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12th August 2020

Our Ref: C365-NRW_Response-Letter-120820-TK

Dear Alan

**Re – Proposed Development at Rowan Foods Ltd, Ash Road South, Wrexham Industrial Estate
- Natural Resources Wales Consultation Letter (Ref. CAS-118875-K1Q2)**

Introduction

Rowan Foods Ltd has proposed various extensions along with a new vehicular access onto Ash Road South and associated car parking (Planning ref. P/2020/0229). The proposal is presented on a Cox Freeman Ltd plan entitled '*Proposed Site Plan*' Dwg. no. ROW01-CFL-00-00-AP-A-0501 rev. P05, dated 06/02/20. Further information is provided in the Design and Access Statement¹.

Natural Resources Wales (NRW) has been consulted by Wrexham County Borough Council (WCBC) about the proposal and has provided a response (Ref. CAS-118875-K1Q2, dated 28/07/2020). The purpose of this letter is to review the NRW letter, with specific regard to European Protected Species, and provide a response to it.

Detailed Comments

In response to the NRW letter we would offer the following comments and additional information:

1. NRW text: '*We note that the planning application is supported by an ecological submission (reference, Knight, T. (2020). Proposed Grassland Management Regime at Rowan Foods Ltd, Ash Road South, Wrexham Industrial Estate. Marches Ecology. Unpublished) concerning management of the grassland habitats at the application site.*

Whilst we welcome the proposed grassland management regime, we consider the ecological report currently does not contain sufficient information to assess potential effects on European

¹ Cox Freeman Ltd (2020). *Design and Access Statement – Proposed Cold Store Extension Including 1 no. Additional Dock and First Floor Office Space & Engineering Workshop Area, New Site Exit Access Junction onto Ash Road South for HGVs, Additional 37 no. Car Parking Spaces to the West Elevation and External Infill Extension to the North Elevation, Rowan Foods, Wrexham.* Ref. ROW01-CFL-ZZ-XX-RP-A-0720 rev. P01.

Protected Species (Bats and Great Crested Newts), and how any effects will be avoided or mitigated'.

Marches Ecology provided two documents for the planning submission as follows:

- Letter Ref. C365-CoxFreeman-Letter-230120-TK, dated 23rd January 230120. This letter outlines the proposed grassland management regime.
- Marches Ecology (2020). *Proposed Extension and Vehicular Exit at Rowan Foods Ltd, Ash Road South, Wrexham Industrial Estate, Wrexham – Great Crested Newt Reasonable Avoidance Measures Method Statement*. Produced on behalf of Cox Freeman Ltd.

The NRW response only refers to the grassland management regime letter and does not mention at any time the Great Crested Newt Reasonable Avoidance Measures (RAMs) Method Statement. The Method Statement does not appear to be available on the WCBC planning portal and it would therefore seem apparent that NRW have not had sight of the RAMs Method Statement. It is suggested that the RAMs Method Statement would address many of NRW's concerns with regards Great Crested Newts.

2. NRW text: *'Requirement 1: Protected Species: We advise that further information is required to assess the extent of adverse effects on European Protected Species (Bats and Great Crested Newts), and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.*

We advise that an updated report is submitted that includes the following

- *European protected species, with specific reference to great crested newt;*
- *Biosecurity;*
- *Ecological compliance audit if required following survey/assessment;*
- *Ecological avoidance mitigation, compensation and enhancement measures, including proposals already submitted. Components of the overall ecological submission to include long term management with associated surveillance'.*

The proposed approach for the ecology reports for the planning submission was discussed informally with Emma Broad (Ecology and Biodiversity Officer) in January 2020. This text is provided from notes made during the phone conversation (between Tom Knight and Emma Broad) and as such has not been verified by the latter. At this time dividing the proposal into two phases was discussed. Phase 1 would be the current application, and phase 2 the new site access road (which was not included in the current application). Emma agreed that it may be possible to proceed with Phase 1 in accordance with a Great Crested Newt RAMs Method Statement. Phase 2 would require a Preliminary Ecological Appraisal as well as consideration of a Great Crested Newt licence application. Based on this discussion it was decided to proceed with 'Phase 1' in the current application and therefore a RAMs Method Statement was produced.

3. NRW text: *'...we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range'.*

A planning application for a similar extension to the current proposal was submitted by Rowan Foods Ltd in 2018 (Planning ref. P/2018/0296). This extension was located on the same side of the existing building to that currently proposed albeit with a slightly smaller footprint it was similar in nature, build style and materials. This extension was constructed in 2018.

NRW were consulted by WCBC about the 2018 proposal and provided a response (Ref. CAS-61402-G4K4, dated 01/05/18). To precis this letter, NRW recommended attaching two conditions to the consent, the first with regards implementation of '*amphibian avoidance and mitigation*' and the second, implementation of measures included in a Biosecurity Risk Assessment. In making this response NRW refer to the Great Crested Newt Reasonable Avoidance Measures Method Statement that was submitted as supporting information to the application.

The NRW response confirms that ponds in the area support Great Crested Newts and goes on to briefly outline the legislative and planning policy framework relevant to this protected species. In summary the response concludes '*We consider the proposal will not be detrimental to the maintenance of the favourable conservation status of any of the great crested newt populations present within and in the environs of the industrial estate*'.

Consent was provided for the 2018 proposal subject to five conditions which included the two conditions recommended by NRW. The final wording of the condition relevant to the avoidance measures was as follows: '*The development shall be carried out in accordance with the approved Great Crested Newt Reasonable Avoidance Measures Method Statement of Marches Ecology dated 4th April 2018 Ref: C365/GCN_RAMs_MS*'.

Marches Ecology was instructed by Rowan Foods Ltd to produce a Biosecurity Risk Assessment. This document was submitted in order to discharge the relevant condition.

Given that the current application is similar to that proposed in 2018 (though it is acknowledged that the vehicle access and car park is additional) it is difficult to understand why it was possible for NRW to make such conclusions in 2018 and not in 2020. It is also difficult to understand why a greater level of ecological assessment and mitigation might be requested. It is believed that this may simply be due to the fact that the submitted RAMs Method Statement has not been provided to NRW.

Given that the situation with regards Great Crested Newts in this area has not greatly changed since 2018 it would seem appropriate to draw the same conclusions as those given in the 2018 NRW response. Indeed the 2018 response sets something of a precedent and essentially agrees with the approach as discussed with Emma Broad in January this year.

No previous response from NRW has made reference to bats including NRW's pre-application consultation response (Ref. CAS-110259-Z6X8, dated 25/03/2020).

It would therefore be assumed that as the proposed development is similar to the 2018 proposal, it is at the same location, the habitat to be affected has not greatly changed, the local Great Crested Newt population has not significantly changed and that the approach implemented in 2018 was accepted by both WCBC and NRW, that a similar approach to that implemented in 2018 would be entirely appropriate, proportionate and justifiable. It would be expected that any consent granted would contain similar conditions to those attached to the 2018 consent.

Additional Information

Marches Ecology was retained by IBO Construction Ltd (on behalf of Rowan Foods Ltd) to implement the Great Crested Newt RAMs Method Statement prior to and during the construction of the extension given consent in 2018. An ecologist from Marches Ecology attended site on three dates in October 2018 in order implement the RAMs. This work involved the following (taken from a confirmatory email to IBO Construction dated 17/10/18):

- '*A site meeting was attended on 08/10/18 to discuss the works and the requirements of the Newt RAMs Method Statement.*
- '*A Toolbox Talk was provided to all site personnel on 10/10/18. The details of this Toolbox Talk are subsequently to be incorporated into all site inductions.*

- *Part of the bund around the car park was hand-searched and subsequently stripped on 10/10/18. Careful removal was supervised.*
- *The area of grassland on which the new car park area is to be formed was subject to a visual/hand-search on 10/10/18. The vegetation was subsequently stripped.*
- *The remaining bunds around the car park were hand-searched and subsequently stripped on 17/10/18. Careful removal was supervised.*
- *The edges of the various paving slabs and concrete footings near the existing building were hand-searched on 17/10/18. These features were subsequently lifted under supervision and were checked for amphibians. These features were removed.*
- *The grassland area within which the extension is to be constructed was subject to a visual/hand-search on 17/10/18.*
- *The alignment of the temporary protective fencing (to be installed) was reviewed on 17/10/18'.*

It is further clarified that *'In accordance with the RAMs Method Statement the ecologist will now remain on stand-by off-site. Site personnel will remain responsible for maintaining a watching brief throughout the works and maintaining compliance with the RAMs Method Statement'.*

The email confirms that *'No Great Crested Newts or other amphibians were found during the above tasks'.*

Marches Ecology was also involved in a further planning application (Planning ref. P/2012/0879) for several small extensions at Rowan Foods Ltd in 2012/ 2013. A Great Crested Newt RAMs Method Statement was also submitted as supporting information to this application. This proposal was consented and subsequently constructed in 2014. Marches Ecology were retained by IBO Construction Ltd (on behalf of Rowan Foods Ltd) to implement the Great Crested Newt RAMs Method Statement. This work involved the following (taken from a confirmatory letter to IBO Construction dated 06/03/14):

- *Two site visits were made by Marches Ecology during suitable weather on 20/02/14 and 21/02/14.*
- *Each site visit encompassed a visual-/ hand-search of the footprint of the works by a suitable licenced ecologist. Controlled vegetation clearance was not considered necessary at either area.*
- *No Great Crested Newts or other amphibians were located during the searches.*

Conclusions

The RAMs Method Statement produced for the current application (Marches Ecology 2020) provides further information and justification for the proposed Great Crested Newt RAMs approach. The implementation of RAMs for this proposal is considered appropriate for the following reasons:

- The terrestrial habitat within and adjacent to the proposed development site is of low or negligible value.
- There is no aquatic habitat within the proposed development site.
- There is a cluster of waterbodies to the south of the proposed development site within the Village Bakery site/ Erlas Black Wood. The closest of these waterbodies is approximately 288 m from the proposed development site (Great Crested Newts were not recorded from this pond in 2015). The closest known pond used by Great Crested Newts is over 300 m away.
- There are no waterbodies on the opposite side of the Rowan Foods site and no particular habitat linkages.

- The proposal concerns a relatively small footprint with a short construction duration (40 weeks).
- RAMs have been implemented at the site on two separate occasions in 2014 and 2018. No amphibians were found.

Based on the above it is anticipated that the proposal would not be detrimental to the maintenance of the favourable conservation status of Great Crested Newts in this area.

The proposed RAMs and grassland management regime are considered to provide sufficient mitigation and potential enhancement relevant to the proposal.

Should you require any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'TKnight', is positioned above the printed name and title.

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