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|--------------------------|------------------------------------------------------------------------------------------------------|
| <b>Title</b>             | <b>Proposed Development off Station Road, Rhostyllen, Wrexham – Discharge of Conditions 9 and 11</b> |
| <b>Planning Ref.</b>     | <b>P/2021/0109</b>                                                                                   |
| <b>Date of Statement</b> | <b>20<sup>th</sup> May 2021</b>                                                                      |
| <b>Author</b>            | <b>Tom Knight (Marches Ecology)</b>                                                                  |
| <b>Client</b>            | <b>S.G. Estates Ltd</b>                                                                              |

## 1 Introduction

- 1.1 Planning consent (Ref. P/2021/0109) has been provided to SG Estates Ltd for the erection of a single detached dwelling on land adjacent to 4 Station Road, Rhostyllen, Wrexham (approximate OS Grid Ref. SJ 3128 4894). The consent was provided subject to 25 conditions.

Condition 9 states: *‘There shall be no clearance of vegetation on site between the months of March to August inclusively in any calendar year’.*

Condition 11 states: *‘No part of the development shall commence until a short-term Ecological Management Plan and Ecological Method Statement, have been submitted to and approved in writing by the Local Planning Authority. This information shall demonstrate how existing features of ecological/ wildlife interest will be protected, identify any areas of compensation and demonstrate management in the short-term. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing before any part of the development commences on site’.*

- 1.2 Further clarification was sought from Wrexham County Borough Council’s Ecology Officer on 20<sup>th</sup> May 2021 as to the requirements of these planning conditions. This statement has been produced by Tom Knight of Marches Ecology in order to provide the information with which to satisfy these conditions.

## 2 Condition 9

### Introduction

- 2.1 SG Estates Ltd would like to commence the development prior to the end of August this year. Site clearance including removal of vegetation would therefore be undertaken during the bird nesting season.
- 2.2 A Preliminary Ecological Appraisal (PEA)<sup>1</sup> was submitted with the planning application. The PEA concluded *‘The proposal would result in the loss of some small patches of scrub, scattered shrubs and two semi-mature trees that are/ could be used by nesting birds’.* An old Wren (*Troglodytes troglodytes*) nest was noted in the Ivy on an old tree trunk that is to be removed.
- 2.3 Nesting opportunities within the site are generally limited. The risk of disturbing nesting birds during the proposed vegetation clearance is considered to be low but cannot be entirely ruled out. The destruction of any bird nests that are in use is illegal.

<sup>1</sup> Marches Ecology (2021). *Proposed Development off Station Road, Rhostyllen, Wrexham – Preliminary Ecological Appraisal*. Produced on behalf of S.G. Estates Ltd.

### **Nesting Bird Check Protocol**

- 2.4 The site will be checked for active bird nests on the day immediately prior to the vegetation clearance. This check will be undertaken by a suitably qualified ecologist. A further brief check will be undertaken by the suitably qualified ecologist on the same morning, but prior to, commencement of the vegetation clearance works.
- 2.5 If any active nests are found either during these checks or at any time throughout the construction phase then a buffer zone (determined on the basis of the species concerned and the location of the nest in the context of the surrounding vegetation, but no less than 5 m) would be established and retained until it can be ascertained that the chicks have left the nest. The buffer zone will be appropriately fenced and signed in accordance with any advice to be provided by the ecologist. No access would be allowed within this buffer zone. The ecologist would need to re-visit the site to confirm that the nest was no longer occupied before work could continue and the buffer zone removed.
- 2.6 Should a nest be found during the pre-construction checks, depending on the location of the nest, it may delay the start of works at this site. Due to the size and access to the site it may not be feasible to work around such a nest. If this is the case work would only commence once the ecologist has confirmed that the nest is no longer occupied.
- 2.7 The results and implications of the pre-construction nest checks by the ecologist will be confirmed to the Ecology Officer, WCBC, via email on the day that vegetation clearance is commenced.

### **Temporary Protective Fencing**

- 2.8 An SG Estates Ltd plan entitled '*Tree & Hedge Protection*', Dwg. no. \_001, dated April 2021 was submitted as part of the planning application. This plan presents the alignment of temporary protective fencing to be installed in order to protect trees, shrubs and hedges on land adjacent to the proposed development site. This fencing will also minimise any risk associated with inadvertent damage/ disturbance of nests in vegetation directly adjacent to the site.
- 2.9 This temporary protective fencing will be installed on the same day as, but prior to, the vegetation clearance works. The installation and alignment of this fencing will be reviewed by the ecologist and confirmed in the email to be sent to the Ecology Officer, WCBC.

## **3 Condition 11**

### **Introduction**

- 3.1 Condition 11 requires an Ecological Management Plan/ Ecological Method Statement covering protection of existing ecological features and identification of any compensation areas. Marches Ecology (2021) states '*The proposed development would result in the permanent loss of all of the habitat within the survey site. The loss of this habitat would not result in any significant impacts*'.
- 3.2 No existing ecological features are to be retained within the site and therefore require protection, and due to the size of the plot, no compensation area is to be provided. Trees/ shrubs adjacent to, but outside, the site would be protected during the construction phase by the fencing as detailed above.
- 3.3 The PEA includes a number of ecological avoidance/ mitigation measures (summarised in paragraph 5.1.2). These measures include, for example, replacement planting as proposed

in the Arboricultural Impact Assessment (AIA), control measures for *Schedule 9* plants, dismantling of potential refugia/ hibernacula for Hedgehogs to be undertaken under the supervision of a suitably qualified ecologist, holes beneath fences for Hedgehogs, etc. The PEA should be referred to for further details.

- 3.4 Condition 8 of the planning consent requires that the development must be implemented in accordance with the recommendations of the PEA including all of the mitigation/ compensation measures. A suitably qualified ecologist will be retained for the duration of this project to provide advice and ensure that all of the requirements of the PEA are met.

#### **Net Benefit for Biodiversity**

- 3.5 In a letter to the 'Heads of Planning' in October 2019 the Welsh Government made clear the requirements and expectations for delivering 'net benefit for biodiversity' through the planning system. This requirement had already been established through Planning Policy Wales (PPW) 10<sup>2</sup> and under the *Environment (Wales) Act 2016*. The letter clarifies that biodiversity enhancement is a material consideration.
- 3.6 As previously mentioned, the vegetation within the proposed development site is to be cleared. This habitat is considered to be of site value and it is concluded that '*The loss of this habitat would not result in any significant impacts*'. To offset this loss the PEA recommends that the replacement tree planting proposed in the AIA should utilise native tree species of value for wildlife. It also suggests that the trunk identified at *Target Note 2* in the PEA is retained as deadwood habitat within the adjacent open space (subject to landowner permission).
- 3.7 The PEA recommends the installation of three nest-boxes for House Sparrows within the built structure. This would be an ecological enhancement for a species of conservation interest.

The PEA provides the following information:

*'Three nest-boxes specifically designed for this species (e.g., Vivara Pro Woodstone Single Chamber House Sparrow Nest-box<sup>3</sup>, Schwegler Brick Box No.24<sup>4</sup> or EcoSurv Sparrow<sup>5</sup> nest-boxes) should be built into the new building ideally on the north-east elevation near shrubs/ trees. These boxes should be installed within the wall. Full instructions for their installation are provided in Gunnell, Murphy & Williams (2013)<sup>6</sup>. These nest-boxes should ideally be installed at soffit/ eaves level (more than 2 m above ground level) out of direct sunlight, and at least 1 m apart. They should have unobstructed access and should not be located directly above any windows or doors. A suitably qualified ecologist should be consulted regarding appropriate locations for these nest-boxes.*

<sup>2</sup> The current iteration is PPW 11, dated February 2021.

<sup>3</sup>

[https://www.nhbs.com/equipment?q=&hPP=60&idx=titles&p=1&fR%5Bdoc\\_s%5D%5B0%5D=false&fR%5Bhide%5D%5B0%5D=false&fR%5Blive%5D%5B0%5D=true&hFR%5Bsubjects\\_equipments.lv1%5D%5B0%5D=Bird%20Boxes&qview=217214](https://www.nhbs.com/equipment?q=&hPP=60&idx=titles&p=1&fR%5Bdoc_s%5D%5B0%5D=false&fR%5Bhide%5D%5B0%5D=false&fR%5Blive%5D%5B0%5D=true&hFR%5Bsubjects_equipments.lv1%5D%5B0%5D=Bird%20Boxes&qview=217214)

<sup>4</sup> <http://www.nhbs.com/title/173236/schwegler-brick-nest-boxes>

<sup>5</sup> <http://www.habibat.co.uk/category/bird-boxes/habibat-sparrow-nest-box>

<sup>6</sup> Gunnell, K., Murphy, B. & Williams, C. (2013). *Designing for Biodiversity: A Technical Guide for New and Existing Buildings*. Second Edition. RIBA Publishing, London.

*Information on these nest-boxes and their value to House Sparrows should be provided to the new home-owners. Ideally each nest-box should be inspected annually and cleaned if necessary, outside the nesting season'.*

- 3.8 The suitably qualified ecologist will provide advice on siting and installation of these nest-boxes, including appropriate locations for them to be identified on the 'Elevations' plan. The suitably qualified ecologist will visit the site to confirm installation of these nest-boxes within the new house. An email including photos of the nest-boxes will be sent to the Ecology Officer, WCBC, by the suitably qualified ecologist.
- 3.9 The provision of the House Sparrow nest-boxes, replacement tree planting and retention of dead wood habitat should achieve net benefit for biodiversity.