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07/11/2022

Dear Emma,

BWRIAD / PROPOSAL: DATBLYGU'R KOP AR GYFER 5,500 O SEDDI I WYLLWYR, YN CYNNWYS ARDAL LLETYGARWCH I HYD AT 500 O BOBL, GYDA CHAPASITI I 600 AR GYFER GOFOD ARDDANGOS NAD YW AR DDIWRNOD GEM, PARTH CYHOEDDUS NEWYDD A GWAITH CYSYLTIEDIG / KOP DEVELOPMENT FOR 5,500 SPECTATOR SEATS, INCLUSIVE OF A 500 CAPACITY HOSPITALITY AREA, WITH A 600 CAPACITY NON-MATCH DAY EXHIBITION SPACE, NEW PUBLIC REALM AND ASSOCIATED WORKS

LLEOLIAD / LOCATION: THE RACECOURSE, MOLD ROAD, WREXHAM, LL11 2AH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 03/11/2022.

You have asked us for our comments on your draft Habitats Regulations Appropriate Assessment (dated 03/11/2022).

We understand that there is extant permission for 5000 standing capacity at the site. As per our [advice](#) any development that does not increase the volume and phosphorous concentration of wastewater can be screened out at the test of likely significant effect (TLSE) stage of the HRA (Habitats Regulations Assessment) process.

We note from the information submitted that you consider the development, as proposed, will result in increased visitor numbers. This has the potential to increase the volume or concentration of wastewater (and hence associated phosphate levels) being discharged from the site which may impact the River Dee and Bala Lake Special Area of Conservation (SAC). As such we agree an Appropriate Assessment (AA) is required.

A key requirement of the AA stage is to provide a clear understanding of the potential impact of a proposal (alone and in-combination) on the SAC. The AA must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt remaining as to the effects of the proposed plan or project. It is our view that

the Appropriate Assessment needs further significant development, as insufficient evidence has been provided in relation to the impacts of the development on the SAC to inform the decision-making process.

For instance, but not exclusively:

- The AA does not quantify the additional phosphorus discharge nor its impact, simply describing it as 'relatively small' and 'minor'. It is the purpose of the appropriate assessment to precisely define the harm to the site.
- It is unclear how many people visiting the site are considered to be as a result of the application, or what proportion of these visitors are from outside the catchment, as the assessment appears to contradict some of the supporting documents and Committee Report (01/11/2022). In addition, the Assessment does not appear to consider the exhibition/conference space for up to 600 attendees.
- The in-combination assessment needs further development. The assessment would need to consider any application that is:
 - Submitted but not yet determined,
 - Authorised but not yet started,
 - Started but not yet completed.
- Potential Mitigation measures/ should be appraised within the AA, however instead the HRA concludes that adverse effects on integrity cannot be ruled out, and therefore proceeds to the derogations.

As you will be aware, a project cannot be authorised if it will have an adverse impact on-site integrity unless the derogations set out under Regulations 64 and 68 are met. Seeking derogation through HRA is exceptional and not an insignificant undertaking. It requires a robust evidence base, and we refer you to the [Habitats Regulations Assessments guidance](#) which sets out the process and legal test requirements in more detail. We advise that the current HRA document does not provide sufficient information to inform any of the three stages of the derogations, namely the consideration of alternative solutions, the case for imperative reasons of overriding public interest and the securing of compensatory measures.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Bryn Jones

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