Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-285468-Q4J1
Eich cyf/Your ref: P/2024/1675

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 26 August 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CAIS AMLINELLOL AM DDATBLYGIAD DIWYDIANNOL - O OFOD LLAWR DOSBARTH B1(C), B2 A/NEU B8 GAN GYNNWYS GOFOD SWYDDFA ATEGOL A SEILWAITH A GWAITH CYSYLLTIEDIG (POB MATER WEDI EU CADW YN ÔL) / OUTLINE APPLICATION FOR INDUSTRIAL DEVELOPMENT - CLASS B1(C) - LIGHT INDUSTRIAL, B2 - GENERAL INDUSTRIAL AND/OR B8 - STORAGE OR DISTRIBUTION INCLUDING ANCILLARY OFFICE ACCOMMODATION AND ASSOCIATED INFRASTRUCTURE AND WORKS (ALL MATTERS RESERVED)
LOCATION: LAND SOUTH OF DAVY WAY AND WEST OF, RACKERY LANE, LLAY, WREXHAM, LL12 0PB

LLEOLIAD/LOCATION: LAND SOUTH OF DAVY WAY AND WEST OF, RACKERY LANE, LLAY, WREXHAM, LL12 0PB

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 29 July 2025.

We continue to 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 consideration is also required regarding foul drainage. Further details are provided below.

Protected Species

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

- Preliminary Ecological Appraisal Report: Davy Way, Llay. E3P. Ref: 81-960-R1- 3, dated 17/10/2024
- Ecological Mitigation Strategy, Land off Rackery Lane, version 1.0, dated 06/07/2025, Etive Ecology

Great Crested Newts

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

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.

We note the application site is located adjacent to an extant long-term GCN mitigation area which is subject to an EPS licence (ref. 69525). We also note that the Llay Colliery Spoil Site was found to support a large population of GCN in 2023.

The Ecological Mitigation Plan drawing (reference 13361-AEW-SIXX-DR-A-0502, revision P7 dated 19/06/2025) shows the development area in comparison to the ‘proposed landscape buffers and ecological mitigation area. The drawing provided shows that the area set aside for ecological mitigation is 27.91% of the development area. We advise that a losses and gains table should be provided to demonstrate the area allocated to the development vs mitigation. The extent of ecological mitigation area is currently insufficient and should be at least equivalent to the area of development. This should be addressed prior to consent being granted for the proposals.

The drawing (reference 13361-AEW-SIXX-DR-A-0502, revision P7 dated 19/06/2025) also shows two options for the site access route, both of which will cross through the proposed GCN mitigation area. Further information regarding the prevention of incidental capture/killing of GCN, permeable surfacing options for surface water drainage to ensure no gully pots are introduced and kerb edging details to ensure there is no restriction to the

movement of GCN within the application site should be submitted. We also advise that the access route is considered part of the 'development area' for the purposes of calculating ecological areas being provided on site as currently it appears to have been included in the calculation for the ecological area.

Notwithstanding the mitigation area issue referenced above, we consider that the above reports provide an adequate basis upon which to consider the potential impacts of the scheme on GCN. However, 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 a losses and gains table to evidence overall size of GCN habitats equates to the area lost the information should also 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 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.

We advise that a revised ecology report is submitted to address the above matters to inform the decision-making process prior to determination. The submission 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.

Bats

We note that Section 2.5.2 of the Ecological Mitigation Strategy has identified that there are no potential roost features for bats but that "*the combination of grassland, scrub and trees does offer a locally valuable foraging resource*". Section 3.5.4 of the Ecological Mitigation Strategy refers to bat activity surveys being carried out prior to any reserved matters application.

We concur with this approach and recommend that you discuss the need to secure further survey, mitigation measures and lighting recommendations as outlined in Section 3.5 of the Ecological Mitigation Strategy with your internal ecological advisor.

Protected Sites

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

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.

Land Contamination

We note that the Preliminary Risk Assessment Report (by TIER Consult Group, dated 07/01/2025) proposes Phase II intrusive investigations and we concur with this approach. Based on the low sensitivity of controlled waters and low probability of significant land contamination at the application site, we have no further comments regarding land contamination.

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.