

Cerys Jones

From: Mared Rees-Jones
Sent: 31 March 2021 10:52
To: planning_admin
Subject: FW: P/2020/0649 - Brymbo Lite - Natural Resource Wales (GCN) NRW:01000813

Planning admin - Please add additional Ecology information to file and please re-consult NRW with a 14 day re-consultation period on this basis.

Emma – can you let me know if you have any additional comments to make on the basis of the information provided below please? Standard 14 day re-consultation period.

Mared Rees-Jones
Swyddog Cynllunio/Planning Officer
Cynllunio a Rheoleiddio/Planning and Regulatory



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From: North Planning [mailto:NorthPlanning@cyfoethnaturiolcymru.gov.uk]

Sent: 24 March 2021 11:40
To: Jodi Stokes
Cc: Mared Rees-Jones; cadkins@wardell-armstrong.com
Subject: RE: P/2020/0649 - Brymbo Lite - Natural Resource Wales (GCN) NRW:01000813

Hi Jodi,

Thank you for your email.

We would be satisfied with an avoidance based approach to conserving great crested newt at this site. Material components of the overall conservation plan are outlined in our letter dated 9 November 2020 which is attached again for ease of reference.

If progressed without a licence, we advise that works must stop in the event of one great crested newt being found.

We'd be happy to attend a virtual meeting in respect of this site with the applicant's ecologist if that would be considered helpful. We'd advise that WCBC ecologist is also invited .

Thanks

Bryn

Bryn Griffiths

Uwch Gynghorydd - Cynllunio Datblygu / Senior Advisor - Development Planning
Gwasanaeth Cynghori Cynllunio Datblygu / Development Planning Advisory Service

----- Original Message -----

From: Jodi Stokes;

Received: Wed Mar 10 2021 14:38:00 GMT+0000 (Greenwich Mean Time)

To: North planning; North Planning Mailbox Queue; North Planning ;

Cc: Mared Rees-Jones; cadkins@wardell-armstrong.com;

Subject: RE: P/2020/0649 - Brymbo Lite - Natural Resource Wales (GCN)

Good afternoon Bryn,

Hope you're well.

Thank you for your below email. Our ecologist has reviewed your response and has provided a response under each point below in blue. In addition, an additional assessment in regards to GCN has been undertaken.

A risk assessment was undertaken using the Natural England licence application Risk Assessment Tool (as no Welsh alternative) to establish whether the proposed works were likely to result in an offence with respect to GCN. The results of this risk assessment suggested that an offence was considered potentially likely (amber) without any mitigation/avoidance measures.

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)	5 - 10 ha lost or damaged	0.5
Land >250m from any breeding pond(s)	>10 ha lost or damaged	0.5
Individual great crested newts	No effect	0
Maximum:		0.5
Rapid risk assessment result:	AMBER: OFFENCE LIKELY	

"Amber: offence likely" indicates that the development activities are of such a type, scale and location that an offence is likely. In this case, the best option is to redesign the development (location, layout, methods, duration or timing; see Non-licensed avoidance measures tool) so that the effects are minimised. You can do this and then re-run the risk assessment to test whether the result changes, or preferably run your own detailed site-specific assessment. Bear in mind that this generic risk assessment will over- or under-estimate some risks because it cannot take into account site-specific details, as mentioned in caveats above. In particular, the exact location of the development in relation to resting places, dispersal areas and barriers should be critically examined. Once you have amended the scheme you will need to decide if a licence is required; this should be done if on balance you believe an offence is reasonably likely.

The rapid risk assessment tool within the Great Crested Newt licence application form (WML-A14-2) indicates an amber risk (as stated above) of an offence taking place. However, this tool allows site parameters to be taken into consideration. In this instance a permanent intact and maintained newt fence, the construction would be undertaken under site supervision by an experienced and licenced ecologist, where required. The ponds would remain undisturbed and all immediate terrestrial habitats (habitat within 50m of the pond) will not be affected by the works.

Neither does the risk assessment take into account proposed mitigation measures. These measures are detailed in Brymbo GCN Framework Strategy Vs2 and further reduce the risk of an offence being committed. With these factors in mind, the development activities are considered to be of such a type, scale and location that it is considered reasonably unlikely that an offence would be committed.

It is considered that the proposed development works are below the threshold required for an application for an EPS Licence. The probability of GCN using these habitats is considered to be extremely low. An offence under The Conservation of Habitats and Species Regulations (2019) with regards to GCN in the working area would be reasonably unlikely, and would not be considered detrimental to the favourable conservation status of the GCN population within the local area, as previously stated in the Brymbo GCN Framework Strategy Vs2 and subsequent emails.

We are able to include the above in the Brymbo GCN Framework Strategy report and include an additional section in regards to the precautionary method of works if this would address your concerns.

Could you please review the above and let us know your further thoughts? If it is useful to engage with our ecologist directly, Ceridwyn is copied into this email.

Kind regards,

Jodi Stokes
Senior Planner

DDI: 0121 711 5158
W: www.bartonwillmore.co.uk
9th Floor, Bank House, 8 Cherry Street, Birmingham, B2 5AL



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From: North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>

Sent: 25 January 2021 16:18

To: Jodi Stokes <jodi.stokes@bartonwillmore.co.uk>

Cc: Mared Rees-Jones <Mared.Rees-Jones@wrexham.gov.uk>; North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>; Wykes, Suzanne <swykes@wardell-armstrong.com>

Subject: RE: P/2020/0649 - Brymbo Lite - Natural Resource Wales (GCN)

Hi Jodi,

Thank you for your email.

Firstly, as you may be aware, GCN dispersal can be up to 1.5km, the distances will be shorter for the majority of a population. We agree that there is a relatively low likelihood of individuals being present. However, impacts cannot be discounted, particularly:

- a. Given the overall size and location of the application site to the ponds supporting GCN; [This is considered in the reports by Wardell Armstrong and above rapid risk assessment](#)

- b. The lack of evidenced maintenance of the barrier fence. Early research on the effectiveness of fencing suggest it was in the region of being 50% effective. As stated in Brymbo GCN Framework Strategy Vs2, the fence is in a good state of repair and regularly maintained. As detailed on numerous fencing contractors websites, permanent fencing has the longevity of 15-20years. In my years of experience, I have not come across the effectiveness of newt fencing being 50%, therefore would welcome the claim with a review of the data/refence. We've all seen newt fencing that is damaged/overgrown and this is unlikely to be effective, however this is not the case for this site and existing licence.
- c. Requirement to consider incidental capture/killing of amphibians. This has been included and discussed within the Brymbo GCN Framework Strategy Vs2 report.

We therefore advise that an updated herptile plan (as opposed to reptile plan) is submitted that considers issues that we have highlighted. This to be an approved document. Mechanisms will be required to report on its implementation.

The alternative approach would be to retain the suggested condition in respect of GCN.

We hope that helps.

Thanks

Bryn

Bryn Griffiths

Uwch Gynghorydd - Cynllunio Datblygu / Senior Advisor - Development Planning
Gwasanaeth Cynghori Cynllunio Datblygu / Development Planning Advisory Service
Cyfoeth Naturiol Cymru / Natural Resources Wales
Phone: 07876 816224
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Siaradwr Cymraeg 

www.cyfoethnaturiol.cymru / www.naturalresources.wales

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / Correspondence welcomed in both Welsh and English.

From: Jodi Stokes <jodi.stokes@bartonwillmore.co.uk>

Sent: 14 January 2021 15:29

To: Griffiths, Bryn <Bryn.Griffiths@cyfoethnaturiolcymru.gov.uk>

Cc: Mared Rees-Jones <Mared.Rees-Jones@wrexham.gov.uk>; North Planning

<NorthPlanning@cyfoethnaturiolcymru.gov.uk>; Wykes, Suzanne <swykes@wardell-armstrong.com>

Subject: P/2020/0649 - Brymbo Lite - Natural Resource Wales (GCN)

Good afternoon Bryn,

Happy new year. Hope you're well.

Thank you for your consultation response dated 9th November 2020 (copy attached). We have the following comments in relation to ecology specifically and would appreciate your review and further consideration.

A condition is requested for submission of a Great Crested Newt ('GCN') Conservation Plan. You'll note from our Preliminary Ecological Assessment (paragraph 4.2.4 onwards) submitted as part of our planning application that *"GCN were previously recorded within a waterbody associated with the former steel working infrastructure which was removed, and the land remediated, in the early 2000's. A licenced GCN translocation scheme was implemented with GCN being moved to a fenced receptor area (complete with ponds) to the south of Blast Road, approximately 115m west of the Site. There are no suitable waterbodies present in the Site to support breeding GCN and the Site provides low quality habitat for GCN compared to the receptor area. It is therefore considered that GCN would be highly unlikely to be present within the Site, nevertheless, as an additional measure, it is considered that measures implemented during construction, as set out within the PWMS for reptiles, would also serve to safeguard any GCN should they be present within the Site"*.

In your response the reasoning provided for this condition is to "protect species affected by the development", however, the details requested to be included in the Species Conservation Plan include measures which our consultant consider do not relate to the impacts the development is likely to have upon GCN. As identified in the PEA, GCN are **highly unlikely to be present within the Site**; there are no waterbodies present, the habitat is sub-optimal and the known population of GCN are located 115m to the west in a receptor area with a permanent GCN fence, preventing their movement to the east. No GCN licence from NRW is considered to be required, and NRW have not stated that one is, hence impacts to GCN are therefore not considered likely to occur, therefore it is unclear why the Species Conservation plan is required.

There also appears to be a change in approach compared to the previous planning application (P/2019/0546). Previous representations on the planning application for the wider site were related to Ty Cerrig (western parcel) only and now the site has reduced new concerns relating to GCN and their relationship with the plateau (eastern parcel) have been raised. We're unsure why this position has changed and would appreciate clarity on this please.

Kind regards,

Jodi Stokes

Senior Planner

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