ETIVE ECOLOGY

Ecological Services & Solutions

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Installation of High Voltage Cable from Maelor Works to Maelor Gas Works (P/2023/0752)
Response to NRW & Wrexham Comments (24.02.25 / 20.03.25)

Dear Beverley,

This letter has been prepared following a review of comments received from NRW and Wrexham CBC's Ecology Officer in February and March of this year. These comments have been received in relation to your application to discharge Conditions 4, 5, 6 and 10 associated with planning consent P/2023/0752.

The NRW response make reference to the following points:

- Condition 4; any translocation of GCN would be unlawful if such works were undertaken without a European Protected Species Licence in place. Furthermore, additional information is required in terms of the Ecological Compliance Audit (ECA) element of this condition.
- Condition 5; additional information is required in terms of the Ecological Compliance Audit (ECA) element of this condition.
- Condition 6; the information provided is satisfactory for the purposes of discharging this condition.
- Condition 10; no comments.

The Wrexham response is as follows:

"The proposed RAMs are unacceptable. Given the size of trench and proximity to known GCN breeding ponds a derogation license would be more appropriate. The NBB proposals are also weak and vague. A tree adjacent to the route has been used for breeding kestrels. A method of avoidance and protection of this tree is required."

I have given these comments some thought and wish to make the following points in response:

GCN Licence

It is noted that the wording highlighted within the proposed RAMs document requires some attention in order to ensure that the proposed approach is in full accordance with legal protections afforded to GCN. This wording has been revised so that if any GCN are encountered the works should simply stop, until such time as it can be decided whether a GCN Licence is required to continue. It is noted that the purpose of the proposed RAMs is to discourage GCN from being present within the working area. Therefore, if the measures are implemented in full, the risk of encountering GCN is assessed to be very low.

Whilst I appreciate the sensitive nature of this location in terms of GCN, I also note that this is a relatively small scheme with a short duration of works and no permanent adverse impacts on GCN (e.g. no habitat loss). As such the anticipated impacts are minor in magnitude and have a very low probability of occurring. It was therefore stated within the Ecology Report that was submitted with the planning application, that the risk of encountering GCN was low and that a licence would not be required.

Given that the content of the Ecology Report and its recommendations were not challenged, and that planning approval was granted thereon, it is neither reasonable nor practical to suggest that the scheme requires a GCN Licence as part of the condition discharge process.

Ecological Compliance Audit (ECA)

A detailed ECA, similar in scope and format to those that NRW expect as part of the European Protected Species Licensing process, has not been provided as a licence for any protected species is not being obtained.

Instead, an ECA that is proportionate in terms of size and scope to the actual scheme and likely impacts thereof has been proposed. This ECA will require a suitably experienced ecologist to visit the site on a weekly basis and to check whether each of the actions detailed within the RAMs document has been implemented. Where any action detailed in the RAMs has not been implemented, the scheme will be in breach of the RAMs, will have failed the ECA and will be reported to Wrexham CBC immediately.

The RAMs document has been updated accordingly.

NBB

The NBB proposals seek to enhance the feature of greatest ecological value/potential within the application site boundary. The application site comprises primarily of hard-standing in the east and arable land to the west, neither of which are suitable for ecological enhancements.

The extent of NBB proposals is also considered to be proportionate to the nature of the scheme, i.e. temporary and with no long-term/permanent changes to the existing land-use or habitats. The proposed NBB measures therefore provide a genuine (and well-defined) enhancement to the baseline conditions within the application site.

Further enhancements within the red line application site are therefore considered to be neither necessary or feasible. If the Wrexham ecologist has any specific suggestions for measures that would be acceptable, then these could be considered.

Nesting Birds

A recent visit to the site on 22nd April 2025 included a 30 minute period of monitoring on the oak tree identified as supporting breeding kestrel. During this period, no kestrels were observed in flight to or from the tree. A pair of buzzard were noted in the tree line to the north of the application site.

It is acknowledged that there are numerous potential access points and nest sites on the oak tree, and that nesting cannot be ruled out, by kestrel or any other species of bird protected under the Wildlife and Countryside Act.

It is therefore recommended that works within 10m of the tree are undertaken outside of the nesting bird season, to avoid the risk of disturbance to active nests.

I trust that you find this letter to be useful in responding to the comments from NRW and Wrexham CBC. If you require any further information, please do let me know.

Kind Regards,

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