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DATE: 13th December 2022
SITE: Plot 5B Clywedog Road
South, Wrexham Industrial
Estate

REFERENCE: UES03416/04

ECOLOGY RESPONSE TO CONSULTATION COMMENTS

I am writing to provide a response to consultation comments made regarding the plans, documents and ecological information submitted to Wrexham County Borough Council (WCBC) as part of planning application reference P/20220668. The application is for the erection of storage and distribution warehouse (Class B8) at land opposite Wilkinson Business Park, Clywedog Road South, Wrexham Industrial Estate. This document specifically relates to consultation comments provided by yourself, Emma Broad, Biodiversity Officer at WCBC on the 21st September 2022 and comments provided by Natural Resources Wales (NRW) on the 12th September 2022.

The consultee comments (*italics*), and UES' subsequent response are detailed below:

Great crested newts (GCNs)

WCBC - *"The application site is within 250m of recorded great crested newt. The report is contradictory in whether a derogation licence will be applied for. Given the large size of the development and excellent habitat on site, I do not believe the RAMs to be appropriate, and a full derogation licence should be applied for."*

The ecological reports referenced in the comments and submitted as part of the application are a Preliminary Ecological Appraisal (PEA) report (14th October 2021, report reference UES03416/01) and a Landscape and Ecology Management Plan (LEMP) (6th December 2021, report reference UES03461/03). Both the PEA and LEMP are clear in their assessment of the potential for GCNs to be present on site and in the mitigation and compensation measures that are proposed to protect amphibians. Whilst suitable habitat is present on site, it is considered very unlikely that GCNs will be present on site due to a lack of suitable aquatic breeding habitat within the vicinity or connected to the site. As such, it is considered very unlikely that GCNs will be adversely impacted by the proposed development works.

Therefore, the reports propose that a European Protected Species (EPS) mitigation / derogation licence isn't required and undertaking the works under RAMs is considered to be sufficient to protect any amphibians that are likely to be using the site.

This conclusion is supported by the Rapid Risk Assessment tool that has been created by Natural England to determine the potential for impacts on GCNs and the need to apply for an EPS / derogation licence.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.1 - 0.5 ha lost or damaged	0.1
Land >250m from any breeding pond(s)	1 - 5 ha lost or damaged	0.04
Individual great crested newts	No effect	0
Maximum:		0.1
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

"Green: offence highly unlikely" indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required. However, bearing in mind that this is a generic assessment, you should carefully examine your specific plans to ensure this is a sound conclusion, and take precautions (see **Non-licensed avoidance measures tool**) to avoid offences if appropriate. It is likely that any residual offences would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest.

There are no known or mapped ponds within 100m of the site and only 0.44ha of the proposed working area of the site (including areas to be excavated for swale creation) lies within 100-250m of any known or mapped ponds. The potential for impacts on GCNs is further reduced as the closest pond to the site lies to the west of the site across Clywedog Road South, which is likely to act somewhat as a barrier to GCN movement. The assessment also assumes that all ponds are GCN breeding ponds, which may not be the case, further reducing the potential impact.

It should be noted that NRW, the organisation that would grant a derogation / EPS mitigation licence, has commented on the application independently and is in agreement with UES' assessment of the potential for GCNs to be impacted by the proposed development and considers the proposed RAMs to be suitable and that a licence isn't required.

NRW – *"We advise that the reports are satisfactory in principle for the purposes of informing the planning decision making process regarding GCN and have the following detailed comments to make:*

- *We note that GCN have been recorded within 250m of the application site.*

- *We agree with the submitted reports that there is a lower risk of GCN being present, given existing developments will represent a partial barrier to dispersal. However, we consider that GCN could potentially be found on the site.*
- *If present, the proposed ecological component is satisfactory in principle if required for the purposes of demonstrating no detriment to maintenance of Favourable Conservation Status.*
- *Based on existing information, we advise that the submitted GCN Reasonable Avoidance Measures Scheme is satisfactory.*
- *We welcome the construction of two new ponds.*
- *We advise that planting schemes consider biosecurity issues.”*

Given the results of the surveys, the evidence provided by UES and the comments from NRW, it is considered that a derogation / EPS mitigation licence isn't required, and the proposed RAMs provide a suitable level of mitigation to protect amphibians that may be present within the proposed development site.

Habitat loss & net benefit for biodiversity

WCBC – *“Welsh Government Planning Policy Wales and subsequent letter to LPAs required development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Failing to provide such a benefit is a valid reason for refusal.*

The application does not currently demonstrate in terms of area or over the long-term that this proposal will result in NBB.”

With reference to the proposed development site *“It is also a valuable and rare grassland resource that has the potential to support numerous rare and priority species.”*

The area within the site applicant's ownership that is the subject of this letter and previous ecological reports has an area of approximately 6.34ha. The applicant is proposing the development of approximately 1.97ha, 31% of this area. During consultation on previous and ongoing planning applications for developments within the Wrexham Industrial Estate, it has been suggested by both Natural Resources and the WCBC that in order to comply with local policy regarding biodiversity net benefits, approximately 50% of the site needs to be retained and subject to enhancement / long-term management measures for biodiversity. Given that the proposed development will only impact 31% of the site and 69% will be retained and enhanced, it is considered that it complies with the precedent set for other developments.

The entire proposed development area of 1.97ha lies within an area of existing species-rich grassland which will be lost to the proposals, however approximately 1.173ha will be retained. In addition, approximately 1.283ha of existing lower quality grassland will be brought into favourable long-term management to enhance it into species-rich grassland and maximise its value. Whilst the development will result in the net loss of approximately 0.687ha of grassland, the development presents the opportunity to ensure the long-term retention and management of the retained / enhanced areas. The areas of grassland that are to be enhanced on site currently comprise rank grassland in a late successional stage, that predominantly comprise a low number of competitive grass species. This majority of this grassland has a low diversity

of forb species and has encroaching scrub and tall ruderal competitive species. If left unmanaged as would be the case without its enhancement secured through planning permission, this grassland will continue to degrade into bramble scrub.

The existing areas of species-rich grassland within the northern section of the site are also being encroached by scattered scrub species and bramble in addition to other competitive forbs and grasses such as cock's-foot, false oat-grass, stinging nettle and creeping thistle. If left unmanaged as would likely be the case without its enhancement and management secured through planning permission, this grassland will continue to reduce in quality and will eventually succeed into rank grassland and scrub.

The management measures proposed within the LEMP will ensure all areas of grassland on site are subject to long-term management to maximise their ecological value. In addition, the proposals include measures to enhance the ecological value of the site through the provision of a species-rich hedgerow, two ponds and a swale with marginal planting, additional scrub planting, the creation of two hibernacula and the provision of a suite of bat and bird boxes. The proposed habitat creation and management works will increase the ecological value of the site for numerous species, including species of principal importance, by providing opportunities that are not currently present e.g. breeding opportunities for GCNs and roosting opportunities for bats.

Long-term management and SUDs features

WCBC – “More certainty is required on long term management. An appropriate organisation should be identified as a long-term site manager. They should have legal interest in the site, preferably freehold, though a long lease could be acceptable. Issues with ownership of Sustainable water management will also need to be considered at an early stage due to conflicts with management and also Dwr Cymru requirements. Any SUDs features must therefore not be part of any identified mitigation.”

The developer has confirmed that the long-term management of the retained and created habitats on site can be secured as the developer will enter into unilateral undertaking. The ongoing management of the site as detailed within the LEMP will be undertaken by the developer or their appointed management contractor.

The appointed hydrologists at Barnsley Marshall have confirmed that whilst the two ponds and the swale that are proposed will form part of the SUDs, they will be created and managed to have a dual function of water management and ecological enhancement. In addition to water quality control, water quantity control and amenity, the fourth pillar of SUDs creation is biodiversity. It has been confirmed by the hydrologist and the developer that the swale and ponds can be created and managed in the long term as detailed within the LEMP (minor amendments have been made regarding the maximum depth and gradient of the pond margins which has no impact on ecological value), whilst still meeting their other functions and any Dwr Cymru requirements. By creating and managing these features to maximise their diversity, the proposals are providing a significant increase in the availability of aquatic habitat, which is currently absent. This will provide significant benefits for biodiversity in general, and the creation and management of the ponds has been designed to provide suitable breeding opportunities for amphibians, specifically GCNs.

Without the proposed development and the need for SUDs features, the site would continue to lack aquatic habitats and would continue to be unsuitable for use by breeding amphibians,

providing a greater barrier to movement and colonisation of new areas for the GCN population present within the industrial estate.

If you have any further queries, please feel free to get in contact.

Yours sincerely,

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United Environmental Services Ltd