Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-271475-S3X4
Eich cyf/Your ref: P/2024/1675

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 03 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: OUTLINE APPLICATION FOR INDUSTRIAL DEVELOPMENT - CLASS B1(C) - LIGHT INDUSTRIAL, B2 - GENERAL INDUSTRIAL AND/OR B8 - STORAGE OR DISTRIBUTION INCLUDING ANCILLARY OFFICE ACCOMMODATION AND ASSOCIATED INFRASTRUCTURE AND WORKS (ALL MATTERS RESERVED)

LLEOLIAD/LOCATION: LAND SOUTH OF DAVY WAY AND WEST OF, RACKERY LANE, LLAY, WREXHAM, LL12 0PB

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 13 January 2025.

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

Protected Species

Great Crested Newt

We have reviewed the following information which has been submitted in support of the application: Preliminary Ecological Appraisal Report: Davy Way, Llay. E3P. Ref: 81-960-R1-3, dated 17/10/2024

The information has identified that great crested newts (GCN) are material to the application site.

The proposal has the potential to kill, injure, disturb GCN, or damage or destroy their breeding sites and resting places at this site. GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as

amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN 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 requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

We consider that the current submission is insufficient for the purposes of demonstrating that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of GCN.

We note the application site is located adjacent to an extant long-term GCN mitigation area which is subject to an EPS licence (ref. 69525). We also note that the Llay Colliery Spoil Site was found to support a large population of GCN in 2023.

We therefore advise that additional information is submitted to satisfy the following:

- We note the recommendation in Section 5.1 of the PEA for a GCN eDNA survey. We concur with this but advise that traditional amphibian surveys are also conducted to enable impacts on GCN to be fully assessed.
- We note the illustrative Site Plan in the Design and Access statement and welcome the inclusion of ponds and water bodies within it. However, we advise that additional terrestrial habitat for GCN will also be required and details of this should be submitted.
- Details regarding the long-term management and surveillance of ecology areas.
- Details of measures to prevent the incidental capture/killing of GCN during the operational phase of the proposals.
- Details regarding biosecurity issues concerning invasive non native species (INNS) and diseases.

We advise that a revised ecology report is submitted to address the above matters to inform the decision-making process prior to determination. The submission 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.

Protected Sites – foul drainage

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of Conservation. The majority of the River Dee catchment in Wales is currently failing to meet

water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

Land Contamination

We note that the Preliminary Risk Assessment Report (by TIER Consult Group, dated 07/01/2025) proposes Phase II intrusive investigations and we concur with this approach. Based on the low sensitivity of controlled waters and low probability of significant land contamination at the application site, we have no further comments regarding land contamination.

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,

Rhys Jones
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.