³.

Scope

- 1.13 This ecological assessment considers potential ecological effects upon any notable habitats or species which may be present or adjacent to the site.
- 1.14 This report provides baseline information on the habitats and protected species present within the site, gathered during the following:
- Preliminary Roost Assessment (PRA), undertaken by Arbtech 11/02/2025;
 - Ecological Desk Study (TEP Ref: 11137.001), undertaken June 2025;
 - Extended UK Habitat Survey, undertaken 03/06/2025;
 - Nocturnal bat roost surveys of building B1, undertaken 17/06/25 and 15/07/25; and
 - Potential Roost Feature (PRF) inspection survey, undertaken 22/07/2025.
- 1.15 This report presents the findings of the EcIA, the objectives of which are to:
- Detail the methods and results of the aforementioned surveys;
 - Identify features of ecological value within the site, such as legally protected species or habitats of importance to biodiversity;
 - Identify any non-native invasive species within the site and provide advice regarding removal or management;
 - Advise on avoidance or mitigation requirements that may be needed prior to development commencing; and

³ Conwy County Borough Council (2025) [Online]. Supplementary planning guidance documents - Natural Environment. <https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Strategic-Planning-Policy/Supplementary-planning-guidance-documents/Natural-Environment.aspx> [21/05/25].

- Provide outline recommendations for net biodiversity benefit within site proposals in accordance with Planning Policy Wales 12 (PPW12).

2.0 Methods

Desk Study

- 2.1 In line with current best practice (CIEEM, 2016⁴, 2017b⁵), information regarding designated sites, notable habitats and existing protected and notable species records of the past decade, within a 2km minimum radius of the site was collated and reviewed to inform this ecological assessment. Further detail regarding ecological zones of influence (EZOI) applied for different ecological features and the sources of information included are presented in the Ecological Desk Study.
- 2.2 In brief, key data sources included Natural Resources Wales (open-source data), Conwy Local Development Plan 2007 - 2022 (adopted 2013), Conwy County Borough Council (CCBC) Supplementary Planning Guidance and Cofnod Local Environmental Records Centre (LERC).
- 2.3 Statutory designated wildlife sites were searched for as follows (EZOI applied for each is indicated in brackets):
- Ramsar sites (10km);
 - National sites Network (10km), includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA);
 - Site of Special Scientific Interest (SSSI) (5km);
 - National Nature Reserve (NNR) (5km);
 - Marine Nature Reserve (MNR) (5km); and
 - Local Nature Reserves (LNR) (2km).
- 2.4 Non-statutory designated wildlife sites were searched for within 2km of the site and, within North Wales, these may include:
- Site of Nature Conservation Interest (SNCI);
 - Site of Importance for Nature Conservation (SINC); and
 - Local Wildlife site (LWS)
- 2.5 Notable habitats were searched for within 0.25km of the site. Notable habitats may include those listed under any of the following:
- Ancient woodland;
 - Main rivers

⁴ CIEEM (2016) Guidelines for Accessing and Using Biodiversity Data. Chartered Institute of Ecology & Environmental Management

⁵ CIEEM (2017b) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology & Environmental Management

- Habitats of principal importance (HPI) as listed by the requirements of Section 7 of the Environment (Wales) Act 2016; and
- Local Biodiversity Action Plan Habitats (LBAP).

2.6 Pre-existing records for notable species were reviewed from the combined data sources, where found from within approximately 2km of the site. Notable species include those listed under any of the following:

- Protected animal species under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (EPS);
- Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
- Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
- Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
- Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
- Invasive non-native species under the Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
- Species of principal importance (SPI) as listed by the requirements of Section 7 of the Environment (Wales) Act 2016;
- Protection of Badgers Act 1992 (PBA); and
- Red and Amber listed Birds of Conservation Concern (WBRd/WBAm)

Limitations

2.7 Species records can provide a useful indication of the species present within the search area, although the absence of a given species from the dataset cannot be taken to represent actual absence.

Habitats and Flora

Habitat Survey

2.8 An extended UK Habitat (UKHab) survey was completed by a TEP ecologist on 03 June 2025 and extended to assess the site for suitability to support notable species. The survey was carried out in accordance with the UK Habitat Classification (UKHab) assessment method and Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017b). The method records the habitat types present, within the survey route, based on the UKHab descriptions. Plant species were identified in

accordance with the New Flora of the British Isles (Stace, 2019⁶) and recorded as species lists within the habitat descriptions, where relevant. Habitats are displayed with the site boundary on Drawing G11137.006.

Limitations

- 2.9 Any ecological survey represents a snapshot of ecological conditions at the time of survey; ecological conditions may change over time. Efforts to identify dominant plant species for the purposes of characterising broad habitat types do not constitute a detailed botanical survey.
- 2.10 There were no significant limitations to the survey. The survey was undertaken inside the optimum survey period of April to mid-October. Weather conditions were favourable, and access was available to all areas to be surveyed.

Fauna

- 2.11 Ordnance Survey maps and aerials were reviewed to identify potentially suitable habitats offsite within influence (e.g. dispersal distances for mobile species) of the site. The Ecological Desk Study identified any pre-existing records for protected and notable species within at least 2km of the site.
- 2.12 The habitat survey included an extended assessment of the habitats present for their potential to support notable or protected wildlife species, as described at paragraph 2.6. Any signs indicating the presence of these species were recorded.
- 2.13 In combination, this data informed the ecological evaluation of the site and impact assessment for the proposed development.

Bats

Preliminary Roost Assessment

- 2.14 A daytime Preliminary Roost Assessment (PRA) of a single structure within the site (building B1) was undertaken by an Arbtech ecologist on 11 February 2025. Detailed methods are provided in the PEA report (Arbtech, 2025).
- 2.15 Following the PRA, the structure was categorised with reference to its bat roost habitat suitability (high, moderate, low, negligible or none) as determined by the location, characteristics and potential roost features (PRFs). Building B1 was assessed as having moderate suitability to support roosting bats and was therefore subject to nocturnal presence/likely absence surveys.

6 Clive Stace (2019) New Flora of the British Isles

Presence/Likely Absence Surveys

- 2.16 Nocturnal surveys of B1 led by qualified TEP ecologists and supported by TEP bat survey trained assistant ecologists and night vision aids (NVAs) were undertaken 17/06/25 and 15/07/25. Detailed methods are provided in the Bat Survey Technical Report (TEP Ref: 11137.002).

Potential Roost Feature Inspection Survey

- 2.17 Tree T2, a wild cherry tree (*Prunus avium*), was identified during the PRA undertaken by Arbtech as having a Potential Roost Feature (PRF) on its southern aspect (Arbtech, 2025).
- 2.18 A PRF inspection survey was undertaken of T2 by a TEP bat licensed ecologist, supported by a TEP assistant ecologist on 22 July 2025. Detailed methods are provided in the Bat Survey Technical Report (TEP Ref: 11137.002).

Limitations

- 2.19 All surveys were completed within appropriate seasons over appropriate periods in accordance with industry standards for the specific survey. Nevertheless, the surveys will only identify habitats present within the site at the time of surveys. Additionally, the species investigated are mobile and will move into and out of areas over time. For these reasons a precautionary approach has been taken in the prediction of impacts. Where there is any doubt, except where specifically noted, species are assumed to be present, and the impact assessment assumes a higher level of significance (within the spectrum of possible significance).

Ecological Assessment Process

- 2.20 This EclA follows the published guidelines (CIEEM, 2018) and accepted best practice approach (BS42020:2013⁷) of the mitigation hierarchy whereby impacts are first avoided or, where this is not possible, reduced or mitigated or, as a last resort, compensated.
- 2.21 In summary, the following procedure was undertaken during this EclA:
- Describe the baseline and identify important ecological features;
 - Describe important ecological features and identify those which may potentially be affected by the site;

⁷ British Standards Institution (2013) BS 42020:2013: Biodiversity — Code of practice for planning and development. BSI Standards Limited, London

- Identify potential impacts upon important ecological features and characterise the effect of such impacts (in respect of biophysical changes and taking account of relevant aspects of ecosystem structure or function);
 - Incorporate measures to avoid or reduce these effects;
 - Determine whether residual ecological effects are considered significant after avoidance or mitigation;
 - Identify appropriate compensation measures to offset significant residual effects; and
 - Identify opportunities for ecological enhancement.
- 2.22 Important ecological features are identified and valued, ecological impacts are characterised and assessed, and recommendations for appropriate mitigation, compensation and enhancement are made, in accordance with CIEEM guidance.
- 2.23 BS42020:2013 defines a significant effect as one “which is important, notable, or of consequence, having regard to its context”. CIEEM describes significance as “a concept related to the weight that should be attached to effects when decisions are made”. CIEEM defines an ecological effect as significant if it is “sufficiently important to require assessment and reporting so that the decision maker is adequately informed of the environmental consequences of permitting a project”.
- 2.24 BS42020:2013 sets out a practical approach to determining the significance of an ecological effect, applicable at all levels of decision making in legal and policy terms, as follows:
- Will the effect on biodiversity influence the balance of planning considerations and therefore the decision as to whether planning permission is likely to be refused or granted; and
 - If planning permission is granted, is the effect important enough to warrant the use of planning conditions and/or obligations to guarantee proposed measures or to impose restrictions, or to seek further requirements (e.g. for mitigation, compensation, enhancement, monitoring or management).
- 2.25 Significance is therefore assessed on a case-specific basis according to the importance of the ecological feature (wildlife site, habitat or species) within the conservation hierarchy, and the effect upon it.

Assumptions

- 2.26 Information provided by third parties, including publicly available information, is assumed to be correct at the time of publication.

3.0 Results

Planning Context

National

- 3.1 Planning Policy Wales (PPW) 12 delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities' development plans. Chapter 6 is of relevance to nature conservation and biodiversity.
- 3.2 PPW 12 (para 6.4.11) advises that planning authorities must follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.
- 3.3 PPW12 is supplemented by 19 topic-based Technical Advice Notes (TANs). TAN 5 – Nature Conservation and Planning relates to nature conservation and biodiversity.

Local

- 3.4 Natural Resources Wales (NRW) has developed seven Area Statements covering different areas of Wales. These statements are seen as a collaborative response to the Natural Resources Policy, published by the Welsh Government in 2017.
- 3.5 The following sections of the Area Statement relate to biodiversity and nature conservation in Northwest Wales⁸:
 - Climate and environment emergency;
 - Reconnecting people with nature;
 - Opportunities for a resilient ecosystem; and
 - Supporting sustainable land management.

⁸ Natural Resources Wales (2025) [Online]. Northwest Wales Area Statement. <https://naturalresources.wales/about-us/what-we-do/strategies-plans-and-policies/area-statements/north-west-wales-area-statement?lang=en> [05/2025].

Wildlife Sites

National Sites Network

- 3.6 Full details regarding designated sites are provided within the Ecological Desk Study.
- 3.7 There are three sites within the National sites Network located within 10km of the site. These are:
- Liverpool Bay / Bae Lerpwl SPA, 1.5km north-west;
 - Liverpool Bay / Bae Lerpwl SPA, (Marine Components) 1.5km north-west; and
 - Coedwigoedd Dyffryn Elwy / Elwy Valley Woods SAC, 8.3km south-east.

Other Statutory Wildlife Sites

- 3.8 There are three SSSIs within the National sites Network located within 5km of the site. These are:
- Coed y Gopa SSSI, 1.3km west;
 - Traeth Pensarn SSSI, 1.3km north-west; and
 - Llanddulas Limestone and Gwrych Castle Wood, SSSI 2.1km west.
- 3.9 No statutory wildlife sites of regional or local importance within 2km of the site were identified.

Local Wildlife Sites

- 3.10 There are 20 non-statutory local wildlife sites identified within 2km of the site. Of most relevance are the following located within 1km:
- Abergele grazing marsh LWS (Candidate), 0.5km north-east;
 - Berthglyd Pond LWS (Candidate), 0.5km north-east;
 - Pwll Tan-y-bryn LWS (Candidate), 0.8km south-east;
 - Pentre Mawr Park Pools & Reedbed LWS (Candidate), 0.9km north-west; and
 - Ffordd Las LWS (Candidate) 1km south.
- 3.11 The remaining non-statutory wildlife sites identified by the Ecological Desk Study are located at least 1km from the site and there are therefore no potential impact pathways.

Habitats and Flora

- 3.12 The Desk Study identified a statutory main river within 0.25km west of the site.
- 3.13 No notable flora records within 2km of the site were returned.
- 3.14 *Cotoneaster sp.* was identified on the site, which is listed as an invasive non-native plant species on WCA9.
- 3.15 Habitats of ecological value present in and around the site are summarised below in UK Hab classification order and illustrated in Drawing G11137.006. A full species list is provided in Annex B.
- 200 – Scattered trees
 - g4 – Modified grassland
 - h2a – Native hedgerow
 - h2b – Non-native and ornamental hedgerow
 - u1 – Built-up areas and gardens
 - u1b5 – Buildings
 - u1b6 – Other developed land
 - w33 – Line of trees

Habitat Description



200 – Scattered trees (T2-T12)

There are 11 scattered trees onsite with species present including Pine (*Pinus sp.*), Wild cherry (*Prunus avium*), sycamore (*Acer pseudoplatanus*) hawthorn (*Crataegus monogyna*) and crab apple (*Malus sylvestris*).



g4 – Modified grassland

Modified grassland (lawn) is present in multiple sections surrounding B1. The lawn is well managed with a uniform short sward length ~10cm. Species present include perennial rye (*Lolium perenne*), daisy (*Bellis Perennis*), Yorkshire fog (*Holcus lanatus*), creeping buttercup (*Ranunculus repens*) and dandelion (*Taraxacum genus*).



h2a – Native hedgerow

Two small sections of native hedgerow are present along the northern boundary and to the east of the northern vegetated garden section of the site. The northern section is ~0.8m in height and ~0.7m in width with species present including common box (*Buxus sempervirens*), ivy (*Hedera helix*) and *Cotoneaster sp.* The section of hedgerow to the east is dominated by beech (*Fagus sylvatica*) and is ~1.3m tall and ~0.8m wide.



h2b – Non-native and ornamental hedgerow

There is a Lawsons cypress (*Chamaecyparis lawsoniana*) dominated hedgerow along the eastern boundary in the southeastern corner of the site. This hedgerow is ~1.8m high and ~0.7m wide.



u1 – Built-up areas and gardens

To the north, east and west of the site, introduced shrubs are present within a vegetated garden context and subject to irregular management. Species include honeysuckle (*Lonicera periclymenum*), *Cotoneaster sp.*, wood spurge (*Euphorbia amygdaloides*), Portuguese laurel (*Prunus lusitanica*) and *Viburnum sp.*

**u1b5 – Buildings**

There is one building (B1) located in the middle of the site.

**u1b6 – Other developed land**

There is a concrete road, pedestrian pathways and a carpark located on site.

**w33 – Line of trees**

There is a line of Lawsons cypress (*Chamaecyparis lawsoniana*) trees along the southern boundary of the site. These trees are unmaintained and have a height of ~2.6m.

Fauna

- 3.16 Given the restricted habitat suitability of the site, only species likely to occur under existing conditions were considered in this assessment.

Amphibians

- 3.17 The Desk Study did not identify any records of great crested newt (GCN) *Triturus cristatus* for the last ten full years within 2km of the site.
- 3.18 One record of palmate newt *Lissotriton helveticus* (WCA5) was returned within 2km of the site.

Bats

- 3.19 The Desk Study did not identify any records of bat species for the last ten full years within 2km of the site.
- 3.20 There is one Site of Special Scientific Interest (SSSI) (Coed Y Gopa) designated for a hibernation roost of lesser horseshoe bats 1.3km west of the site.

Preliminary Roost Assessment

- 3.21 Building B1 was assessed as having moderate suitability to support roosting bats. The detailed findings and a photographic record of the PRA are presented in the PEA undertaken by Arbtech (Arbtech, 2025).

Presence/Likely Absence Surveys

- 3.22 No evidence of bat roosts or roost activity was recorded during the surveys undertaken by TEP (TEP Ref: 11137.002).
- 3.23 During the surveys common pipistrelle *Pipistrellus pipistrellus* was recorded foraging and commuting within the site with surveyors noting foraging activity around trees adjacent to B1 (TEP Ref: 11137.002).

Potential Roost Feature Inspection Survey

- 3.24 No residual evidence was identified on or in T2 during the PRF inspection survey undertaken by TEP (TEP Ref: 11137.002).

Birds

- 3.25 The Desk Study returned numerous records of protected and notable bird species within 2km of the site. This includes the following Schedule 1 species:
- Black Redstart *Phoenicurus ochruros*;
 - Black-throated Diver *Gavia arctica*;
 - Cetti's Warbler *Cettia cetti*;
 - Goshawk *Accipiter gentilis*;
 - Kingfisher *Alcedo atthis*;
 - Little Tern *Sternula albifrons*; and
 - Marsh Harrier *Circus aeruginosus*.
- 3.26 The trees and hedgerows present within the site do not provide suitability for the species set out above, but would support the more common nesting bird species and provide opportunities for foraging.

Invertebrates

- 3.27 Records of eleven S7 species of invertebrates were returned in the Desk Study.
- 3.28 The habitats present on-site including lawns, ornamental shrubs and trees, likely provide common invertebrates with opportunities to forage and shelter.

4.0 Assessment of Potential Impacts

- 4.1 This section assesses the potential impacts on ecological features associated with the site described in Section 3.0.
- 4.2 Consideration is given to the ‘mitigation hierarchy’, i.e. that impacts are first avoided or where this is not practicable, mitigated and as a final resort, compensated (off-set).

Wildlife Sites

National Sites Network

- 4.3 Existing SACs and SPAs were notified via the Conservation of Habitats and Species Regulations 2017⁹ (as amended) (the 2017 Regulations) which were the UK implementation of the European Union’s Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) prior to Brexit. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹⁰ (2019 Regulations) created a National Site Network on land and at sea, which includes all existing SACs and SPAs and any new SACs or SPAs designated under these Regulations.
- 4.4 The UK ratified Ramsar Convention¹¹ on wetlands of international importance underpins the designation of Ramsar sites through prior notification of these areas as SSSIs. Accordingly, these receive statutory protection under the Wildlife & Countryside Act 1981¹² (as amended). At a policy level and under the 2019 Regulations, Ramsar sites remain protected in the same way as SACs and SPAs.
- 4.5 Given the nature of the proposed works, distances and barriers from the site location, no direct or indirect impacts on any of the internationally designated sites identified within 10km of the site are anticipated as a result of the proposed works.

Other Statutory Wildlife Sites

- 4.6 SSSIs are a statutory notification made under the Wildlife & Countryside Act 1981 (as amended); this Act also includes provision for the protection and management of SSSIs.

⁹ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012)
<https://www.legislation.gov.uk/ukxi/2017/1012/>

¹⁰ Conservation of Habitats and Species Regulations 2019 (SI 2019/579)
<https://www.legislation.gov.uk/ukxi/2019/579/>

¹¹ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971
<https://www.ramsar.org/>

¹² Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

- 4.7 Given the nature of the proposed works, distances and barriers from the site location, no direct or indirect impacts on the SSSIs identified within 5km of the site are anticipated.
- 4.8 No statutory wildlife sites of local significance were identified within 2km of the site and as such no impacts on these sites are anticipated.

Local Wildlife Sites

- 4.9 Abergele grazing marsh and Berthglyd Pond are located 0.5km north-east of the site however, given the nature of the proposed works, distances and barriers from the site location, no direct or indirect impacts on these sites, or any of the other identified sites further afield, are anticipated.

Habitats and Flora

Notable Habitats

- 4.10 Due to the scope of the proposed development and nature of the intervening landscape, the proposals are not anticipated to have direct or indirect impacts either during construction or operation on the statutory main river identified within 0.25km of the site.
- 4.11 The site contains native hedgerow which is listed as a Habitat of Principal Importance (HPI) under Section 7 of the NERC Act (2006) however, the hedgerows on site are not considered to meet the definition of S7 HPI.

Other Habitats

- 4.12 The proposed works will result in the loss of modified grassland and scattered trees. This could result in a net loss in biodiversity at the site.
- 4.13 No other habitats are proposed to be impacted.

Invasive Flora

- 4.14 *Cotoneaster sp.* was identified on the site, which is listed as an invasive non-native plant species on WCA9. The proposed works could result in the spread of this species.

Fauna

Amphibians

- 4.15 GCN are a European Protected Species (EPS) and are protected under the Wildlife & Countryside Act 1981 (as amended). GCN, their eggs, breeding sites and resting places are protected by law. It is an offence to intentionally kill, injure, capture or disturb GCN, and to possess one (either dead or alive), sell or trade without a licence. It is also an offence to damage, destroy or obstruct access to any place used by GCN for shelter.
- 4.16 No records of GCN were returned in the desk study and no ponds are located within the site or within 250m of the site boundary. The grassland within the site is not suitable as terrestrial habitat for amphibians due to its short sward height and intensive management. Consequently, no impacts on amphibian species, including GCN are anticipated.

Bats

- 4.17 All British bats are European protected species, afforded full protection under the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended). Bats are protected from killing or injury, and from disturbance at the place of rest. Bat roosts are also protected from obstruction, damage or destruction (whether or not a bat is in occupation at the time).
- 4.18 Surveys did not confirm the presence of roosting bats within the site and therefore building B1 is suitable for demolition with no mitigation licence required.
- 4.19 Common pipistrelles were recorded commuting and foraging within the site during surveys which is a common and widespread species of no more than site level value.
- 4.20 Whilst no roosting bats were found the buildings do have features suitable for roosting bats. Therefore, precautionary working measures will be required during demolition of the building.

Birds

- 4.21 Native nesting birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended) from damage and destruction, from the time of nest construction to fledging of the young.
- 4.22 There is a risk of damage or destroying a nest if tree felling or lopping or vegetation clearance is carried out in the nesting period (generally considered to be between

March to August inclusive, although geographical position of the site will influence this period and some species nest also commonly nest outside this period).

Invertebrates

- 4.23 Given the lack of notable habitats within the site, no impacts to specialised or protected invertebrate species are expected as a result of the proposed works.

5.0 Mitigation and Enhancement

- 5.1 This section describes appropriate and proportionate measures for impact avoidance, mitigation and enhancement required or recommended to address the potential ecological effects described in Section 4.0.

Standard Recommendations to Preserve Wildlife

- 5.2 Standard pollution prevention, biosecurity and dust control measures should be set out in a Construction Environmental Management Plan (CEMP) and implemented during site clearance and construction works. The CEMP will identify measures to ensure the potential for indirect impacts on retained habitats within and adjacent to the site.
- 5.3 It is recommended that ecological Reasonable Avoidance Measures are incorporated, in the form of a Precautionary Working Method Statement (PWMS), for the protection of habitats and species and that the PWMS is included within the contractors CEMP.

Habitats and Flora

Notable Habitats

- 5.4 One notable habitat is present within the site in the form of the native hedgerows H1 and H2, neither of which are considered to meet the definition of S7 HPI.

Avoidance and Mitigation Required

- 5.5 Retained hedgerows should be protected from accidental damage during site clearance and construction. Replacement planting of native hedgerow will be required as part of the landscaping scheme. This should be greater than the length removed and placed to ensure connectivity within the site and wider area is maintained.

Other Habitats

Avoidance and Mitigation Required

- 5.6 Retained trees and hedgerows should be protected from accidental damage during site clearance and construction, and a Root Protection Zone (RPZ) should be implemented around retained trees in accordance with BS5837:2012 if development is likely to affect any further trees, their roots, and overhanging canopies.

- 5.7 In line with the Planning Policy Wales (para 6.4.42) replacement planting shall be required at a ratio equivalent to the quality, environmental and ecological importance of the trees lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. This will need to be included as part of a detailed landscaping plan for the proposed development.

Invasive Flora

Avoidance and Mitigation Required

- 5.8 *Cotoneaster sp.* was identified on the site, which is listed as an invasive non-native plant species on WCA9. An Invasive Species Management Plan should be produced and implemented including measures to remove this species to provide net benefit for biodiversity and to prevent its spread during the construction period.

Fauna

Bats

Avoidance and Mitigation Required

- 5.9 Impacts on suitable foraging and commuting bat habitat, particularly the onsite hedgerows and trees, have been minimised wherever possible.
- 5.10 A sensitive lighting strategy is recommended to minimise potential indirect impacts to bat species if works are to be undertaken around dusk and dawn. The lighting strategy should be designed in line with the Bats and Artificial Lighting at Night guidance¹³.
- 5.11 It is understood that works will be focused within the site boundary, and buildings in the vicinity will not be directly impacted by the works.

Additional Measures or Enhancement Recommended

- 5.12 To mitigate against the loss of suitable bat roosting habitat, a Biodiversity Enhancement and Management Plan (BEMP) is recommended to include the installation of bat boxes (TEP Ref: 11137.002). Any loss of suitable foraging and commuting habitat will need to be compensated for within the soft landscaping design to ensure no net loss in suitable foraging and commuting habitat on site.

¹³ Institute of Lighting Professionals and Bat Conservation Trust (2023) Guidance Note GN08/23 Bats and Artificial Lighting at Night

Birds

Avoidance and Mitigation Required

- 5.13 It is recommended that any vegetation clearance is undertaken outside of the bird nesting period (typically taken to be March to August inclusive). Where avoidance of the nesting period is not practicable, a nesting bird check must be carried out by an ecologist/Ecological Clerk of Works (ECoW) no more than 24 hours prior to the works, to confirm that no active nests are present.
- 5.14 In the event that an active nest is identified, works within the surrounding area must halt until the chicks have fledged. The required radius of the exclusion area will depend on the species found nesting and the context of the nesting location.
- 5.15 If no active bird nests are found, vegetation clearance within the affected area must take place within 24 hours of completion of the nesting bird check. This will ensure that no bird nests are built within the intervening period between the nesting bird check and vegetation removal.

Additional Measures or Enhancement Recommended

- 5.16 To compensate for the loss of trees a BEMP is recommended to include the installation of bird boxes. Native landscaping such as new hedgerows should be incorporated in the site.

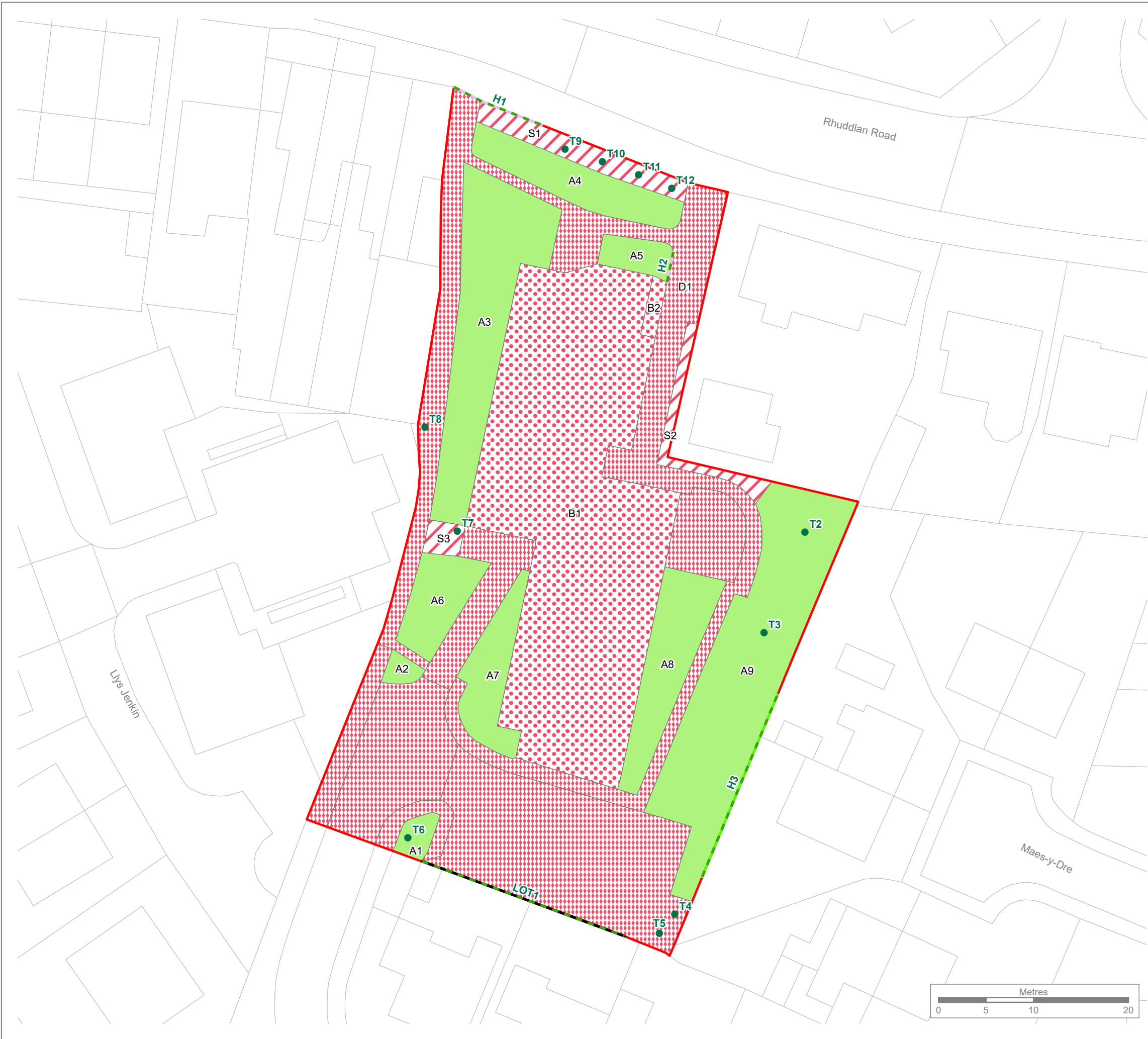
6.0 Conclusions

- 6.1 Standard pollution prevention and dust control measures as well as biosecurity measures should be set out within the CEMP and implemented during site clearance and construction works. It is recommended that ecological Reasonable Avoidance Measures are incorporated, in the form of a PWMS, for the protection of habitats and species and that the PWMS is included within the contractors CEMP.
- 6.2 Retained trees and hedgerows should be protected from accidental damage during site clearance and construction. In line with Planning Policy Wales replacement tree planting will be required. A landscaping scheme using native species should also be developed to provide a net benefit for biodiversity.
- 6.3 An Invasive Species Management Plan should be produced and implemented including measures to remove *Cotoneaster* to provide net benefit for biodiversity and to prevent its spread during the construction period.
- 6.4 A BEMP is recommended to include the installation of bat and bird boxes to compensate for any loss of trees and hedgerows. Native landscaping such as new hedgerows should be incorporated in the site.
- 6.5 Supervision from an ECoW may be required during construction to avoid impacts on protected species and SPI.

Drawings

Drawing 1: UK Habitat Classification Survey (Ref G11137.006)

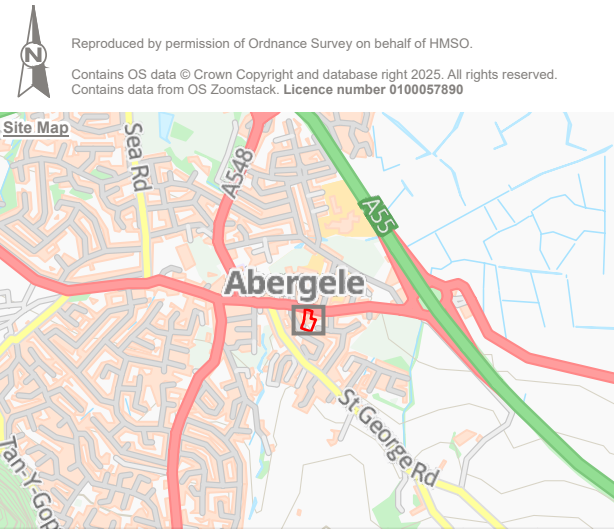
Drawing 2: Nocturnal Bat Emergence Survey (Ref G11137.007)



KEY

- Site boundary
- 200 Tree
- w 33 Line of trees
- h2a Native hedgerow
- h2b Non-native and ornamental hedgerow
- g4 Modified grassland
- u1 Built-up areas and gardens
- u1b5 Buildings
- u1b6 Other developed land

Note:
The locations of habitats and habitat features are indicative.





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Project
Development Proposal at Ty Gwynn Jones, Abergele

Title
UK Habitat Classification Survey

Drawing Number
G11137.006

Drawn OH	Checked CW	Approved LM	Scale 1:400 @ A3	Date 17/07/2025
-------------	---------------	----------------	---------------------	--------------------



KEY

- Site boundary
- Surveyor location
- Building

No bat emergence recorded during visit.



Rev	Description	Drawn	Approved	Date



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Project
Development Proposal at Ty Gwynn Jones, Abergele

Title
Nocturnal Bat Emergence Survey

Drawing Number
G11137.007

Drawn	Checked	Approved	Scale	Date
MC	CW	LM	1:400 @ A3	20/08/2025

Annex A: Development Proposals



KEY

General

- Proposed Development Footprint
- New Sub Station
- Principal Entrances to New Dwellings

Hard Surfacing

- Tegula Surfacing
Tegula Trio. Colour Slate by Tobermore or similar
- Car Parking Bays (Permeable)
Tobermore Hydropave Pedesta.
Demarcation of each space and Solider Course to Perimeter of each area to be in Hydropave (Colour Charcoal).
- Bitumen Macadam/ SMA Surfacing- (Vehicle Overrun Areas)
- Bitumen Macadam/ SMA Surfacing- (Pedestrian Areas)
- Gravel (Base of walls)

Knee Rails

- Timber Knee Rail 600mm High.

Existing Trees and Vegetation to Remain

- Existing Trees
- Existing Shrubs and Hedges

Proposed Trees, Hedges and Vegetation

- Trees (Proposed) (See Schedules)
- Ornamental Planting (See Schedule)
- Hedging (See Annotation and Schedules)
- Rain Garden and Swale
Wildflower and Grassland Meadow Mixture (EM1 by Emorsgate Seeds)
- Wildflower and Grassland Meadow Mixture (EM1 by Emorsgate Seeds)
- Amenity Grass

Tree Root Barrier

- Tree Root Barrier
By Green Blue Urban (or similar) to be used to protect existing and proposed services and hard-standing and building foundations. Location and depth of product be continually reviewed and developed up to and during construction phase with engineering and M&E design. Depth of barrier to suit depth of construction, service or foundation.

Project:
Ty Gwyn Jones, Abergele

Drawing Title:
Landscape General Arrangement Plan
(1 of 2)

Scale: A3: 1/250 A1: 1/125	Date: 05/08/2026
Status: Planning	Drawn: ES Checked: TS
Drawing Number: 133.01.01	Revision: -



KEY
General

Proposed Development Footprint

New Sub Station

Principal Entrances to New Dwellings

Hard Surfacing

Tegula Surfacing
Tegula Trio. Colour Slate by Tobermore or similar

Car Parking Bays (Permeable)
Tobermore Hydropave Pedesta.
Demarcation of each space and Solider Course to Perimeter of each area to be in Hydropave (Colour Charcoal).

Bitumen Macadam/ SMA
Surfacing- (Vehicle Overrun Areas)

Bitumen Macadam/ SMA
Surfacing- (Pedestrian Areas)

Gravel
(Base of walls)

Knee Rails

Timber Knee Rail
600mm High.

Existing Trees and Vegetation to Remain

Existing Trees

Existing Shrubs and Hedges

Proposed Trees, Hedges and Vegetation

Trees (Proposed)
(See Schedules)

Ornamental Planting
(See Schedule)

Hedging
(See Annotation and Schedules)

Rain Garden and Swale
Wildflower and Grassland Meadow Mixture
(EM1 by Emorsgate Seeds)

Wildflower and Grassland
Meadow Mixture
(EM1 by Emorsgate Seeds)

Amenity Grass

Tree Root Barrier

Tree Root Barrier
By Green Blue Urban (or similar) to be used to protect existing and proposed services and hard-standing and building foundations. Location and depth of product be continually reviewed and developed up to and during construction phase with engineering and M&E design. Depth of barrier to suit depth of construction, service or foundation.

Project:
Ty Gwyn Jones, Abergele

Drawing Title:
**Landscape General Arrangement Plan
(2 of 2)**

Scale:	Date:	
A3: 1/250 A1: 1/125	05/08/2026	
Status:	Drawn:	Checked:
Planning	ES	TS
Drawing Number:	Revision:	
133.01.02	-	

Annex B: Species List

Habitat reference	Quadrat Number	DAFOR	Scientific Name	Common Name
A1		abundant	<i>Bellis perennis</i>	Daisy
A1		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A1		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A1		rare	<i>Taraxacum</i> spp.	Dandelions
A2		abundant	<i>Bellis perennis</i>	Daisy
A2		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A2		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A2		rare	<i>Taraxacum</i> spp.	Dandelions
A3		abundant	<i>Bellis perennis</i>	Daisy
A3		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A3		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A3		rare	<i>Taraxacum</i> spp.	Dandelions
A4		abundant	<i>Bellis perennis</i>	Daisy
A4		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A4		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A4		rare	<i>Taraxacum</i> spp.	Dandelions
A5		abundant	<i>Bellis perennis</i>	Daisy
A5		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A5		occasional	<i>Taraxacum</i> spp.	Dandelions
A6		abundant	<i>Bellis perennis</i>	Daisy
A6		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A6		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A6		rare	<i>Taraxacum</i> spp.	Dandelions
A7		abundant	<i>Bellis perennis</i>	Daisy
A7		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A7		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A7		occasional	<i>Ranunculus repens</i>	Creeping Buttercup
A7		rare	<i>Taraxacum</i> spp.	Dandelions
A8		abundant	<i>Bellis perennis</i>	Daisy
A8		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A8		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A8		occasional	<i>Ranunculus repens</i>	Creeping Buttercup
A8		rare	<i>Taraxacum</i> spp.	Dandelions
A9		abundant	<i>Bellis perennis</i>	Daisy
A9		frequent	<i>Holcus lanatus</i>	Yorkshire-fog
A9		dominant	<i>Lolium perenne</i>	Perennial Rye-grass
A9		occasional	<i>Ranunculus repens</i>	Creeping Buttercup
A9		rare	<i>Taraxacum</i> spp.	Dandelions
H1		dominant	<i>Buxus sempervirens</i>	Box
H1		occasional	<i>Cotoneaster</i> sp.	
H1		frequent	<i>Hedera helix</i>	Common Ivy
H2		dominant	<i>Fagus sylvatica</i>	Beech
H3		dominant	<i>Chamaecyparis lawsonian</i>	Lawson cypress
S1		abundant	<i>Cotoneaster</i> sp.	
S1		frequent	<i>Euphorbia amygdaloides</i>	Wood Spurge
S1		dominant	<i>Lonicera periclymenum</i>	Honeysuckle
S1		occasional	<i>Prunus lusitanica</i>	Portugal Laurel
S1		rare	<i>Viburnum tinus</i>	Laurustinus
S2		frequent	<i>Calystegia sepium</i>	Hedge Bindweed
S2		abundant	<i>Cotoneaster</i> sp.	
S2		frequent	<i>Euphorbia amygdaloides</i>	Wood Spurge
S2		frequent	<i>Galium aparine</i>	Cleavers
S2		rare	<i>Ligustrum ovalifolium</i>	Garden Privet
S2		dominant	<i>Lonicera periclymenum</i>	Honeysuckle
S2		occasional	<i>Prunus lusitanica</i>	Portugal Laurel
S2		occasional	<i>Urtica dioica</i>	Common Nettle

Habitat reference	Quadrat Number	DAFOR	Scientific Name	Common Name
S2		rare	Viburnum tinus	Laurustinus
S3		abundant	Cotoneaster sp.	
S3		frequent	Euphorbia amygdaloides	Wood Spurge
S3		dominant	Lonicera periclymenum	Honeysuckle
S3		occasional	Prunus lusitanica	Portugal Laurel
S3		rare	Viburnum tinus	Laurustinus
LOT1		dominant	Chamaecyparis lawsonian	Lawson cypress
T2		dominant	Prunus avium	Wild Cherry
T3		dominant	Chamaecyparis lawsonian	Lawson cypress
T4		dominant	Prunus avium	Wild Cherry
T5		dominant	Malus sylvestris	Crab Apple
T6		dominant	Sorbus torminalis	Wild Service-tree
T7		dominant	Pinus sp.	
T8		dominant	Acer pseudoplatanus	Sycamore
T9		dominant	Prunus avium	Wild Cherry
T10		dominant	Crataegus monogyna	Hawthorn
T11		dominant	Acer pseudoplatanus	Sycamore
T12		dominant	Acer pseudoplatanus	Sycamore

Annex C: Ecological Desk Study (Ref 11137.001)



Ty Gwynn Jones, Abergele

Ecological Desk Study

Prepared For: Enfys Developments

Document Reference: 11137.001

June 2025

Version 1.0

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Location	Abergele
Document Title	Ecological Desk Study
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Prepared By	The Environment Partnership Ltd
Office	Warrington
Document Ref	11137.001

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Annexes

Annex A: Key Ecological Legislation and National Policy

1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by Enfys Developments in April 2025 to complete an Ecological Impact Assessment (EclA) to support a redevelopment at the site of Ty Gwynn Jones in Abergele, Wales.
- 1.2 To inform the EclA, an ecological desk study was also completed. This Ecological Desk Study report details the method of data gathering and interpretation and presents the findings of the desk-based assessment.
- 1.3 This report is not sufficient in isolation to support a planning application. This report should be read in conjunction with the EclA (TEP Ref: 11137.003).

Site Location

- 1.4 The site is located near Abergele (central grid reference SH 94928 77491) immediately south of Rhuddlan Rd and 0.5km west of the A55 North Wales Expressway.
- 1.5 The site is surrounded by residential development comprising of private gardens and public greenspace with pockets of woodland to the south and west. The wider landscape comprises arable land, with Pensarn Beach approximately 1.5km north. Water bodies such as Pentre Mawr Lake can be found nearby, approximately 0.8km to the northwest. The location of the site in the context of the wider landscape is depicted by the red line shown in Figure 1.

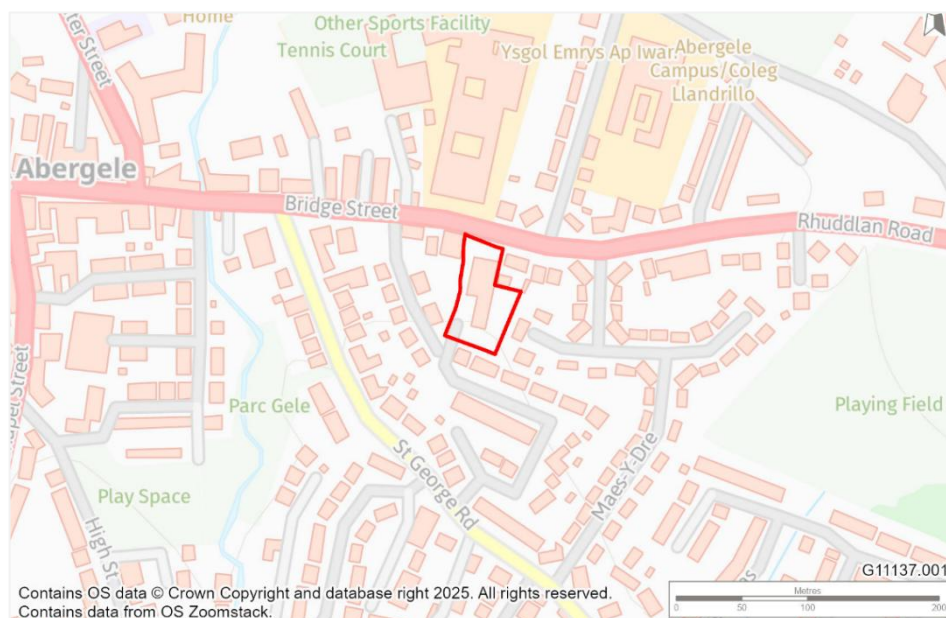


Figure 1: Site location and local context

2.0 Methods

Scope and Data Sources

- 2.1 The ecological Zone of Influence (ZOI) is an area defined by the ecological assessment within which valued ecological features may be subject to significant biophysical changes as a consequence of the proposed development under assessment.
- 2.2 For the purposes of this assessment, the preliminary ZOIs (pZOI) within which ecological features were searched for as part of this desk study were varied according to the geo-spatial and/or legal significance of the feature. The scope and the pZOIs applied for this desk study, which were searched from the central grid reference, are summarised in Table 1.
- 2.3 Species records for within the last ten full years (i.e. from 01/01/2015 to present) were obtained from Cofnod Local Records Centre in May 2025. This report lists protected and notable species records obtained in the data search that are listed under any of the following:
- Protected species listed under Schedule 2 (animals) or Schedule 5 (plants) under the Conservation of Habitats and Species Regulations 2017 (EPS);
 - Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
 - Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
 - Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
 - Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
 - Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
 - Protection of Badgers Act 1992 (PBA);
 - Species of principal importance (SPI) listed by requirements under Section 7 of the Environment (Wales) Act 2016;
 - Red and Amber listed Birds of Conservation Concern – Wales (WBRd/WBAm); and
 - Local Biodiversity Action Plan Species (LBAP).
- 2.4 An absence of records does not indicate the absence of protected species from the search area.

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

Scope	Key Source(s)	ZOI
Policy and Related Guidance (Chapter 3.0 and 4.0)		
■ Land allocations and relevant environment / biodiversity policy ■ Local biodiversity priority habitats and species ■ Habitat Network / Nature Recovery Network	■ Conwy Local Development Plan 2007 - 2022 (adopted 2013)¹ ■ CCBC Local Plan Interactive Map²	As applicable to site
Statutory wildlife sites (Chapter 5.0)		
■ Ramsar sites ■ Special Areas of Conservation (SAC) and SAC with marine components ■ Special Protection Areas (SPA) and SPA with marine components ■ Marine Conservation Zones	■ Natural Resources Wales³ ■ CCBC Local Plan Interactive Map	10km
■ Sites of Special Scientific Interest (SSSI) ■ National Nature Reserves (NNR) ■ Marine Nature Reserves (MNR)		5km
■ Local Nature Reserves (LNR) ■ Country Parks ■ Strategic Nature Areas		2km
Non-statutory wildlife sites (Chapter 5.0)		

1 Conwy County Borough Council (2025) [Online]. Adopted Local Development Plan (LDP). <https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Strategic-Planning-Policy/Adopted-Local-Development-Plan-LDP/Adopted-Local-Development-Plan-LDP.aspx> [21/05/25].

2 Conwy County Borough Council (2025) [Online]. Interactive proposals map. <https://conwy.opus4.co.uk/planning/localplan/maps/ldpeng> [21/05/25].

3 Public sector information.

Scope	Key Source(s)	ZOI
■ Site of Nature Conservation Interest (SNCI) ■ Site of Importance for Nature Conservation (SINC) ■ Local Wildlife Site (LWS) ■ Regional Parks ■ Green Wedges ■ Wildlife Corridors	■ Cofnod ■ Conwy Local Development Plan 2007 - 2022 (adopted 2013) ■ CCBC Local Plan Interactive Map	2km
Notable habitats (Chapter 6.0)		
■ Ancient Woodland ■ Habitats of principal importance ■ Local Biodiversity Action Plan (LBAP) habitats ■ Main rivers ■ Peaty Soils	■ Natural Resources Wales ■ Cofnod ■ Google Earth	0.25km
Protected or notable species (Chapter 7.0)		
■ Pre-existing records for protected or notable species, non-native invasive species	■ Cofnod	2km

3.0 Legislation and Policy

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

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'⁴ or 'Wetlands Convention');
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention⁵);
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention⁶ or CMS)
- The Convention on Biological Diversity (Biodiversity Convention⁷ or CBD)
- Conservation of Habitats and Species Regulations 2017⁸ (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁹ (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981¹⁰;
- Environment (Wales) Act 2016¹¹;
- Countryside and Rights of Way Act (CROW) 2000¹²;
- Hedgerow Regulations 1997¹³;
- Protection of Badgers Act (PBA) 1992¹⁴;
- Wild Mammals (Protection) Act (WMPA) 1996¹⁵; and
- Planning Policy Wales – Edition 12 (2024)¹⁶.

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

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

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

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

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

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

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

11 Environment (Wales) Act 2016 <https://www.legislation.gov.uk/anaw/2016/3/contents/enacted>

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

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

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

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

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

National Planning Policy

- 3.2 Planning Policy Wales (PPW) 12 delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities' development plans. Chapter 6 is of relevance to nature conservation and biodiversity.
- 3.3 PPW12 is supplemented by 19 topic-based Technical Advice Notes (TANs). TAN 5 – Nature Conservation and Planning relates to nature conservation and biodiversity.
- 3.4 TAN 5 states that the town and country planning system in Wales should:
- work to achieve nature conservation objectives through a partnership between local planning authorities, NRW, the Environment Agency Wales, voluntary organisations, developers, landowners and other key stakeholders;
 - integrate nature conservation into all planning decisions looking for development to deliver social, economic and environmental objectives together over time;
 - ensure that the UK's international and national obligations for site, species and habitat protection are fully met in all planning decisions;
 - look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally;
 - help to ensure that development does not damage, or restrict access to, or the study of, geological sites and features or impede the evolution of natural processes and systems especially on rivers and the coast;
 - forge and strengthen links between the town and country planning system and biodiversity action planning particularly through policies in local development plans and the preparation of supplementary planning guidance that adds value to Local Biodiversity Action Plans (LBAPs) by highlighting the ways in which the planning system can help to deliver the objectives of LBAPs in practical ways; and
 - plan to accommodate and reduce the effects of climate change by encouraging development that will reduce damaging emissions and energy consumption and that help habitats and species to respond to climate change.

Relevant Policy

Environment (Wales) Act 2016

- 3.5 Section 6 of the Environment Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise

of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

- 3.6 Section 7 of the Environment Act requires the Welsh Ministers to publish, review and revise lists of living organisms and types of habitats in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. This is known as the S7 list.

National Resources Wales (NRW) Area Statements

- 3.7 NRW has developed seven Area Statements covering different areas of Wales. These statements are seen as a collaborative response to the Natural Resources Policy, published by the Welsh Government in 2017.
- 3.8 The following sections of the Area Statement relate to biodiversity and nature conservation in North West Wales¹⁷:
- Climate and environment emergency;
 - Reconnecting people with nature;
 - Opportunities for a resilient ecosystem; and
 - Supporting sustainable land management.

Local Planning Policy

Conwy Local Development Plan 2007 - 2022 (adopted 2013)

- 3.9 The current Local Plan is the Conwy Local Development Plan 2007 - 2022 (adopted 2013)¹⁸. The Local Development Plan (LDP) guides how land in Conwy is used (not including land in the National Park) and is also used for deciding planning applications.
- 3.10 The Council adopted the current Plan in October 2013. As of December 2023, a full review of the Plan has been conducted, and a Replacement Local Development Plan is in progress.
- 3.11 The following policies relate to biodiversity and nature conservation:
- Policy NTE/1 – The Natural Environment;

¹⁷ Natural Resources Wales (2025) [Online]. North West Wales Area Statement.

<https://naturalresources.wales/about-us/what-we-do/strategies-plans-and-policies/area-statements/north-west-wales-area-statement?lang=en> [05/2025].

¹⁸ Conwy County Borough Council (2025) [Online]. Conwy Local Development Plan 2007-2022 Adopted October 2013. <https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Strategic-Planning-Policy/Adopted-Local-Development-Plan-LDP/Assets-written-proposals-maps/Conwy-Local-Development-Plan-2007-2022.pdf> [10/2025].

- Policy NTE/2 – Green Wedges and Meeting the Development Needs of the Community; and
- Policy NTE/3 – Biodiversity.

Site Allocations

3.12 The site is allocated by the following policies:

- Policy DP/2 – Overarching Strategic Approach;
- Policy DP/7 – Masterplans and Community Appraisals; and
- Policy DP/8 – Colwyn Bay Urban Regeneration Masterplan.

3.13 Land adjacent to the site is allocated by the following conservation area policies:

- Policy DP/6 – National Planning Policy and Guidance
- Policy CTH/1 – Cultural Heritage
- Policy CTH/2 – Development Affecting Heritage Assets

Supplementary Planning Guidance

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

- LDP5 – Biodiversity; and
- LDP40 – Trees and Development¹⁹.

¹⁹ Conwy County Borough Council (2025) [Online]. Supplementary planning guidance documents - Natural Environment. <https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Strategic-Planning-Policy/Supplementary-planning-guidance-documents/Natural-Environment.aspx> [21/05/25].

4.0 Biodiversity Initiatives and Strategies

Local Biodiversity Action Plans (LBAP)

- 4.1 The LBAP for the Conwy area is not available online.

5.0 Wildlife Sites

Statutory Sites

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

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

Site Name	Designation	Distance and Direction from Site
Statutory wildlife sites of international significance within 10km of the site (Figure 2)		
Liverpool Bay / Bae Lerpwl	SPA	1.5km north-west
Liverpool Bay / Bae Lerpwl	SPA (Marine Components)	1.5km north-west
Coedwigoedd Dyffryn Elwy / Elwy Valley Woods	SAC	8.3km south-east
Statutory wildlife sites of national significance within 5km of the site (Figure 3)		
Traeth Pensarn	SSSI	1.3km north-west
Statutory wildlife sites of local significance within 2km of the site (Figure 4)		
None recorded	-	-

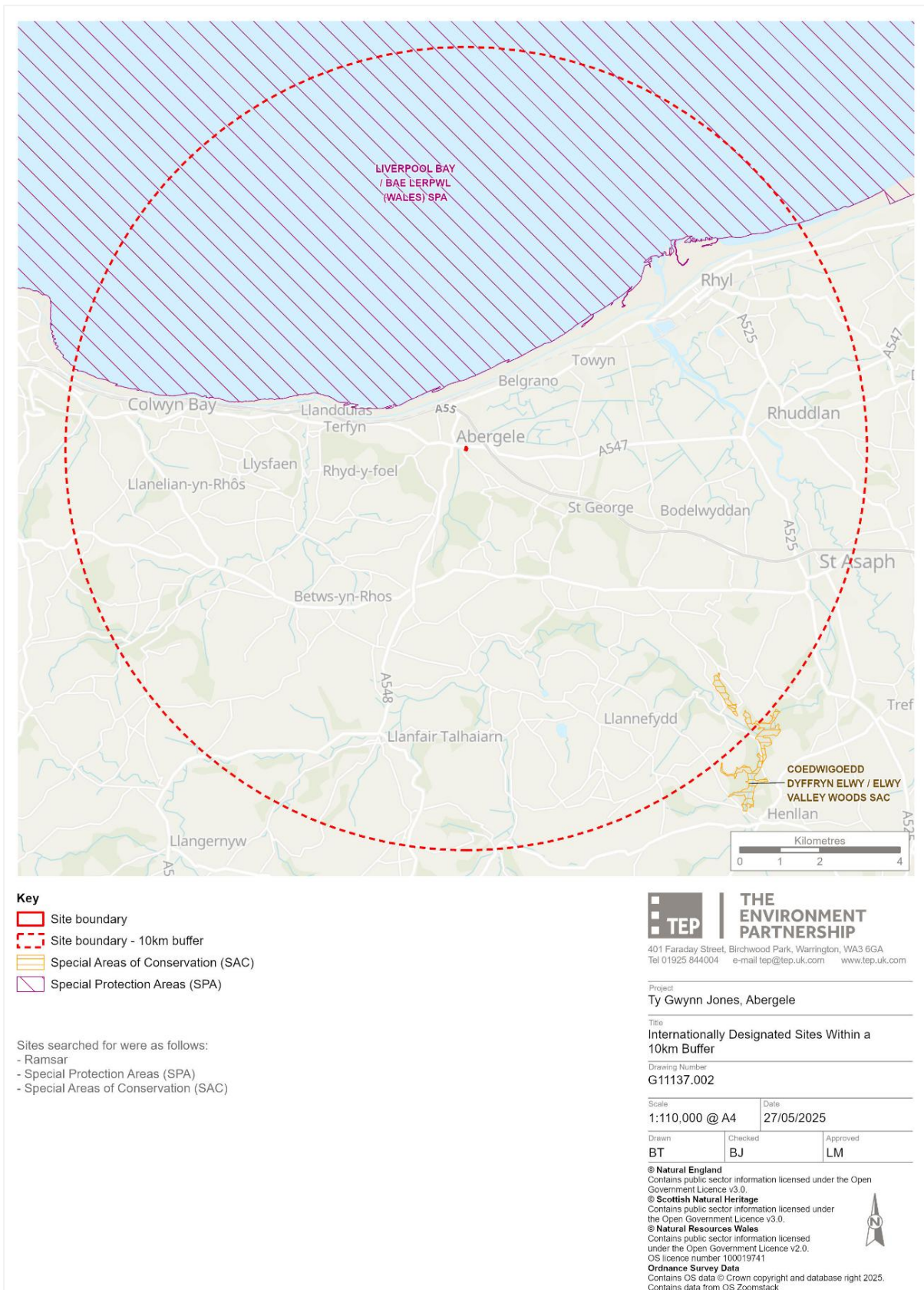


Figure 2: Statutory wildlife sites of international significance within 10km of the site

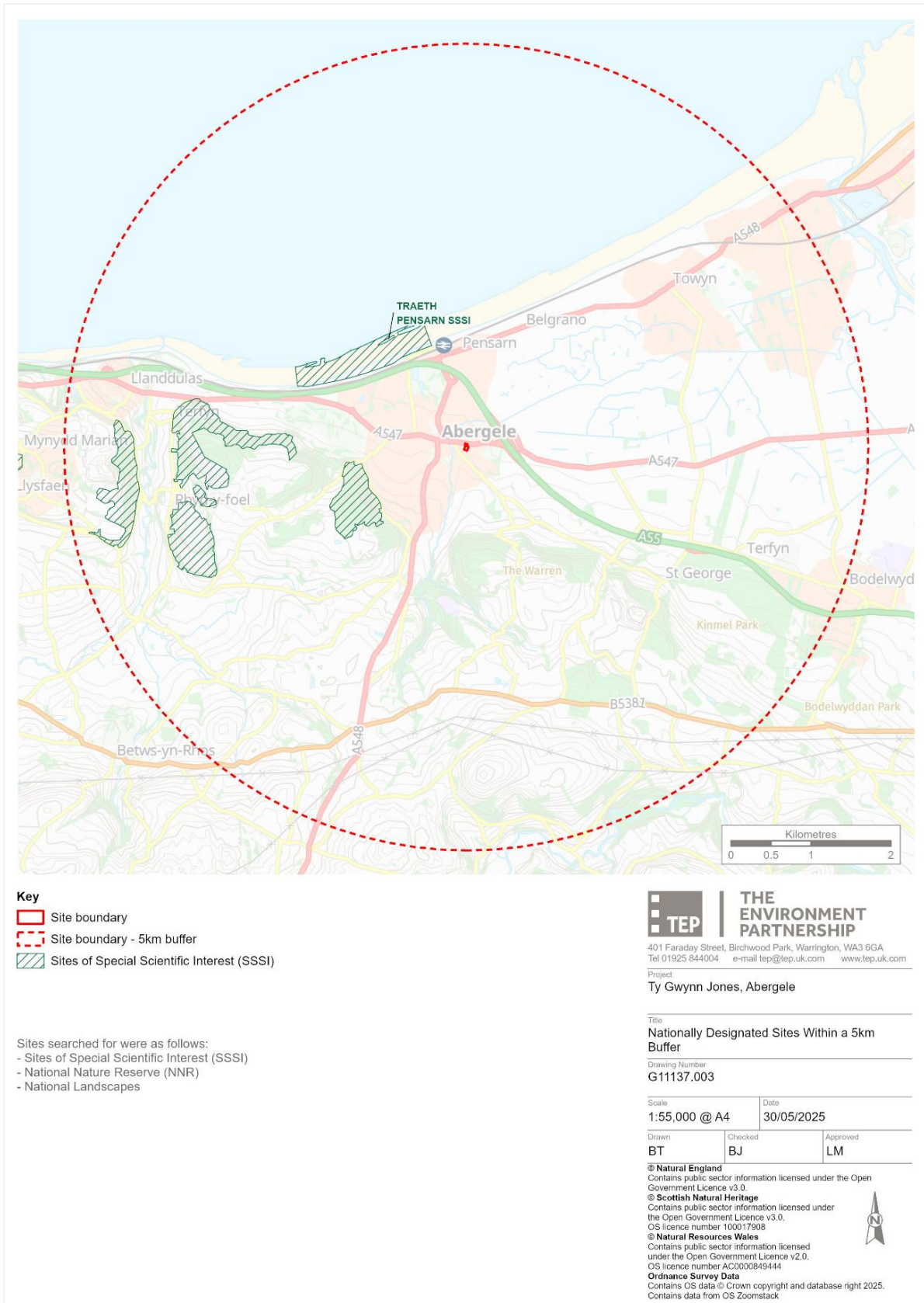


Figure 3: Statutory wildlife sites of national significance within 5km of the site

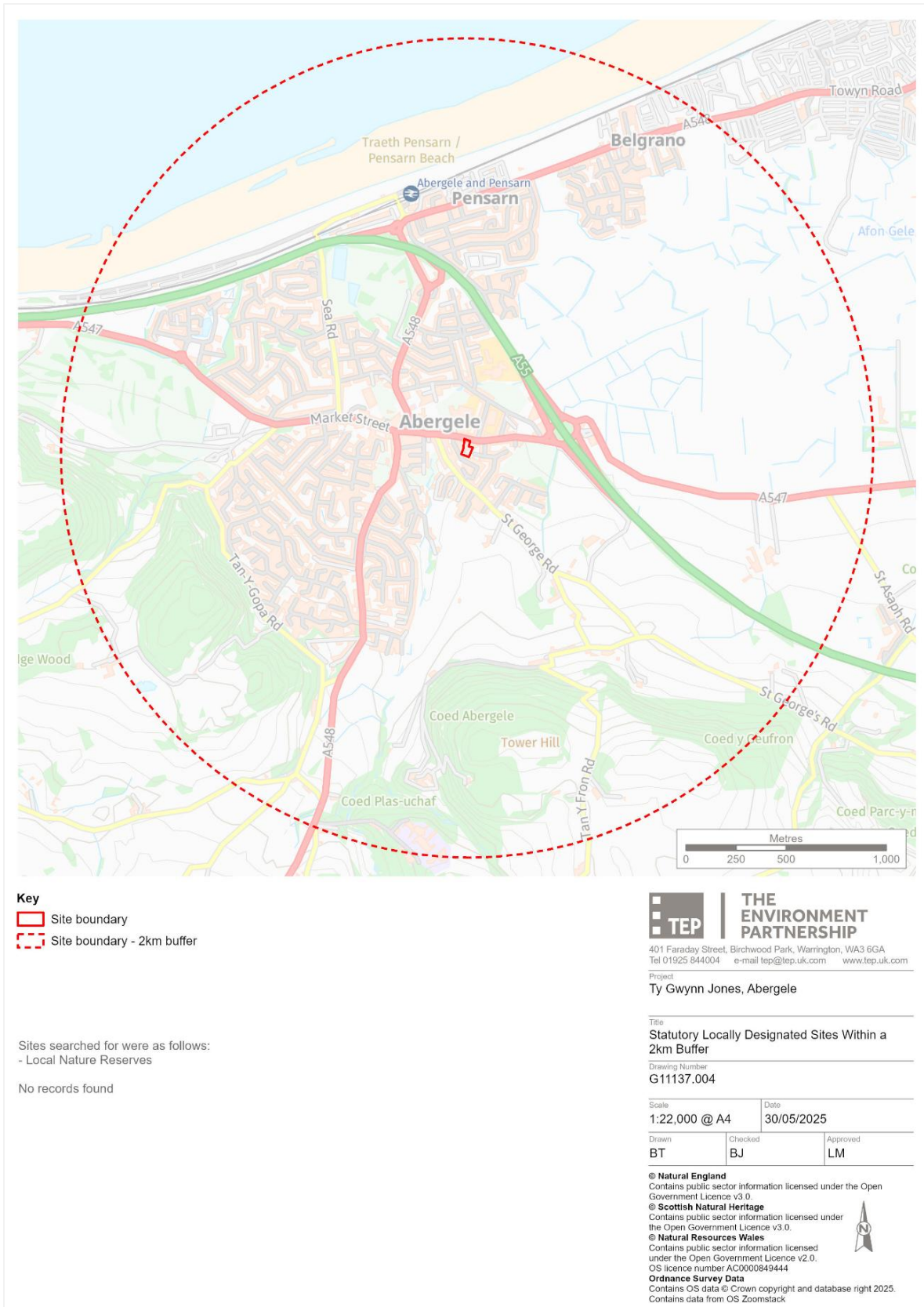


Figure 4: Statutory wildlife sites of local significance within 2km of the site

Non-Statutory Wildlife Sites

5.2 Table 3 and Figure 5 show the non-statutory designated wildlife sites within influencing distance of the site.

Table 3: Non-statutory wildlife sites within 2km of the site

Site Name	Designation	Distance and Direction from Site
2: Abergele grazing marsh	LWS (Candidate)	0.5km north-east
19: Berthglyd Pond	LWS (Candidate)	0.5km north-east
22: Pwll Tan-y-bryn	LWS (Candidate)	0.8km south-east
9: Pentre Mawr Park Pools & Reedbed	LWS (Candidate)	0.9km north-west
11: Ffordd Las	LWS (Candidate)	1km south
14: Afon Gele	LWS (Candidate)	1.2km north-east
16: Bryn Plas Uchaf	LWS (Candidate)	1.2km south
18: North Wales Holiday Camp	LWS (Candidate)	1.2km north-west
6: Pensarn Reedbed	LWS (Candidate)	1.2km north-west
3/4/5: Abergele Golf Course	LWS (Candidate)	1.3km north-west
8: Coed y Gopa Extension	LWS (Candidate)	1.3km south-west
12: Coed y Geufron	LWS (Candidate)	1.4km south-east
13: Hen Wrych Pond	LWS (Candidate)	1.4km north-west
21: St Georges Well	LWS (Candidate)	1.4km south-east
20: The Warren	LWS (Candidate)	1.4km south-east
15: Fferam Ffordd Las Bach	LWS (Candidate)	1.7km south-east
7: Abergele Hospital Grounds	LWS (Candidate)	1.8km south
10: Coed Ysgerirallt	LWS (Candidate)	1.9km south-west
17: Llyn Tyddyn Uchaf	LWS (Candidate)	1.9km south-west
1: Coed Betws Lodge	LWS (Candidate)	2km south-west

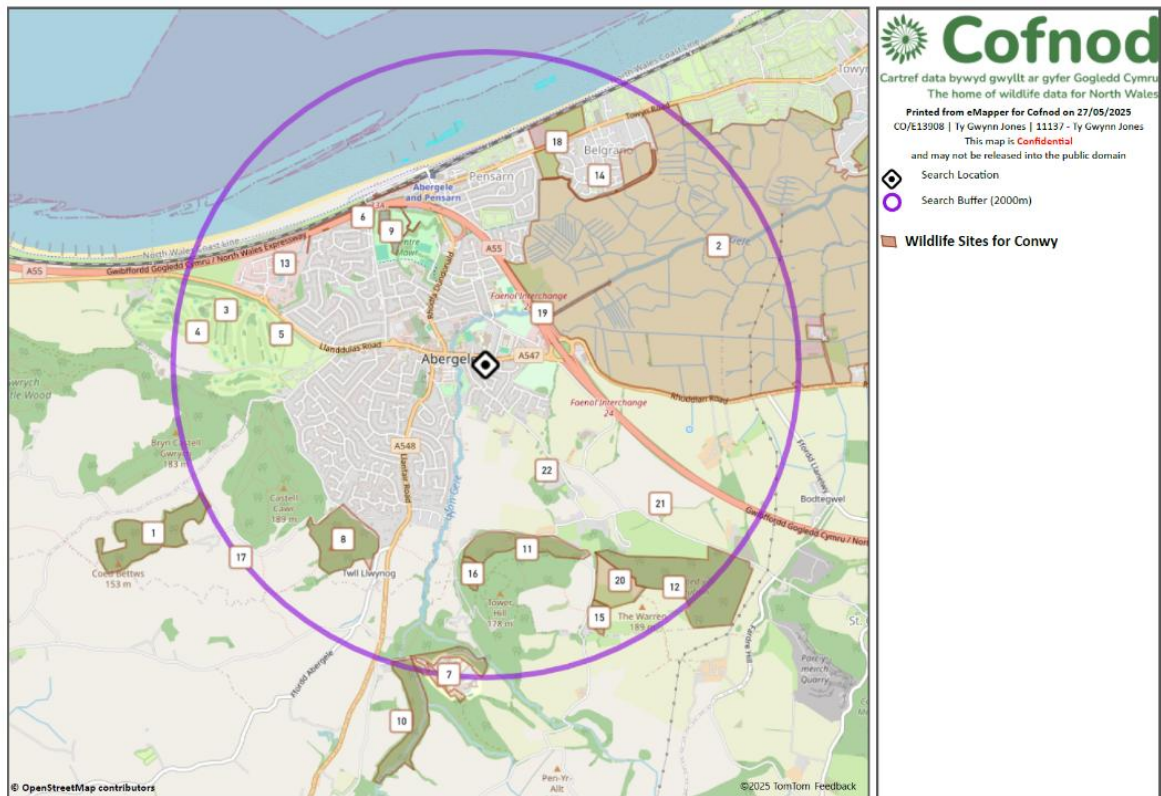


Figure 5: Non-statutory wildlife sites within 2km of the site (map provided by Cofnod)

6.0 Notable Habitats

- 6.1 No notable habitats are present within the site (Figure 6).
- 6.2 The following notable habitat is present within 0.25km of the site (Figure 6):
- Statutory main river

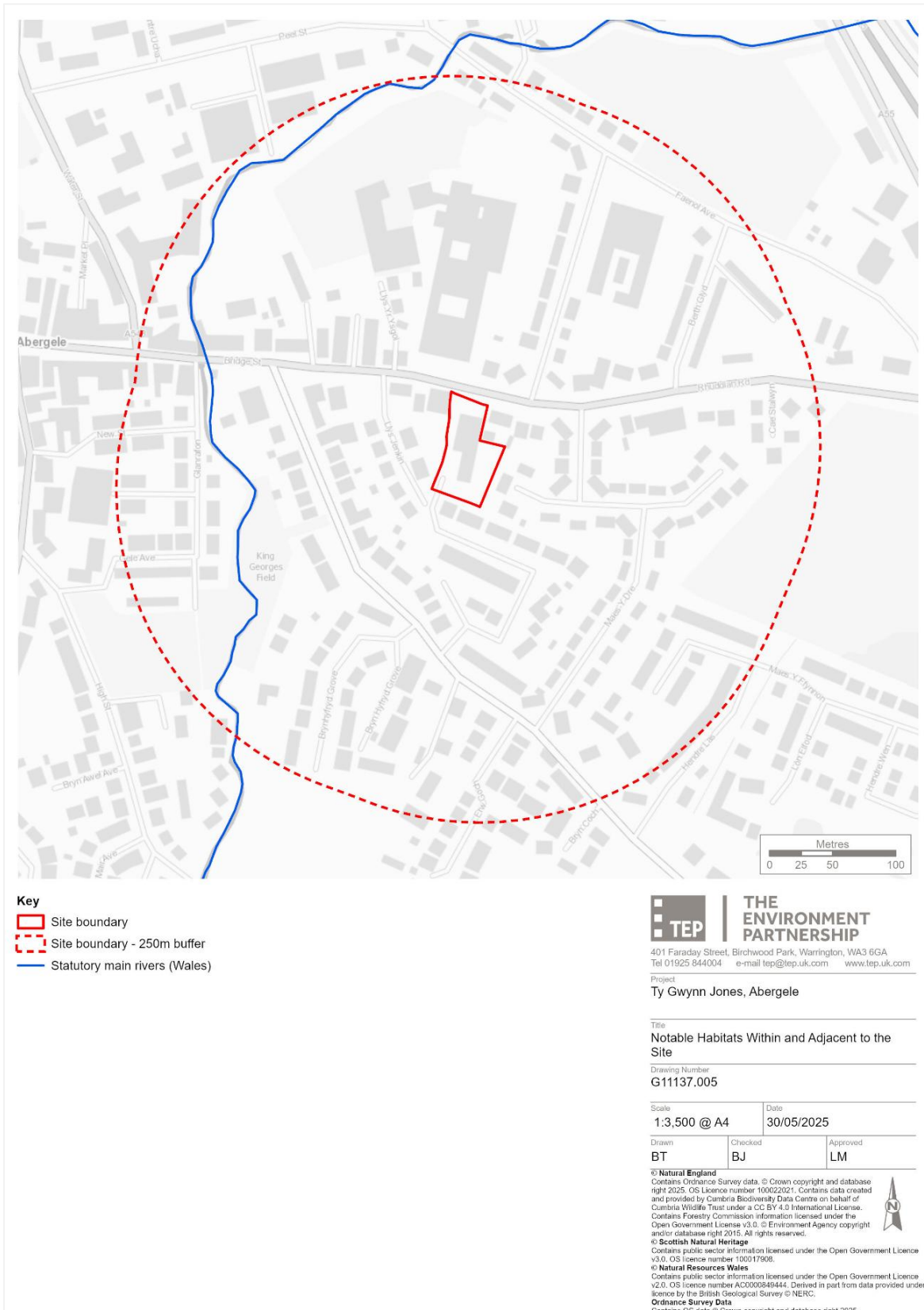


Figure 6: Notable habitats within 0.25km of the site

7.0 Protected and Notable Species

Pre-existing Species Records

- 7.1 Protected and notable species records returned from Cofnod for the last ten full years within 2km of the site are summarised on pages 20-26. The terms and conditions of this data state this data is valid until November 2025.

Species Records Summary: Ty Gwynn Jones

Amphibians	
Species	Count
Common Frog <i>Rana temporaria</i> WCA5	2
Palmate Newt <i>Lissotriton helveticus</i> WCA5	1
Smooth Newt <i>Lissotriton vulgaris</i> WCA5	2

Birds	
Species	Count
Barn Owl <i>Tyto alba</i> WCA1	4
Bar-tailed Godwit <i>Limosa lapponica</i> S7, BRd	1
Black Redstart <i>Phoenicurus ochruros</i> WCA1, BAm	1
Black-headed Gull <i>Chroicocephalus ridibundus</i> S7, BRd	448
Black-tailed Godwit <i>Limosa limosa</i> WCA1, BAm, LBAP	3
Black-throated Diver <i>Gavia arctica</i> WCA1, BAm, LBAP	3
Bullfinch <i>Pyrrhula pyrrhula</i> S7, BAm	32
Curlew <i>Numenius arquata</i> S7, BRd, LBAP	139
Dunlin <i>Calidris alpina</i> BRd	103
Dunnock <i>Prunella modularis</i> S7, BAm, LBAP	213
Eider <i>Somateria mollissima</i> BAm	9

Birds	
European White-fronted Goose <i>Anser albifrons</i> BRd, LBAP	1
Fieldfare <i>Turdus pilaris</i> WCA1, BAm	12
Fulmar <i>Fulmarus glacialis</i> BAm	22
Gadwall <i>Mareca strepera</i> BAm	29
Gannet <i>Morus bassanus</i> BAm	29
Glaucous Gull <i>Larus hyperboreus</i> BAm	7
Goldcrest <i>Regulus regulus</i> BRd	49
Golden Plover <i>Pluvialis apricaria</i> S7, BRd	2
Goldeneye <i>Bucephala clangula</i> WCA1, BAm	7
Goshawk <i>Accipiter gentilis</i> WCA1, BAm	1
Grasshopper Warbler <i>Locustella naevia</i> S7, BRd, LBAP	2
Great Black-backed Gull <i>Larus marinus</i> BAm	146
Great Northern Diver <i>Gavia immer</i> WCA1	12
Great White Egret <i>Ardea alba</i> BAm	4
Green Woodpecker <i>Picus viridis</i> WCA5, BAm	1
Greenfinch <i>Chloris chloris</i> BRd	193
Grey Heron <i>Ardea cinerea</i> BAm	74
Grey Plover <i>Pluvialis squatarola</i> BRd	1
Grey Wagtail <i>Motacilla cinerea</i> BAm	43
Greylag Goose <i>Anser anser</i> WCA1, BAm	7
Herring Gull <i>Larus argentatus</i> S7, BRd, LBAP	745
House Martin <i>Delichon urbicum</i> BAm	95
House Sparrow <i>Passer domesticus</i> S7, BAm, LBAP	306
Iceland Gull <i>Larus glaucoides</i> BAm	82
Kestrel <i>Falco tinnunculus</i> S7, BRd	63
Kingfisher <i>Alcedo atthis</i> WCA1	4

Birds	
Kittiwake <i>Rissa tridactyla</i> BRd	15
Knot <i>Calidris canutus</i> BAm	1
Lapwing <i>Vanellus vanellus</i> S7, BRd, LBAP	34
Leach's Petrel <i>Hydrobates leucorhous</i> WCA1	9
Lesser Black-backed Gull <i>Larus fuscus</i> BRd	108
Lesser Redpoll <i>Acanthis cabaret</i> S7, BAm, LBAP	7
Linnet <i>Linaria cannabina</i> S7, BRd, LBAP	203
Little Tern <i>Sternula albifrons</i> WCA1, BRd	2
Long-tailed Duck <i>Clangula hyemalis</i> WCA1, BRd	7
Magpie <i>Pica pica</i> BAm	285
Manx Shearwater <i>Puffinus puffinus</i> BAm	4
Marsh Harrier <i>Circus aeruginosus</i> WCA1, BAm	1
Meadow Pipit <i>Anthus pratensis</i> BRd	100
Mediterranean Gull <i>Ichthyaetus melanocephalus</i> WCA1, BAm	33
Mistle Thrush <i>Turdus viscivorus</i> BAm	48
Oystercatcher <i>Haematopus ostralegus</i> BAm	351
Peregrine <i>Falco peregrinus</i> WCA1	12
Razorbill <i>Alca torda</i> BAm	22
Red Kite <i>Milvus milvus</i> WCA1	4
Red-breasted Merganser <i>Mergus serrator</i> BRd	149
Redshank <i>Tringa totanus</i> BRd	197
Red-throated Diver <i>Gavia stellata</i> WCA1, BAm	170
Redwing <i>Turdus iliacus</i> WCA1	36

Birds	
Reed Bunting <i>Emberiza schoeniclus</i> S7, BAm	105
Ring Ouzel <i>Turdus torquatus</i> S7, BRd, LBAP	3
Ringed Plover <i>Charadrius hiaticula</i> S7, BRd	175
Rook <i>Corvus frugilegus</i> BRd	104
Sandwich Tern <i>Thalasseus sandvicensis</i> BAm	70
Shag <i>Gulosus aristotelis</i> BAm	17
Shelduck <i>Tadorna tadorna</i> BRd	33
Shoveler <i>Spatula clypeata</i> BAm	49
Skylark <i>Alauda arvensis</i> S7, BAm	79
Snipe <i>Gallinago gallinago</i> BAm	19
Snow Bunting <i>Plectrophenax nivalis</i> WCA1, BAm	78
Song Thrush <i>Turdus philomelos</i> S7	115
Spotted Flycatcher <i>Muscicapa striata</i> BRd, LBAP	2
Starling <i>Sturnus vulgaris</i> S7, BRd, LBAP	238
Swift <i>Apus apus</i> BRd	60
Teal <i>Anas crecca</i> BAm	96
Tree Pipit <i>Anthus trivialis</i> S7, BRd, LBAP	3
Turnstone <i>Arenaria interpres</i> BAm	235
Velvet Scoter <i>Melanitta fusca</i> WCA1, BRd	42
Water Rail <i>Rallus aquaticus</i> BAm	34
Wheatear <i>Oenanthe oenanthe</i> BAm	98
Whimbrel <i>Numenius phaeopus</i> WCA1, BAm	10
Whinchat <i>Saxicola rubetra</i> BRd	2
Whitethroat <i>Curruca communis</i> BRd	39
Wigeon <i>Mareca penelope</i> BAm	18

Birds	
Willow Warbler <i>Phylloscopus trochilus</i> BRd	23
Woodcock <i>Scolopax rusticola</i> BRd	7
Yellow Wagtail <i>Motacilla flava</i> S7, BRd, LBAP	2

Flora	
Species	Count
Bluebell <i>Hyacinthoides non-scripta</i> WCA8	13
<i>Rhododendron ponticum</i> WCA9	3
Himalayan Balsam <i>Impatiens glandulifera</i> WCA9	10
Himalayan Cotoneaster <i>Cotoneaster simonsii</i> WCA9	3
Japanese Knotweed <i>Fallopia japonica</i> WCA9	9
Japanese Rose <i>Rosa rugosa</i> WCA9	18
Montbretia <i>Crocasmia pottsii</i> x <i>aurea</i> = <i>C. x crocosmiiflora</i> WCA9	10
Three-cornered Garlic <i>Allium triquetrum</i> WCA9	3
Variegated Yellow Archangel <i>Lamiaeum galeobdolon</i> subsp. <i>Argentatum</i> WCA9	4
Wall Cotoneaster <i>Cotoneaster horizontalis</i> WCA9	5

Invertebrates	
Species	Count
Wall <i>Lasiommata megera</i> S7, LBAP	5
Buff Ermine <i>Spilosoma lutea</i> S7, LBAP	10
Cinnabar <i>Tyria jacobaeae</i> S7, LBAP	7
Dusky Thorn <i>Ennomos fuscantaria</i> S7, LBAP	4

Invertebrates	
Large Wainscot <i>Rhizedra lutosa</i> S7, LBAP	1
Mottled Rustic <i>Caradrina morpheus</i> S7, LBAP	1
Rosy Rustic <i>Hydraecia micacea</i> S7, LBAP	1
September Thorn <i>Ennomos erosaria</i> S7, LBAP	2
Shaded Broad-bar <i>Scotopteryx chenopodiata</i> S7, LBAP	2
Small Emerald <i>Hemistola chrysoprasaria</i> S7, LBAP	1
Small Square-spot <i>Diarsia rubi</i> S7, LBAP	1
White Ermine <i>Spilosoma lubricipeda</i> S7, LBAP	1

Reptiles	
Species	Count
Common Lizard <i>Zootoca vivipara</i> WCA5, S7, LBAP	4

Terrestrial Mammals (Bats)	
Roost Records	
Species	Count
Brown Long-eared <i>Plecotus auritus</i> EPS, WCA5, S7, LBAP	6
Lesser Horseshoe <i>Rhinolophus hipposideros</i> EPS, WCA5, S7, LBAP	111
Pipistrelle species <i>Pipistrellus</i> EPS, WCA5, S7	3
Other Records	
Species	Count
None recorded	-

Terrestrial Mammals (Other)	
Species	Count
Badger <i>Meles meles</i> PBA	35
Hedgehog <i>Erinaceus europaeus</i> S7, LBAP	66
Otter <i>Lutra lutra</i> EPS, WCA5, S7, LBAP	8
Polecat <i>Mustela putorius</i> S7, LBAP	3
Water Vole <i>Arvicola amphibius</i> WCA5, S7, LBAP	19

Annex A: Key Ecological Legislation and National Policy

Relevant Legislation

International Conventions

- a. The UK is a Contracting Party to numerous environmental conventions, the commonest form of international agreements to encourage a coordinated response to managing the environment. Key environmental conventions ratified in the UK include:
- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'²⁰ or 'Wetlands Convention') - provides the only international mechanism for protecting sites of global importance;
 - The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention²¹) - imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species;
 - The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention²² or CMS) - provides strict protection for endangered migratory species. The UK has currently ratified four legally binding Agreements under the convention relating to bats (EUROBATS), African-Eurasian migratory birds (AEWA), small cetaceans in the Baltic, Irish and North Seas (ASCOBANS) and albatrosses and petrels (ACAP) in addition to five Memorandum of Understanding (MoU) and is non-party range state to a further Agreement and a further MoU;
 - The Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention) - seeks to protect both cultural and natural heritage;
 - The Convention on Biological Diversity (Biodiversity Convention²³ or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020²⁴ is guided by the UK Post-2010 Biodiversity Framework²⁵.

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

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

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

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

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

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

- b. The legal obligations of the multiple Conventions to which the UK is a Contracting Party are enacted through a suite of national environmental legislation. The most relevant are described in the following paragraphs.

Conservation of Habitats and Species Regulations`

- c. The Conservation of Habitats and Species Regulations 2017²⁶ (2017 Regulations) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into domestic law.
- d. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019²⁷ (2019 Regulations) amends the 2017 Regulations to make them operable following the withdrawal of the United Kingdom from the European Union (EU). Most of the changes involve transferral of functions from European Commission to the appropriate authorities in England and Wales, also extending to Scotland and Northern Ireland and applies to Scotland and Northern Ireland (including the adjacent territorial sea to a limited degree), as regards reserved and excepted matters respectively. It also amends Section 27 of the Wildlife and Countryside Act 1981 to maintain existing protections and enforcement for species of wild birds.
- e. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance and obligations (of a competent authority) remain relevant.

National Site Network

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

²⁶ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012)
<https://www.legislation.gov.uk/uksi/2017/1012/>

²⁷ Conservation of Habitats and Species Regulations 2019 (SI 2019/579)
<https://www.legislation.gov.uk/uksi/2019/579/>

imperative reasons of over-riding public interest (IROPI) and if the necessary compensatory measures can be secured.

Protected Species

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

“have regard to the requirements of the Directives so far as they be affected by the exercise of those functions.” Local planning authorities must therefore consider the above three ‘tests’ when determining if planning permission should be granted for developments likely to cause an offence under the Regulations.

Wildlife and Countryside Act 1981

- n. The Wildlife and Countryside Act 1981 (as amended)²⁸ (WCA) is a major legal instrument for wildlife protection in the UK. In respect of habitats and flora, the WCA protects important habitats and/or species as Sites of Special Scientific Interest (SSSI). The designation of UK Ramsar sites⁴ has usually been underpinned through prior notification of these areas as SSSI and accordingly they receive statutory protection under the WCA.
- o. The obligations of the Bern Convention⁵ (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales²⁹ by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention⁶ is also provided by the WCA.
- p. All wild birds (as defined by the WCA and with exception to species listed in Schedule 2) are protected under the WCA, which makes it illegal to:
 - Intentionally kill, injure or take any wild bird;
 - Take, damage or destroy the nest (whilst being built or in use) of any wild bird; or
 - Take or destroy the eggs of any wild bird.
- q. Special penalties are available for offences related to birds listed in Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The WCA also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.
- r. Certain animal species (listed under Schedule 5) of the WCA receive protection which makes it illegal (with certain exceptions) to:
 - Intentionally kill, injure or take any such animal;
 - Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal;

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

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

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

Countryside and Rights of Way Act 2000

- w. Part III of the Countryside and Rights of Way Act 2000 (CROW)³⁰ deals specifically with wildlife protection and nature conservation. It requires that Government Departments have regard for the conservation of biodiversity, in accordance with the CBD. In addition, it requires that The Secretary of State publishes a list of living organisms and habitat types that are considered to be of principal importance in conserving biodiversity.
- x. CROW also amends the WCA, expanding the terms of offences to include reckless activity. It increases the legal protection of threatened species, by also making it an offence to “recklessly” obstruct access to a sheltering place used by an animal listed in Schedule 5 of the WCA or “recklessly” disturb an animal occupying such a structure or place.

Environment (Wales) Act 2016

- y. Section 6 of the Environment Act places a duty on public authorities to ‘seek to maintain and enhance biodiversity’ so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to ‘promote the resilience of ecosystems’.

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

- z. Section 7 of the Environment (Wales) Act requires The Welsh Ministers to publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. This is known as the S7 list.

Hedgerow Regulations 1997

- aa. Important hedgerows are protected from removal by the Hedgerows Regulations³¹ (as amended). Regulation 3 defines the hedgerows to which the Regulations apply. Regulation 4 sets out the criteria for identifying “important hedgerows” including ecological, landscape or historical/cultural reasons. Under the Hedgerow Regulations it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Works to “important hedgerows” are exempt under the Hedgerow Regulations if planning consent is granted which allows their removal.
- bb. The identification of important hedgerows also provides an additional means to value hedgerows aside from their botanical value (e.g. species richness) as the assessment of importance also includes characteristics relating to maturity and structure (e.g. associated features, connectivity, integrity) which will affect the functional value of the hedgerow.

Protection of Badgers Act 1992

- cc. Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)³². This makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett.
- dd. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as “any structure or place, which displays signs indicating current use by a badger.”

Wild Mammals (Protection) Act 1996

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

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

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

Relevant National Policy

Planning Policy Wales Edition 12 (2024)

- ff. Planning Policy Wales (Edition 12, February 2024) delivers land use planning policy for Wales and provides a framework for the effective preparation of local planning authorities' development plans. This is supplemented by 24 topic based Technical Advice Notes (TANs). Technical Advice Note 5- Nature Conservation and Planning is a key TAN in relation to nature conservation and biodiversity.
- gg. On 11 October 2023 the Welsh Government (WG) Minister for Climate Change Julie James wrote to the heads of the planning authorities in Wales informing them of a finalised policy for Chapter 6 'Distinctive and Natural Places' for inclusion in the next iteration of Planning Policy Wales (PPW) (version 12). This was subsequently issued on the 4 February 2024.
- hh. PPW sets out the land use planning policies of the WG and the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.
- ii. The PPW 12 (para 6.4.11) advises that 'planning authorities must follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact'.
- jj. TAN 5 states that the town and country planning system in Wales should:
 - 'Work to achieve nature conservation objectives through a partnership between local planning authorities, CCW, the Environment Agency Wales, voluntary organisations, developers, landowners and other key stakeholders' (PPW 5.1.5 and 5.2.5);
 - 'Integrate nature conservation into all planning decisions looking for development to deliver social, economic and environmental objectives together over time' (PPW 5.1.3 and 5.1.4);
 - 'Ensure that the UK's international and national obligations for site, species and habitat protection are fully met in all planning decisions' (PPW 5.3.8-10);
 - 'Look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally' (PPW 5.1);

- 'Help to ensure that development does not damage, or restrict access to, or the study of, geological sites and features or impede the evolution of natural processes and systems especially on rivers and the coast' (PPW 1.4.14, 2.2.1, 2.3.2 and 5.6.3);
- 'Forge and strengthen links between the town and country planning system and biodiversity action planning particularly through policies in local development plans and the preparation of supplementary planning guidance that adds value to Local Biodiversity Action Plans (LBAPs) by highlighting the ways in which the planning system can help to deliver the objectives of LBAPs in practical ways' (PPW 5.4.2); and
- 'Plan to accommodate and reduce the effects of climate change by encouraging development that will reduce damaging emissions and energy consumption and that help habitats and species to respond to climate change' (PPW 2.2.1 and 2.3.2).



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