

P/2023/0497 – Land North of Byrn Lane, Wrexham – Response to Natural Resource Wales (NRW) Letter

1. This response is produced by Carter Jonas in September 2025 with input from TEP and relates to a consultation response provided by Natural Resource Wales (NRW) dated (in error) 21 November 2023 but received in September 2024. The NRW reference is CAS-262275-Z0R7. This related to a hybrid application for employment uses (“the Proposed Development”), also known as Utopia City. It is accompanied by the following:
 - Corridor Widening Exercise Note produced by Carter Jonas
 - An updated Habitat Management Plan produced by TEP
 - An updated Draft Template Method Statement and accompanying drawings produced by TEP
2. NRW summarised their concerns under the following points:
 - a) The proposed extent of on-site and off-site ecology areas associated with the development. We continue to advise that at this locality the extent of the ecology areas should be at least equivalent in area to the size of the development, therefore additional compensation should be allocated for long-term GCN conservation purposes.
 - b) Inadequate widths of the wildlife corridors on-site along the northern boundary and through the site, insufficient detail regarding the viability and functionality of the wildlife tunnel connecting with off-site third-party land
 - c) Prevention of incidental capture/killing during the operational phase of the proposals
 - d) Long-term tenure of ecology areas
 - e) Proposed approach to post-development surveillance; we note from the previous Ecology Technical Note (dated August 2023) that this information was to be included within a Habitat Management Plan (HMP), however, the submitted HMP does not contain sufficient information relating to post-development surveillance.
 - f) The proposed maintenance proposals appear to be tailored to a SuDS specification, further information should be provided that demonstrates a clear difference in maintenance operations between SuDS features and ecology areas.
3. Since the issue of this letter, the Applicant (Net World Sports) has undertaken a substantial amount of work to address comments raised around the amount of ecological land provided to mitigate impacts from the Proposed Development. This culminated in the submission of the Strategic Ecology Corridor, an off-site solution providing land for several live and future projects which the Applicant is pursuing within the industrial estate.
4. NRW’s response as statutory consultee on the Strategic Ecology Corridor dated 7 July 2025 referenced the following. This confirms that “the combined on-site and off-site ecological areas in respect of the Utopia City proposals are sufficient in terms of extents”. Therefore, the “Ecology Areas” matter (“Point (a)”) has been addressed.

Phases 1a & 1b and Parcels 2, 4 and 5 - Utopia City

The proposed development site area for Utopia City is 36.35ha with the initial off-site mitigation provision within the SEC being 8.77ha, when combined with the on-site provision of 5.77ha this achieves 40% of the development area. We have consistently advised that in relation to the proposed Utopia City development that the ecological provision needs to achieve 50% of the total development area. During the meeting we had on the 30th April 2025 we raised our concerns over the total mitigation area and questioned whether there was scope to include the original offsite mitigation proposed for Utopia City prior to this SEC application (i.e. land off Maesgwyn Lane).

Section 3.55 of the Planning Statement confirms that the parcel of land off Maesgwyn Lane (now referred to as Parcel 5) extends to 3.44ha and *"will be used for ecology sensitive agricultural purposes, as set out within the 'Land adjoining the B5130 Habitat Management Plan'".* Section 3.57 of the Planning Statement also states *"it will be protected for its proposed use as ecology land going forward"*. It was agreed during the meeting on 30th April 2025 that no enhancements were needed for this parcel of land and that sensitive grazing management was to be implemented.

We therefore consider the combined on-site and off-site ecological areas in respect of the Utopia City proposals are sufficient in terms of extents given the overall benefit and area provided in the whole SEC.

However, further information as outlined under the heading 'Strategic Ecology Corridor' above, should be submitted in support of this application.

We continue to advise that the ecological functionality of the on-site provision for the separate application P/2023/0497 could be improved through widening the existing central corridor as we have concerns over the width and proposed shared use for paths and fitness equipment. Consideration should be given to this on the live planning application P/2023/0497.

5. The Applicant has sought to resolve the remaining points now the principle of the extent of ecological land has been addressed. This has involved input from their Ecologist (TEP) and other members of the professional team.
6. Point (b) related to wildlife corridors within the Proposed Development. At a meeting with NRW and Wrexham County Borough Council on 18 August 2025, the County Ecologist suggested that a width of 40-50m might be acceptable; however, no evidence has been provided to substantiate these figures. Nevertheless, in absence of other guidance on what an appropriate width would be, the Applicant has undertaken an exercise to consider this matter comprehensively. A separate Corridor Widening Note has been submitted as part of our response; however, this confirms that achieving corridors of even 40m width across the Site would result in a loss of almost 180,000 sq. ft of floorspace from across the development. Utopia City is an employment site, which was allocated within the Wrexham Local Development Plan, and this reduction in floorspace contradicts planning policy requirements. In conclusion, it is not considered appropriate or viable to accommodate wider corridors within the Proposed Development.
7. The remaining points have been addressed by TEP within their updated Habitat Management Plan and Draft Template Method Statement. The table overleaf cross-references the points made by NRW versus where these have been addressed in the above documents.

Table 1 – TEP cross-references

Ref.	Aspect	Natural Resources Wales comment	Applicant response
2	Great Crested Newts	Protected Species NRW have reviewed various documents issued to them & the planning application We continue to advise that insufficient information has been submitted to fully assess the potential effects on Great Crested Newts (GCN), and how any effects will be avoided or mitigated. We therefore consider the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. ... We note that Table 11.4.1 of the Environmental Statement, Chapter 11 describes the GCN population as being of local importance as an ecological receptor. However, we consider that Wrexham Industrial Estate and its environs supports a nationally important population of GCN and therefore advise that any impacts should not be considered as local. ... Our concerns are summarised as follows, with further detail provided below: A) The proposed extent of on-site and off-site ecology areas associated with the development. We continue to advise that at this locality the extent of the ecology areas should be at least equivalent in area to the size of the development, therefore additional compensation should be allocated for long-term GCN conservation purposes	The GCN population is described as being of local importance in ES Table 11.4.1 based on the surveys undertaken and the fact that their presence within the county borough of Wrexham is widespread. Although the site is directly to the north of the Wrexham Industrial Estate the proposed development site is separated from it by Bryn Lane and the Industrial Estate Road which are lined by kerb stones on each side and are used by a high volume of heavy goods road traffic 24 hours a day. Whilst Wrexham Industrial Estate may support a nationally important population of GCN the proposed development site is separated from it and therefore unlikely to support a nationally important population. During consultation with Natural Resources Wales Senior Species Officer, it was agreed a large GCN population could be assumed as being present within the development site and that additional surveys were not required to confirm this. An EPSML will be applied for on the basis of a large GCN population. The method statement addresses NRW concerns on large population the document notes this. See Cover Letter from Carter Jonas

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		B) Inadequate widths of the wildlife corridors on-site along the northern boundary and through the site, insufficient detail regarding the viability and functionality of the wildlife tunnel connecting with off-site third-party land C) Prevention of incidental capture/killing during the operational phase of the proposals D) Long-term tenure of ecology areas	E3,3.2 Amphibian tunnel will be constructed under roads where required. 2m wide, 0.8m wide, supported by fencing directing animals to the tunnels and away from roads. If future development of third party land is proposed, then WBC should review this.  MP para 3.111 Corridors suffice the movements of amphibians around and through the site with the newly installed waterbodies providing breeding a terrestrial foraging Fencing will be installed to prevent capture and harm , all contractors will be inducted and given toolbox talks. All clearance works will be supervised by licenced ecologist. Para F.1.1

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		E) Proposed approach to post-development surveillance; we note from the previous Ecology Technical Note (dated August 2023) that this information was to be included within a Habitat Management Plan (HMP), however, the submitted HMP does not contain sufficient information relating to post-development surveillance. F) The proposed maintenance proposals appear to be tailored to a SuDS specification, further information should be provided that demonstrates a clear difference in maintenance operations between SuDS features and ecology areas.	HMP is updated with this information 4,2 Para 3.91 updated
<u>3</u>		TEP: NRW request that draft EPS Development License Method Statement is updated to reflect the Strategic Ecology Corridor The recent submission proposes an area of 2.8ha of land off Holt Lodge, Francis Lane (Additional Great Crested Newt Mitigation Site, Drawing Number G9134.040 Dated 24/07/2024) for an off-site mitigation (compensation) area. However, Appendix 11.3 of the Environmental Statement should be updated to include the additional 2.8ha of land (Additional Great Crested Newt Mitigation Site, Drawing Number G9134.040 Dated 24/07/2024).	EPS Doc now updated Method Statement E2.1.2 -E2.1.5 <u>Section E3.2</u>
<u>4</u>		Section E.1.1 of the draft EPS Development Licence Method Statement refers to plan TEP.ECO.001 in relation to the specification of the GCN fencing. We	Section E.1.1 Drawing updated

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		advise that the depth of the proposed fencing is too shallow underground and should therefore be amended to extend a minimum of 100-150mm further underground.	
<u>5</u>		Incident Capture / Killing Section E.3.3.1 of the draft EPS Development Licence Method Statement states that gulley pots will be included in the road scheme design. We advise against the installation of gulley pots ... We therefore advise that alternative surface water drainage options are proposed, such as permeable surfacing and surface based conveyance features such as swales and detention / retention ponds. We also advise that the draft EPS Development Licence Method Statement should consider the application of salt to the roads during periods of cold weather and how this could impact the effectiveness of the proposed channels for dispersing GCN as salt is known to damage the skin of GCN.	Section E.3.3.1 Gulley Pots will not be installed in locations that impact on Great Crested Newts , bypass kerbs and amphibian ladders will be installed where required in the road scheme design. E.3.3.3 The use of salt on roads and footpath in cold weather will be prohibited and alternative should be used. A leaflet will be produced to inform occupiers of units and this issue and other constraints.
<u>6</u>		Long-term tenure and monitoring There is insufficient detail provided in Section E.3.4 of the draft EPS Development Licence Method Statement to demonstrate that sufficient resources for monitoring will be made available and proposals only appear to consider future surveillance. Given the importance of GCN within and in the environs of Wrexham Industrial Estate, we advise that monitoring will be required throughout the construction and operation phases of the scheme.	Section E.3.4 with additional monitoring during and post construction this will be population monitoring

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		We note that Section F.1.1.4 of the draft EPS Development Licence Method Statement confirms that the site will be managed by Networld Sports and their assigned consultants. We advise that the freehold tenure of the dedicated compensation areas should accord with the definition of a “responsible” body under Part 7 of the Environment Act 2021. Section F.3.1.4 of the draft EPS Development Licence Method Statement states that ‘if monitoring results are unfavourable, the Landscape and Ecological Management Plan will be revisited to identify areas where further management or habitat creation could encourage greater use of the site by GCN’. However, to date, a Landscape and Ecological Management Plan has not been submitted as part of the application.	F.1 This is outlined how Net World Sport will manage the compensation site F3.1.4 now updated in line with the HMP
		We note the HMP submitted in support of providing post-development surveillance. However the HMP does not provide sufficient detail in respect of GCN surveillance methodologies, reporting, key performance indicators and action to be undertaken if issues are identified. Section 2.10 of the HMP states that the proposal is to maintain the GCN population. We consider that the current conservation status of the local GCN population is unfavourable and consequently restorative conservation action is required. There is no consideration of direct or indirect public access impacts on the delivery of targeted GCN conservation within the HMP and insufficient details provided in relation to the control of fish if found. Section 2.26 of the HMP refers to the incorrect legislation in respect of GCN - it should refer to the Conservation of Habitats and Species Regulations	Para 4.2 update with additional information Para 2.28 updated with legislation .

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		2017 (as amended) rather than the Wildlife and Countryside Act 1981 (as amended). We therefore advise that the following information should be submitted for the purposes of demonstrating that the proposed development will not be detrimental to the maintenance of the FCS of the GCN population at this locality: 1. Submission of details and associated plans concerning GCN avoidance and mitigation measures including: fence design, specifications and proposed locations; fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirement. 2. Submission of revised details concerning on-site and/or off-site compensatory proposals including plans, extent, access, current and proposed tenure. This should include the functionality of the ecology area for connectivity purposes. Extent to be at least equivalent to the area of development - note provision of Sections 6.8 and 6.9 of WCBC Local Planning Guidance Note No 29. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced, and created. Submission to include future tenure, timescales and reporting requirements. Submission of a long-term site management plan (for a duration of not less than 25 years) that includes but is not necessarily limited to the following points: 3. a. details of the desired condition for each habitat and criteria to	HMP Updated to include measures suggested

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		determine when habitats have achieved this (including targets that can be used as key performance indicators for monitoring purposes). b. detailed short and long-term habitat management prescriptions to both achieve and maintain the desired conditions for aquatic and terrestrial habitats. c. appropriate GCN reasonable avoidance measures d. contingency prescriptions if fish and/or invasive non-native species (INNS) are detected. e. site liaison, wardening, incident reporting and response arrangements. f. detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed. g. current and proposed changes to tenure of the ecology area (freehold tenure of the ecology area to be approved by the discharging Authority in consultation with Natural Resources Wales) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions. We would	Para 3.87, 3.89 HMP Para 3.99 HMP Para 4.4 HMP

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		suggest the LPA consider the definition of “responsible” provided under Part 7 of the Environment Act 2021. h. provision for periodic review mechanism for the plan. i. reporting requirements associated with species surveillance and habitat management. j. contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement / correct management or surveillance prescriptions including any required actions arising from unforeseen situations. 4. Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features). 5. Details of timing, phasing and duration of construction activities and conservation measures.	Para 4.6 HMP Par 4.7 HMP Para 4.6 HMP Para 3.126 HMP Para G Method Statement Para F.2 Method Statement

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		6. Timetable for implementation demonstrating that works are aligned with the proposed development. 7. Post-construction monitoring plan, to include: a. Methodology: the Wales Great Crested Newt Monitoring Scheme shall be used with GCN surveys being carried out on an annual basis. b. Duration: Not less than 25 years. c. Surveys shall be abundance counts and habitat quality assessments using Habitat Suitability Index (HSI) scores. d. Identification of individuals/bodies being responsible for monitoring and reporting results. e. Each water body shall be individually numbered on site and added to the Wales Great Crested Newt details of the desired condition for each habitat and criteria to determine when habitats have achieved this (including targets that can be used as key performance indicators for monitoring purposes).	Para F2.1 Para F2.2 Method Statement