



Habitat Regulations Assessment (HRA)

16 Lord Street, Wrexham,
LL11 1LG

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Habitats Regulation Assessment (HRA)

Of

16 Lord Street, Wrexham, LL11 1LG

For

Wrexham Property Holdings Ltd c/o John D Wood and Leith Planning Ltd

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Appendix 1

Natura 2000 Standard Data Form, The Dee Estuary (Special Protection Area (SPA) and Special Area of Conservation (SAC). Site code UK9013011

1.0 Introduction

Ascerta has been instructed by Wrexham Property Holdings Ltd c/o John D Wood and Leith Planning Ltd to produce a Habitats Regulation Assessment (HRA) in compliance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended); hereafter referred to as the 'Habitats Regulations' for the 16 Lord Street, Wrexham, LL11 1LG (hereafter referred to as the site). The site OS grid reference is OS Grid Reference is SJ 33321 50464 and the What3Words reference is dunes.dreams.join.

Our client seeks planning consent to renovate the existing building within the site into residential accommodation.

This document has been prepared to detail any significant impacts caused by the proposals on The Dee Estuary (SPA/SAC), River Dee SAC and Bala Lake (SAC) as required by Regulation 63 of the Habitats Regulations, also assessing the proposals and demonstrating that there will not be an adverse effect/scope out the drainage outlets following the drainage proposals from the proposed site.

The pre application comments in regard to the proposed development site concluded that;

"It should also be noted that the site lies wholly within the freshwater catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In January 2021, NRW introduced stringent standards on the discharge of phosphorus into the SAC. It is expected that foul water flows from the proposed development would be disposed of via the mains sewerage system which connects to Five Fords Wastewater Treatment Works. Whilst Five Fords does have an environmental permit and does have phosphate stripping in place, at this time, the permit has not been assessed against the revised phosphorus targets set-out in the conservation objectives for the River Dee and Bala Lake SAC. This work is currently being undertaken by NRW, however the Local Planning Authority is not aware when this will be completed. As the increased foul waste water flows to the WWTW would result in an increase in phosphate discharges into the SAC, accordingly it is not possible to conclude that the development is unlikely to adversely impact upon the SAC at this present time. Adversely impacting upon a statutorily protected site represents a conflict with UDP Policy EC6 and TAN 5, together with Planning Policy Wales and Future Wales."

1.1 The HRA Process

Regulation 63 of the Habitats Regulations requires a competent authority to make an 'Appropriate Assessment' of the implications of the plan or project for that site in view of its Conservation Objectives, before deciding to undertake or give consent for a plan or project which (a) is likely to have a significant effect on a European Site (either alone or in-combination with other plans or project), and (b) is not directly connected with or necessary to the management of that site. In light of the conclusions of the assessment, the competent authority may proceed with or consent to the plan or project only after having ascertained that it will not adversely affect the integrity of the European Site.

All plans and projects should identify any possible effects early in the process and then either alter the plan or project to avoid them or introduce mitigation measures to the point where no adverse effects remain. The 'competent authority' shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned, and if appropriate, having obtained the opinion of the general public.

Following completion of Stage 1: Screening, should Likely Significant Effects (LSE) be identified the HRA must proceed to Stage 2: an Appropriate Assessment against all impact pathways identified. The HRA Stage 1:

Screening considered the following:

- Water quality

At Stage 2: Appropriate Assessment, it was concluded that the Project will have no residual adverse effects and as such, the HRA does not proceed to Stages 3 and 4.

The assessment of a project under the Habitats Regulations can be split into four stages as shown in Table 1.

Table 1: Stages of HRA

Stage	Description
Evidence Gathering	Collection of information on relevant European Designated Sites (Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar) and any SSSI which is also a European Designated Site. This involves their conservation objectives and characteristics.
Screening (Stage 1)	Assessment of the likelihood of a plan or project, alone or in combination, having a significant effect on a European Site or its features. If a significant effect is likely, an Appropriate Assessment is required as set out in Regulation 63.
Appropriate Assessment (Stage 2)	A detailed consideration of the potential effects of the plan or project in relation to the Conservation Objectives for the European Site(s) to determine if there is likely to be an adverse effect on the integrity of the site (i.e. an effect that would compromise the site meeting its Conservation Objectives). If it can be demonstrated that with appropriate mitigation measures the plan or project would not give rise to an adverse effect on the integrity of a European Site, the plan or project can proceed.
Assessment of Alternative Solutions (Stage 3)	Where it cannot be demonstrated that there is no adverse effect, or there is uncertainty, the assessment would then need to consider if there were any other alternatives to the plan or project that would not give rise to adverse effects on the integrity of the European Site.
Assessment where no alternative solutions exist and where adverse impacts remain (Stage 4)	If adverse effects are still likely, then the competent authority would then consider if there are any Imperative Reasons of Overriding Public Interest (IROPI), only at this stage can Compensatory Measures be considered. It is very unusual for plans or projects to be considered in Stages 3 or 4.

2.0 Guidance and policy when assessing the potential effects of a plan or project

The following guidance and policy must be followed when assessing the potential effects of the plan or project:

- The Habitats Regulations Assessment Handbook, DTA Publications Ltd; which includes analysis of relevant recent caselaw; and
- Gov.uk website.

Professional advice should be sought when required in order to ensure a thorough and scientific assessment of the plan or project and its potential effects on a European Site.

In addition to the guidance noted above, a number of websites have been used in November 2024 to gather information on the European Sites in order to inform the assessment,

- Natural England (NE) website;
- MAGIC (Multi-Agency Geographic Information for the Countryside) website; and
- Joint Nature Conservation Committee (JNCC) website.

3.0 Desk Study Methodology

This assessment has been undertaken with reference to the general guidance on HRA published by the UK Government (Ministry for Housing, Communities and Local Government, 2019).

Guidance published by the Environment Agency (Environment Agency, 2023) recommends that developments requiring a Habitat Regulations Assessment require a 10km search to identify relevant European designated sites which may be affected by the development. Further to this, a search to identify Natural England SSSI Impact Risk Zones has also been undertaken using Magic. As the site lies within the freshwater catchment area the search area was extended to include The Dee Estuary (SPA/SAC) and Bala Lake (SAC).

3.1 Desk Study Results

The site comprises the former job centre within the centre of Wrexham, with retail and industrial premises, along with residential dwellings in the surrounding land use. Areas of open space are present throughout Wrexham with agricultural land use in the wider environment.

Table 2: Designated Sites Scoped into Assessment

Designated Sites	Reason for Designation	Distance to the Site
The Dee Estuary SPA/SAC	<p>Designated as a SAC for mudflat and sandflat habitat not covered by seawater at low tide and the vegetation species that colonise on the areas, creating Atlantic Salt Meadows. The area also supports estuarine annual vegetation, vegetated sea cliffs, along with fixed and and shifting dunes along the shoreline.</p> <p>The site also supports sea lampreys (<i>Petromyzon marinus</i>) and river lampreys (<i>Lampetra fluviatilis</i>) and petalwort (<i>Petalophyllum ralfsii</i>).</p> <p>The SPA has been designated as the area supports over wintering bird species; bar-tailed godwit (<i>Limosa lapponica</i>), black-tailed godwit (<i>Limosa limosa islandica</i>), curlew (<i>Numenius arquata</i>), dunlin (<i>Calidris alpina alpina</i>), grey plover (<i>Pluvialis squatarola</i>), knot (<i>Calidris canutus</i>), oystercatcher (<i>Haematopus ostralegus</i>), pintail (<i>Anas acuta</i>), redshank (<i>Tringa totanus</i>), shelduck (<i>Tadorna tadorna</i>) and teal (<i>Anas crecca</i>).</p> <p>The site also supports breeding common tern (<i>Sterna hirundo</i>) and little tern (<i>Sterna albifrons</i>), as well as supporting on passage sandwich tern</p>	22km north of the site.

	<p>(<i>Sterna sandvicensis</i>) and redshank (<i>Tringa totanus</i>).</p> <p>The SPA also regularly supports at least 20,000 waterfowl</p>	
The River Dee (SAC)	<p>Designated for supporting populations of Atlantic salmon (<i>Salmo salar</i>), Otter (<i>Lutra lutra</i>) and Freshwater pearl mussel (<i>Margaritifera margaritifera</i>).</p>	
Bala Lake (SAC)	<p>Designated for Annex II qualifying species Atlantic salmon and Floating Water Plantain (<i>Luronium natans</i>).</p> <p><i>Also designated for Annex II species Sea Lamprey (<i>Petromyzon marinus</i>), Brook lamprey (<i>Lampetra planeri</i>), River Lamprey (<i>Lampetra fluviatilis</i>) Bullhead (<i>Cottus gobio</i>) and Otter.</i></p>	

4.0 European Site conservation objectives and qualifying features

4.1 River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC)

The site at its closest point, lies approximately 8.7km south of the River Dee (SAC). The site also lies approximately 22km north from The Dee Estuary (SAC/SPA).

Bala Lake (SAC) lies approximately 44km southeast from the site and is utilised to manage the flow of The River Dee (SAC) as part of the River Dee Regulation System

The features and the conservation objectives of The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC) and the potential vulnerability of the features to any effects that might arise from the plan or project are as follows;

The species listed in table 2 above utilise a number of key habitats within The River Dee (SAC) and The Dee Estuary (SAC/SPA)

The following relevant to the scheme threats/pressures to the site integrity of The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC) have been identified in Natural England's Site Improvement Plan (Natural England, 2014):

- Water pollution.

5.0 Stage 1 - Screening for likely significant effects

5.1 Likelihood of Significant Effects

Stage 1 of the HRA, the screening, is a test of Likely Significant Effect (LSE) to determine whether an Appropriate Assessment is required against all impact pathways identified. The screening is done considering the proposal in isolation and therefore not in-combination with any other plans or projects. It is also done in the absence of avoidance or other mitigation measures. Note that the assessment is made with awareness of the conservation objectives for the features of the European Site, however the actual assessment of the plan or project against the conservation objectives is not required until the Appropriate Assessment (Stage 2).

5.2 Potential Impacts

Water quality

An increase in development can result in reduced water quality of rivers and surrounding habitats. Sewage and industrial effluent discharges can contribute to nutrient changes within European sites, leading to unfavourable conditions. Additionally, a loss of permeable surfaces, due to development, can lead to an increase in surface run off and flooding, which can lead to contamination of watercourse links and reduced water quality.

A Below Ground Drainage Strategy has been undertaken by BACE (Benjamin Allen Consulting Engineers), drawing 77294-BACE-24-00-DR-C-500.

5.3 Likely Significant Effects

Water Quality

The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC) are not hydrologically linked to the site, however due to the sites location and change of use to the existing building that would increase water discharge into the existing underground sewer to the existing downstream waste water treatment works there is the risk for any potential water run off to affect the designated area.

6.0 Stage 2 - Appropriate Assessment

6.1 Assessment of potentially adverse effects without additional mitigation measures

Water quality

When considered alone without suitable mitigation, the proposed development cannot be determined to have no adverse impact on the integrity due to eutrophication may affect the qualifying species through nutrient loading which would directly affect the integrity of internationally important waterfowl assemblages within The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC).

During construction, accidental water pollution may occur directly from spillages into waterbodies, or by being distributed in runoff from construction machinery. Silt may also be disturbed in waterbodies or wash off working areas into waterbodies currently on site. This sediment may contain contaminants that could be harmful to The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC).

Any nutrient changes and pollution that will be produced by the proposals could cause degradation and changes to the water quality of The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC) which may adversely impact internationally important waterfowl assemblages.

6.2 Assessment of potentially adverse effects with additional mitigation measures

Water quality

The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC) are not hydrologically linked to the site. However, due to the sites location and change of use to the existing building that would increase water discharge into the existing underground sewer to the existing downstream wastewater treatment works

During the construction phase, accidental drainage run off may occur. Construction materials should be stored in a location where there is no risk of them being washed into watercourses and keep sand and cement secure to ensure they don't get washed into watercourses.

Dust control measures, which will help limit the dispersal of dust including misting temporary working areas to suppress dust, including additional water suppression during dry weather, and avoidance of dust-generating works during windy days.

Provided mitigation measures are followed Likely Significant Effects associated with the development both alone and in-combination can be ruled out.

7.0 Conclusions on site integrity

The screening assessment identified key impacts that would likely arise as a consequence of the proposals and adversely impact the integrity of The River Dee (SAC), The Dee Estuary (SAC/SPA) and Bala Lake (SAC) and its conservation objectives described in section 4.0. Based on the information gathered from the screening process, an assessment of the significant adverse effects that have been identified, and mitigation provided no significant effect from the proposals are anticipated on the designated sites.

Regarding suitable mitigation measures for these impacts, which when applied are capable of reducing the effects to a level where they are negligible and will not adversely affect the integrity of the site, then the integrity of the European Sites will be maintained.

8.0 References

Environment Agency (2023). <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

English Nature (2000). *The Dee Estuary (Site Code UK9013011)*

Ministry of Housing, Communities and Local Government (2023). *National Planning Policy Framework (NPPF)*

Multi Agency Geographic Information for the Countryside (MAGIC) [online]

Natural England Access to Evidence <http://publications.naturalengland.org.uk>

South East Wales Strategic Planning Group Habitat Regulations Assessment (HRA): A toolkit to support HRA Screening and Appropriate Assessment Of Plans, [online, assessed 06/02/2024]

Tyldesley, D. and Chapman, C. (2013). *The Habitats Regulations Assessment Handbook*. Nov 2019 edition. UK, DTA Publications Ltd <https://www.dtapublications.co.uk/>

Appendix 1

NATURA 2000

STANDARD DATA FORM

FOR SPECIAL PROTECTION AREAS (SPA)
FOR SITES ELIGIBLE FOR IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE (SCI)
AND
FOR SPECIAL AREAS OF CONSERVATION (SAC)

1. Site identification:

1.1 Type 1.2 Site code

1.3 Compilation date 1.4 Update

1.5 Relationship with other Natura 2000 sites

1.6 Respondent(s)

1.7 Site name

1.8 Site indication and designation classification dates

date site proposed as eligible as SCI	
date confirmed as SCI	
date site classified as SPA	198507
date site designated as SAC	

2. Site location:

2.1 Site centre location

longitude	latitude
03 12 56 W	53 18 08 N

2.2 Site area (ha) 2.3 Site length (km)

2.5 Administrative region

NUTS code	Region name	% cover
UKD2	Cheshire	10.6%
0	Marine	16.7%
UKL23	Flintshire and Wrexham	44.4%
UKL13	Conwy and Denbighshire	1.9%
UKD54	Wirral	26.3%

2.6 Biogeographic region

Alpine

Atlantic

Boreal

Continental

Macaronesia

Mediterranean

3. Ecological information:

3.1 Annex I habitats

Habitat types present on the site and the site assessment for them:

Annex I habitat	% cover	Representativity	Relative surface	Conservation status	Global assessment

3.2 Annex I birds and regularly occurring migratory birds not listed on Annex I

Code	Species name	Population			Site assessment				
		Resident	Migratory		Population	Conservation	Isolation	Global	
			Breed	Winter					Stage
A054	<i>Anas acuta</i>			5407 I		A		C	
A052	<i>Anas crecca</i>			5251 I		C		C	
A149	<i>Calidris alpina alpina</i>			27769 I		C		C	
A143	<i>Calidris canutus</i>			12394 I		B		C	
A130	<i>Haematopus ostralegus</i>			22677 I		B		C	
A157	<i>Limosa lapponica</i>			1150 I		B		C	
A156	<i>Limosa limosa islandica</i>			1747 I		B		C	
A160	<i>Numenius arquata</i>			3899 I		C		C	
A141	<i>Pluvialis squatarola</i>			1643 I		C		C	
A195	<i>Sterna albifrons</i>		69 P			B		C	
A193	<i>Sterna hirundo</i>		392 P			B		C	
A191	<i>Sterna sandvicensis</i>				957 I	B		C	
A048	<i>Tadorna tadorna</i>			7725 I		B		C	
A162	<i>Tringa totanus</i>			5293 I		B		C	
A162	<i>Tringa totanus</i>				8795 I	B		C	

4. Site description:

4.1 General site character

Habitat classes	% cover
Marine areas. Sea inlets	
Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins)	76.7
Salt marshes. Salt pastures. Salt steppes	17.9
Coastal sand dunes. Sand beaches. Machair	0.6
Shingle. Sea cliffs. Islets	0.1
Inland water bodies (standing water, running water)	0.2
Bogs. Marshes. Water fringed vegetation. Fens	0.5
Heath. Scrub. Maquis and garrigue. Phygrana	
Dry grassland. Steppes	0.7
Humid grassland. Mesophile grassland	0.1
Alpine and sub-alpine grassland	
Improved grassland	2.7
Other arable land	0.1
Broad-leaved deciduous woodland	0.1
Coniferous woodland	
Evergreen woodland	
Mixed woodland	0.1
Non-forest areas cultivated with woody plants (including orchards, groves, vineyards, dehesas)	
Inland rocks. Screes. Sands. Permanent snow and ice	
Other land (including towns, villages, roads, waste places, mines, industrial sites)	0.2
Total habitat cover	100%

4.1 Other site characteristics

Soil & geology:

Clay, Mud, Sand, Sandstone, Sandstone/mudstone, Sedimentary, Shingle

Geomorphology & landscape:

Cliffs, Coastal, Estuary, Intertidal rock, Intertidal sediments (including sandflat/mudflat), Islands, Lowland, Shingle bar, Subtidal sediments (including sandbank/mudbank)

4.2 Quality and importance

ARTICLE 4.1 QUALIFICATION (79/409/EEC)

During the breeding season the area regularly supports:

<i>Sterna albifrons</i> (Eastern Atlantic - breeding)	2.9% of the GB breeding population 5 year peak mean 1995-1999
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<i>Sterna hirundo</i> (Northern/Eastern Europe - breeding)	3.2% of the population in Great Britain 5 year peak mean 1995-1999
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Over winter the area regularly supports:

<i>Limosa lapponica</i> (Western Palearctic - wintering)	2.2% of the GB population 5 year peak mean 1994/95-1998/99
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On passage the area regularly supports:

<i>Sterna sandvicensis</i> (Western Europe/Western Africa)	2.3% of the population in Great Britain 5 year peak mean 1995-1999
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ARTICLE 4.2 QUALIFICATION (79/409/EEC)

Over winter the area regularly supports:

<i>Anas acuta</i> (North-western Europe)	9.0% of the population 5 year peak mean 1994/95-1998/99
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<i>Anas crecca</i> (North-western Europe)	1.3% of the population 5 year peak mean 1994/95-1998/99
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<i>Calidris alpina alpina</i> (Northern Siberia/Europe/Western Africa)	2% of the population 5 year peak mean 1994/95-1998/99
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<i>Calidris canutus</i> (North-eastern Canada/Greenland/Iceland/North-western Europe)	3.5% of the population 5 year peak mean 1994/95-1998/99
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<i>Haematopus ostralegus</i> (Europe & Northern/Western Africa)	2.5% of the population 5 year peak mean 1994/95-1998/99
--	--

<i>Limosa limosa islandica</i> (Iceland - breeding)	2.5% of the population 5 year peak mean 1994/95-1998/99
--	--

<i>Numenius arquata</i> (Europe - breeding)	1.1% of the population 5 year peak mean 1994/95-1998/99
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<i>Pluvialis squatarola</i> (Eastern Atlantic - wintering)	1.1% of the population 5 year peak mean 1994/95-1998/99
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<i>Tadorna tadorna</i> (North-western Europe)	2.6% of the population 5 year peak mean 1994/95-1998/99
<i>Tringa totanus</i> (Eastern Atlantic - wintering)	3.5% of the population 5 year peak mean 1994/95-1998/99
On passage the area regularly supports:	
<i>Tringa totanus</i> (Eastern Atlantic - wintering)	5.9% of the population 5 year peak mean 1994/95-1998/99
ARTICLE 4.2 QUALIFICATION (79/409/EEC): AN INTERNATIONALLY IMPORTANT ASSEMBLAGE OF BIRDS	
In the non-breeding season the area regularly supports:	
120726 waterfowl 5 year peak mean 1994/95-1998/99	
Including:	
<i>Podiceps cristatus, Phalacrocorax carbo, Tadorna tadorna, Anas penelope, Anas crecca, Anas acuta, Haematopus ostralegus, Pluvialis squatarola, Vanellus vanellus, Calidris canutus, Calidris alba, Calidris alpina, Limosa limosa islandica, Limosa lapponica, Numenius arquata and Tringa totanus.</i>	

4.3 Vulnerability

<p>The majority of the site is in the ownership and sympathetic management of public bodies and voluntary conservation organisations. Unlike most western estuaries, sizeable areas of the Dee saltmarshes remain ungrazed and therefore plant species that are susceptible to grazing are widespread. This distinctive flora would therefore be sensitive to increase in grazing pressure. The intertidal and subtidal habitats of the estuary are broadly subject to natural successional change and the Dee Estuary continues to show annual net sediment accretion. Saltmarshes on the English side of the estuary continue to accrete overall whilst on the Welsh shoreline the main river channel has moved onshore leading to localised erosion of the saltmarshes</p> <p>Threats to the estuary's conservation come from its industrialised shorelines on the Welsh side and the impact of adjacent historic industrial use including waste disposal from former manufacturing industry such as chemical and steel manufacture. Permitted development by Welsh Assembly Government has taken place at Mostyn Dock and by DEFRA at West Kirby marine lake within the site boundary.</p> <p>Contemporary issues relate to dock development and navigational dredging, coastal defence works and their impact on coastal process, regulation of fisheries, and the recreational use of intertidal, sand dunes and saltmarshes.</p> <p>The statutory agencies are working with landowners and regulatory bodies towards the further remediation of historic threats and the reconciliation of conservation management with human and commercial pressures</p>

5. Site protection status and relation with CORINE biotopes:

5.1 Designation types at national and regional level

Code	% cover
UK04 (SSSI/ASSI)	100.00