Ein cyf/Our ref: CAS-281972-V4L5
Eich cyf/Your ref: P/2025/0431

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 07 July 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: NEWID DEFNYDD TIR O AMAETHYDDIAETH I ARDALOEDD LLINIARU ECOLEGOL YNGHYD AG ADEILADU BYNDIAU / CHANGE OF USE OF LAND FROM AGRICULTURE TO ECOLOGICAL MITIGATION AREAS TOGETHER WITH CONSTRUCTION OF BUNDS

LLEOLIAD/LOCATION: LAND OFF, FRANCIS LANE, RIDLEY WOOD, WREXHAM, LL13 9YB

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 03 July 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.

Protected Species

We note from section 1.5 of the Planning, Design and Access Statement (reference J0082108, revision 01b, dated May 2025, Carter Jonas) that the proposed Strategic Ecology Corridor (SEC) is intended to provide off-site mitigation in relation to three separate Net World Sports development proposals at Wrexham Industrial Estate. The three sites are confirmed as the following in section 1.3 of the report:

- Land North of Bryn Lane, P/2023/0497 – also referred to as Utopia City
- Land South of Bryn Lane, P/2025/0143
- Net World Sports Headquarters – expansion plans not yet submitted

We have reviewed the following information submitted in relation the proposed Strategic Ecology Corridor:

- Strategic Ecology Corridor, Land off Francis Lane, Ecological Desk Study, Reference: 10934.001, Version 2.0 dated March 2025
- Strategic Ecology Corridor, Land adjacent to B5130, Ecological Desk Study, Reference: 10944.001, Version 1.0 dated February 2025
- Ecological Assessment, Strategic Ecology Corridor – Land off Francis Lane, reference 10934.002, version 2.0 dated March 2025, The Environment Partnership Ltd
- Ecological Assessment, Strategic Ecology Corridor – Land adjacent to B5130, reference 10944.002, version 1.0 dated March 2025, The Environment Partnership Ltd
- Habitat Management Plan, Strategic Ecology Corridor – Land North of Francis Lane, reference 10934.003, version 3.0 dated May 2025, The Environment Partnership Ltd
- Habitat Management Plan, Strategic Ecology Corridor – Land adjacent to B5130, reference 10944.003, version 5.0 dated May 2025, The Environment Partnership Ltd
- Red Line Boundary/ Site Location Plan, reference 4826-Strategic Ecology Corridor-5, version 4 dated 19/05/2025, Nicholsons
- Initial Phasing Plan, drawing ref 4826-Strategic Ecology Corridor – 5, Revision V4 dated 19/05/2025', Nicholsons
- Parcel 1 Overview, Drawing ref: 4826 Strategic Ecology Corridor – 1.1, Revision V4 dated 19/05/2025, Nicholsons
- Parcel 2 Overview, Drawing ref: 4826 Strategic Ecology Corridor – 2.1, Revision V4 dated 19/05/2025, Nicholsons
- Parcel 3 Overview, Drawing ref: 4826 Strategic Ecology Corridor – 3.1, Revision V4 dated 19/05/2025, Nicholsons
- Parcel 4 Overview, Drawing ref: 4826 Strategic Ecology Corridor – 4.1, Revision V4 dated 19/05/2025, Nicholsons
- Existing Site Plan, Land at Isycoed, Map ref: 22-3015, version 1 dated 26/07/2023, Nicholsons

NRW considers Wrexham Industrial Estate and its environs to support one of the two nationally important populations of GCN in Wrexham. However, we consider the current conservation status of this population to be “unfavourable”. Conservation actions should therefore focus on restorative measures including safeguarding sufficient habitats together with long term habitat creation and its subsequent management.

The three separate planning applications and the creation of the mitigation areas have the potential to kill, injure, disturb GCN, or damage or destroy their breeding sites and resting places. 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 "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.

Strategic Ecology Corridor

We note that the proposed ecological features and habitat provision within the land parcels comprising the overall SEC, these proposals are welcomed in principle.

The Habitat Management Plans do not provide sufficient information on the long-term surveillance, wardening or tenure of the sites to ensure the favourable conservation status of the species concerned.

Section 5.6 of the Ecological Desk Study (Land off Francis Lane) and section 5.7 of the Ecological Desk Study (Land adjacent to B5130) refers to a Precautionary Working Method Statement (PWMS) being proposed however no information is provided regarding the PWMS.

Whilst we consider the above reports and plans provide an adequate basis upon which to consider the potential impacts of the separate planning applications and the SEC on this species, aspects of the proposed scheme 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 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.
- 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 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 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.

We note that section 5.17 of the Planning Statement refers to a Grampian Condition “*being used as a mechanism to link the Proposed Development with the applications*”. We therefore

advise that your Authority secures the delivery of the proposed Strategic Ecology Corridor (or relevant phases) either through a 'Grampian' style condition or legal agreement in relation to:

- Land North of Bryn Lane, P/2023/0497 – also referred to as Utopia City
- Land South of Bryn Lane, P/2025/0143
- Net World Sports Headquarters – expansion plans not yet submitted

Phases 1a &1b and Parcels 2, 4 and 5 - Utopia City

The proposed development site area for Utopia City is 36.35ha with the initial off-site mitigation provision within the SEC being 8.77ha, when combined with the on-site provision of 5.77ha this achieves 40% of the development area. We have consistently advised that in relation to the proposed Utopia City development that the ecological provision needs to achieve 50% of the total development area. During the meeting we had on the 30th April 2025 we raised our concerns over the total mitigation area and questioned whether there was scope to include the original offsite mitigation proposed for Utopia City prior to this SEC application (i.e. land off Maesgwyn Lane).

Section 3.55 of the Planning Statement confirms that the parcel of land off Maesgwyn Lane (now referred to as Parcel 5) extends to 3.44ha and "*will be used for ecology sensitive agricultural purposes, as set out within the 'Land adjoining the B5130 Habitat Management Plan*". Section 3.57 of the Planning Statement also states "*it will be protected for its proposed use as ecology land going forward*". It was agreed during the meeting on 30th April 2025 that no enhancements were needed for this parcel of land and that sensitive grazing management was to be implemented.

We therefore consider the combined on-site and off-site ecological areas in respect of the Utopia City proposals are sufficient in terms of extents given the overall benefit and area provided in the whole SEC.

However, further information as outlined under the heading 'Strategic Ecology Corridor' above, should be submitted in support of this application.

We continue to advise that the ecological functionality of the on-site provision for the separate application P/2023/0497 could be improved through widening the existing central corridor as we have concerns over the width and proposed shared use for paths and fitness equipment. Consideration should be given to this on the live planning application P/2023/0497.

Phase 2 and Parcels 1 & 3 - Net World Sports Headquarters Extensions

The proposed development site for this element of the SEC is located at the existing Net World Sports Headquarters building and currently the proposed extension and associated infrastructure footprints are stated to be approximately 4ha (as confirmed during the meeting on 30th April 2025) although this has not been finalised.

Phase 2, Parcels 1 & 3 of the SEC amount to 8.14ha off-site allocation for the proposed development at the existing headquarters site.

We note that section 3.6 of the Landscape and Ecology Management Framework (HOW Planning LLP, dated June 2013) submitted as part of the Section 106 Agreement in relation to planning reference P/2016/0327 states that the development of the headquarters building would result in the permanent loss of approximately 9.1ha of improved habitat.

Section 5.1 of the same report states that approximately 10.5ha of *"habitat creation will be provided covering approximately 51% of the site area*".

We advise that achieving a minimum of 50% for ecological mitigation in respect of the proposals at the headquarters site is needed in order to address the subsequent loss of the area previously agreed as on-site ecological mitigation land in the original Net World Sports headquarters development.

Clarification should be provided in any full planning application of the total area developed and the total area being provided for mitigation. It should be demonstrated that the overall onsite and offsite mitigation areas achieves the same footprint of that being proposed for the original HQ building and the proposed new extensions, and not just the extensions.

We also advise that further information as outlined under the heading 'Strategic Ecology Corridor' above, should be submitted in relation to the mitigation associated with the proposed extensions to the headquarters building.

Phase 3 & Parcel 3 - Land South of Bryn Lane

This proposed development site area equates to 3.68ha with an on-site ecological provision of 1.21ha and a further 0.5ha proposed off-site ecological provision as Phase 3 and Parcel 3 of the SEC.

We advise that following the discussions held on the 30th April 2025 we consider the combined on-site and off-site ecological areas are sufficient in terms of extents given the overall benefit and area provided in the whole SEC.

However, further information as outlined under the heading 'Strategic Ecology Corridor' above, should be submitted in support of this application.

Other ecology features

Wrexham Industrial Estate is considered to support a nationally important butterfly interest (including dingy and grizzled skipper). Dingy and grizzled skippers have previously been recorded in the vicinity of the site (Wrexham Industrial Estate, Towards a Living Landscape, North Wales Wildlife Trust).

The proposed scheme has potential to deliver enhancements by providing suitable grassland habitats for dingy and grizzled skipper, we advise you should discuss increasing the available habitat for this species with the Local Authority's ecologist, as this would provide a net benefit for dingy and grizzled skippers within these mitigation areas (which are species listed on Section 7 of the Environment (Wales) Act 2016).

Protected Sites

River Dee and Bala Lake Special Area of Conservation (SAC)

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.

However, recognising the specific nature of the application submitted we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

Contaminated Land

This development is considered to pose low risk to controlled waters. Preliminary risk assessments show that the proposed development site has remained undeveloped agricultural land (even though a small section of the site is mapped within the wider ROF Wrexham site) and we therefore have no comments to make regarding land contamination.

Historic Landfill

According to our records the proposed development site is located approximately 215m from land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

Development Affecting a Watercourse

The Lead Local Flood Authority (as cited in the Flood and Water Management Act 2010) is normally the appropriate body to provide advice on existing surface water flood risk and the management of surface water drainage from new developments.

Any works affecting an ordinary watercourse may require an Ordinary Watercourse Consent from Wrexham County Borough Council in their capacity of Lead Local Flood Authority.

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

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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.