Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our Ref: CAS-269974-T6N0
Eich cyf/Your Ref: P/2024/1618

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 12 December 2024

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: ERECTION OF 5 NO LIGHT INDUSTRIAL UNITS - CLASS B1 (BUSINESS) AND B8 (STORAGE AND DISTRIBUTION)

LLEOLIAD/LOCATION: THE COOPERATIVE, WELL STREET, CEFN MAWR, WREXHAM, LL14 3YD

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 04/12/2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

We note that the ecology report submitted in support of the above application (Arbtech, 31st October 2024, Preliminary Ecological Appraisal and Roost Assessment) states that the interior of Building B1 was inaccessible at the time of survey and identifies a potential bat access point on the northern elevation. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. However, we advise that the bat report has insufficient information to assess the need for avoidance / mitigation measures.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice

Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "*demonstration of no detriment to the maintenance of the favourable conservation status of European protected species*".

We therefore advise that further information (additional survey) is needed to assess the extent of adverse effects on the bats and identify any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

As identified in the submitted report, either further survey (bat emergence) should be carried out to determine bat presence / absence within Building B1, or an initial survey of building B1's interior, if accessible, to determine whether the building's suitability for bats can be re-classified from low to negligible.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We note from the ecological report that the bat surveys were undertaken by an ecologist holding a Natural England bat licence. Bat surveys in Wales should be undertaken by appropriately experienced ecologists holding a valid bat licence for work in Wales.

Protected Sites and Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

This application for the erection of 5 no. light industrial units has provided no information concerning disposal of foul waste. However, based on our maps, we understand the site to be within connecting distance to mains and our advice is based on the assumption that the application proposes connection of foul water to the mains sewer (please re-consult us if an alternative means of foul waste disposal is proposed). Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. However, we are satisfied that our concerns can be overcome by your Authority following our Advice, specifically the section titled '*What does this mean for development proposals involving connection to public wastewater treatment works?*'

We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

Land Contamination

The application site is within 15m of Rhosmedre Quarry historic landfill site and within 75m of Plas Kynaston Lane historic landfill site.

We consider that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult us.

We advise that the following informative to the applicant is included within any permission granted.

Advice to applicant:
The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the *CL:AIRE Definition of Waste: Development Industry Code of Practice*. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests.*

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Pauline Gallagher Brown
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi. / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.