

LANDSCAPE AND ECOLOGICAL MANAGEMENT FRAMEWORK

LAND AT BYRN LANE, WREXHAM INDUSTRIAL ESTATE

PLOT 1A AND PLOT 1B

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Appendix 1: Indicative Landscaping Plan (Drawing 900)

1. INTRODUCTION

- 1.1 This document provides a Landscape and Ecological Management Framework for a site at Bryn Lane, Wrexham Industrial Estate, including indicative management prescriptions. The site is known collectively as 'Plot 1'. However, two separate planning applications have been submitted on the site, one on the northern section of the site known as Plot 1a and one for the southern side of the site known as Plot1b. The Ecological Management Framework considers both sites.
- 1.2 It is anticipated that the commitments set out in this framework would be further developed through discussions with the County Ecologist, Countryside Council for Wales (CCW) and any other interested parties prior to its finalisation.
- 1.3 This Landscape and Ecological Management Framework has been informed by a range of technical surveys which have been undertaken to identify key constraints on site and to inform the design process to ensure that any potential negative effects of development on this site are reduced.
- 1.4 It should be noted that the approach as outlined in this document has been agreed in principle with Wrexham County Borough Council (WCBC). It is anticipated that the commitments set out in this framework will be further developed through discussions with the County Ecologist, CCW and any other interested parties prior to its finalisation.

2. WILDLIFE AND CONSERVATION OBJECTIVES

- 2.1 The aim of the framework is to increase the ecological value of the site by maintaining a range of habitats in a favourable condition and to enhance existing habitats on site to increase the site's overall biodiversity interest.

3. LEGISLATION AND POLICY BACKGROUND

- 3.1 This section provides a brief summary of the key relevant legislation pertaining to nature conservation. Legally protected species represent one of the key issues with any project of this nature and have formed the basis of a number of specialist survey requirements. Nature conservation policy is implemented by environmental law; at international, national and local level.
- 3.2 The central pieces of legislation and policy pertaining to nature conservation and relevant to the proposed development are listed below;

European Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC)

- 3.3 In terms of International Legislation, the *European Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC)* (the Habitats Directive) was instigated to schedule important wildlife sites through the European Union as Special Areas of Conservation (SAC's) and to give protection to habitats and species listed in the Directive as being threatened or of community interest. Annex I of the Directive lists habitats types which are regarded as being of European importance included within which are a number of 'priority habitat types' which are habitats regarded as being in danger of disappearance and whose natural range falls broadly within the European Union. Annex II lists individual species that are considered to be of European Interest in need of strict protection. This European Legislation has been translated into UK law under the *Conservation (Natural Habitats &c) Regulations 1994 (as amended)*.

European Directive on the Conservation of Wild Birds (70/409/EEC)

- 3.4 With regard to wild birds, Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the EU Directive 79/409/EES: Conservation of Wild Birds, also known as the Birds Directive. SPAs are part of the Natura 2000 Network of protected sites created by the Habitat and Birds European Directives. The main aim of the Habitats Directive is to promote the maintenance of biodiversity taking account of economic, social, cultural and regional requirements. SPAs are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory birds.

Wildlife and Countryside Act, 1981 (as amended)

- 3.5 This Act provides protection for Britain's flora and fauna. Particular protection is afforded to certain sites and species listed in Schedules to the Act although the degree and nature of the protection varies. Schedules 1, 5 and 8 of the Act list birds, animals and plants which are afforded special protection. The majority of the specialist survey requirements have been included on the basis of the actual or potential presence of a legally protected species. In terms of individual species, great crested newts are fully protected under Schedule 5 of the *Wildlife and Countryside Act, 1981 (as amended)* and under Annexes II and IV(a) of the Habitats Directive. All bat species are likewise afforded similar levels of protection. Recent changes in legislation have increased the level of protection to Water Voles to the protection of the animal itself. With regard to reptiles, all native reptiles are listed on Schedule 5 of the *Wildlife and Countryside Act, 1981 (as amended)* and are afforded different levels of protection. Other species which are not mentioned here also are afforded different levels of protection.

Protection of Badgers Act, 1992

- 3.6 Badgers are protected under the Protection of Badgers Act, 1992. This means that it is unlawful to knowingly kill, capture, disturb or injure and individual or intentionally damage, destroy or obstruct an area used for breeding, resting or sheltering by badgers.

The Countryside Rights of Way Act, 2000 (CRoW Act)

- 3.7 The *Countryside Rights of Way Act, 2000 (CRoW Act)* provides for public access on foot to certain types of land, amends the law relating to Public Rights of Way, increases protection for Sites of Special Scientific Interest (SSSI), strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). Specific to nature conservation and wildlife protection the Act underpins the Government's commitment to the long term conservation of biodiversity in accordance with the Convention on Biological Diversity. The Section 74 requirements of the Act have now been replaced

following the implementation of the *Natural Environment and Rural Communities Act, 2006*.

Natural Environment and Rural Communities Act, 2006

- 3.8 The Act is primarily intended to implement key aspects of the Government's Rural Strategy published in July 2004. In addition, it addresses a wide range of issues broadly relating to the natural environment. Specific to biodiversity conservation, Sections 40, 41 and 42 replace Section 74 of the CRow Act. Section 40 extends the existing Section 74 duty to all public authorities to have regard to biodiversity as far as it consistent with the proper exercise of their functions. Section 41 replaces and reflects what is in existing subsections (2) and (5) of Section 74 of the CRow Act. It places a duty on the Secretary of State to publish, review and revise lists of living organism and types of habitat in England and Wales, which are of principal importance for the purpose of conserving biodiversity.

The Hedgerows Regulations, 1997 (as amended, 2002)

- 3.9 The Hedgerow Regulations, 1997 were made under Section 97 of the Environment Act, 1995 and require prior notice and consent for the removal of either the whole or parts of a hedgerow identified as being 'Important' under the terms of the Regulations. The Regulations apply if a hedgerow is in or runs alongside agricultural land, common land including town or village greens, land used for forestry or for the breeding or keeping of horses etc, a local nature reserve or SSSI. A hedgerow can be classified as 'Important' due to its wildlife and landscape value or due to its heritage.

The Conservation (Natural Habitats, &c.) Regulations, 1994, as amended

- 3.10 The amended Regulations included a number of changes that increase the legal protection given to protected species in England and Wales. It has been an offence for many years, under these Regulations, to deliberately to kill or to disturb one of the protected species, or to destroy their eggs. It has also been an offence to 'damage or destroy a breeding site or resting place' used by them (such as a bat roost in a tree or a dormouse nest on the woodland floor). However, until now people have been exempt for these offences if their actions were 'an incidental result of a lawful operation...and could not reasonably have

been avoided'. The European Court required the UK to remove this exemption and as a result operators will be more liable to prosecution. It is also important to note that an offence will have been committed even if damage to a breeding site or resting place was accidental.

National and Local Biodiversity Action Plans

- 3.11 In addition to legislative considerations, the conservation of biodiversity is a fundamental consideration of any project such as this, and the objectives are described in both the CRoW Act, 2006. The UK has a National Biodiversity Action Plan (UK BAP) with individual Action Plans for those habitats and species requiring urgent conservation action. In addition, consideration has been given to the Local Biodiversity Action Plan (LBAP), which covers the area of the Plot 1 site.

National, Regional and Local Policy

- 3.12 Additional wildlife considerations are offered through *Technical Advice Note (TAN) 5: Nature Conservation and Planning*, and through the Wrexham BAP and development plans.
- 3.13 It should also be noted that WCBC's *Local Planning Guidance (LPG) Note 29: Employment Development and Nature Conservation* has been adopted (August 2009).
- 3.14 LPG 29 relates to nature conservation within the Wrexham Industrial Estate within which the Plot 1 site lies.
- 3.15 LPG 29 states that '*careful thought must be given to the design, implementation, operation and maintenance of employment development sites to ensure that protected species are safeguarded. In this way employment development can occur and valued habitats and linkages between them can be protected and enhanced*'. As part of the application submission package for both plots, a wide range of technical surveys have been undertaken which have identified key constraints on site. The results of the surveys have therefore informed the design process to ensure that any potential negative effects of each development are

reduced. As such, a robust and iterative process was undertaken to ensure a sensitive development with comprehensive and strategic mitigation.

- 3.16 In addition, in accordance with LPG 29 (specifically paragraph 6.8) '*an equivalent area of land must be provided unless it can be demonstrated that a smaller area of better quality would enhance the ecology of the site or the wider area.*' As stated, the proposed landscape strategy of the site has taken into account the need to provide on-site mitigation as shown on the Indicative Landscape Plan (Drawing 900) contained in Appendix 1. At present the site is of low intrinsic ecological value and therefore the proposals represent an opportunity to enhance the site to ensure ecological value. This is discussed in detail in Section 5.

Statutory and Non-Statutory Nature Conservation Designations

- 3.17 The River Dee is located due east of the application site, parts of which are designated as a Site of Special Scientific Interest and forms part of River Dee and Bala Lake Special Area of Conservation. However, both of which are located at a significant distance from the site to have any material impact.
- 3.18 There is one Adopted Wildlife site within 1km, located to the south west of the application area and on the opposite side of Bryn Lane. A further two sites are located between 1km and 2km from the site, both to the south-west of the site, in or on the edge of Wrexham Industrial Estate.

4. EFFECT OF THE PROPOSED DEVELOPMENT

4.1 As stated above, a number of technical surveys have been undertaken to assess the ecological and landscape significance of the site. As present the site comprises a grassed plateau that sits approximately 2.5 -3m higher than Bryn Lane. Small clusters of trees have been planted at the site's fringes and along the sloped embankments rising to the plateau.

4.2 A recent Phase 1 Habitat survey has been undertaken in August 2011 and informs the application submissions (undertaken by TEP, report reference 3041.001). It describes the Plot 1 site as follows:

"The majority of the survey site is unmanaged, mesotrophic grassland with patches of tall ruderals. The site is surrounded with continuous areas of dense scrub and broadleaved woodland; both plantation and semi-natural. There are two ponds classified within the site boundaries (Ponds A and B) and another pond just outside the site boundary (Pond C). Pond B was dry at the time of survey".

4.3 Development on the site relates to two proposed developments. The first concerns a biomass facility including woodstore, office pavilion and substation with a site area of approximately 6,173sqm. This will be located on the southern half of the site, known as plot 1b and will be accessed directly off Bryn Lane. The second relates to a B1/B2/B8 use development located on the northern portion of the site known as plot 1a. This will consist of a 'starter unit' with open warehouse/light industrial floorspace and associated office space. The development will utilise the existing main access with Bryn Lane with a new access being constructed into the site along its northern boundary. The total site area for this development will be approximately 5,590sqm.

4.4 It is considered that the plot 1 site is of low ecological intrinsic value. However, due to the proximity of the known GCN ponds and a number of trees on the site's boundary, an indicative mitigation and management prescriptions have been outlined in this framework document. Detailed consideration has been given to the site's overall design and layout to ensure development is brought forward in line with Local Planning Guidance Note 29.

5. HABITAT CREATION AND ENHANCEMENT

- 5.1 It is acknowledged that the footprint of the proposed developments will result in the loss of an area of mesotrophic grassland and a number of trees located on the plot 1 site's southern boundary. However, through design evolution, it is considered that the most optimum layout has been achieved for both plots to reduce adverse impacts. As a result, mitigation measures have been outlined which will ensure continuity with features, such as linkages with adjoining hedgerows and trees to encourage the movement of wildlife on site. As such it is considered that the principles outlined below are in accordance with WCBC's LPG: 29.
- 5.2 The principles of habitat creation have been agreed in principle with the County Ecologist during a pre-application meeting which is considered appropriate for this site. A summary is provided below.

Summary of proposed habitat creation and enhancement

- 5.3 In summary, the proposed landscape and ecological mitigation strategy includes for the creation of:
- Creation of areas suitable for wildlife shelter and hibernating, particularly for GCN. These will include log piles using material felled on site and rock / rubble mounds. These mounds will be covered and be suitable to promote establishment of areas of new grassland.
 - The inclusion of an amphibian barrier incorporated in the proposed biomass facility's perimeter fence design to deter amphibians from entering the site.
 - The inclusion of an amphibian tunnel under the proposed access roads to allow safe access underneath the entrances.
 - Planting of new native trees including the following;

For confined areas around the eastern perimeter the following will be planted:

- *Sorbus accuparia* (Rowan) – Beneficial for birds (native)

For more open areas on the southern boundary within the site the following will be planted:

- *Betula pendula* (silver birch) – Medium sized tree (native)
- *Tilia Cordata* (Small-leaved Lime) – Medium to large tree (native)
- *Acer cappadocicum* (Cappadocicum Maple) – medium sized tree with good autumn colour

- A corridor of rough grassland to promote wildlife movement. Management regime will incorporate a low maintenance approach to encourage species diversity and to establish grassland corridors between habitats favoured by particular species such as butterflies.
- Planting of mixed native hedge on the southern boundary.

5.4 The resultant mitigation area ensures the continuity of habitat with the surrounding area. This limits the fragmentation of habitat whilst providing functionality in operational terms.

5.5 It is considered that the creation of a range of habitats will ensure no net loss of biodiversity resulting in a significant long term benefit for the site and surrounding area. This mitigation area has evolved through a process of design evolution to ensure that constraints have been identified, avoided wherever possible and subsequent mitigation measures outlined. This has ensured that various opportunities for the site have evolved carefully and which have been sensitive to the local landscape and site ecology. This will ensure the long term conservation objectives for the site, which will encourage biodiversity to increase over time.

5.6 The schematic representation of the proposed mitigation and landscaping shown on the Indicative Landscape Plan (Appendix 1) should not be regarded as an exhaustive list. It is anticipated that this document would be developed and agreed through discussions with the County Ecologist and CCW. This is to ensure

that the proposed mitigation measures and the proposed future management of the site is developed in the best possible manner.

6. PROPOSED MANAGEMENT AND WORK SCHEDULE

- 6.1 It is anticipated that the site will be managed during the construction period of both plots and for a period after construction to ensure the long term integrity of the site's biodiversity. It will then be managed by each landowner in accordance with a site wide Ecological Management Plan throughout the lifetime of the development and it is anticipated that the management regime adjusted to maintain conservation objectives. The implementation of the site wide Landscape and Ecological Management Plan can be secured by a suitably worded planning condition for each plot. It is envisaged that this management plan outline management prescriptions for each plot taking into account the side wide objectives.
- 6.2 As stated above, in securing the proposed mitigation on each site, it is proposed that each landowner is responsible for the management of their respective sites. In addition, a Section 106 planning Obligation for each application would secure the long term management of the site and outline the requirement to secure a management body that would be responsible for the management and maintenance of the ecological mitigation area and associated landscaping pursuant to a management plan. The details of the management body will be agreed with the Local Planning Authority to ensure that there is a consistent approach to the management approach across the entire Plot 1 site the requirement of which will be secured by the Section 106 planning obligation.
- 6.3 It is anticipated that the management of the site includes some of the following management practices and regimes;
- A mowing regime would be appropriate for grassland management; however it will be restricted in areas identified for habitat creation.
 - Grassland areas included within the landscaping of the development should be a grass mix suitable for low-fertility open sward. A 'low fertility' mix would require less maintenance.
 - Landscaping within the site will use a high proportion of locally-native trees.

- Where existing vegetation is to be retained, care will be taken not to damage existing vegetation.

7. CONCLUSIONS

- 7.1 This document provides a site wide landscape and ecological management framework, which has been developed with the principal aim of increasing the biodiversity on both the Plot 1a and Plot 1b sites, by creating and maintaining the range of habitats. It should be emphasised that this Framework will be finalised in the form of a Management Plan prepared for each site based on the information contained in this document and through discussions with CCW and the County Ecologist.
- 7.2 It is considered that both the landscaping and ecological mitigation proposals are sympathetic to the local landscape. All key landscape features have been maintained wherever possible. Opportunities have also been sought to create new habitats for wildlife. This includes the creation of suitable wildlife corridors utilising grassland corridors and the planting of new trees and a hedgerow. These will link with existing habitats ensuring linkages are maintained throughout the estate.
- 7.3 It is strongly considered that the proposed habitat enhancement and creation will provide significant benefit to the site's overall biodiversity. The proposed on-site mitigation and proposed management seeks to ensure long term conservation objectives are met.

HOW Planning LLP

August 2011

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APPENDIX 1:
INDICATIVE LANDSCAPING PLAN (DRAWING 900)

NOTES:

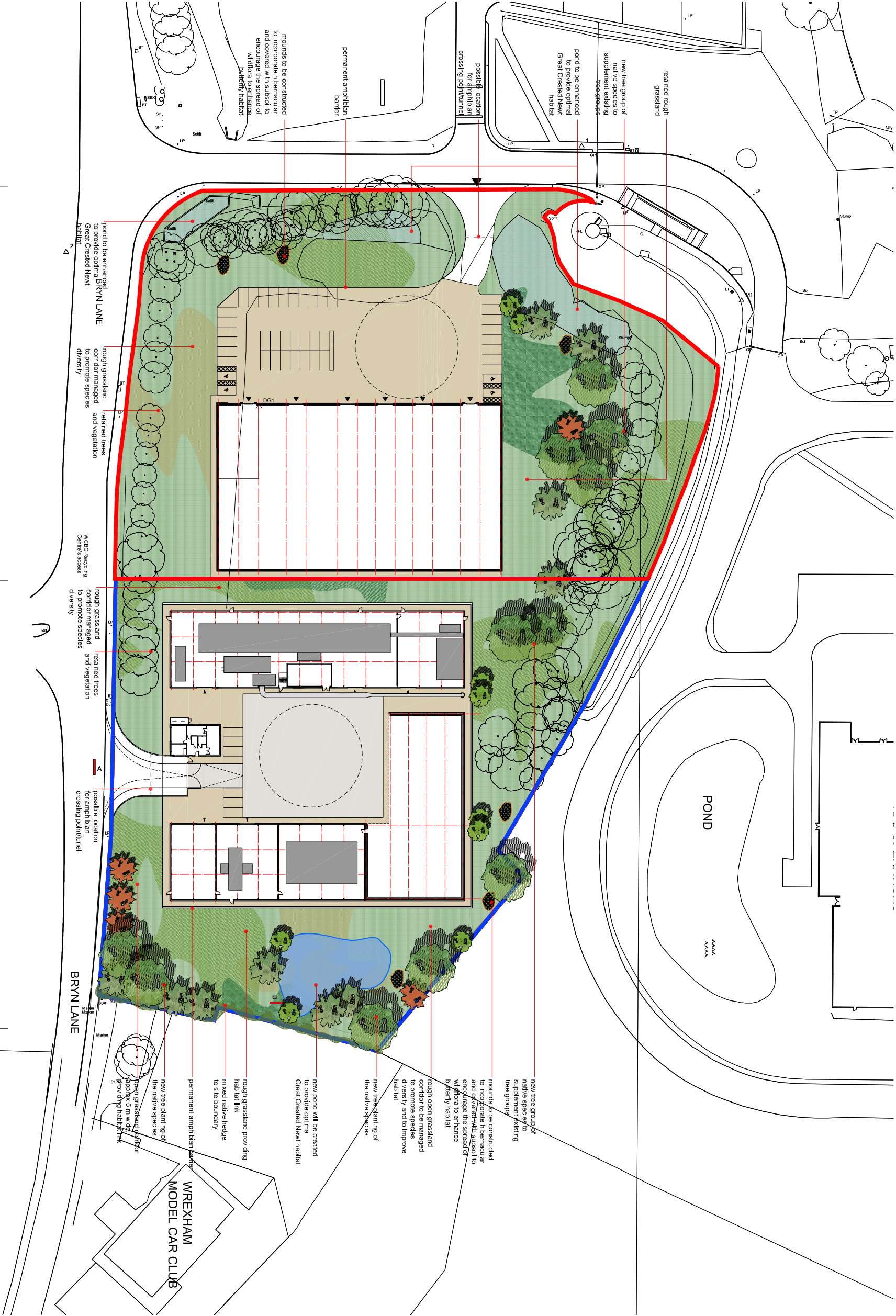
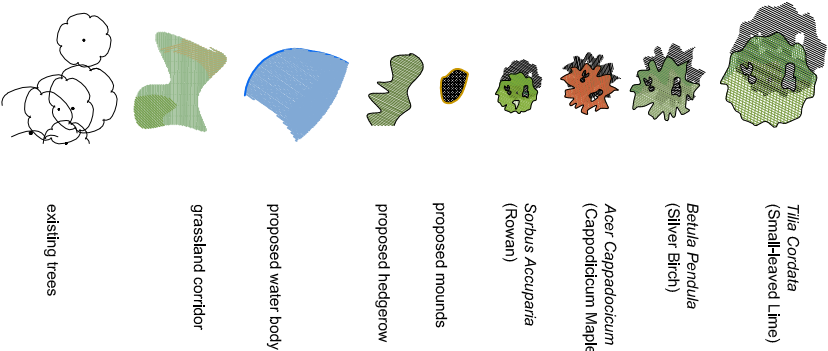
Red edge is an estimate, based on title plans for Gardenbreeze, which vary in scale and content from this drawing.

ASGA is not to be held responsible for any discrepancies between this drawing and actual site boundaries.

Red line denotes the extent of planting application

Drawing to be read in conjunction with Landscape and Ecological Management Framework report prepared by HOW

LEGEND:



Plot 1A Kingmoor Park

Plot 1B GreenPlan Energy

indicative landscaping plan - site wide strategy



antonio garcia architecture		BRYN LANE PLOT 1A	
PROGRESSIVE ARCHITECTURE		JOBCODE: BRYN LANE PLOT 1A	
TEL: 0151 708 5159	5.0m x 7.0m	DRAWING TITLE: INDICATIVE LANDSCAPING PLAN	DRAWING NO: 901
42 Roper Street	Harwin Way	SCALE: 1:10000 A3	
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	DATE: 26/07/2011	CHECKED BY: AG	
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DO NOT SCALE THIS DRAWING. VERIFY ALL DIMENSIONS ON SITE. ANY DISCREPANCIES TO BE REPORTED TO ANTONIO GARCIA ARCHITECTURE.