

Gwyn Humphreys
Wrexham County Borough Council
Planning & Regulatory Service
Guildhall
Wrexham
LL11 1AY

05 October 2023

Dear Gwyn,

PROPOSED POND, LAND NORTH OF BRYN LANE**APPLICATION FOR FULL PLANNING PERMISSION**

CBRE Limited, on behalf of Net World Sports (the 'Applicant'), hereby submits a full planning application in relation to a proposed pond at land north of Bryn Lane, Wrexham Industrial Estate (the 'Site').

Background and Context

The application site for the proposed pond extends to 0.37ha. The site is immediately bound by agricultural and grazing land, with Bryn Lane and Wrexham Industrial Estate located further to the south.

Land to the north of Bryn Lane is a proposed allocation in Wrexham County Borough Council's (WCBC) emerging Local Development Plan (LDP) as employment land under draft Policy SP11, allocation KSS3. The application site forms part of this allocation.

As a result of the draft allocation, it is likely that this land will be developed for employment purposes in the near future, subject to obtaining planning permission. A separate hybrid planning application has been submitted to WCBC by the Applicant for a Use Class B1c / B2 / B8 scheme with ancillary office space, retail, petrol filling station, drive-thru and hotel uses on the KSS3 allocation, which includes this Site and surrounding area (planning application reference P/2023/0497).

The hybrid application proposes the loss of the existing pond in the south-east corner of the allocation, which extends to 348 sq m. To replace such loss, and expediate a start on site, the Applicant proposes to construct a new pond within the draft KSS3 allocation area, as proposed under this application. The proposed pond is 368 sq m. It should be noted that this application seeks permission for the new pond only, and does not affect the existing pond, which is covered by application reference P/2023/0497.

Proposed Development

The proposed development includes the creation of a pond and surrounding terrestrial habitat, including a hibernaculum, in a field north of Bryn Lane. The proposals aim to provide suitable breeding and terrestrial habitat for Great Crested Newts (GCN) and other amphibians.

The following summarises the proposed development:

- Creation of one new pond;
- Aquatic planting and seeding of wet meadow mix to ensure sufficient GCN egg laying material and refuge/foraging cover around the pond edge; and
- Creation of one hibernaculum to provide hibernation habitat, which the majority of the wider KSS3 allocation site is currently lacking.

The description of development is:

Construction of 1 no. wildlife pond and associated landscaping

The proposed pond will achieve a depth of at least 1.3m and will have a minimum of a 1m wide planting shelf provided around the pond at water level and this will be wetland and pond edge wildflower seeding. The angle of the slope below the ledge will be a maximum of 1 in 3 gradient and 1 in 6 gradient on at least one pond bank to provide safe access. The gradient will be a maximum of 1 in 6 above the pond ledge. The attenuation capacity of the pond will be a minimum 400mm deep.

The pond is to be constructed with a compacted puddled clay liner (in accordance with the Specification for Highway Works - Class 2A material) laid in 150mm layers below the ledge level.

The proposed hibernaculum is to be set on high ground away from potential flooding and will be no less than 5m length x 1m width x 1m height. The hibernaculum is to be constructed from new, clean bricks, (brick sizes to be half and full brick) and/or untreated logs. There should be vertical gaps which are no more than 50% filled with soil/vegetative matter so that voids are created for amphibians. The bricks or logs are to be hand placed, roughly coursed with some bricks placed at 45° to the ground and locally found soil / dead leaves / grass roots to be placed in 300mm layers between courses. The mound should then be covered with 150mm topsoil and turfs.

New ponds require an establishment period of six months before the amphibians can be translocated. Subject to the approval of the planning application for the wildlife pond and hybrid application reference P/2023/0497, GCN will be translocated in spring 2024.

A Natural Resource Wales (NRW) GCN mitigation licence will be necessary to permit the translocation of the newts at Bryn Lane and this will be applied for prior to the translocation of the newts, subject to approval of hybrid application reference P/2023/0497.

Planning Policy Context

The statutory development plan for WCBC currently comprises the Wrexham Unitary Development Plan (UDP) (adopted 2005), which covers the plan period 1996 to 2011.

The Council has been progressing with a new Local Development Plan (LDP). The LDP covers the period 2013-2028 and would replace the UDP as the primary planning policy document against which the Council consider planning applications, if adopted.

The LDP was submitted for examination by an independent Inspector on the 30th November 2018. A consultation on proposed Focused and Minor Editing Changes took place in February 2019 and examination in public hearing sessions were undertaken in 2019 and 2020. The Matters Arising Changes consultation took place between 23rd May and 6th July 2022.

The LDP has been found sound by an Inspector, who recommended adoption of the plan; however at an Extraordinary meeting on 19th April 2023 and at a further meeting on the 14th June 2023, the Council voted against the adoption of the LDP. As the LDP has been through examination and been endorsed by a Planning Inspector, this still forms a significant material consideration in the determination of this planning application.

Site Allocation

The Site is not allocated for a specific use in the adopted local plan and is located outside of the Wrexham Industrial Estate Settlement Limit on WCBC's adopted proposals map. The Site is therefore within the Open Countryside (UDP Policy PS1).

The Site is identified as a Key Strategic Site in the draft LDP under draft Policy SP11 'KSS3: Land to the north of Bryn Lane, Wrexham Industrial Estate' for 28ha of Use Class B employment uses. The policy text to draft Policy SP11 is as follows:

'Land is allocated to the north of Bryn Lane, Wrexham Industrial Estate as shown on the proposals map to deliver 28ha of employment land for B use class purposes including an ecological network and residential buffer zone along with enabling and necessary infrastructure which will be delivered in a phased manner with specific details tied into planning consents:

Necessary Infrastructure:

- Active Travel,

- *Public transport,*
- *Provision of vehicular access to and from the site,*
- *Green Infrastructure.'*

Statutory Development Plan

The following are considered to be the relevant policies of the statutory development plan:

- **Policy PS2 The Broad Location of Development** - Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.
- **Policy PS11 Biodiversity** - Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the land will be protected and enhanced.
- **Policy EC4 Hedgerows, Trees and Woodland** – Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape.
- **Policy EC6 Biodiversity Conservation** – Harm to biodiversity should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

National Policy

Planning Policy Wales (Edition 11, 2021) requires developments to minimise impacts on ecosystems and to positively impact local biodiversity (section 6).

Technical Advice Note 5 Nature Conservation and Planning (2009) is a key TAN in relation to nature conservation and biodiversity.

Draft Local Policy

Within the draft LDP, the Site lies within an allocated Employment Area under Policy SP11: *KSS3: Land to the north of Bryn Lane, Wrexham Industrial Estate*.

The following are considered to be the relevant policies of the emerging LDP:

- **Policy SP11 KSS3: Land to the north of Bryn Lane, Wrexham Industrial Estate** - Land is allocated to the north of Bryn Lane, Wrexham Industrial Estate as shown on the proposals map to deliver 28ha of employment land for B use class purposes, including an ecological network, residential buffer zone, and enabling and necessary infrastructure.
- **Policy SP15 Natural Environment** - Development will only be permitted where it seeks to protect, conserve, and enhance the natural environment including the strategic ecological network on Wrexham Industrial Estate.
- **Policy SP20 Green Infrastructure** - Development will be required to maintain the extent, quality, and connectivity of multi-functional green infrastructure on or near a site, and, where appropriate to enhance it.
- **Policy DM1 Development Management Considerations** - Developments must accord with or enhance the character and local distinctiveness of a site in terms of their siting, layout, scale, height, density, and landscaping.

- **Policy NE3 Trees, Woodlands and Hedgerows** - Development will only be permitted where it does not cause unacceptable harm to trees and hedgerows of significant public amenity, natural or cultural heritage value, or those that provide important ecosystem services.

Planning Assessment

The proposal for a wildlife pond will provide an enhanced area of ecological habitat, in line with planning policy, as the site is within in an area designated as 'Open Countryside'. The proposed pond will have the following benefits:

- Early creation of receptor sites for the translocation of the GCN (subject to approval of hybrid application reference P/2023/0497);
- Aquatic planting and seeding of wet meadow mix to ensure sufficient GCN egg laying material and refuge / foraging cover around the pond edge;
- Creation of a hibernaculum to provide hibernation habitat, which the majority of the wider KSS3 site is currently lacking;
- Seeding of species rich meadow mix around the pond, improving the foraging and ranging opportunities for GCN; and
- Enhancement of biodiversity through the planting of locally supplied native species to create a sustainable, high quality and low maintenance landscape framework.

Pond creation will be conducted in winter minimising the risk of killing or injuring GCN. Ground works will be carried out over the winter months to avoid any GCN impact. Due to the low risk of impacts upon GCN, project ecologist TEP has advised that pond construction can be conducted under the Precautionary Working Method Statement, prepared and submitted in support of this planning application, rather than under a Natural Resources Wales mitigation licence.

The methods to be applied in the site set-up and pre-commencement phase and the main works phase for amphibians, reptiles, badgers and other mammals is set out in the Precautionary Working Method Statement.

The development will result in the creation of an area which will not only serve to preserve GCN but also support other amphibians, reptiles, birds, bats and invertebrates and the enhancement of biodiversity through the planting of locally supplied native species to create a sustainable, high quality and low maintenance landscape framework.

UDP policies EC4 and EC6, and emerging LDP policies SP15, SP20 and NE3 detail the need to protect and enhance biodiversity. Harm should be kept to a minimum, and mitigation or compensatory measures should be provided in instances where harm does occur.

It is therefore considered that the construction of a new pond (which is larger than the one it will eventually replace), along with the long term active management of this, will result in an overall increase in ecological value of the site, particularly for GCN, and accords with the policies set out in the adopted and draft Local Plan and national policy.

In light of the above, the Applicant respectfully requests the County Council to approve this planning application.

Application Submission

The table below details the documents submitted with this planning application.

APPLICATION DOCUMENTS
Application Form & Certificate of Ownership
This Covering Letter
Site Location Plan (Ref: G9134.036)
Existing Site Plan (Ref: G9134.035)
Proposed Wildlife Pond Details (Ref: D9134.001A Rev. C)
Great Crested Newt Survey Results (Ref: G9134.034)
Habitat Management Plan (Ref: 9134.017, Version 3.0)

The application fee has been paid to the Council.

I trust that the information submitted is appropriate and that the application can now be validated.

If there are any immediate queries, then please do not hesitate to contact me in the first instance.

Yours sincerely

Sarah Grady

Senior Planner – Planning & Development