Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-284357-P2Q1
Eich cyf/Your ref: P/2025/0406

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 08 August 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: GOSOD OFFER, PEIRIANNAU, DWYTHELLAU, ECHDYNWYR A FFLIWIAU AR Y PRIF ADEILAD AC EHANGU'R GWAITH TRIN ELIFION / INSTALLATION OF PLANT, MACHINERY, DUCTING, EXTRACTS AND FLUES ON THE MAIN BUILDING AND EXPANSION OF THE EFFLUENT TREATMENT PLANT

LLEOLIAD/LOCATION: KELLOGGS, BRYN LANE, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9UT

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 08 July 2025.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Protected Species
Condition 2: Biosecurity

Please note, without the inclusion of these conditions, we would object to this planning application. Further details are provided below.

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

Protected Sites and Foul Drainage

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. We therefore advise

you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note that the planning agent's email dated 28/07/2025 states, in relation to foul drainage, that "*There will be an increase in this as a result of the additional personnel on site. However, whilst this is an increase on recent years, the overall headcount will still be lower than when production was at its peak; this historic level of discharge has been assessed as part of previous planning applications*"

We therefore advise that your Authority should consider whether the confirmed additional personnel on-site will remain within the previously consented capacity for the existing facility.

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 and increases to existing 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.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Protected Species

No ecological information has been submitted in support of this application. There are multiple Great Crested Newt (GCN) records within 110m of the application site. The neighbouring site to the south supports a long-term GCN mitigation area and is subject to long-term GCN surveillance. The overall population of GCN present within and in the environs of the Wrexham Industrial Estate is considered to be of national importance.

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.

We advise that further information is required to manage the potential impacts of the extension to the effluent treatment plant aspect of the scheme. However, 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 GCN is included on any permission granted.

Condition 1: No development to the effluent treatment plant, including site clearance, shall commence until a GCN plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to:

- proposals for the clearance of GCN individuals from working areas,
- details of timing, phasing and delivery of reasonable avoidance measures

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

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

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA. We consider that this assessment must include:

I. appropriate measures to control any INNS on site; and
II. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Condition 2: No development to the effluent treatment plant, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

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.