



**GREEN GEN CYMRU**

# **Protected Sites and Species Policy**

**March 2026**

**POWERING  
A POSITIVE  
ENERGY FUTURE  
FOR WALES**

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## 1.0 Purpose and Scope

1.1) This policy has been prepared for the following reasons: -

- As a licensed Independent Distribution Network Operator ('IDNO') Green GEN is subject to a range of statutory duties relating to certain designated sites and habitats and certain species (wherever they may be found) are subject to legal protection.
- Green GEN and its contractors will need to carry out a range of surveys that may be in, or in the vicinity of, such protected sites or which may encounter protected species for the purposes of supporting the development, construction and ultimately, the operation and maintenance of its infrastructure assets.
- Having up to date and accurate information gathered from surveys concerning protected sites and species is important to enable Green GEN to carry out its functions.
- It is therefore important that Green GEN can be assured that it has systems in place to meet its statutory duties in relation to such protected sites and species when it and its contractors carry out surveys.
- This policy applies to all surveys carried out by Green GEN or its contractors irrespective of whether the land is accessed by agreement, under statutory powers or whether Green GEN owns the relevant land or rights over it.

## 2.0 Background and context

2.1) The Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981 (the 'WCA 1981') provides for the protection of a range of statutory designated sites including Sites of Special Scientific Interest ('SSSIs') and Ramsar sites. It also includes specific protections for a range of species of birds, plants and other animals.

2.2) As a licensed IDNO the WCA 1981 includes specific provisions of relevance to Green GEN:

- Section 28G imposes a duty on Green GEN so far as the exercise of its functions is likely to affect the characteristics of a SSSI for which it is protected "to take reasonable steps, consistent with the proper exercise of [its] functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reasons of which the site is of special scientific interest."
- Section 28H requires Green GEN to give notice to the relevant body<sup>1</sup> before carrying out, in the exercise of its functions, operations likely to damage any of the flora,



fauna or geological or physiographical features by reason of which a site is of special scientific interest.

- Section 28I applies where Green GEN's permission is required before operations are carried out. It requires Green GEN to give notice to the relevant body if the operations for which its permission is required are likely to damage any of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. The relevant body may grant its assent to the operation, which may subject to conditions.

## 2.1 Protected Species and habitats

2.1.1) In addition to the WCA 1981 there are range of other legal protections in place for species and habitats. These include (non-exhaustive):

- The Conservation of Habitats and Species Regulations 2017 which protect certain designated sites, certain species and their habitats and resting places;
- The Conservation of Offshore Marine Habitats and Species Regulations 2017 which protect certain marine sites, certain marine species, their habitats and resting places;
- The Protection of Badgers Act 1992 which protects badgers and their setts;

2.1.2) In certain circumstances particular survey techniques required for protected species may only be carried out in accordance with a licence granted under the relevant legislation. For example, tagging and tracking protected bat species may involve their disturbance and require a licence granted by the relevant body under the Conservation of Habitats and Species Regulations 2017.

## 2.2 Other duties

2.2.1) Under the Environment (Wales) Act 2016 Green GEN is under a duty to maintain and enhance biodiversity in the exercise of its functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of its functions. The proper conduct of surveys will assist Green GEN in understanding how its proposals can contribute towards it meeting these duties.



## 3.0 Protected Sites and Protected Species Policy

### 3.1 Definitions:

- a) **“Land Manager”** means the Green GEN land manager responsible for the project for which the surveys are proposed to be undertaken;
- b) **“Project Director”** means the Green GEN project director with overall responsibility for the project for which the surveys are proposed to be undertaken;
- c) **“Protected Site”** means a site subject to an international or national designation for biodiversity conservation;
- d) **“SSSI”** means a site notified as being of special scientific interest under the Wildlife and Countryside Act 1981;
- e) **“Surveyor”** means the personnel, whether Green GEN’s own staff or persons contracted by it, responsible for carrying out the proposed survey;

### 3.2 Risk assessment

1. A risk assessment must be prepared for surveys, before attending site. Risk assessments must consider impacts on protected and notable flora and fauna and will include the measures to be adopted for good housekeeping and biosecurity (which must at least comply with Green GEN’s Biosecurity Protocol) and the prevention of transfer of microbes and contaminants.
2. Access and egress routes for surveys must be considered, particularly where vehicles are to be driven onto vegetated areas (e.g. grassland) off-road.
3. For survey activities which require vegetation management works, breaking of ground, invasive surveys, in-water working, or anything that may result in producing a significantly increased noise or vibration levels - will be discussed with the environmental manager and appropriate mitigation implemented. Where necessary a suitably experienced ecologist will also be consulted for further advice and, if required, an ecological clerk of work appointed to supervise the activities.
4. Where vegetation management works or invasive surveys are required, consideration must be given to the habitats and species which may be present in or adjacent to the survey location. This will be informed by desk-based information and any data collected from previous site surveys in the locality. This should include consideration for designated sites and non-native invasive species.
5. Where required, ecological surveyors must hold a protected species licence relevant to the type of ecological survey being undertaken.



### 3.3 Protected Site Risk Assessment

1. Before carrying out the survey the Surveyor must carry out desk-based inquiries to determine whether the site of the proposed survey is:
  - a) Protected Site;
  - b) A SSSI; or
  - c) Is within proximity to a Protected Site or SSSI.
  
2. If the site is a Protected Site, SSSI or is within proximity of a Protected Site or SSSI the Surveyor must review the relevant designation and note the features by reason of which the relevant Protected Site or SSSI has been designated (the '**Protected Features**'). The Surveyor's pre-survey risk assessment must determine whether the proposed survey is likely to damage the Protected Features having regard to all relevant factors including but not limited to:
  - a) The time and seasonality in which the survey is proposed to be undertaken;
  - b) The nature of the survey operation including any measures adopted in carrying out the survey that would reduce the likelihood of damage to the Protected Features.
  
3. If the risk assessment determines that the survey is not likely to cause damage to the Protected Features (a '**Positive Risk Assessment**') this conclusion and the reasons for arriving at it together with a copy of the Positive Risk Assessment must be reported to the Land Manager.
  
4. If the risk assessment determines that the survey is likely to cause damage to the Protected Features (a '**Negative Risk Assessment**') this conclusion and the reasons for arriving at it together with a copy of the Negative Risk Assessment must be reported to the Land Manager and **the proposed Survey must not be conducted until it has been approved by the Land Manager in accordance with this policy.**

### 3.4 Review of Negative Risk Assessments

1. On receiving a Negative Risk Assessment, the Land Manager must review the proposal and determine, taking appropriate advice, whether the proposed survey could be approached in an alternative manner that would avoid likely damage to the Protected Features. Where the Land Manager is satisfied that the proposed survey could be conducted as to avoid likely damage to Protected Features the Land Manager may approve the survey and the Surveyor must conduct that survey in the approved alternative manner.



2. If the Land Manager concludes:
  - a) that the objectives of the survey cannot be achieved in any other way; and
  - b) there are no alternative means by which the survey could be conducted to avoid being likely to cause damage to Protected Features,

then the Land Manager must not approve the carrying out of the Survey until either (i) Natural Resources Wales or Natural England (as the case may be) have granted assent or (ii) the Land Manager is satisfied that the conditions referred to in section 28H(4) of the Wildlife and Countryside Act 1981 are satisfied or the procedures in section 28I of the Wildlife and Countryside Act 1981 have been completed, as the case may be.

3. Section 28P of the Wildlife and Countryside Act 1981 sets out a range of offences that may be committed by not complying with its terms. Given the potential complexity of these risks, Land Managers must consult the Project Director and take appropriate legal and technical advice before approving any Survey under the paragraph above.

### **3.5 Record Keeping**

1. The Surveyor must keep clear records of all risk assessments undertaken and make them available for inspection at the request of Green GEN – The ACONEX System can be used for ease of retrieval.
2. The Land Manager must keep records of all decisions taken in respect of Negative Risk Assessments.

### **3.6 Documents and References**

References–

Green Gen Cymru Environmental & Sustainability Policy Statement