Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-282028-F0S5
Eich cyf/Your ref: P/2025/0430

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 14 July 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: UNED GYFLOGAETH ARFAETHEDIG A MYNEDIAD NEWYDD I GERBYDAU, PARCIO AR GYFER CEIR A CHERBYDAU NWYDDAU TRWM, ARDAL WASANAETHU A STORIO, TIRLUNIO A GWAITH DATBLYGU ATEGOL / PROPOSED EMPLOYMENT UNIT AND NEW VEHICULAR ACCESS, CAR AND HGV PARKING, SERVICING AND STORAGE AREA, LANDSCAPING AND ANCILLARY DEVELOPMENT

LLEOLIAD/LOCATION: LAND AT, OAK ROAD, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9RG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we initially received on 03 June 2025, with further information received on 01 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 sites, protected species, contaminated land and flood risk. 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 sites, 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 Sites

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

- 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.

- Pollution and Biosecurity

The application site is adjacent to the Redwither Brook which discharges into the Afon Clywedog. The Afon Clywedog then discharges to the River Dee approximately 2.6km away. We have concerns that the construction phase could impact on the adjacent watercourses through soil stripping, bank modifications and other construction activities which ultimately could impact on the River Dee and Bala Lake SAC.

Section 4.1.4 of the Preliminary Ecological Appraisal (Preliminary Ecological Appraisal, The Oaks, Wrexham Industrial Estate, Reference UES03918/02, dated 28/02/2023, by United Environmental Services Ltd) states that "*buffer zones of 10m from the top of the bank should be retained along the length of the watercourses, to protect them from disturbance and to reduce the risk of pollution".* However, section 9.10 of the Planning Statement (Land at The Oaks, Planning Statement, Plan Red, reference 24020 version 3, dated May 2025) refers to "*Better interaction with River Clywedog which borders the site to the south adding increased biological value and morphological interest*". As per our statutory pre-application response dated 15/05/2025 (ref: CAS-278808-G1F3) we advise that further information and clarification regarding the proposed works to the riverbank should be submitted in support of this planning application. Please also refer to our advice regarding Flood Risk Activity Permits within the Flood Risk section below.

In addition to the above, we advise that further information in the form of a Construction Environmental Management Plan (CEMP) should be submitted considering the nature and location of the works. However, we would be content for this further information to be provided via a suitably worded condition. We therefore advise the following condition is included on any permission granted.

Condition 1: No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include the following information:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Afon Dyfrdwy / River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We note that Section 7 of the Planning Statement (Land at The Oaks, Planning Statement, Plan Red, reference FI034_01, dated May 2025) describes the creation of a "*High quality green eco-heritage zone designed to deliver a wide range of environmental, ecology, BNG and heritage benefits*". We advise that you consult your Authority's ecologist to confirm whether further details regarding the layout and composition of habitats to be created, enhanced and retained within the Green Eco-Heritage Zone should be submitted in support of this application.

Our advice on protected species is as follows:

Great Crested Newt

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

- Great Crested Newt Impact Assessment, The Oaks, Wrexham Industrial Estate, Reference UES03918/22, dated 21/11/2023, by United Environmental Services Ltd.

- Great Crested Newt Population Size Class Assessment, The Oaks, Wrexham Industrial Estate, Reference UES03918/34 Version 2, dated 19/12/2024, by United Environmental Services Ltd.

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

Section 3.4.4 of the GCN Impact Assessment report confirms that positive eDNA samples for GCN were returned for two ponds within the application site, with GCN presence also confirmed in a further two ponds through the presence of eggs.

The proposal has 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.

Whilst we consider that the above reports provide an adequate basis upon which to consider the potential impacts of the scheme on GCN, the following aspects of the proposed scheme still require further development, as advised in our statutory pre-application response dated 15/05/2025:

- Details regarding GCN avoidance and mitigation measures.
- Detailed proposals for the retention, enhancement and creation of GCN terrestrial and aquatic habitats:
- Long-term management and monitoring proposals
- Clarification in respect of the delivery of targeted management for GCN conservation purposes. This includes but is not necessarily limited to implications of the munitions

buildings on the ability to deliver targeted amphibian conservation management; and currently proposed tenure.
- Details of measures designed to prevent the accidental capture/killing of GCN post construction. This is essentially the design and construction of an amphibian friendly surface water management system.

However, this further information could be provided via a suitably worded condition, included on the decision notice. We would therefore advise that the following condition and planning obligation in respect of GCN be included on any permission granted.

Condition 2: No phase of development, including site clearance, shall commence until a great crested newt (GCN) Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include, but not necessarily be limited to:

- 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 (including PRoW if applicable)
    - 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 habitats 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 (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.

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

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

- Bat Scoping Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/19 Version 3, dated 29/11/2024, by United Environmental Services Ltd
- Bat Hibernation Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/37 Version 2, dated 01/12/2024, by United Environmental Services Ltd
- Bat Activity Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/21, dated 04/12/2024, by United Environmental Services Ltd
- Bat Presence/Absence Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/36 Version 2, dated 06/12/2024, by United Environmental Services Ltd
- Bat Ground Level Tree Assessment, The Oaks, Wrexham Industrial Estate, Reference UES03918/20 updated 02/04/2025, by United Environmental Services Ltd
- Bat Aerial Tree Assessment and Presence/Absence Surveys, The Oaks, Wrexham Industrial Estate, Reference UES03918/38 Version 2, dated 03/04/2025, by United Environmental Services Ltd

We note that the Bat Presence/Absence Survey report has identified that the application site supports roost sites for soprano pipistrelle, common pipistrelle, myotis bat species and an unidentified species of bat.

Furthermore, the Bat Activity Survey report has identified that the following species of bats were recorded commuting and foraging across the application site:

- Soprano pipistrelle
- Common pipistrelle
- Myotis species
- Brown long-eared bat
- Noctule
- Lesser horseshoe
- Leisler's

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 consider that the reports listed above provide an adequate basis upon which to consider the potential impacts of the scheme on bat species and inform the decision-making process.

However, as advised in our Statutory Pre-Application Consultation response dated 15/05/2025, further information is required to demonstrate how the potential impacts of the scheme will be managed in respect of mitigation and compensation measures, the long-term management and maintenance of the site, lighting details and tree felling precautions. We would be content for this further information to be provided via a suitably worded condition.

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

Condition 3: No phase of development, including site clearance, shall commence until a Bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the ecology report (Bat Activity Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/21, dated 04/12/2024, by United Environmental Services Ltd) and include, but not necessarily be limited to:

- Build upon the principles outlined in the bat report (Bat Activity Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/21 dated 04/12/2024, by United Environmental Services Ltd)
- Further details concerning mitigation and compensation measures including scaled architectural plans;
- Details of habitat to be retained / created (including flight lines);
- Details of timing, phasing and duration of construction activities and conservation measures;
- A timetable for implementation of conservation works demonstrating how works are aligned to the construction and phasing of the development;

- Persons responsible for implementing the works;
- Post-construction monitoring and record dissemination for a period of no less than 25 years.
- Information on how long-term site security and maintenance of bat mitigation will be delivered;

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that bats are protected by the development.

Condition 4: No phase of development, including site clearance, shall commence until a bat Management and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Management and Maintenance Plan should build upon the principles outlined in the ecology report (Bat Activity Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/21 dated 04/12/2024, by United Environmental Services Ltd) and include, but not necessarily be limited to:

- The submission of a long-term site management and maintenance 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 for the bat compensation roost (including defined key performance indicators for long term monitoring of the building and the relevant species);
    - 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 and record dissemination for a period of not less than 25 years;
    - scheduling and timings of monitoring, management and maintenance activities;
    - current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology area to be approved by the Local Planning Authority);
    - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
    - licensing requirements;
    - details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed.

The Plan shall be carried out in accordance with the approved details.

Justification: To ensure that bats are protected by the development.

Condition 5: Prior to installation a Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. This Lighting Plan shall consider existing and proposed lighting together with any spillage originating from internal light sources including:

- An assessment of lighting in respect of wildlife interests of the site, notably bats.
- Details of the siting and type of external lighting and internal light spillage during and post development. This shall include plans illustrating the location and type of lighting together with isolux drawings.
- Details to demonstrate that light spillage will not affect wildlife sensitive areas. This shall include plans illustrating projected or retained bat emergence points;

together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes.
- Measures to monitor light spillage once development is operational (post construction light monitoring)
- Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night.

The Lighting Plan shall be carried out in accordance with the approved details.

Justification: To ensure that bats are protected by the development.

Section 5 of the Bat Aerial Tree Assessment and Presence/Absence Surveys report states that "*Soft felling techniques or a pre-commencement inspection*" should be carried out for any trees being felled that have a low or moderate potential for roosting bats. We concur with the assessment that a pre-commencement survey would be required regarding relevant tree felling and advise that this should be secured through a suitably worded condition on any planning permission granted.

Condition 6: 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.

European Protected Species Licensing:

All roosts identified in the Bat Presence/Absence Survey report are considered to be day roosts used by individual or low numbers of bats that are likely to be males or non-breeding females. Due to the presence of roosting bats, please advise the applicant that any works that will impact Buildings 3, 8, 9, 13, 16 or 20 will need to be completed under a European Protected Species (EPS) mitigation licence, issued by Natural Resources Wales. This licence can only be applied for once planning permission has been granted but would need to be secured prior to the commencement of any licensable works to these buildings that could impact roosting bats.

Otters

Section 4.2.7 of the Preliminary Ecological Appraisal states that otters are known to be locally present and using the Afon Clywedog to the south of the application site. The report also states that there are possible impacts from construction on otters and that further survey is to be carried out to establish if and how otters may be using the site.

We concur with this approach and advise that the information as set out in Section 4.2.7 of the above PEA report is submitted to enable the impacts of the scheme on otters to be assessed, along with any conservation 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.

Water Voles

Section 4.2.8 of the Preliminary Ecological Appraisal states "*the River Clywedog and Redwither Brook which flow along the southern and eastern site boundaries provide broadly suitable habitat for water voles*." No further information or proposed mitigation has been submitted. As per our statutory pre-application response, we therefore advise that the information as set out in Section 4.2.8 of the above PEA report is submitted to enable the impacts of the scheme on water voles to be assessed, along with any conservation 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.

Wildlife and Countryside Act 1981 - Schedule 1 breeding birds

We note that the ecological report (Breeding Bird Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/23 dated 24/05/2024, by United Environmental Services Ltd) identified evidence of Cetti's warbler (*Cettia cetti*) and kingfisher (*Alcedo atthis*) within the application site. Cetti's warbler and kingfisher are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); the birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb Cetti's warbler and kingfishers at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.

We note that the development details and extents were not known at the time of carrying out the surveys and preparing the report. As per our statutory pre-application response, we therefore advise that further information regarding compensation and mitigation to build upon the principles outlined in the Breeding Bird Survey report, should be submitted regarding these Schedule 1 species.

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 on site (Wrexham Industrial Estate, Towards a Living Landscape, North Wales Wildlife Trust). We note that a dingy skipper survey has been carried out (Dingy Skipper Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/26, dated 29/11/2024, by United Environmental Services Ltd) and we would therefore advise discussion with your Authority's ecologist regarding potential impacts on dingy and grizzled skippers (which are species listed on Section 7 of the Environment (Wales) Act 2016).

Contaminated Land

The application site is located within a Source Protection Zone for a potable water supply. It is also located on a principal aquifer. We therefore consider the controlled waters at the site to be vulnerable to pollution and any new development needs to consider the risk to controlled waters.

We note that no information regarding contaminated land investigations has been submitted in support of this application.
We note that the site was previously a World War 2 munition factory and therefore has the potential to contain contaminated soil and groundwater from this historical use. Considering the sensitive environmental setting and the absence of any ground investigation results, we

would advise the following conditions should be applied to any planning permission granted for this proposal.

Condition 7: 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.
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 8: Prior to the operation 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 9: Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken

- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A long-term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition 10: 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

The conditions listed above have been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

We also recommend that the applicant refers to the following guidance regarding any site investigations:

1. The risk management framework provided in Land contamination risk management (LCRM)
2. 'Development of land affected by contamination: A guide for developers' (WLGA, 2023) for the type of information required 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. Groundwater protection advice on www.gov.uk

Environmental Permits:

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

Flood Risk

The planning application proposes less vulnerable development (industrial employment unit and 'Green Eco-Heritage Zone'). The Flood Map for Planning identifies the application site to be at risk of flooding and partially within Flood Zones 2 and 3 (Rivers).

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult the Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by Barnsley Marshall Ltd, dated 20/05/2025, reference TOS-BML-XX-XX-RP-C-0500. Our advice to you is that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application on flood risk grounds as submitted.

Flood Risk Activity Permit

We note that the development proposes a surface water discharge into the adjacent Redwither Brook and unspecified works to the banks of the Redwither Brook and the Afon Clywedog to improve interaction with the wider Green Eco-Heritage Zone (Section 10.10 of the Planning Statement).

Both the Redwither Brook and Afon Clywedog are designated "main rivers". The Environmental Permitting Regulations (2016) require that the applicant obtains a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the Redwither Brook or Afon Clywedog "main rivers". Further advice and guidance is available on our website at:
http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en

There must be no work in the main river channels of the Redwither Brook and Afon Clywedog and their associated floodplains unless agreed with the Local Planning Authority and approved by NRW under the Environmental Permitting Regulations.

As advised in our Statutory Pre-Application Consultation response dated 15/05/2025, further information regarding the scope of works proposed along both the Redwither Brook and Afon Clywedog should be submitted in support of this application. The further information

could be included in an updated FCA and should include details of the proposed works along with plans/drawings to show the proposed surface water drainage outfall and any ecological works along the watercourse corridors.

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.