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**RE: ECOLOGICAL STATEMENT FOR HABITATS REGULATIONS ASSESSMENT
AT LAND AT WOOD VIEW, FENNS WOOD, FENNS BANK, WHITCHURCH
(P/2019/0275)**

INTRODUCTION & BACKGROUND

Article 6(3) of the European Habitats Directive dealing with the conservation of European protected sites states that:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

The purpose of a Habitats Regulations Assessment (HRA) is to ensure the protection of European protected sites. The network of European protected sites comprises Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites.

The site has submitted for planning permission from Wrexham Council for the erection of an agricultural building (planning reference: P/2019/0275). The location of the site can be seen in Figure 1. The site lies just north of the Welsh border, north of Moss Villas. It lies on the edge of Fenn's Moss. The site comprises agricultural land with a small number of outbuildings.



Figure 1 showing the location of the site edged in red – the proposals are all within the southern end of the site, where the existing outbuildings can be seen

CONSULTEE RESPONSE

Natural Resources Wales responded on 30th April 2019 and asked for further information to be provided as part of the planning application, to enable the Local Authority to undertake a Habitats Regulations Assessment (HRA). The application site is located within Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) and Midland Meres & Mosses Phase 2 (Wales) Ramsar, both European legal designations.

The European protected sites are designated for their raised bog habitat and NRW is concerned with potential pollution pathways during construction and operation, which may permeate the peat/sand and deleteriously impact the SAC/Ramsar. Therefore, NRW has asked for procedures to be implemented to prevent pollution during construction and to prevent pollution during operation. These measures are outlined below.

ASSESSMENT

Pollution Prevention During Construction

As suggested by NRW, the demolition and construction work will be undertaken in accordance with the Guidance for Pollution Prevention (GPP) 'Works and maintenance in or near water' (GPP5¹) and 'Working at construction and demolition sites' (GPP6²). In addition, the work will be undertaken with a Construction Environmental Management Plan (CEMP), which is detailed below. This includes measures to prevent contamination of surface water drains and local watercourses.

The material created from the demolition of the existing buildings will be removed off-site and disposed of appropriately.

Pollution Prevention During Operation

The new agricultural building will be a replacement building, with an existing two buildings demolished as part of the proposals. The new building is located further away from the existing watercourse (drain) which is located to the west of the site (see Figures 2 and 3, showing the proposals and the local watercourses). The proposed development lies approximately 100 metres away from the watercourse. This is a significant distance, with a lane, amenity grassland, grazed pasture and scrub in-between the development site and the watercourse.

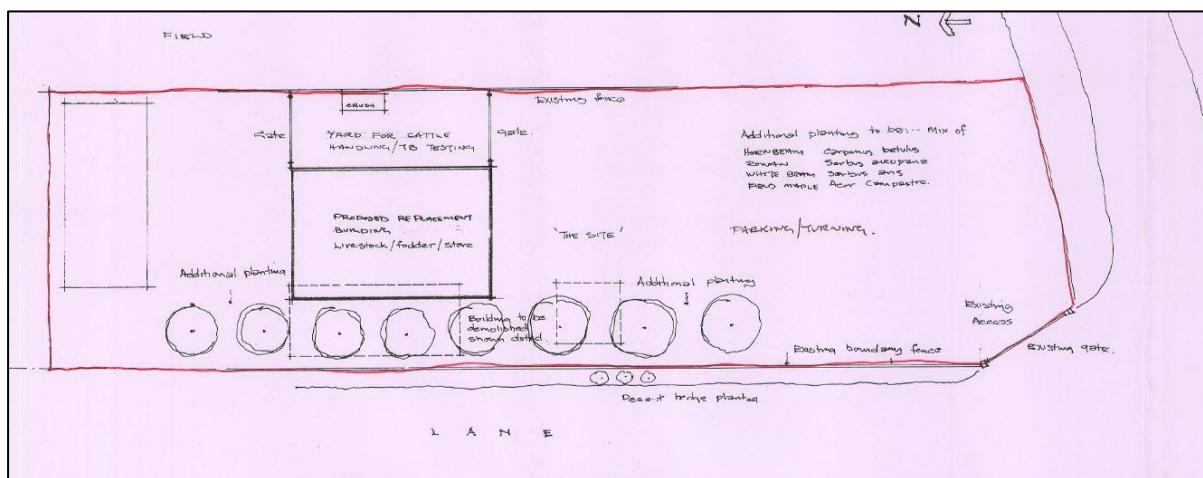


Figure 2 showing the proposals – the black square shows the location of the new building, with new planting to along the western edge, including trees and a hedgerow

¹ http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017

² <http://www.netregs.org.uk/media/1672/ppg-6.pdf>



Figure 3 showing the local watercourses to the west of the site

The effluent from cleaning and disinfecting the livestock building and yard will be prevented from entering the watercourse by a number of measures. These include:

- Swilling of the building and yard to be aimed to the east, to enter the agricultural grassland to the east. No swilling will take place aimed to the west.
- Manure will be stockpiled on hardstanding at the eastern edge of the site and will be used to spread onto the agricultural land to the east or taken off-site.
- Planting is proposed between the new livestock building and the watercourse, including trees and a hedgerow. This will act as a buffer. Any run-off from heavy rain will be soaked away by the planting.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Timing – the month and year of the construction work, taking into account potential seasonal ecological constraints, will be autumn/winter 2019/2020.

Fencing – A fence already exists around the site and this will be maintained.

Lighting – No artificial lighting is proposed for the site.

Dust - During demolition and construction works, dust must be kept to a minimum to prevent harm to the SAC & Ramsar site. This can be implemented using the following guidelines, where necessary:

- Transportation of dusty building materials should be within enclosed or sheeted vehicles.

- When moving dusty materials, the site must be damped down, using water.
- Skip drop heights should be kept to a minimum and damped down where necessary.
- Stockpiles should be kept away from the western boundary and sheeted.
- Any spillages, e.g. cement, should be cleaned up as soon as possible.
- During construction, cutting on site should be avoided and prefabrication used where possible. Any cutting must be undertaken using equipment and techniques that minimise dust emissions, such as water sprays.
- During internal and external finishing, dry sweeping should be avoided and vacuum methods used instead.

Run-off - Potential run-off from site clearance and construction activities must be managed and run-off prevented from entering the SAC & Ramsar site. The buffer planting and distance will prevent run-off from entering the watercourse. Waste must be collected and removed from site.

PROTECTED SPECIES

NRW comment that Great Crested Newt *Triturus cristatus* is known from within 100 metres of the site. Great Crested Newt (GCN) is a European Protected Species. The site does not support suitable breeding habitat for GCN and very limited suitable terrestrial habitat for GCN. However, it is recommended that the development takes place under Reasonable Avoidance Measures (RAMs) Method Statement. This is outlined below.

REASONABLE AVOIDANCE MEASURES METHOD STATEMENT

Should a Great Crested Newt, or any other protected species, be found during construction, work will stop and a licensed ecologist will be contacted immediately.

- Prior to construction work starting on site, a toolbox talk will be given by an ecologist to all construction personnel. The construction team will nominate a lead member of the team to ensure the RAMs are carried out daily.
- An ecologist will be on call throughout the construction work.
- A copy of this RAMs statement will be available at all times on site.
- Prior to commencement of work each day, a brief site walkover will be undertaken by construction personnel to ensure no amphibians have entered the construction site overnight particularly any excavations left overnight.
- Heavy vehicles will use existing tracks onto and within the construction zone.

- It is advisable that only building products to be used on the day are brought and stored on the site. If building products need to be stored on site (e.g. overnight or for a few days) these products will be stored on pallets or retained in bags on pallets to ensure that refuges are not created that will attract newts. If possible building products should be placed on existing hardstanding.
- All holes created during the construction period (e.g. to lay foundations) will be filled in and finished on the same day so as not to leave any 'pitfall' traps. If this is unavoidable, then **one** of the following measures needs to be implemented:

An escape route is provided overnight from the hole which can be in the form of a wooden plank OR

The hole is completely covered by a heavy stone slab which is flush to the surrounding ground so no newts can access the hole.

- Any spoil resulting from any excavations will be removed from the construction area on the same day and will be taken off site or placed on hardstanding or on pallets to be removed at a later date.

SUMMARY

There is expected to be no deleterious impact on the SAC/Ramsar from the construction phases or the operational phases, if the CEMP and the GPP guidelines are rigorously followed. Likewise, there is expected to be no deleterious impact on protected species and the local GCN population, if the RAMs Method Statement is followed.

The proposed development is low-impact and is the replacement of two existing agricultural buildings (used to house livestock and fodder) with one new building. The habitats to be affected are not raised bog or any other habitat featured within the SAC/Ramsar reasons for designation.

The nearest watercourse is approximately 100 metres to the west, with buffer habitats in-between. Moreover, new planting is proposed on site between the watercourse and the new building, which will act as a soakaway.

When analysing the British Geological Society Geological Map of Britain, the site does not lie on peat. It lies on till. The peat starts approximately 60 metres to the west. Therefore, any pollution would not permeate directly into peat.

In summary, no detrimental impact is expected on the European protected sites from the proposed development.