Ein cyf/Our ref: CAS-281608-J6V1
Eich cyf/Your ref: P/2025/0143

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 26 June 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: DYMCHWEL ADEILEDDAU PRESENNOL A CHODI CYFLEUSTERAU CYFLOGAETH (DOSBARTH B2/B8) GYDA LLETY SWYDDFA ATEGOL (DOSBARTH B1A) GAN GYNNWYS TIRLUNIO, PARCIO, MYNEDIAD A GWAITH CYSYLLTIEDIG ARALL / DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF EMPLOYMENT FACILITIES (CLASS B2/B8) WITH ANCILLARY OFFICE ACCOMMODATION (CLASS B1A) INCLUDING LANDSCAPING, PARKING, ACCESS AND OTHER ASSOCIATED WORKS

LLEOLIAD/LOCATION: LAND SOUTH OF BRYN LANE, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9US

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 28 May 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 details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species and contaminated land should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

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

Protected Species

Great Crested Newts

We have reviewed the following information which has been submitted in support of the application:

- Land south of Bryn Lane, Wrexham, Ecological Impact Assessment, by The Environment Partnership, Reference 10204.002, Version 5 dated January 2025
- Planning Statement, Land South of Bryn Lane, Job Reference: J0082108 Revision 01b dated 14/02/25
- Pre-Application Consultation Report, Land South of Bryn Lane, Job Reference J0082108, Revision 01b dated 14/02/25

The information has identified that great crested newts (GCN) are material to the application site. Section 3.13 (page 22) of the Ecological Impact Assessment confirms GCN records within 100m of the application site and Section 3.15 (page 22) confirms the majority of GCN records are to the south and connected by a woodland corridor.

NRW considers Wrexham Industrial Estate and its environs to support one of the two nationally important populations of GCN in Wrexham. There is an existing long-term GCN compensation site within approximately 75m of the application site which is connected to the application site via the woodland corridor referenced in section 3.15 (page 22) of the report.

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.

The application site is stated as being 3.72ha in area and a combination of on-site (1.21ha) and off-site (0.5ha) GCN compensation areas are proposed. We have previously advised the eastern corridor onsite should ideally be widened. However from discussions with the Applicant we note the width of this corridor is constrained by various factors on-site and therefore we accept this in principle, given the offsite provisions provided. We are therefore satisfied with the proposed extent of the on-site and off-site compensation areas.

We note that the off-site compensation area of 0.5ha is being progressed under a separate planning application (reference P/2025/0431). We therefore advise that your Authority secures its delivery to your satisfaction either through a 'Grampian' style condition or legal agreement.

Whilst we consider that the above reports provide an adequate basis upon which to consider the potential impacts of the scheme on GCN, aspects of the proposed on-site compensation area will require further development as identified below. This further information could be submitted in the form of a GCN Conservation Plan:

- The submission (to include proposed timescales and reporting requirements) of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to:
    - fence specifications, locations, construction and maintenance (one-way amphibian fence, prior to and throughout the duration of construction operations)
    - considerations of access issues
    - monitoring and maintenance requirements and supervised removal.
- The detail of habitat retention, enhancement and creation proposals associated with terrestrial and aquatic habitats. Details to include plans and timescales.
- The submission of a long-term site management plan (not less than 25 years) that includes:
    - details of habitats and ecological features present or to be created, both in written form and shown on appropriate drawings, including planting plans
    - defined aims and objectives (including defined key performance indicators for long term monitoring indicators)
    - details of the desired condition for each habitat and criteria to determine when habitats have achieved this.
    - details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition.
    - details of monitoring methodologies for habitat(s) and species
    - details of scheduling and timings of activities
    - contingency measures if fish or invasive non-native species (INNS) are detected.
    - current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology and heritage area to be approved by the Local Planning Authority)
    - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
    - site liaison and wardening
    - licensing requirements for management surveillance and other defined activities
    - biosecurity measures which consider invasive non-native species including *Crassula helmsii* already confirmed on site and specific diseases (e.g., Chytrid) to prevent the introduction of and where present control, removal

or for the long-term management of invasive species both during construction and operation.
    - details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed.
- The submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN during operational phases of the scheme, including the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots (or other similar features).
- Details of timing, phasing and duration of construction activities and conservation measures.
- Post-construction monitoring and record dissemination for a period of not less than 25 years. Methodology shall include annual GCN abundance counts and Habitat Suitability Index (HSI) assessments. All ponds (including SuDS water bodies) to be added to the Wales GCN Monitoring Scheme, with individuals/bodies being identified as being responsible for monitoring and reporting works.

In addition to the above further information being submitted, we advise that that a planning obligation should be included on any permission granted.

Planning Obligation: A Planning Obligation Section 106 Agreement (as opposed to a Unilateral Undertaking) will be required. We advise that in respect of any such agreement, provisions relating to ecology should include:

- defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management, surveillance and wardening in perpetuity (a costed management plan will be required to inform costings)
- identification of relevant land to be subject to the planning obligation and be managed for biodiversity
- delivery of management
- frequency of liaison meetings
- management plan review, at minimum 5 years is advised.
- transfer freehold ownership of the defined Ecology Area to a body that accords with the definition of “responsible” under Part 7 of the Environment Act 2021 [e.g., an appropriate body that is approved by the Local Planning Authority] before occupation of the site.
- Tenure and any proposed changes to tenure shall be carried out to the satisfaction of the LPA in consultation with NRW.

Bats

We have concerns about the above proposal and advise that further information is submitted in support of the application to assess the impacts of the proposal on bats, as European Protected Species. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We have reviewed the following information submitted in support of the application:

- Land south of Bryn Lane, Wrexham, Ecological Impact Assessment, by The Environment Partnership, Reference 10204.002, Version 5 dated January 2025
- Bat Survey Technical Report, Land South of Bryn Lane, Reference 10204.003, Version 1.0 dated November 2024 (within Annexe E of the Ecological Impact Assessment)

Section 3.9 of the Bat Survey Technical Report confirms no roosting bats were present during the nocturnal survey carried out on 05/11/2024, however Section 3.12 states there is moderate potential for hibernating bats and that "*hibernation surveys are currently being undertaken*".

We therefore advise that the additional survey work referenced in the Bat Survey Technical Report is completed and the results submitted prior to determination of the application. Surveys should be undertaken in accordance with published best practice. If evidence of bat use is found, suitable avoidance, mitigation or compensation measures should also be provided as appropriate to the species and their use of the site.

Section 3.19 of the Ecological Impact Assessment states that none of the trees on site were assessed as having roost potential but that the area was suitable for foraging and commuting. However, section 4.10 of the Ecological Impact Assessment states "*T1 and T2 (as detailed in Table 3) were assessed to have PRF-I suitability only suitable for individual bats, or very small numbers of bats, either due to size or lack of suitable surrounding habitat. Should proposals include the felling, or tree works to this tree, then supervision may be required".*

Section 5.19 states *"Direct works to any trees that were identified as PRF in respect of roosting bats should be avoided wherever possible. If works to these trees are unavoidable then further assessment in the form of a Potential Roost Feature Inspection Survey for Bats will be required"*

We concur with section 5.19 that a pre-commencement survey would be required regarding relevant tree felling and recommend that this is secured through a suitably worded condition.

We therefore advise the following condition in respect of bats is included on any permission granted:

Condition 1: No tree felling with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Justification: To ensure the potential presence of bats is confirmed prior to felling of trees and where necessary remedial measures are implemented for their protection.

Based on the application, as submitted, we are unable to provide your Authority with 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 their natural range.

Contaminated Land

We have reviewed the following documents submitted in support of this application:

- Preliminary Risk Assessment Report, Land South of Bryn Lane, Reference: TE1891-TE-00-XX-RP-GE-001-V02, Version 2 dated 08/05/2025, Tier Environmental Ltd
- Ground Investigation Report, Land South of Bryn Lane, Reference: TE1891-TE-00-XX-RP-GE-002-V03, Version 3 dated 08/05/2025, Tier Environmental Ltd

The ground investigation report notes that only two groundwater samples were able to be obtained from two locations. There appears to be no discussion regarding groundwater levels within Section 8 of the report or what impact this has on the conceptual understanding of the hydrogeological regime. Additionally, we would advise a minimum of two rounds of groundwater monitoring and this approach is supported by BS10175:2011 (Investigation of Potentially Contaminated Sites - Code of practice).

Therefore, based on the information submitted (and in the absence of the above) we would advise that the following conditions should be applied to any planning permission granted for this proposal.

Condition 2: No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site has been submitted to, and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
    - all previous uses.
    - potential contaminants associated with those uses.
    - a conceptual model of the site indicating sources, pathways and receptors.
    - potentially unacceptable risks arising from contamination at the site [Largely completed].

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 3: Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 4**:** 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. A site investigation may not uncover all instances of contamination, and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

Condition 5**:** No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Condition 6**:** No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification**:** Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

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 characterized both chemically and physically, and that the permitting status of any proposed on site operations

is clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. Refer to 'Land Contamination: a guide for developers(WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection''

Protected Sites

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.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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,

Rachael Burke
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.