Land at Tupa, Penley Hall Drive, Penley, Wrexham

Conservation Plan

10th February 2025

Authored by Richard Roe BSc MSc MCIEEM CEnv

CONTACT DETAILS

KINGDOM ECOLOGY LTD
7 Speke Road
Woolton
Liverpool
L25 8QA

Tel: 07799844249
Email: enquiries@kingdomecology.com

CONTENTS

1 Introduction 3

1.1 Background 3

1.2 Key and Protected Species at the Tupa Site 4

1.2.1 Previous Survey Summary 4

1.2.2 Great Crested Newt and European Protected Species Licensing Implications 4

1.2.3 Lesser Horseshoe Bats and Licensing Implications 6

1.2.4 Breeding Birds 7

1.2.5 Badgers 7

2 Mitigation and Compensation Site 8

2.1 Overview 8

2.1.1 Ecology Mitigation Area 8

2.1.2 Mitigation Plan Aims 8

2.1.3 Management Plan Delivery and Site Tenure 9

2.1.4 Timing of Works 11

2.1.5 Pre-Site Clearance Works 11

2.2 Initial Habitat Preparation/ Habitat Creation 11

2.2.1 Overview 11

2.2.2 2 x Wildlife Ponds 12

2.2.3 Grassland Restoration 13

2.2.4 Tree, Hedgerow And Scrub Planting 13

2.2.5 Great Crested Newt Hibernacula 14

2.2.6 Bat House 15

2.2.7 Bat and Bird Boxes 16

2.2.8 Standing Dead Wood 17

3 Habitat Management Proposals 18

3.1 Management Plan Delivery and Responsibilities 18

3.2 Habitat Management 18

3.2.1 Grassland Management 18

3.2.2 First Year Maintenance of all Habitats 19

3.2.3 Individual Trees 19
3.2.4 Mixed Scrub Habitat 20
3.2.5 Hedgerow Habitat 20
3.2.6 Pond Management 20
3.2.7 Bat Roost Maintenance 21
3.2.8 European Protected Species Licensing Considerations 22
4 Wardening, Monitoring and Reporting 24
4.1 Wardening 24
4.2 Monitoring 24
4.3 Ecological Compliance Audit 26
Appendix 27

1 Introduction

1.1 Background

Outline planning permission has been granted for 9 dwellings on land at Tupa, part of the former Polish hospital/WWII hospital site, located on Penley Hall Drive, Penley, Wrexham (Planning Reference P/2019/0835).

Planning condition 9 of the above permission states that:

> *No development shall commence until a site species/habitat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.*
>
> *The Conservation Plan should include:*
>
> *a. Implementation of the proposed mitigation and compensation measures as set out in the Addendum Report - Extended Phase One Survey and Ecological Impact Assessment Land South of Tupa, Penley, Wrexham;*
>
> *b. Submission and implementation of a long term post construction surveillance and monitoring scheme. Monitoring methodology and reporting shall accord with the online Wales GCN Monitoring Scheme and shall include monitoring of the bat roost;*
>
> *c. The submission and implementation of long term, proposals concerning the tenure, funding arrangements, management and wardening of the compensation area and bat roost;*
>
> *d. Details relating to the submission of a compliance audit, carried out by a qualified ecologist, independently of the appointed principal ecologist,*
>
> *The Conservation Plan shall be carried out in accordance with the approved details.*

To address this planning condition, an appropriate Conservation Plan for the site has been devised (see below) by Richard Roe (BSc, MSc, MCIEEM, CEnv). Richard has over 20 years' experience as a professional ecologist and is a licensed great crested newt and bat worker.

1.2 Key and Protected Species at the Tupa Site

1.2.1 Previous Survey Summary

Ecology works associated with the initial planning application for the site included a series of field surveys which were completed in 2019. Further detail on survey findings can be found within the associated report for the site- '*Addendum Report - Extended Phase One Survey and Ecological Impact Assessment for land to the south of Tupa, Penley, Wrexham*' as produced by Tim Hodnett of EDC in July 2019).

In summary, the previous surveys identified:

- Great crested newt within two ponds located approximately 100m to the north-east of the site boundary.
- No evidence of badger was identified on site, however a badger sett was identified approximately 50 m to the north-east of the study site boundary.
- A lesser horseshoe bat night roost/feeding perch was identified within a hut present on the site. It was considered that the remaining structures and trees were unsuitable for crevice roosting bats. A transect survey and static bat detector survey recorded no evidence of lesser horseshoe bats at the site however foraging common and soprano pipistrelle, whiskered bat, brown long-eared bats and noctule were recorded passing through the site.
- Suitable nesting habitat for breeding birds was identified within buildings, scrub and trees.

The previous ecology works made recommendations to avoid impacts to key species and recommendations to provide off-site mitigation habitats.

The likely presence of great crested newt and of a lesser horseshoe night roost would require development to be carried out under a European Protected Species Licence as issued by Natural Resources Wales (NRW).

1.2.2 Great Crested Newt and European Protected Species Licensing Implications

During the planning application, the presence of great crested newt was identified within ponds adjacent to the site including within two ponds located approximately 100m to the north-east of the site boundary.

Torch counts of ponds were carried out in 2019, with counts identifying a likely medium-sized population breeding within the nearby ponds.

Given the proximity of the ponds to the development site, it was concluded that great crested newt are likely to also be present within the proposed development area.

Consequently, any works to develop the site could result in a breach of UK and European wildlife legislation and would therefore need to be undertaken under a European Protected Species Licence as issued by Natural Resources Wales (NRW).

As a requirement of the licence application process, it may be necessary to undertake update surveys of the nearby ponds during the peak great crested newt breeding season (March-June inclusive, with the majority of the surveys undertaken between mid-April and mid-May). The requirement and scope for any additional surveys would need to be first agreed with NRW.

As part of the planning application, a mitigation strategy was agreed with Matt Ellis, a Senior Species Adviser at NRW. This strategy can be found in full within section 10.2 of the '*Addendum Report - Extended Phase One Survey and Ecological Impact Assessment for land to the south of Tupa, Penley, Wrexham*' (EDC July 2019).

In summary, this mitigation includes the requirement to provide terrestrial and aquatic great crested newt habitat adjacent to the site which will be retained and managed in perpetuity. In addition, the mitigation strategy will require that the proposed development area and mitigation area are fenced with temporary amphibian fencing and are trapped out for an appropriate number of days as specified within the European Protected Species Derogation License, which will be acquired for the site. Full details of measures to remove great crested newt from the proposed development site will be contained within the associated method statement attached to the European protected species derogation license. This is yet to be agreed with NRW, with further engagement to be made with NRW in order to establish the detail of the EPS licence method statement.

However, in summary, this is likely to include the following:

- Update surveys of ponds to establish great crested newt presence and likely population size-class.
- Installation of temporary amphibian fencing and pitfall trapping following standard specifications as outlined in section 8.4.2.1 of the Great Crested Newt Mitigation Guidelines. The amphibian fencing would be installed along the northern and eastern boundaries of the proposed development site.
- Pitfall trapping will be completed for an appropriate number of days as agreed with NRW (minimum 25 days with five clear days with no newt captures).

- Following the completion of pitfall trapping, further reasonable avoidance measures will be followed to avoid further harm to great crested newt. Appropriate Reasonable Avoidance Measures are contained within the great crested newt Method Statement which has also been produced for the site to discharge planning condition 7 (see Kingdom Ecology report- *Land at Tupa, Penley Hall Drive - Great Crested Newt RAMS).*

As part of habitat mitigation measures, two wildlife ponds will be created at the site along with suitable amphibian terrestrial habitat within the adjacent ecology mitigation area.

1.2.3 Lesser Horseshoe Bats and Licensing Implications

The previous site surveys identified the presence of a lesser horseshoe bat feeding perch/night roost within the interior of a hut building.

Consequently, any works to develop the site could result in a breach of UK and European wildlife legislation and would therefore need to be undertaken under a European Protected Species Licence as issued by Natural Resources Wales (NRW).

As a requirement of the licence application process, it will be necessary to undertake update surveys of the site. This will include daytime inspections of buildings and the previously identified roosting location. In addition, further surveys including visual nocturnal checks and static bat detector surveys of the night roost will likely be required to establish the status of the roost site.

As part of the planning application, a mitigation strategy was agreed with Matt Ellis, a Senior Species Adviser at NRW. This strategy can be found in full within section 10.2 of the '*Addendum Report - Extended Phase One Survey and Ecological Impact Assessment for land to the south of Tupa, Penley, Wrexham*' (EDC July 2019).

The mitigation measures for lesser horseshoe bat include the construction of a new building on the eastern edge of the site within the proposed mitigation area. The bat house would be designed to offer suitable roosting habitat for lesser horseshoe bats.

The update site visits will inform methods to be followed during demolition/destruction of the existing roost site. However, given that the building represents a night roost only, this is likely to comprise of a pre-works check for bats, as the building is unlikely to be used for roosting during daylight hours.

1.2.4 Breeding Birds

The existing huts and areas of trees, scrub and tall ruderal vegetation within the survey area offer suitable habitat for use by nesting birds. It is therefore recommended that any vegetation clearance or demolition works are undertaken outside of the nesting season (March-August inclusive).

If clearance works are to be undertaken in this period, then a pre-works check for nesting birds must be carried out by an appropriately qualified ecologist within 48 hours of proposed clearance. If any nesting birds are found to be present, the works will need to wait until the ecologist has confirmed that all young birds have fledged.

1.2.5 Badgers

The previous surveys have not recorded any evidence of badger on the site. However, badger have been recorded within the fields to the east of the site boundary. Given that the previous surveys date from 2019, there is a risk that the site may now be occupied by badger or maybe infrequently visited by badger during construction.

It is proposed that an update badger survey is completed no more than two months prior to the start of works. Pending the findings of this update badger survey a Badger Method Statement may need to be produced. If any new badger setts are identified within proximity to the works area, then works may need to be undertaken under a Badger Disturbance Licence.

Irrespective of the findings of the further update badger surveys, it is recommended that the following precautionary measures are followed during construction :

- Where any trenches or other excavations are to be left open overnight these should be fitted with mammal ramps or should have the sides battered to form a slope to allow badgers to escape.
- A tidy works area should be maintained during construction and any hazardous substances should be fenced off to remove any badger hazards from the site.

2 Mitigation and Compensation Site

2.1 Overview

2.1.1 Ecology Mitigation Area

The proposed Ecology Mitigation area is situated immediately to the east of the main development site. The design and extent of the proposed mitigation area was determined and designed as part of discussions with NRW during the planning application stage.

The habitat mitigation layout is shown on Figure 1 in the Appendix. The area will comprise of approximately 1 ha of land comprising areas of rough grassland, tree and scrub planting and will include the construction of two new wildlife ponds. Four amphibian hibernacula will be constructed within the mitigation area and a new bat house/horseshoe roost will also be constructed. An outline design for the bat house is provided in section 2.2.7. Detailed design of the bat house will be specified within the method statement attached to the associated European Protected Species Licence for the site and will be designed in agreement with NRW. A new length of native hedgerow will be constructed between the proposed development and the ecology mitigation area.

The mitigation area will link with an existing pond which has been identified as supporting great crested newt and will also connect with areas of existing woodland located to the east of the site.

As well as providing recommendations for habitat creation within the ecology mitigation area, the conservation plan also identifies habitat management aims and methods of delivery.

2.1.2 Mitigation Plan Aims

The habitat management plan for the on-site mitigation habitat has been designed around the following key principles and aims:-

- Where possible, retain blocks of interlinked habitat as opposed to isolated pockets of habitat;
- Maximise the biodiversity value of retained habitats at the site;
- Maintain a diverse range of habitats within the mitigation area including two wildlife ponds and a range of terrestrial habitats to comprise of approximately 30-70% scrub/woodland habitats and 30-70% scrub/woodland habitats wildflower grassland habitats.
- Ensure the long-term viability of the habitat by appropriate, long-term management and long-term protection of the habitat;
- Allow for a flexible and iterative process with regards to the management of the habitats through an annual review of the

habitats present and the management plan to allow biodiversity opportunities to be explored and promoted.

2.1.3 Management Plan Delivery and Site Tenure

A Unilateral Undertaking has been signed, a copy of which is provided in the Appendix. The Unilateral Undertaking will require the developer to appointment a Management Company. Clause 2(d) of the Unilateral Undertaking states that the Management Company shall have a specific legal responsibility "to maintain and manage the '*wildlife mitigation area'* for the benefit of wildlife and in particular great crested newt and lesser horseshoe bats and in accordance with an agreed management plan."

Funding for the ongoing management of the sites would need to include for the following:-

- Initial habitat preparation and creation
- Ongoing management and maintenance
- Wardening and monitoring of the site
- Production of an annual report for the sites
- A contingency fund to allow for any modifications to the habitat management plan or ad-hoc remediation works

In order to ensure that appropriate management and monitoring of habitats is undertaken, the Management Company/developer will ensure that the freehold tenure of the ecology area is transferred to a body that accords with the definition of "responsible" under Part 7 of the Environment Act

The associated Private sector Management Company for the site would collect index linked ground rent and transfer a defined component to the appointed appropriate third sector Species Conservation Body [as defined above] for delivering the identified actions (management, warning and monitoring) in the Habitat Mitigation Area. The wildlife body would own the freehold of the Ecology Mitigation Area.

A costed management plan would be produced to cover management, surveillance and wardening prescriptions and these are used to inform ground rent costings. Indicative costs are provided in Table 1 below, however these would need to be agreed with the appointed Conservation Body. Ground rent costings would be index linked to ensure that sufficient funds are available to the appointed Species Conservation Body in perpetuity.

The freehold transfer of the Ecology Mitigation Area would be undertaken prior to the sale and occupation of the 7th house at the site. The details of the long-term manager of the mitigation area must be agreed in writing with the LPA and NRW.

Confirmation of the appointed "responsible" species conservation body would be confirmed as a material component within a future Great Crested Newt European Protected Species Licence for the site.

Works will not be able to commence on site until the European protected species licence has been granted.

Table 1- Indicative Annual Management, Wardening and Surveillance Costs

Area	***Action***	***Cost***	***Responsibility***
Admin	Invoices, receipts, budgeting, meetings, emails etc	£400.	Conservation Body
Site management review	3 year work programme review and costings	£450.	Conservation Body
Monitoring GCN and bat house	2 night time torch counts and I day larval search	£650	Conservation Body
Site wardening	Monthly half day patrol and site audit	£1,300.	Conservation Body
Meadow/scrub management	Rotational cut / arisings removed	£1,500	Conservation Body/contractor
Pond management	Pond monitoring and management of 2 ponds	£500	Conservation Body
Monitoring	Submission of monitoring and management report	£350.	Conservation Body
Contingency Fund/works	Ad hoc works such as invasive species/fish control and/or repairs to bat house as and when required.	£750	Conservation Body
Total annual cost		**£5,950.**	

2.1.4 Timing of Works

With regards to the phasing of works and the establishment of the Ecology Mitigation Area, no development or vegetation clearance of any kind will occur prior to the construction of the Mitigation Area i.e. this will include the completion of additional planting; pond creation and confirmation that ponds hold water; and the bat roost building must be built and confirmed fit for purpose by the on-site ecologist.

2.1.5 Pre-Site Clearance Works

As described in section 1.2, EPS licences will be required prior to site clearance owing to the presence of lesser horseshoe bats and great crested newt on site higher .

Both of these licences will include specific method statements to allow appropriate supervised demolition of the existing bat roost and to allow great crested newt to be cleared from the site.

As previously described, great crested newt clearance works will require the installation of appropriate temporary amphibian fencing with pitfall traps and will require a period of pitfall trapping to be undertaken.

Following the completion of pitfall trapping, hand/destructive searches will need to be undertaken on site by the licensed ecologist.

As also described in section 1.2, a pre-works survey for badgers should be undertaken. Works will need to consider the presence of nesting birds either through avoidance of vegetation clearance during the bird breeding season (March-August inclusive bracket or through a pre-clearance nesting bird check. Both the badger and nesting bird surveys would be carried out by an appropriately qualified ecologist.

As described above, no development or vegetation clearance of any kind will occur prior to the construction of the Ecology Mitigation Area

2.2 Initial Habitat Preparation/ Habitat Creation

2.2.1 Overview

The proposed Ecology Mitigation area is located immediately adjacent to the proposed development area.

The area will comprise of approximately 1 ha of land comprising areas of rough grassland, tree and scrub planting and will include the construction of two new wildlife ponds. The habitat mitigation layout is shown on Figure 1 in the Appendix.

Proposals within the mitigation area will include:-

- Creation of a two ponds to be of benefit to wildlife
- Management of grassland, scrub and woodland habitat
- Construction and maintenance of a ‘bat house’

- construction of 4 x great crested newt hibernacula

An Ecological Clerk of Works (EcOW) will be appointed to oversee and advise on sensitive stages of the initial ground works. An initial site meeting will be undertaken between the EcOW and the construction contractors to work through this management plan.

2.2.2 2 x Wildlife Ponds

The proposed 2 x wildlife ponds should each measure at least 200m^2 in area. The ponds should have gently sloping sides that allow fauna to easily move between the terrestrial and aquatic habitats and to encourage a 'draw-down' zone at the pond margin which will be seasonally wet. These marginal habitats can be of value to invertebrates and aquatic vegetation. The pond should have an irregular shape to increase the length of pond margin habitat. Excavation of the ponds should be supervised by the ecological clerk of works.

Each wildlife pond should reach a depth of at least 1m in some parts so the pond will be permanently wet.

If ground conditions dictate, the wildlife pond should be lined with either butyl pond lining or clay and be overlaid with a subsoil substrate. One of the ponds should be planted up with appropriate native marginal and submerged vegetation. Marginal planting should be located around the northern edge of the pond to limit over-shading.

Native pond species valuable for wildlife include:

- Submerged plants- spiked water milfoil, rigid hornwort, water violet
- Floating pond plants- water lily, common water crowfoot, frogbit
- Marginal plants- water forget-me-not, bog bean, water mint, yellow flag iris, lesser spearwort, brooklime and marsh marigold

Invasive pond species which should be avoided including parrot's feather, Canadian pondweed, water fern, and New Zealand pygmyweed,

One of the ponds will not be planted up with any additional vegetation with the pond vegetation allowed to develop by natural colonisation. This is because the 'new-pond' stage is relatively short compared to the whole life of a pond and can provide a distinctive habitat type which has value in its own right and is different to the habitats offered by older ponds.

Under no circumstances, should the ponds be stocked with fish as these can diminish the ecological value of a pond by predating invertebrates and amphibian larvae and by reducing water quality.

When constructing the pond the ECoW will attend site to ensure that the pond is constructed following the recommendations of this Management Plan.

The ponds will be constructed prior to the start of the site clearance and construction works. Before any work can commence, it must be confirmed that the ponds are fit for purpose and successfully hold water.

2.2.3 Grassland Restoration

Areas of existing grassland around the habitat mitigation area will largely be retained.

However, areas of bare ground around the ponds and elsewhere within the habitat mitigation area (as required) will be re-seeded with an appropriate wildflower mix (e.g. Emorsgate Seeds EM2- General Purpose Meadow Mix).

Ground preparation and aftercare would follow the recommendations provided by Emorsgate Seeds, with the preparation of an appropriate soil tilth, followed by sowing of the seeds ideally during the autumn or spring or at other times of the year if there is sufficient warmth and moisture. Once sown, the seeds will be firmed in with a roll, or by treading, to give good soil/seed contact.

Most sown meadow wildflower and grass species are perennial; they will be slow to germinate and grow and will not usually flower in their first growing season. There will often be a flush of annual weeds from the soil in the first growing season which may grow up and obscure the meadow seedlings beneath. This annual weed growth can be controlled by topping or mowing.

The newly sown grassland will be mown regularly throughout the first year of establishment to a height of 40-60mm, removing cuttings if dense. This will control annual weeds and help maintain balance between faster growing grasses and slower developing wildflowers. Any residual perennial weeds should be spot treated or dug out.

2.2.4 Tree, Hedgerow And Scrub Planting

Blocks of tree and scrub planting will be provided within the ecology mitigation area along with a new length of native hedgerow as identified on the landscaping plan in the Appendix.

Tree planting will comprise of three standard trees along with blocks of mixed scrub habitat.

The new area of scrub habitat will include a mix of hawthorn (30%), hazel (30%), dog rose (5%), rowan (10%), holly (10%) and silver birch (15%). It is recommended that the scrub habitat is planted in parallel

rows spaced 1m apart, with plants staggered between rows and located at approximate 1m intervals.

A new length of native hedgerow will be planted along the boundary between the development site and the proposed ecology mitigation area.

The additional hedgerow planting should comprise of:

- 60% Hawthorn
- 20 % Blackthorn
- 10% Hazel
- 5% Dog rose
- 5% Holly

This mix will provide lengths of hedgerow which offer foraging and refuge habitat for various local wildlife. The native hedge planting should be planted in a double staggered row at 6 specimens per metre.

It is also recommended that a further 3 x native standard trees are provided within the ecology mitigation area

Proposed trees would include 1 x wild cherry and 2 x oak.

The hedge, tree and scrub habitat should be planted between November and March as this is the period when trees are dormant. Planting should avoid taking place in cold or windy weather to limit the risk of damage to routes before they become established. No planting to be undertaken in frozen or waterlogged soils.

Initial habitats will be created prior to the construction phase of works. The construction contractor will be responsible for the maintenance and establishment of the scrub habitat, hedgerow and trees until completion of the construction contract.

Maintenance completed by the contractors shall include all horticultural operations required to ensure soft landscaping is able to develop and thrive and to maintain a tidy appearance; operations to include watering, weeding and pruning. A minimum of monthly maintenance visits is required throughout the growing season.

Any plant defects at the end of the maintenance period will be replaced by the contractor.

All plants will comply with the requirements of BS3936 Specification for Nursery Stock. All planting to be undertaken in accordance with BS4428 Code of Practice for General Landscape Operations.

2.2.5 Great Crested Newt Hibernacula

Four great crested newt hibernacula are to be provided within the mitigation area.

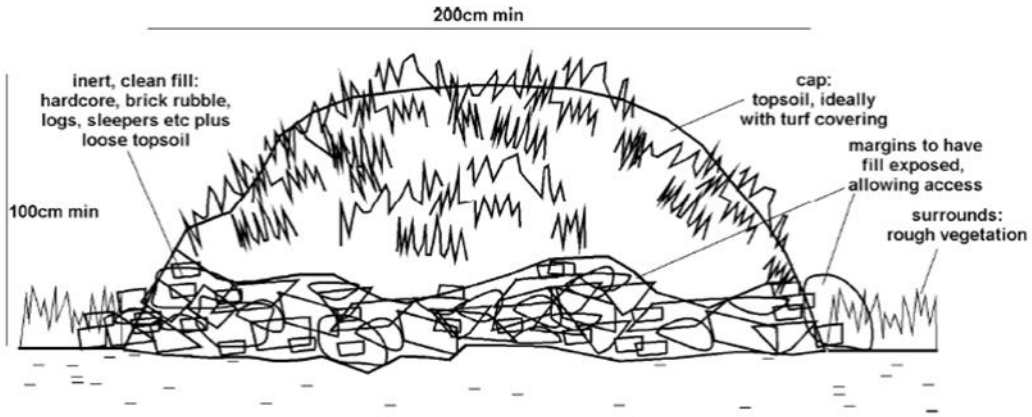
The design for each hibernaculum should be as follows. Each hibernacula will measure approximately 2 m length x 1 m width by 1 m in height. The hibernacula will be constructed within a shallow depression (approximately 400 mm in depth). The base layer of the hibernacula will comprise of clean fill comprising of brick rubble, logs, sleepers, hard-core etc with loose topsoil. The base layer will be left exposed at ground level and to a height of up approximately 200 mm above ground level, to allow amphibians to crawl into exposed crevices. This layer of fill will extend to approximately 600 mm in height. The top of the hibernacula will be capped with an approximate 300 mm of topsoil and capped with a layer of turf.

The hibernacula will be constructed in advance of site clearance within the proposed ecology mitigation area. The hibernacula will provide a receptor site for any amphibians encountered during site clearance works.

Design for the hibernacula shown below (design taken from English Nature's Great Crested Newt Mitigation Guidelines - August 2001).

Recommended locations for the hibernacula within the proposed ecology mitigation area are shown on the landscaping plan in the Appendix.

Figure 3: Suggested hibernaculum design
This design mimics artificial and natural conditions in which great crested newts have frequently been found over-wintering. Dimensions should not be below 2m length x 1m width x 1m height. The illustrated design would be suitable for locating on an impermeable substrate. On free-draining substrates, the design is largely similar but the bulk of the fill is sited in an excavated depression in the ground. Hibernacula should ideally be positioned across a site, both close to and distant from breeding ponds, always in suitable terrestrial habitat and above the flood-line.



2.2.6 Bat House

In order to compensate for the loss of the lesser horseshoe bats like to roost, a replacement night roost structure would be created within the Habitat mitigation area.

The replacement night roost has been designed following recommendations within the Vincent Wildlife Trusts Lesser Horseshoe Bat Conservation Handbook (Vincent Wildlife Trust 2008).

The proposed night roost would comprise of a small stand-alone structure which will measure 1.5 m in width by 2 m in length by 2.5 m in height. The structure will be constructed of rendered block work with a pitched roof clad in slate. The internal face of the roof will be clad in traditional F1 bitumen hessian roofing felt. A ceiling will be installed to provide a small roof void space. An open hatch would be incorporated into the ceiling (measuring 600 mm x 600mm), to allow bats to fly into the roof space and perch from the roof structure. A large opening will be provided on the east facing gable wall to allow bats to enter the structure. The opening will measure 1500mm x 600mm.

An appropriate design for the bat house/night roost is shown in the Appendix.

The bat house would be installed prior to the start of construction works. Prior to the start of works, it must be confirmed that the bat house is fit for purpose by the on-site ecologist.

2.2.7 Bat and Bird Boxes

The proposed development will include provision for roosting bats and breeding birds. These will be comprise of bat and bird nest boxes which will be installed on suitable retained trees located around the proposed development site and within the proposed Ecology Mitigation Area.

Bat and bird boxes will comprise of at least 4 x tree mounted bat boxes (comprising of Schwegler 2F Bat Boxes or CJ Wildlife Large WoodStone Bat Boxes or similar); and at least 6 x tree mounted bird boxes (comprising of Schwegler 1B nest boxes with 26mm entrance holes and/or x Schwegler 1B Nest Boxes with 32mm entrance holes or similar).

The tree mounted bat boxes should be positioned on retained mature at a minimum height of 4m, positioned to avoid having a north facing aspect, and positioned so that the bat box entrance and bat flight lines below the entrance are not obstructed by vegetation (this may require some twigs and young branches to be removed within at least 1m beneath the bat box entrance).

The tree mounted bird boxes should also be positioned on suitable trees around the site. The boxes should be installed at a minimum height of 2m, located in a sheltered location and positioned so that the bird box entrances are not obstructed by vegetation.

The precise location for the bat and bird boxes would be determined by the on-site ecologist. Bat and bird boxes would be installed prior to the start of any vegetation removal and site clearance.

2.2.8 Standing Dead Wood

Where there is any standing dead wood present within the ecology mitigation area, or in association with retained trees around the development site, this would be retained in situ.

Standing deadwood offers important habitats for many species. Veteran trees, stumps, snag ends, lifting bark and standing dead trees, provide niches for wildlife. These include crevices for bats, rotting heartwood for invertebrates, and woodpecker holes that other birds, invertebrates and small mammals can use.

Therefore, deadwood would only be removed if considered to pose a safety risk to people.

Where any standing deadwood must be removed, appropriate replacement tree planting would be provided in consultation with the site ecologist.

3 Habitat Management Proposals

3.1 Management Plan Delivery and Responsibilities

Overview

The Habitat Mitigation Areas will be managed in accordance with this Habitat Management Plan in perpetuity.

The developer will be responsible for the management and maintenance costs and for arranging the required monitoring, management and maintenance activities as described within the associated Unilateral Undertaking and through the appointment of a Responsible Species Conservation Body (see section 2.1.3).

Annual ecological monitoring of habitats would be undertaken at the site. The monitoring works will record habitats present, confirm whether management prescriptions are being completed and will make adjustments to the management plan, where required.

An Ecological Compliance Audit will be completed during the construction phase and for the first three years post construction to ensure that the Habitat Management Plan is being appropriately followed.

The developer will appoint an appropriately qualified ecologist to complete the Ecological Compliance Audit.

3.2 Habitat Management

3.2.1 Grassland Management

Habitat management at the Ecology Mitigation Site should seek to encourage a diverse range of habitats. In this instance proposals will seek to retain areas of grassland, varying ages of scrub habitat and woodland habitats. The management proposals will also aim to prevent overshading of the proposed wildlife ponds.

As previously described, the Habitat mitigation should aim to maintain a range of terrestrial habitats. Ratios of woodland to grassland habitats should comprise of approximately 30-70% scrub/woodland habitats and 30-70% scrub/woodland habitats wildflower grassland habitats.

Parts of the grassland area may be damaged and require restoration following the completion of pond excavation. Once established, the grassland will be managed as hay meadow habitat, with the grasslands to go uncut between April and late August. This will allow a hay meadow type habitat with associated wildflowers to come through during the summer. After flowering in August, a 'hay cut' of the meadow will be taken using a power scythe or petrol strimmer. The grassland will be cut back to a height of approximately 100mm.

The 'hay' will be removed from site. Failure to remove the 'hay' will result in a build-up of litter forming a dense mat which can impact upon plant diversity. No fertiliser would be applied to these areas.

3.2.2 First Year Maintenance of all Habitats

During the summer, the base of the scrub habitat, hedges and trees should be weeded. This is to limit competition from grasses and other plants. A mulch of chopped bark placed the base of the shrubs will prevent weeds from growing the first instance and will help reduce moisture loss.

An inspection should be carried out in late summer. Where any trees or shrubs are found to have died, these should be replaced with new shrubs in the autumn and winter.

In the first spring the hedge and scrub habitat should be cut down to 45-60 cm above the ground. This hard pruning will encourage the shrubs to bush out. This will be particularly important to allow the hedgerow habitats to develop into an appropriate thick hedge.

Beyond the first year, the proposed habitats will require very little management to achieve the desired condition scores. Habitat management prescriptions for each habitat type are provided below.

3.2.3 Individual Trees

With regards to the individual trees and the trees located within the proposed new hedgerow, no pruning would be undertaken whatsoever, with the trees allowed to naturally develop to an appropriate height and appropriate canopy for their age.

Annual care for trees in their first five years is important. Many young trees die from neglect, especially from the failure to carry out basic weed control.

It is important to check on newly-planted trees at least once a year and carry out a few simple maintenance tasks including:

- watering (if necessary)
- fertilising (if necessary)
- clearing grass and weeds
- adjusting/replacing/removing tree stakes and ties
- checking guards and shelters
- ensuring roots remain covered

3.2.4 Mixed Scrub Habitat

Likewise, following establishment, the proposed scrub habitat will require only low levels of management. Mixed scrub stands on reasonably fertile soils begin to develop towards woodland after about 15 years, so a rotation of around that duration will ensure that all stages of scrub, including open ground are present within the standard of scrub. It is recommended that 50% is selectively thinned in Year 8 and 50% in year 15.

The selective thinning or removal of individual stems or shrubs will reduce the density of the scrub stand creating dappled light conditions and with regeneration within any gaps creating a fine-scale structural diversity. Thinning can be carried out using a chainsaw or bow saw.

No scrub cutting should take place during peak bird nesting season, which runs from March to September. Where possible, maintenance work should be delayed until January or February, as berries amongst the scrub habitat can provide a valuable autumn and winter food source for birds.

No other management to scrub habitat is proposed.

3.2.5 Hedgerow Habitat

Once the hedgerow habitat is established, rotational hedge trimming will also be carried out. Hedges should not be cut every year, as flower buds often form on second-year growth.

Once the hedges have established, the relevant sections of hedge would be trimmed on a three-year rotation, targeting different sections each year. This will make ensure there are always flowers for pollinators in spring and berries for birds in autumn. Hedges cut every three years can produce two and a half times as much blossom as those cut annually.

As for the scrub habitat, no hedge cutting should take place during peak bird nesting season, (March to September), with maintenance work delayed until January or February.

3.2.6 Pond Management

Intermittent management and control of vegetation within the wildlife pond may be required on a 3-5 year basis. The pond should be managed to retain at least 30% open water. Where vegetation is to be removed, this should be carried out over the Autumn/Winter to have the least impact upon any wildlife present.

Any invasive aquatic plant species should be monitored and treated as appropriate to prevent colonisation of the pond.

If water levels within the deepest part of the pond fall regularly below 500mm, de-silting of the pond should be carried out by a long-armed excavator. Where possible this should be carried out from one entry point to limit disturbance to the pond and adjacent habitats. These works would ideally be carried out over the winter months.

Annual monitoring of the site will be undertaken to assess the success of the management regimes. The ecologist will also determine whether any pond and scrub maintenance is required.

In the event of fish and/or invasive non-native species being detected during the monitoring or wardening visits, an appropriate ecologist will be appointed and works will be undertaken annually until eradication has been demonstrated over an approved number of years to be agreed with NRW.

Appropriate methods of fish removal are described within the great crested newt conservation handbook. An appropriate method for fish removal would be agreed with NRW and the responsible species conservation body.

With regards to invasive aquatic species, The main method to control their spread is through early detection, monitoring and eradication within ponds at the site. The site will be regularly wardened with frequent monitoring visit to the ponds. Where invasive plant species are identified, control measures would seek to eradicate the plants through appropriate means which could include physical methods, chemical and biological means.

A contingency fund would be included within annual costings for the site to cover such works.

Where necessary, works to remove fish and control invasive aquatic species will be completed under an appropriate European Protected Species Licence and by appropriately qualified personnel.

A summary of Management proposals along with frequency and time of year is provided in Table 2 below.

3.2.7 Bat Roost Maintenance

Annual monitoring of the proposed bat house will also assess the condition of the structure. Where required, maintenance and repair works would be carried out under a European protected species licence and in full consultation with the Responsible Species Conservation Body, with works completed by appropriately qualified personnel.

A contingency fund is included within the annual costings to allow for ad hoc repair and works as and when required.

3.2.8 European Protected Species Licensing Considerations

Management works to be undertaken within the ecological mitigation area have the potential to disturb or harm European Protected Species (specifically great crested newt and bat) where they are carried out in an insensitive manner.

Habitat management works will be designed to limit the risk of harm to great crested newt through careful timing of works to avoid sensitive times of year and through the implementation of appropriate management methods (e.g. Appropriate timing of pond management, appropriate use of cutting tools to avoid harm to amphibians within grassland, and the appropriate timing of maintenance works to the bat house to avoid sensitive times of year for that).

Nevertheless, where considered appropriate, a European Protected Species Conservation licence may be acquired for management and maintenance works at the site were considered necessary. The need for such works would be agreed with NRW.

Table 2- Habitat Management Summary

Habitat	***Frequency of Management***	***Time of Year***	***Management Proposal***
Grassland Management	Annual management of established grassland starting in year 1 of construction. Patches of grassland strimmed annually. Frequency/extent may be increased/ decreased pending findings of monitoring surveys. Grass cuts should be undertaken with flail cutters/mowers set to retain vegetation at a height of 100mm in order to prevent any risk to amphibians that may be present within the grasslands.	Works to be undertaken August/September to allow plants to flower and set seed.	Established Grasslands will be managed as hay meadow habitat, with area undergoing an annual cut. Frequent cuts of newly seeded grassland required in first year to control weed growth. All cuttings/ arisings to be removed. No fertiliser to be applied.
Scrub management	To be cut on a 15 year rotation with 50% cut in Year 8 and 50% in year 15.	Avoid nesting bird season (March-August inclusive)	All arisings to be removed.

Habitat	*Frequency of Management*	*Time of Year*	*Management Proposal*
Pond Management	Intermittent management and control of vegetation within the wildlife pond may be required on a 3-5 year.	Vegetation clearance to be carried out Autumn/Winter, if required	Management proposals to be determined based upon annual ecological monitoring surveys. May require vegetation or silt removal.
Ecological Monitoring Survey	To be completed annually	To be completed during the summer	Ecological site visit to be conducted annually with findings and recommendations for management presented before late summer habitat management works

4 Wardening, Monitoring and Reporting

4.1 Wardening

The Ecology Mitigation Area is largely set back from the main housing development. Consequently, vehicular access is restricted and the risk of the described undesirable activities are considered to be low.

Nevertheless, regular wardening of the site should be carried out at least once every two months. Wardening would be undertaken by the appointed Responsible Species Conservation Body.

Where identified during wardening visits, remediation works should be promptly carried out at each site. This could include repair of fencing, clearance of fly-tipped debris, litter picking etc.

4.2 Monitoring

Habitats

Monitoring of habitats at the site should be carried out annually during May/June to assess the success of the habitat management plan, to allow for any refinement of management practices, to check for the status of great crested newt and of lesser horseshoe bats at the site.

The protected species monitoring works should be completed by an appropriately qualified ecologist or by the Responsible Conservation Body. This will be agreed as part of the future great crested newt European Protected Species Licence for the site.

Monitoring of habitats should comprise of an assessment of the botanical value of the site and also an assessment of the ecological value of the wildlife ponds.

The monitoring will determine whether any additional works to the standard mowing regimes are required and whether the wildlife ponds require any remediation works. An assessment of woodland and scrub habitats would also be undertaken in years 5, 10, 15 and 20 in order to inform management prescriptions for woodland and scrub habitats.

Great Crested Newt

Monitoring of GCN at the site would be completed in accordance with the methodology of and results reported through the Wales Great Crested Newt Monitoring Scheme, as administered by COFNOD.

The mitigation site would be added to the Wales GCN Monitoring Database and would include specific data for the site including a boundary plan of the mitigation site (including as a GIS shape file); a 12 figure grid reference for each of the numbered existing and proposed ponds within the GCN mitigation area; and dates of the pond creation.

All historic great crested newt survey data and future monitoring data would be imported into the GCN monitoring database following survey.

Monitoring for great crested newt would be carried out annually with surveys comprising of presence/absence surveys, abundance counts and habitat suitability index assessments of each of the ponds following standard techniques. With each survey comprising of two site visits comprising of an egg search and torch counts of each pond.

The survey would assess the two mitigation ponds and the retained pond located to the north-east of the site. Survey would be completed during the peak newt breeding season (mid-April to mid-May during appropriate weather conditions). A further search for newt larvae will be undertaken in July following standard methodologies (netting or torching as considered appropriate by the Responsible Species Conservation Body).

Surveys would be completed by an appropriately licensed great crested newt surveyor.

Bats

Monitoring of the bat house/night roost would comprise of a daytime visual check of the bat house interior to search for bat droppings or other field signs indicative of bat usage. Monitoring of the bat house would be carried out annually. Surveys would be completed by an appropriately licensed bat surveyor.

An annual monitoring report with management recommendations (where relevant) would be produced and submitted to the council.

4.3 Ecological Compliance Audit

A biodiversity compliance audit will also be undertaken by a further ecological consultant appointed separately from the principal ecologist/ecological clerk of works ecologist to confirm that the site recommendations have been undertaken and appropriately completed.

The compliance audit would last for the duration of construction works and for the first three years of the ongoing habitat management works.

In summary, the Compliance Audit will require that the following Key Performance indicators are completed/undertaken.

1. A suitably experienced ecologist has been appointed for the project duration and for monitoring of the future habitat management works, mitigation ponds and bat house.
2. Prior to the start of any works, the ecologist will confirm that appropriate EPS Licences have been obtained and will check that appropriate mitigation measures have been followed during site clearance.
3. Prior to the completion of construction, confirmation that the bat house has been constructed.
4. Prior to the completion of construction, confirmation that the wildlife ponds have been appropriately installed including recommended features for wildlife.
5. Confirmation that the proposed Ecology Mitigation Area has been suitably retained, landscaped and protected during construction works.
6. Implementation of post development habitat/site management and maintenance and, annual habitat monitoring as described above.
7. Successful implementation of the management plan to achieve habitat goals including a mosaic of woodland, wildflower grassland, scrub and pond habitats.

Appropriate compliance audit templates with key performance indicators are provided in the Appendix for both bats and great crested newt.

These templates would be completed by the appointed Ecological Consultant who will submit the annual Compliance Audit documents to Wrexham CBC and NRW.

Appendix

Drawing are for planning only and show design intent. Ensure detailed hydrology design is undertaken at RIBA stages 4 onwards to ensure water levels are managed at desired levels and have suitable outlets.

Existing Pond
Woodland and Scrub
Wooded Stream Valley
Woodland and Scrub
Grazed Field as Existing
Woodland and Scrub
Woodland and Scrub
Workshop
Existing Pond
Native hedgerow to boundaries (Mix of existing and augmented)
Workshop
Managed Grassland/ Meadow
Standard Tree Planting
Wooded Stream Valley
Woodland and Scrub
2Nr Veteran Oak Trees
15m Offset
20m Offset
Soft/ Porous Surfacing. (No change in level).
Development Area. Outlook from development to retained and enhanced landscape features.
TPO WCBC No.286/2018 (W1)
Existing Woodland protected under Order provides very high level of screening to new properties from the north and east.
Timber and mesh fencing to exclude livestock and dogs from wildlife areas. Managed access only.
Existing mature trees. (to be fenced area to avoid possible future livestock damage to canopy or roots).
New Tree Planting
Native hedgerow to boundaries
Views directed towards existing and enhanced landscape features.
Native hedgerows and trees to filter views, soften built form and retain wildlife corridors.
New Native Hedge/ Scrub
Development Area. Outlook from development to retained and enhanced landscape features.
Development Area. Outlook from development to retained and enhanced landscape features.
Built form to be avoided within RPA of Existing Trees
Managed Grassland/ Meadow
Timber and mesh fencing to exclude livestock and dogs from wildlife areas. Managed access only.
Pedestrian and management access path
Woodland and Scrub
Water Discharge Control to existing watercourse
Existing young oak tree to be given space to naturally develop.
Goat Willow
Green Space (Amenity Grass)
Graded linear swale to retain and polish surface water run- off prior to reaching new ponds.
Ditch/ Swale
Ditch/ Swale
Ditch/ Swale
Pond
New Native Hedge/ Scrub
Tree planting
Tree planting
Views from existing housing development filtered by retention of belt of birch and maturing Oak.
Green Space (Amenity Grass)
Mature Horse Chestnut
2Nr Mature Oak Trees (Off-Site)
Native hedgerows and trees to filter views, soften built form and retain wildlife corridors.
Standard Tree Planting
Pond
Tree planting
New Native Hedge/ Scrub
Native hedgerows and trees to boundaries to filter views to and from of development
Wildlife Area
Fenced with Managed Access Only. No Public Access.
Domestic Woodland
Existing housing development
Mature Plane Tree
Winston Way
Tree belt to be retained to filter views to the site from houses and and maintain a mature landscape structure. Area managed to encourage younger trees to mature and include new succession tree planting to replacing aging birch trees.
New Native Scrub
Tree planting to screen views edge of development and retain wooded outlook for people using Llwybr Maelor Public Right of Way
Llwybr Maelor Way
Existing housing development
Penley Hall Drive
Garden and Polytunnel
Llwybr Maelor Way
Domestic Woodland
Scale Bar
0 40 50m

KEY

General

- Site Boundary
- Land under control of site land owner
- Footprint of existing housing development
- Llwybr Maelor Way (PRoW)
- Development Areas and Outlook
- Key Views to Retain and Enhance
- Access Route/ Footpath
- Stock and dog-proof Fence
- Existing Broad Areas of Woodland and Scrub
- Existing Standard Mature Trees
- Amenity Grass/ Pasture
- Meadow Grass
- New Broad Areas of Native Woodland
- New 'Extra Heavy Standard' Tree Planting
- Woodland Scrub and Hedgerows
- Existing Ponds
- New Ponds
- New Ditches/ Drainage Swales
- Earth Mounding and Hibernacula

N.B Wildlife Area
Managed Access Only- No public Access.

© Crown copyright and database rights 2018] Ordnance Survey 0100031673

Rev F: Planning Update	07.02.2025
Rev E: Planning Update	25.01.2025

Project:
Penley Hall Drive, Penley,

Drawing Title:
Landscape Strategy and Parameters Plan (Illustrative Layout Plan)

Scale: A3: 1/1000 A1: 1/500		Date: 22/05/2018	
Status: Planning		Drawn: ES	Checked: TS
Drawing Number: AZ023.010 (Figure 6.1)		Revision: F	

above zero
Landscape Design
Landscape Planning
Landscape Management
Public Realm & Green Space
Tel: 01829 759389 email: info@abovezero.co.uk web: www.abovezero.co.uk

Figure 2a- Bat Night Roost Design

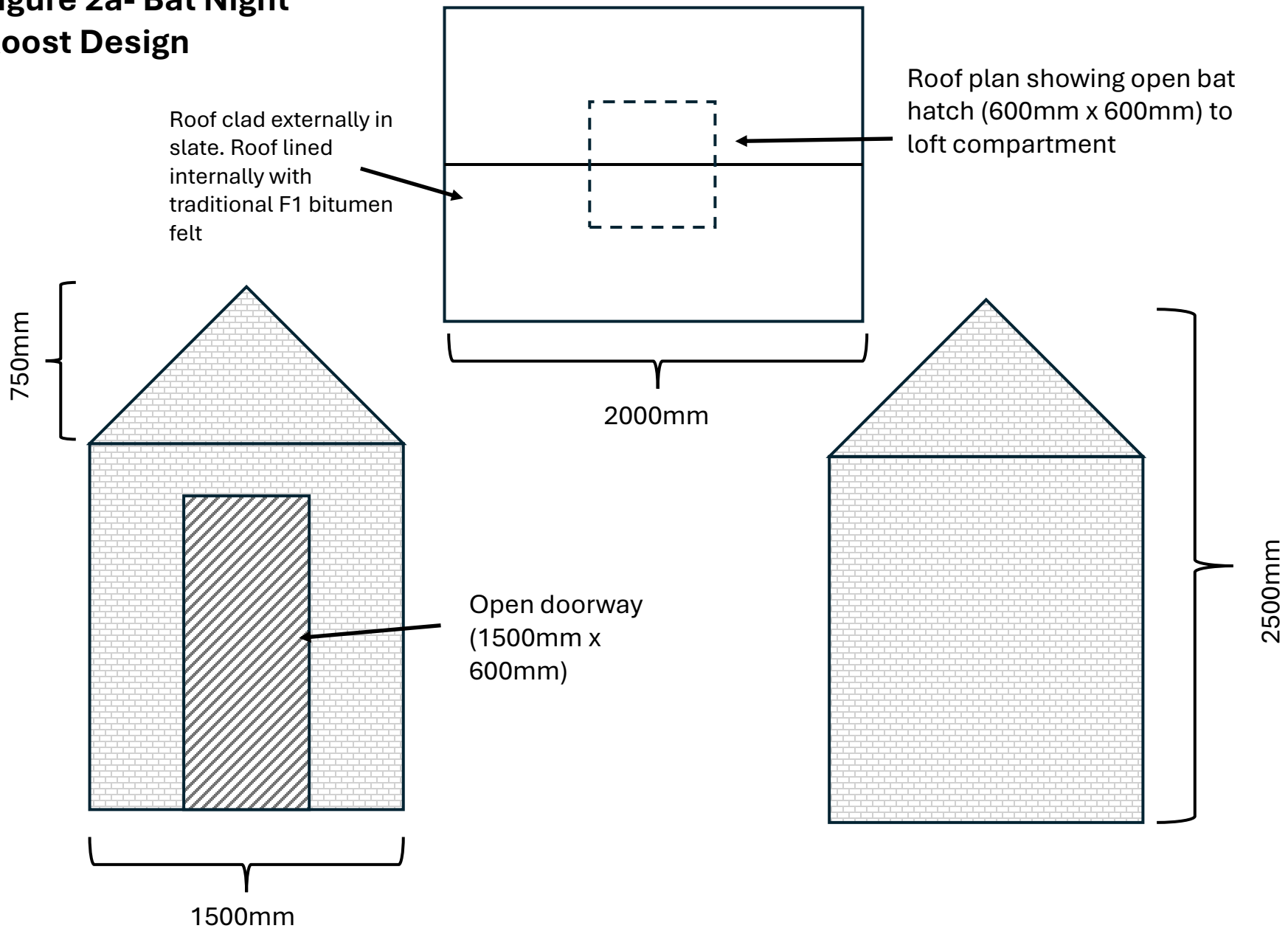
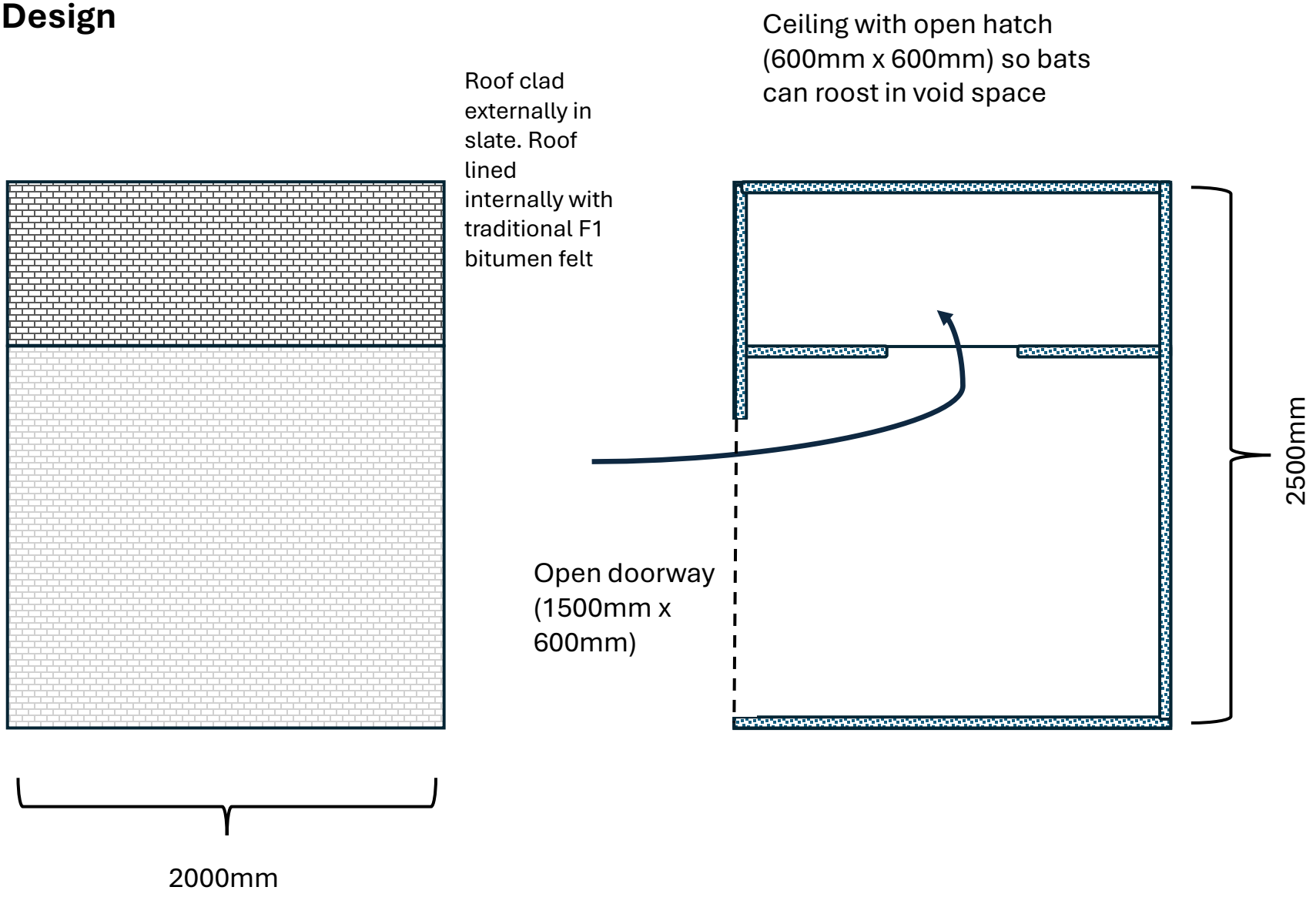


Figure 2b- Bat Night Roost Design



Cyfoeth Naturiol Cymru

Natural Resources Wales

Ecological Compliance Audit

Species: Bats

A. Licensing

Natural Resources Wales licence reference number:		Site name:	
		Site grid reference:	
Name of licence holder:		Name of developer if different from licence holder:	
Name of Licence Ecologist and Organization:		Planning Permission Condition	Yes/No If yes: Application No:
Name and Organization of Ecological Compliance Auditor		Type of Assessment	☐ Internal ☐ External

			☐ Combination of Internal and External ========== ☐ Ecological Clerk of Works ☐ Internal ☐ External
Name and Organization of Ecological Compliance Audi Verifier	☐ Not Applicable ☐ Name and Address:	Is Verification required? Type of Verification (if required)	☐ Yes ☐ No ========== ☐ Internal ☐ External
Number of Ecological Compliance Audits (ECA')		Intervals between Audits	☐ 3 Months ☐ 4 Months ☐ 6 Months ☐ Other

Date licence issued (dd/mm/yy):	Date licence expired:	Licence implemented between (dd/mm/yy)	
		From:	To:
Amendment 1			
Amendment 2			

B. Schedule of Ecological Compliance Audit Completion and Dissemination

Audit Number	Date Completed	Date Issued to Licence Holder	Date Issued to NRW/Other
1			
2			
3			
4			

C. Performance Indicators

The audit to be conducted in accordance with NRW compliance audit guidelines.

No	**Performance Indicator**	**Evidence required** - this list should be adapted to reflect the agreed method statement	**Pass (Yes/No), comments.** **State if photographic evidence has been used**	**What action is required as a result of findings?**
1	Before starting work the licensee will advise NRW Species Officer of the date the works will start.	Written or electronic documentation of notification of start of works.	☐ Yes ☐ No	
2	A suitably experienced licensed ecologist will be appointed and retained during the life time of	Letter, contract or other document outlining the appointment of an Ecologist for the lifetime of the	☐ Yes ☐ No	

	this licence to provide on-site advice.	project. This will be able to be supplied.		
3	Prior to the start and throughout the duration of any works on site, all site workers will be inducted by the Project Ecologist. This induction will cover the legal status of the species, the method of working, and action to be taken if protected species are encountered.	Copy of documents from ecological induction, showing content of induction. List of induction attendees will be provided.	☐ Yes ☐ No	
4	Preparation and implementation of a bio-security risk assessment as detailed in E.5 of the method statement	Bio-security risk assessment is available for inspection. Log of implementation of bio security measures is available for inspection and shows that they have been implemented. Field observations shows that physical evidence of biosecurity measures are available, eg footwashes	☐ Yes ☐ No	
5	Licence available for inspection by any police constable or employee of Natural Resources	Licence is available for inspection on site	☐ Yes ☐ No	

	Wales			
6	No agent of the licensee shall act under licence unless they are in possession of a letter signed by the licensee appointing them by name as the duly accredited agent of the licensee for the purposes of this licence, and shall carry with them the said letter and a copy of this licence and shall produce them to any police constable or employee of the Natural Resources Wales or other authorised person on demand	All relevant accredited agents have copies of licence holder's letter of authorization. Licence holder's letter is available for inspection.	☐ Yes ☐ No	
	E.1 Bat disturbance, capture and exclusion			
7	Works affecting bat roosts will not commence until the Project Ecologist has inspected the area and confirmed that work can go ahead – as detailed in E.1 of the method statement.	Log and field observation show disturbance, capture and exclusion (as relevant) have been undertaken as detailed in the method statement. Dates of action taken should be noted. Examples of actions to be included - - timing of observations and methods used to confirm if bats still present - details of exclusions or deterrent methods used	☐ Yes ☐ No	

8	Action taken if one or more bats found during the course of work	Log detailing - number and species of bats found and location - actions undertaken if animals found including notification to licensed ecologist	☐ Yes ☐ No	
9	Implementation of works is carried out in accordance with timescales and programmes specified in method statements and/or license conditions s	Log of work schedule is available for inspection. Log shows that works only took place during specified or conditioned times	☐ Yes ☐ No	
	E.2 Bat roost and habitat retention, modification and / or creation			
10	Retention of existing roost/s and features (minor changes and maintenance works) as detailed in E.2.1 of the method statement.	Log and field observation demonstrate retention is in accordance with method statement including: - type of replacement roofing material - specification of roofing membrane - use of appropriate timber treatment chemicals & works timed to avoid injury - addition / changes to insulation and impact on temperature/humidity. - retention or modification of roost entrances	☐ Yes ☐ No	

		- enhancements to the roosts e.g. crevice provision		
11	<u>Modification of existing roosts</u> as detailed in E.2.2 of the method statement	Log and field observation demonstrate modification was in accordance with Method Statement including: - number, location and dimensions of roost areas, including partitioning of roof voids - construction materials (e.g. roofing membranes, roofing material) - number, location and design of entrances - provision of roost crevices - use of appropriate timber treatment chemicals & works timed to avoid injury - lighting scheme to avoid illumination of roosts/ entrances - installation of services that may require maintenance	☐ Yes ☐ No	
12	<u>Creation of new roosts</u> (including bat houses and bat boxes) as detailed in E.2.3 of the method statement	Log and field observation demonstrate construction and installation was in accordance with Method Statement including: - number, location and dimension of roost areas - construction materials (e.g. roofing membranes, roofing material) - number, design & location of entrances - number, design & location of roost crevices	☐ Yes ☐ No	

		- number, location and design of bat boxes as specified (e.g. make & model number) - lighting scheme avoids illumination of roosts / entrances - replacement roost in good order and ready for occupation (or occupied) before old roost damaged or destroyed		
13	External lighting is compliant with licence condition(s) or method statement	Log and field observation demonstrate construction and installation was in accordance with Method Statement and any relevant conditions including: - lighting scheme avoids illumination of roosts / entrances - lighting scheme avoids bat dispersal routes	☐ Yes ☐ No	
14	Roofing membranes and treated timbers used are appropriate for use in bat roosts	Log and field observation demonstrate construction and installation was in accordance with Method Statement and any relevant conditions including - details of bat-friendly timber treatment chemicals; -Log of work shows that only bat friendly timber treatment chemicals were used in bat mitigation features	☐ Yes ☐ No	

	F and H: Long Term Site proposals			
15	Implementation of population monitoring as detailed in F.2 of the method statement	If audit undertaken <u>during development phase</u>: - monitoring plan demonstrates measures are in place to undertake GCN population monitoring post-development. If audit undertaken <u>post-development</u>: - log or report demonstrate monitoring plan has been implemented log or report demonstrate results passed to local record centre	☐ Yes ☐ No	
16	Implementation of long term site safeguard proposals as detailed in F.4, H.1 and H.2 of the method statement *NB Not all schemes will require all of the activities*	Log of works demonstrates implementation eg: (i) land transfer or other legal interest proposal (ii) mitigation/compensation site been listed as a local land charge (iii) proposed legal agreements and contracts been completed (iv) wardening requirements implemented to proposed timescales and in accordance with the submitted Method Statement	☐ Yes ☐ No	

		financial plan in place to resource mitigation, compensation, monitoring, site management or wardening		

Any other points to note/comments from auditor:			
Photographic Evidence ☒ Yes ☐ No		**If Yes, please attach to completed report**	
Auditor Name		**Date Completed**	
Auditor Signature			
Date ECA Submitted to License Holder		**Date ECA Submitted to License Holder**	

Copy of this to be sent to;

Name	Organization	Date

Draft August 2019

Cyfoeth Naturiol Cymru

Natural Resources Wales

Ecological Compliance Audit

Species: Great Crested Newt

A. Licensing

Natural Resources Wales licence reference number:		Site name:	
		Site grid reference:	
Name of licence holder:		Name of developer if different from licence holder:	
Name of Licence Ecologist and Organization:		Planning Permission Condition	Yes/No If yes: Application No:

Name and Organization of Ecological Compliance Auditor		Type Of Audit	☐ Internal ☐ External ☐ Combination of Internal and External ========== ☐ Ecological Clerk of Works
Name and Organization of Ecological Compliance Audi Verifier	☐ Not Applicable ☐ Name and Address:	Type of Verification	☐ Internal ☐ External
Number of Ecological Compliance Audits (ECA')		Intervals between Audits	☐ 3 Months ☐ 4 Months ☐ 6 Months ☐ Other
Date licence issued (dd/mm/yy):	Date licence expired:	Licence implemented between (dd/mm/yy)	
		From:	To:

Amendment 1			
Amendment 2			

B. Schedule of Ecological Compliance Audit Completion and Dissemination

Audit Number	Date Completed	Date Issued to Licence Holder	Date Issued to NRW/Other
1			
2			
3			
4			

C. Performance Indicators

The audit to be conducted in accordance with NRW compliance audit guidelines.

No	**Performance Indicator**	**Evidence required** - this list should be adapted to reflect the agreed method statement	**Pass (Yes/No), comments.** **State if photographic evidence has been used**	**What action is required as a result of findings?**
1	Before starting work the licensee will advise NRW Species Officer of the date the works will start.	Written or electronic documentation of notification of start of works.	☐ Yes ☐ No	
2	A suitably experienced licensed ecologist will be appointed and retained during the life time of this licence to provide on-site advice.	Letter, contract or other document outlining the appointment of an Ecologist for the lifetime of the project. This to be supplied.	☐ Yes ☐ No	
3	Prior to the start and throughout the duration of any works on site, all site workers will be inducted by the Project Ecologist. This induction will cover the legal status of the species, the method of working, and action to be taken if protected species are encountered.	Copy of documents from ecological induction, showing content of induction. List of induction attendees will be provided.	☐ Yes ☐ No	
4	Preparation and implementation of a bio-security risk assessment	Bio-security risk assessment is available for inspection.	☒ Yes ☐ No	

	as detailed in E.5 of the method statement	Log of implementation of bio security measures is available for inspection and shows that they have been implemented. Field observations shows that physical evidence of biosecurity measures are available, eg footwashes		
5	Licence available for inspection by any police constable or employee of Natural Resources Wales	Licence is available for inspection on site	☐ Yes ☐ No	
6	No agent of the licensee shall act under licence unless they are in possession of a letter signed by the licensee appointing them by name as the duly accredited agent of the licensee for the purposes of this licence, and shall carry with them the said letter and a copy of this licence and shall produce them to any police constable or employee of the Natural Resources Wales or other authorised person on demand	All relevant accredited agents have copies of licence holder's letter of authorization. Licence holder's letter is available for inspection.	☐ Yes ☐ No	
	E.1 GCN capture and exclusion			

7	Different species of newt and other amphibians to be held and transported in separate containers		Log of activities, including use of containers is available for inspection Log shows that amphibians have been transported within separate containers Containers are available for inspection	☐ Yes ☐ No	
8	Netting to be used only when all other methods		Log of activities, including use of netting, is available for inspection Log shows that netting was onmly use		
9	Design and installation of amphibian fencing to the specifications provided in the CCW guidance sheets/ EN (2001) and as detailed in the method statement:			☒ Yes ☐ No	
10	Amphibian fencing has been subject to inspection and maintenance according to CCW guidance sheets/ EN (2001) and as detailed in the method statement throughout the			☒ Yes ☐ No	

	translocation and construction periods.			
11	Works within amphibian habitats will not commence until working areas are confirmed to be clear of amphibians by the licensed ecologist.	Log of activities, including clearance activities, is available for inspection recording captures.	☒ Yes ☐ No	
12	Any works outside the amphibian fence are to be in accordance with a methodology as approved by NRW supervised by a licensed person.	Log of works undertaken, including evidence of licensed person on site, available for inspection. The log book will be kept at; A log book will be kept available that demonstrates all works done under licence and in accordance with the method statement that has been agreed.	☒ Yes ☐ No	
	E.2/E3 GCN habitat modification and creation for mitigation and compensation			
13	All mitigation and compensation measures have been implemented as per section E2 and E.3 of the Method Statement:	Log of works demonstrates habitat creation /enhancement implementation which is provided in the sites ecological management plan.	☒ Yes ☐ No	

14	The habitat conservation areas on site has been subject to appropriate management during construction as specified in section E.2.1 of the Method Statement	Log and field observation show that appropriate management activities have been implemented.	☒ Yes ☐ No	
15	The implementation of measures or procedures to evidence development and associated works, including any mitigation and or compensation, are being carried out in compliance with licence condition and provisions of the method statement.	Log and/or other recording systems that evidences procedures and other measures document compliant implementation of the method statement. This may include log maintained by the licensed ecologist to provide a record of all measures implemented to ensure compliance with the relevant parts of E.2/ E.3.	☒ Yes ☐ No	
	F and H: Long Term Site proposals			
16	Implementation of habitat/site management and maintenance and, habitat monitoring as detailed in F.1 and F.2 of the method statement	If audit undertaken during development phase: - Habitat management plan demonstrates measures are in place to ensure ongoing ecological land management are	☒ Yes ☐ No	

		in line with the ecological management plan which has been produced for the site.		
17	Implementation of <u>population monitoring</u> as detailed in F.2 of the method statement	If audit undertaken <u>during development phase</u>: - monitoring plan demonstrates measures are in place to undertake GCN population monitoring post-development. If audit undertaken <u>post-development</u>: - log or report demonstrate monitoring plan has been implemented log or report demonstrate results passed to local record centre including upload of data into the online Wales GCN Monitoring Scheme	☒ Yes ☐ No	
18	Implementation of long term site safeguard proposals as detailed in F.4, H.1 and H.2 of the method statement	Log of works demonstrates implementation eg: (i) land transfer or other legal interest proposal (ii) mitigation/compensation site been listed as a local land charge (iii) proposed legal agreements and contracts been completed (iv) wardening requirements implemented to proposed timescales and	☒ Yes ☐ No	

		in accordance with the submitted Method Statement (v) financial plan in place to resource mitigation, compensation, monitoring, site management or wardening		

Any other points to note/comments from auditor:			
Photographic Evidence ☒ Yes ☐ No		**If Yes, Please attach to completed report**	
Auditor Name		**Date Completed**	
Auditor Signature			
Date ECA Submitted to License Holder		**Date ECA Submitted to License Holder**	

Copy of this to be sent to;

Name	Organization	Date

Draft Oct 2019

DATED 25th October 2024

KALERVO ROY BARKER

AND

TARJA HELEN WILSON

AND

WREXHAM COUNTY BOROUGH COUNCIL

UNILATERAL UNDERTAKING

PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990 RELATING LAND AT TUPA, PENLEY HALL DRIVE, PENLEY, WREXHAM, LL13 0LU

CONTENTS

CLAUSE

1. Interpretation 1
2. Statutory Provisions 3
3. Owner Covenants 3
4. Release 3
5. Determination of Deed 3
6. Local Land Charge 4
7. Council's Costs 4
8. Ownership 4
9. Notices 4
10. Future Permissions 4
11. Third Party Rights 5
12. Governing Law 5

SCHEDULE 1 6

Education Contribution 6

SCHEDULE 2 7

Management Company 7

THIS DEED is dated 25th October 2024

(1) **KALERVO ROY BARKER** of Penley Hall Cottage, Penley Hall Drive, Penley, Wrexham, LL13 0LU (**the First Owner**).

(2) **TARJA HELEN WILSON** of 12 Shays Drive, Clitheroe, Lancashire BB7 1LL (**the Second Owner**).

(3) **WREXHAM COUNTY BOROUGH COUNCIL** of 16 Lord Street, Wrexham, LL11 1LG (**the Council**).

BACKGROUND

A The Council is the local planning authority for the purposes of the Planning Act for the area in which the Property is situated.

B The First Owner and the Second Owner (together hereinafter referred to as 'the Owners') are the registered joint freehold proprietors of the Property.

C The Owners applied for and were granted on appeal the 2021 Planning Permission for the Property subject to completion of the 2021 Unilateral Undertaking.

D The Owners have submitted the Planning Application to the Council to amend the 2021 Planning Permission pursuant to section 73 of the Planning Act and the Council has agreed to grant the Planning Permission subject to completion of this undertaking.

E The Owners enter into this undertaking to perform the obligations set out in this Deed.

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this Deed.

Definitions:

2021 Planning Permission: planning permission reference P/2019/0835 granted on appeal on 2 February 2021 pursuant to appeal reference APP/H6955/A/20/3258703 for "outline application for 9 no. dwellings with all matters reserved except for the layout of the buildings".

2021 Unilateral Undertaking: planning agreement by unilateral undertaking given by Kalervo Roy Barker and Tarja Helen Barker to Wrexham County Borough Council dated 4 January 2021 in respect of Land at Tupa, Penley Hall Drive, Penley, Wrexham.

Commencement of Development: means carrying out in relation to the Development of a material operation as defined in section 56(4) of the Act but the term "material operation" shall exclude works of demolition, site clearance, ground investigations, remedial works, site surveys, archaeological investigations, diversion and laying of services, temporary access construction works and the erection of boundary fencing or hoardings or advertisements

Development: the development of the Property pursuant to the Planning Permission.

Dwelling: any dwelling house constructed pursuant to the Planning Permission.

Education Contribution: means the payment made by the Owners to the Council on the terms set out within Schedule 1 to this Deed.

Management Company: means a private limited company established by the Owners prior to the first Occupation of any Dwelling for the purposes of managing the Site in accordance with the terms set out in Schedule 2 to this Deed.

Occupation: beneficial occupation of the Development pursuant to the Planning Permission other than occupation by personnel engaged in construction, fitting out or decoration, marketing or security operation and the phrases "Occupy" "Occupier" and "Occupied" shall be construed accordingly

Owners: means the First Owner and the Second Owner together.

Planning Act: means the Town and Country Planning Act 1990 as amended.

Plan 1: means the plan attached to this Deed referenced LP01.

Plan 2: means the plan attached to this Deed referenced LP02.

Planning Application: means planning application reference P/2024/0288 submitted to the Council for variation of conditions 1, 7, 9, 10, 11 and 15 of appeal decision APP/H6955/A/20/3258703 (P/2019/0835) to extend time limit for commencement of development and amend ecology, tree, highway and land contamination requirements.

Planning Permission: means the planning permission granted pursuant to the Planning Application

Property: means the land shown edged red on Plan 1 (save for the area hatched red) and which is registered at HM Land Registry under part of title number: CYM218122

Section 73 Permission: means a planning permission which may be granted by way of the approval of an application under section 73 of the Planning Act permitting the Development subject to conditions which differ from the conditions of the Planning Permission

Site: means the land shown edged red and edged green on Plan 2.

Working Day: means any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England or Wales.

1.1 Clause headings shall not affect the interpretation of this Deed.

1.2 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).

1.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

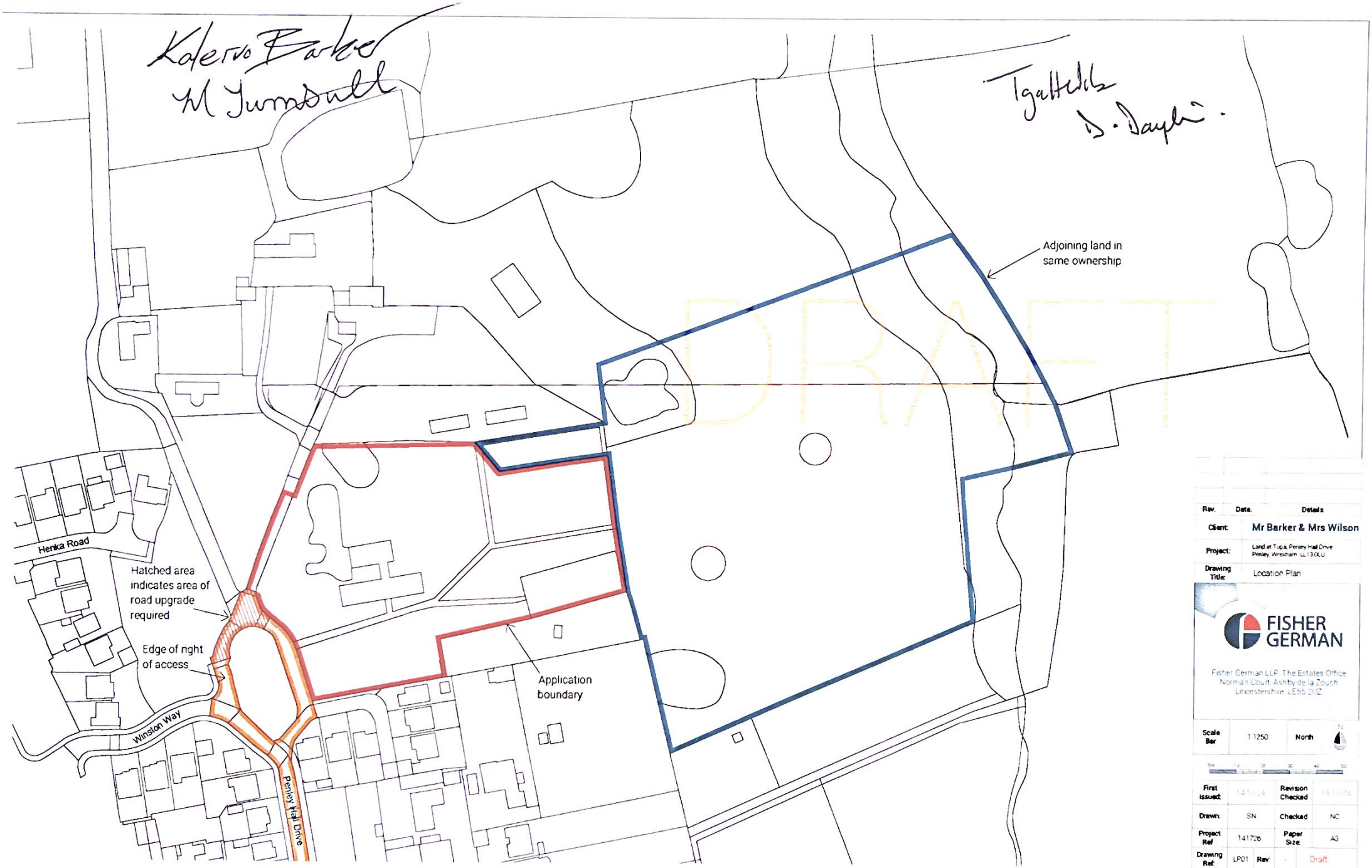
1.4 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

1.5 A reference to any party shall include that party's personal representatives, successors and permitted assigns.

1.6 A reference to the Council shall include the successors to its respective statutory functions.

1.7 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

1.8 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.



Rev.	Date.	Details
Client:	Mr Barker & Mrs Wilson	
Project:	Land at Tuca, Penley Hall Drive Penley, Wrexham LL13 0LU	
Drawing Title:	Location Plan	

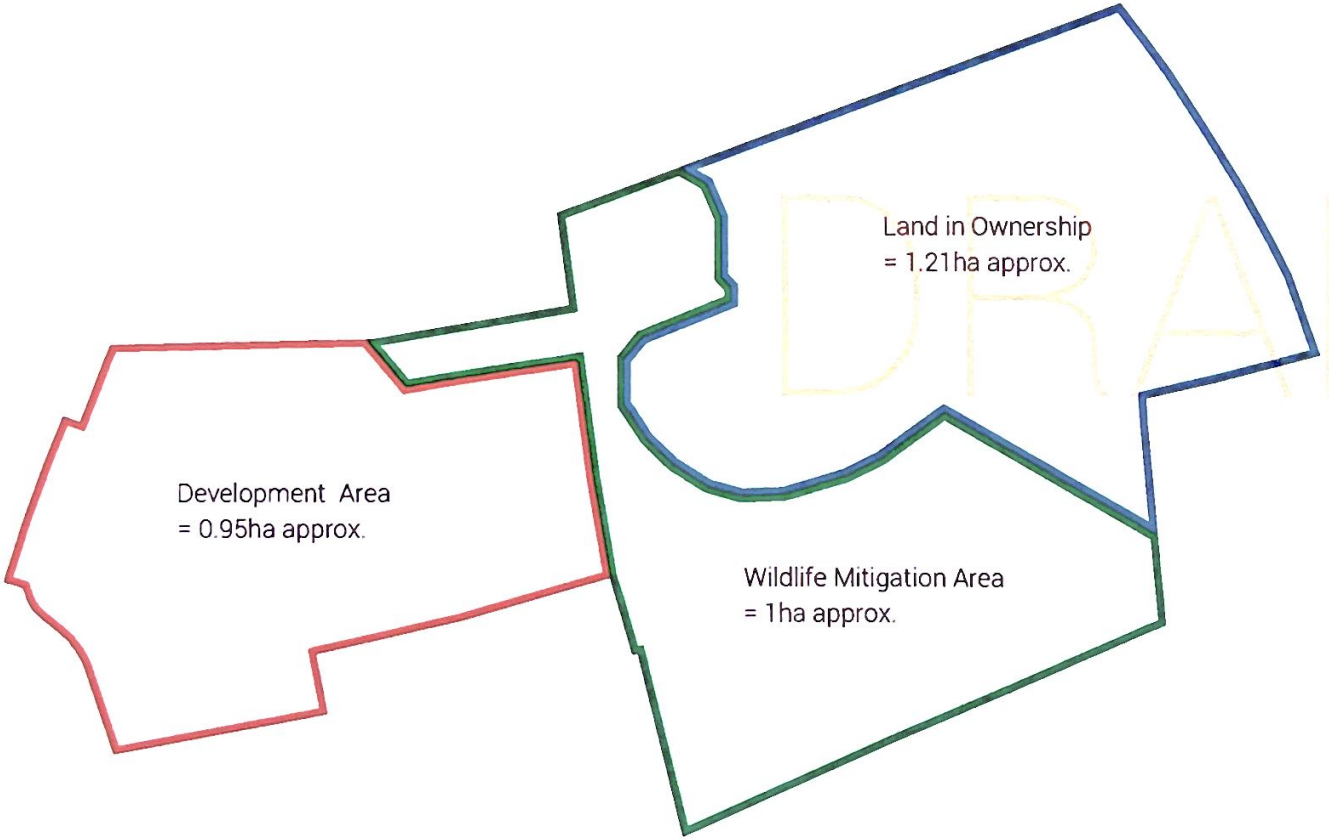
FISHER GERMAN

Fisher German LLP, The Estates Office Norman Court, Ashby de la Zouch Leicestershire, LE65 2UZ

Scale Bar	1:1250	North	
First issued:	14/10/24	Revision Checked	15/10/24
Drawn:	SN	Checked	NC
Project Ref	141726	Paper Size	A3
Drawing Ref:	LP01 Rev:	-	Draft

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION OF FISHER GERMAN LLP, CHARTERED SURVEYORS.
FISHER GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP REGISTERED IN ENGLAND & WALES. REGISTERED NUMBER OC317594.
REPRODUCED FROM ORDNANCE SURVEY DATA © CROWN COPYRIGHT. ALL RIGHTS RESERVED. LICENCE NUMBER 100035207

Existing : Location Plan



DRAFT

Rev.	Date	Details
Client:	Mr Barker & Mrs Wilson	
Project:	Land at Tupa, Pensby Hall Drive, Pensby, Wirral, CH61 0UU	
Drawing Title:	Wildlife Mitigation Location Plan	

FISHER GERMAN

Fisher German LLP, The Estates Office, Norman Court, Ashby de la Zouch, Leicestershire, LE65 2UZ

Scale Bar	1:1250	North	
First Issued:	[illegible]	Revision Checked	[illegible]
Drawn:	SN	Checked	NC
Project Ref:	141726	Paper Size:	A3
Drawing Ref:	LPC2	Rev:	- Draft

THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION OF FISHER GERMAN LLP CHARTERED SURVEYORS.
FISHER GERMAN LLP IS A LIMITED LIABILITY PARTNERSHIP REGISTERED IN ENGLAND AND WALES. REGISTERED NUMBER [illegible]
REPRODUCED FROM ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. ALL RIGHTS RESERVED. LICENCE NUMBER [illegible]

1.9 A reference to **writing** or **written** includes fax but not e-mail.

1.10 A reference to **this Deed** or to any other Deed or document referred to in this Deed is a reference to this Deed or such other Deed or document as varied or novated (in each case, other than in breach of the provisions of this Deed) from time to time.

1.11 References to clauses are to the clauses of this Deed.

1.12 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

1.13 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

2.1 This Deed constitutes a planning obligation for the purposes of Section 106 of the Planning Act, Section 111 of the Local Government Act 1972 and any other enabling powers.

2.2 The obligations contained in clause 3 of this Deed are planning obligations for the purposes of Section 106 of the Planning Act and are entered into by the Owners with the intention that they bind the interests held by the Owners in the Property and their respective successors and assigns.

2.3 This Deed is conditional upon and shall not take effect unless and until:

2.3.1 The grant of Planning Permission; and

2.3.2 Commencement of Development

2.4 Upon Commencement of Development the 2021 Unilateral Undertaking shall cease and determine absolutely and the obligations therein shall no longer be enforceable by the Council.

2.5 The obligations contained in clause 3 of this Deed are enforceable by the Council in accordance with Section 106 of the Planning Act.

3. OWNER COVENANTS

3.1 The Owners covenant with the Council to pay the Education Contribution to the Council on the terms set out within Schedule 1 of this Deed.

3.2 The Owners covenant with the Council that, prior to the first Occupation of any Dwelling, they will establish a private limited company on the terms set out at Schedule 2 of this Deed, the purpose of which will be the management of the Site.

4. RELEASE

No person shall be liable for any breach of an obligation, restriction or covenant contained in this Deed after parting with all of their interest in the Property or in the part of the Property in respect of which such breach occurs, except in respect of any breach subsisting prior to parting with such interest.

5. DETERMINATION OF DEED

This Deed shall be determined and have no further effect if the Planning Permission:

a) Expires; or

b) is varied or revoked other than at the request of the Owners; or

c) is quashed following a successful legal challenge

6. LOCAL LAND CHARGE

This Deed is a local land charge and shall be registered as such by the Council.

7. COUNCIL'S COSTS

The Owners shall pay to the Council, prior to Commencement of Development, up to £500 towards the Council's reasonable and proper legal costs incurred in connection with the preparation, completion and registration of this Deed.

8. OWNERSHIP

8.1 The Owners shall give to the Council within a reasonable period of time, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property following the execution of this Deed:

(a) the name and address of the person to whom the disposition was made; and

(b) the nature and extent of the interest disposed of.

9. NOTICES

9.1 A notice to be given under or in connection with this Deed must be in writing and must be:

(a) delivered by hand; or

(b) sent by pre-paid first class post or other next working day delivery service.

9.2 Any notice or other communication to be given under this Deed must be sent to the relevant party at the addresses given above or as otherwise specified by the relevant person by notice in writing to each other person.

9.3 Any notice given in accordance with clause 9.1 and clause 9.2 will be deemed to have been received:

(a) if delivered by hand, on signature of a delivery receipt provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day;

(b) if sent by pre-paid first class post or other next working day delivery service at 9.00 am on the second Working Day after posting.

9.4 A notice given under this Deed shall not be validly given if sent by e-mail unless otherwise agreed by the parties.

9.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

10. FUTURE PERMISSIONS

10.1 In the event that the Council shall at any time hereafter grant a Section 73 Permission (and for no other purpose whatsoever) the references in this deed to the Planning Application, Planning Permission and Development shall be deemed to include any such subsequent planning

applications and planning permissions as aforesaid and this deed shall henceforth take effect and be read and construed accordingly provided that the Council may in its absolute discretion require a new deed to be entered into pursuant to any such application

10.2 Nothing in this Deed prohibits or limits the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

11. THIRD PARTY RIGHTS

A person who is not a party to this Deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

12. GOVERNING LAW

This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the laws of Wales.

This document has been executed as a Deed and is delivered and takes effect on the date stated.

Signed as a Deed by **KALERVO ROY BARKER**

.....

In the presence of:

Witness Signature: M Turnbull
Name: MAUREEN TURNBULL
Address: 33 BROOKES COURT
WHITCHURCH
SY13 1GA

Signed as a Deed by **TARJA HELEN WILSON**

.....

In the presence of:

Witness Signature: D. Daykin
Name: DAMIAN DAYKIN
Address: 14 ESHTON TERRACE
CLITHEROE
LANCASHIRE
BB7 1BQ

SCHEDULE 1

Education Contribution

1 The Owners hereby undertake to pay the Education Contribution to the Council (where reasonably required to do so) as follows:

a. 50% prior to first Occupation of any Dwelling

b. 50% prior to Occupation of the 9th Dwelling.

2 The amount of the Education Contribution shall be determined in accordance with the *Local Planning Guidance Note 27 - Developer Contributions to Schools* (as may be varied or updated from time to time) and/or any other relevant guidance and planning policy released by the Council.

3 The Education Contribution is made by the Owners on the understanding that the Council will spend the Education Contribution on provision of and/or improvements to local education facilities.

SCHEDULE 2

Management Company

1 The Owners hereby undertake, prior to the first Occupation of any Dwelling, to establish a private limited company ('the Management Company') whose purpose shall be the maintenance and management of the Site to the common benefit of the residents and in perpetuity.

2 The Articles of Association of the Management Company shall specify that the Management Company shall have a specific legal responsibility to:

a. Maintain the common parts of the Property in a reasonably good repair and condition and to clean, renew, maintain, replace, repair and cultivate them as appropriate in accordance with the principles of good estate management and to the common benefit of the residents; and

b. Maintain the private section of road which connects the Site to Penley Hall Drive in a reasonably good repair and condition and to clean, renew, maintain, replace, repair it as appropriate in accordance with the principles of good estate management and to the common benefit of the residents; and

c. Keep all common parts of the Property properly lit as the Management Company deems appropriate in the interests of good estate management; and

d. Maintain and manage the 'wildlife mitigation area' for the benefit of wildlife and in particular great crested newts and lesser horseshoe bats and in accordance with an agreed management plan; and

e. Manage the identified open spaces within the Site, insofar as it is reasonably necessary to do so, in accordance with the post development open space management plan; and

f. Maintain and manage and where necessary enhance the boundary features of the Site, insofar as it is reasonably necessary to do so, for the benefit of wildlife; and

g. Pay all rates and other outgoings assessed or charged upon the common parts of the Site; and

h. Effect appropriate insurance against the liability of the Management Company to third parties; and

i. Carry out such additional works and provide such additional services as it may consider to be necessary or to the common benefit of the residents; and

j. To manage the general operational and financial affairs of the Management Company (which may include but shall not be limited to expenses incurred, general meetings submission of annual accounts); and

k. Any other matters which are reasonably required for the common benefit of the residents.

3 The Owners hereby undertake that, prior to the first Occupation of any Dwelling, adequate steps shall be taken to ensure that no transfer of the ownership of any such Dwelling shall occur unless the transferee agrees, upon completion of the transfer, to enter into an appropriate deed of covenant with the Management Company.