Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-279070-S1J2
Eich cyf/Your ref: P/2025/0339

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 02 May 2025

Dear Jenni Perkins,

BWRIAD/PROPOSAL: CHANGE OF USE OF LAND TO CAR PARK

LLEOLIAD/LOCATION: BRYMBO IRON AND STEEL WORKS, NEW HIGH STREET, BRYMBO, WREXHAM, LL11 5AX

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 April 2025.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. However, we are satisfied that these concerns can be overcome by attaching a condition regarding Contaminated Land to any planning permission granted and including the document identified below in the approved plans and documents condition on the decision notice.

- **Ecological Assessment, Brymbo Heritage Area, Proposed Car Park, Version 2, dated 04/10/2024 by Enfys Ecology**

Without the inclusion of this condition and document we would object to this planning application.

Contaminated Land

We are aware that major remediation of the site occurred when the ironwork complex was demolished in the early 2000s. The local authority's Contaminated Land Officer response to a previous application (P/2024/0206) references this work and confirmed the completion of it 19 years ago. Based on this understanding we advise that the following condition and informative should be imposed on any planning permission granted.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

In addition to the planning condition, Environmental Permits from NRW may be required (during construction and operation) and we therefore recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development.

Protected Species

We have reviewed the following information which has been submitted in support of the application: Ecological Assessment, Brymbo Heritage Area, Proposed Car Park, Version 2, dated 04/10/2024 by Enfys Ecology.

We hold records of GCN being present nearby.

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 the 3rd test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on GCN and inform the decision-making process.

Therefore, we advise that the following document is included in the approved list of plans / documents condition within the decision notice:

- Ecological Assessment, Brymbo Heritage Area, Proposed Car Park, Version 2, dated 04/10/2024 by Enfys Ecology

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Protected Sites

Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Site of Special Scientific Interest (SSSI)

We have considered the information submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Coedwig Ffosil Brymbo Fossil Forest is of special interest.

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.

Yours faithfully,

Gareth Thomas
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales
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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.