

P/2023/0497 - Land North Bryn Lane, Wrexham (Utopia City)
Off-site ecological mitigation justification note

1. This response is produced by Carter Jonas following a request at a meeting with the planning department in February 2026. It seeks to justify the approach to using off-site land to provide an appropriate amount of ecological mitigation. This is in the context of Welsh Government Technical Advice Note 23 – Economic Development (“TAN 23”) and the Stepwise Approach within Planning Policy Wales (PPW).

Background

2. It should be noted that there has been substantial engagement between the Applicant Net World Sports (The Applicant), Wrexham County Borough Council (WCBC), and Natural Resources Wales (NRW).
3. NRW had historically objected to the amount of on-site ecological mitigation, seeking a 50% provision which goes well above and beyond what was envisaged in Policy KSS3 of the now de-adopted Wrexham Local Development Framework. The Applicant also note the Site’s existing use as highly managed farmland, managed to current farming practices, which does not currently provide a favourable environment for ecology, including GCN.
4. To deliver a supportable solution, The Applicant proposed delivery of the Strategic Ecology Corridor which is now subject to planning application (P/2025/0431). In principle, this approach was supported by NRW and WCBC. NRW’s consultation response on the Strategic Ecology Corridor confirms they are comfortable with the overall amount of ecology mitigation land provided on-site and off-site. This would require 5.77ha of ecological mitigation land to be provided ‘on site’ within Utopia City.

Review against TAN23

Policy context

5. TAN 23 deals principally with use Class B development. It provides guidance on how economic development should be dealt with in development plans and how LPAs should consider a planning application for such development.
6. Paragraph 1.2.5 notes: *“Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development”*
7. Paragraph 2.1.5 notes: *“Where a planning authority is considering a site allocation or planning application that could cause harm to the environment or social cohesion, it should ask three questions in order to help clarity and balance the economic, social and environmental issues”*
8. These ‘questions’ are summarised as follows:
 - A. **Alternatives:** if the land is not made available (the site is not allocated, or the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where
 - B. **Jobs accommodated:** how many direct jobs will be based at the site

- C. **Special merit:** would the development make any special contribution to policy objectives? These contributions may relate to objectives listed in PPW or to more general policy objectives set out elsewhere in PPW.

Justification

9. For the purposes of this note, “harm to environmental cohesion” equates to not delivering an on-site provision of ecology mitigation in line with NRW’s expectations, including the non-retention of certain hedgerows envisaged under the KSS3 Masterplan Framework within the now de-adopted LDP.
10. In terms of **7A (Alternatives)**, the Site was allocated within WCBC’s LDP (“KSS3”) which promotes the delivery of 28 hectares of employment land. Whilst the LDP is now de-adopted, the process of testing alternate locations for economic growth still forms a fundamental part of the evidence base to the LDP. This exercise was fully considered within Background Paper 5: Wrexham Industrial Estate Expansion Selection, which remains the most up to date assessment of expansion opportunities for the Wrexham Industrial Estate.
11. This exercise clearly identified that Utopia City was the most sequentially preferable location for employment uses within Wrexham and this remains the case currently. There were no other employment sites proposed for allocation within the LDP.
12. The design has been subject to considerable design evolution, as outlined within Section 7 of the Design and Access Statement, before considering that the proposed layout in the illustrative masterplan was appropriate. This exercise included layering on technical constraints, such as access arrangements, alongside a design rationale (creating a sense of arrival), and operational considerations (the importance of an accessible service yard and an appropriate footprint).
13. In conclusion, there were no alternate employment sites proposed within the LDP and there is no other location which could accommodate this quantum of growth, particularly accommodating larger footprint warehouses. In addition, alternate designs have been considered and it is not preferable or practical to deliver an alternate configuration.
14. In terms of **7B (Jobs)**, the Proposed Development is a significant employment allocation and will generate substantial job growth for Wrexham. The submitted Environmental Statement included a socioeconomics chapter which concluded that the development would generate the following.
 - Approximately 90 gross / 24 net construction jobs (FTE)
 - Between 1,166 and 3,352 gross / 306 and 880 operational net (FTE)
15. Furthermore, the proposed development will deliver a range of critical supporting amenity including hotel, HGV park and convenience retail and F&B amenity. This will be fundamental in sustaining the ongoing success of the wider industrial estate by providing current occupiers of WIE with amenity to support the operation of their businesses.
16. Should the full extent of land needed for ecology mitigation be required on-site (50%) then there would be a substantial reduction in job creation. It would also mean that the site’s ability to accommodate a range of different uses and size of warehouses would be severely curtailed. Similarly, insisting on retaining relevant hedgerows would lead to inefficiencies in

the new layout and challenges in developing an effective internal road network. These might include, for example, additional service-yards and back-of-house requirements. This would further reduce the amount of employment floorspace which is critical for job-creation. Critically, the Applicant confirms that there is identified occupier interest for the large warehouses that form part of the planning application.

17. In addition, the pipeline of future development and recent completions will not deliver large warehouse development. Over the past ten years, around 1.5 million sq ft of industrial space has been built. Only four developments above 100,000 sq ft were completed in that period, the largest being the 411,000 sq ft warehouse built for NWS. Excluding those larger units, the average size of developments completed in the past ten years was c. 28,000 sq ft.
18. In conclusion, the Proposed Development – as currently configured without accommodating NRW's required amount of ecological mitigation on-site – will deliver substantial employment benefits and has attracted occupier interest due to a lack of availability in the market for large warehouses. A reconfiguration would lead to a poorer outcome both in terms of job creation as well as market fulfilment.
19. In terms of **7C (Special merit)**, the Proposed Development would achieve against the following objectives within Planning Policy for Wales (PPW):

PPW references the following goal from the Well-being of Future Generations Act (2015): “***A Prosperous Wales can be achieved through increased economic activity across all sectors and at all scales. This is realised through the availability of employment land***”

Paragraph 5.4.3 of PPW states “***Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance.***”

Paragraph 5.4.4 of PPW states “***Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development.***”

Paragraph 5.4.11 of PPW states: “***Strategic employment sites should be identified at a regional scale by agreement amongst local authorities on which sites best serve the area as a whole. Careful consideration should be given to the attributes of strategic employment sites to ensure that they have unique selling points and provide a differentiated offer across the region.***” [Note: No regional policy exists in North Wales but the LDP evidence base included the Wrexham & Flintshire Employment Land Review Study 2015]

Paragraph 5.4.17 states: *The Welsh Government's Enterprise Zones are an example of where co-ordinated action can take place to encourage investment in a particular sector in a particular place. **Planning authorities should seek to support the development of business networks and clusters** particularly in relation to innovative and technology based enterprise*

20. Taken together, these paragraphs within PPW identify an objective for decision-makers to support proposals which deliver differing scales of employment generating development that meet the need of the employment market. This is especially where these have unique selling points, support the development of business networks, and provide a differentiated offer across the region. As noted above, this site which was allocated for employment use proposing 28 ha of employment space, deemed suitable for large scale uses which meet identified demand in Wrexham. In general, sites which were identified for allocation are more appropriate for accommodating significant amounts of economic development which is less likely to come forward in other windfall locations.
21. The Proposed Development provides a range of different typologies on site, ranging in size and building footprint. This allows for development to come forward which supports employers of all scales, including employers who require a significant amount of floorspace. There is no provision for this within the existing market or the emerging pipeline, making this is a clear unique selling point for the Site.
22. The Site will form an important component of the Wrexham Industrial Estate (WIE), representing a northern extension of employment activity and delivering a quantum of development not seen in decades. It will strengthen the popularity of the estate and, through its design intention to deliver a “campus” set-up with high quality landscaping, provide a different offer for prospective employers. It will support the development of the WIE as an employment cluster with a network of employment generating businesses drawn to the location.
23. More widely, the Utopia City is a tax site within the Wrexham and Flintshire Investment Zone and the only such site in Wrexham. Similar to Enterprise Zones, IZs are areas across the UK where central and local government will work with business and local partners to create the conditions for investment and innovation. These are the areas where business networks and clusters should be encouraged. Fundamentally, the successful delivery of Utopia City is critical for the overall success of the Investment Zone.

Conclusion

24. Overall, it is considered that the Proposed Development addresses the requirements of TAN 23 and that this is sufficient justification to support an on-site and off-site approach to ecological mitigation. Without this, there would be substantially fewer economic benefits from Utopia City which is a key component of the Wrexham and Flintshire Investment Zone.

Review against PPW

Policy context

25. With regard to PPW, matters relating to maintaining and enhancing biodiversity are contained within Section 6 and Paragraphs 6.4.9 – 6.4.17 within this.
26. Paragraph 6.4.11 advises that planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. This Paragraph goes on to state that enhancement “must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.”

27. Paragraph 6.4.12 elaborates upon the stepwise approach and advises that evidence should be provided (within a Green Infrastructure Statement) to demonstrate that the step-wise approach has been followed and that a scheme of enhancements should be provided to ensure a net benefit for biodiversity. The paragraph goes on to state that biodiversity enhancement should be provided proportionate to the scale and nature of the development and that enhancement measures could include on-site, locally relevant, habitat creation and/or could be part of the development itself favouring the use of native species using biodiverse nature-based solutions such as SuDS, green roofs, grassland management for wildflowers or reptile refugia, woodland expansion, and wetland creation.
28. Paragraph 6.4.13 advises that improving ecosystem resilience, particularly improving connectivity to the immediate surroundings (in line with the DECCA Framework) would be a key contribution to on-site avoidance, minimisation, and mitigation strategies and enhancement and that applicants should demonstrate how a development would improve the attributes of resilience as far as this is reasonably practical.
29. Paragraph 6.4.14 states that planning authorities can ensure biodiversity enhancement is undertaken at each stage of the step-wise approach below through attaching planning conditions and/or other obligations to a planning permission and that planning authorities should take care to ensure that any conditions are relevant to planning and the development to be permitted, and are enforceable, precise, and reasonable in all other respects.
30. Notwithstanding the above, Paragraph 6.4.17 advises that where sites are already allocated in an adopted development plan it may not be possible to follow the step-wise approach in a sequential way, because certain progress towards fulfilling the allocations may have been made.

Justification

31. The Proposed Development can be considered to achieve against the Stepwise approach, noting that the strategy for providing on-site and off-site ecological mitigation is acceptable. This section should be read in the context that the Site is currently heavily utilised agricultural land, which may not have a high ecological value when considered as a whole. The Site is not subject to any statutory designations for ecology or otherwise; however, it is noted that the Site accommodates a population of Great Crested Newts.

Step 1 - Avoid

32. Paragraph 6.4.17 notes that sites which are allocated may not be able to follow the step-wise approach. Whilst the LDP has been de-allocated, its evidence base included a thorough assessment of where large-scale economic growth for Wrexham and the Wrexham Industrial Estate could be accommodated. This concluded the Utopia City is the preferred location and no other employment allocations were put forward.
33. As noted above, it is not considered that there are any suitable alternatives that could accommodate the same level of economic growth as Utopia City, especially noting the opportunity to deliver a range of different uses within the scheme. Therefore, it is not possible to comply with Step 1 and avoid development across the Site.

34. The Site includes a veteran tree which has been recognised and an appropriate buffer shown within the illustrative masterplan, noting that this is not impacted by development. A similar principle has been applied for an off-site veteran tree.

Step 2 – Minimise

35. The Proposed Development has sought to minimise its impact on biodiversity and ecosystems, again noting that the Site is predominately used for intensive agricultural purposes.
36. The Proposed Development features the retention of the following important ecological features:
- Trees: 0.72ha (Detailed), 0.26ha (Outline)
 - Hedgerow: 1.81km (Detailed), 0.9km (Outline)
 - Ponds: 2 (with none lost)
37. As noted above, the Design and Access Statement includes commentary about how the design has evolved in response to various constraints. The Applicant's Ecologist has also developed a substantial and detailed management plan through dialogue with NRW during the determination period.
38. The Proposed Development has sought to minimise impact on existing biodiversity as far as reasonable without compromising other objectives, such as economic growth. However, it is accepted that there would be other ecological features that would be impacted and mitigation is required.

Step 3 – Mitigate / Restore and Step 4A: Compensate on site

39. The Proposed Development has been designed to restore the land and create improvement in biodiversity across the Site. The following new ecological features are proposed:
- Trees: 1.13ha / 575 trees (Detailed), 1.071ha / minimum of 546 trees (Outline)
 - Hedgerow: 2.56km (Detailed), 2.26km (Outline)
 - Ponds: 5 retained (including three relocated) and 16 new 'stepping stone' ponds.
40. More widely, the scheme's ability to sit comfortably within the surrounding contextual landscape is delivered by good design and understanding the importance of a sense of place - key to this is the importance of masterplan arrangement, scaling and grain sensitivity and well-considered geometry. The buildings and public spaces are arranged with active frontages along its public roads that address focal points and vistas within the site contributing to the sense of place. The parameters plan set the framework for this to be achieved.
41. Whilst flexibility is key, the parameters plan sets out the maximum development parameters in terms of use, floor area, height and maximum extent of development / finished floor levels. This establishes a framework within which a range of masterplan options can be accommodated. However, the ability to deliver units of genuine scale within Utopia City is limited by the site shape and proximity to the highway network. This, in turn, limits the areas that can be utilised for meaningful ecological enhancement.
42. Notwithstanding this, the scheme has been designed to deliver a range of mitigation and ecological enhancement measures within the site (as shown in the illustrative masterplan

and accompanying ecological submission information). This includes a central corridor of ecological enhancement within the application boundary, which adjoins other open land which was proposed for allocation in the LDP (noting this is outside of the applicant's ownership). This remaining open land is currently used as agricultural fields and whilst it is not within the applicant's gift to enhance the ecological value of this land, the applicant has sought to design a scheme which links in with these open fields to the south to create a strategic "north-south" corridor connecting Bryn Lane with open fields to the north of the application site.

43. The Applicant considered that based upon the existing scheme design and layout, an appropriate level of on-site mitigation has been provided, which balances the on-site ecology needs of the site against other design considerations (including the creation of a well-designed commercial scheme on a nationally important employment area, that creates between 1,166 and 3,352 gross operational FTE jobs). It ensures that areas of ecological enhancement are not isolated and are strategically linked into land to the south to create a corridor that supports the ambitions of the DECCA Framework. However, that was not the view of NRW or WCBC.
44. Overall, an area of 5.77ha was proposed for on-site ecological mitigation, with the intention being to provide this within the perimeter landscape buffer and central landscaped corridor (excluding any non-landscape features such as substations). It is not possible to accommodate the preferred amount of ecological mitigation (c.18ha / 50% of development site area) without severely compromising other planning objectives (such as economic growth). Therefore, it is considered that all options within the other steps have been exhausted and immediate proximate / off-site ecological land is required.

Step 4B – Compensate off site

45. The Applicant has acquired a substantial amount of land to act as off-site ecological mitigation for various schemes they are progressing, known as the Strategic Ecology Corridor (SEC). This is subject to a live planning application (Application Reference: P/2025/0431) and promotes a high-quality ecological landscaping scheme with a substantial uplift in ecological quality. The SEC's location is driven by land availability; however, part of the scheme is sited adjacent to Utopia City and the remaining parcels complement immediately adjacent ecological mitigation delivered by FI Real Estate as part of the "Kingmoor" scheme.
46. Fundamentally, the scheme promotes habitat creation and restoration, supported by a long-term management agreement to deliver a net benefit for biodiversity. It has been supported by the relevant ecological surveys.
47. For Utopia City, a total of 12.77ha of off-site land is provided. Within this, land proposed for as off-site mitigation for Utopia City will deliver: 86 additional trees, 305m of hedgerow, and 20 wildlife ponds which would be to support growth of the Great Crested Newt population in the Wrexham Industrial Estate.
48. NRW has confirmed via their consultation response on the Strategic Ecology Corridor that they are satisfied with the quantum of on-site and off-site ecological mitigation for Utopia City.

49. It is considered that the off-site mitigation is of significant magnitude, complementing an already significant amount of on-site ecological mitigation. Both the Utopia City and SEC planning applications are accompanied by long term management plans, demonstrating how net biodiversity would be achieved.
50. In conclusion, it is considered that the use of off-site compensation is appropriate and that, in conjunction with significant on-site mitigation, will lead to a substantial net gain for biodiversity in the Wrexham Industrial Estate.