Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our Ref: CAS-288926-R3N2
Eich cyf/Your Ref: P/2024/1578

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 25 September 2025

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: GOSOD PANELI SOLAR AR Y TIR, STORFA BATRI A CHABINED GRID / INSTALLATION OF GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) SCHEME, BATTERY STORAGE AND GRID CABINET

LLEOLIAD/LOCATION: LAND OFF BRYMBO ROAD, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the additional information for the above, which we received on 23/09/2025.

We continue to 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, and including the document identified below in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and document we would object to this planning application.

Condition 1 - European Protected Species: Lighting

Condition 2 - Land Contamination: Piling

Document:

- **Enfys Ecology, 14/08/2025, V2, Brymbo Heritage Area: Conservation Plan for Great Crested Newts**

Protected Species

We have reviewed the submitted Preliminary Ecological Appraisals listed below and provide the following advice.

- Preliminary Ecological Appraisal (Dulas, October 2024, V1.1, Brymbo Community Solar Park, Preliminary Ecological Appraisal)
- Preliminary Ecological Appraisal (Cutts, R. 2025, Ref: EE.672.25.RC, Appraisal of Wonderbank, Brymbo. Enfys Ecology).

Great Crested Newts

We have reviewed the information above, plus the additional document (Enfys Ecology, 14/08/2025, V2, Brymbo Heritage Area: Conservation Plan for Great Crested Newts), which has been submitted in support of the application.

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

We hold multiple records of GCN within the vicinity of the application site. GCN are considered likely to be present within the boundary of the application site. We therefore consider the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places.

The proposal has the potential to kill, injure, disturb Great Crested Newt (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 only.

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

We advise the following document is included in the approved list of plans/documents condition within the decision notice:

- Enfys Ecology, 14/08/2025, V2, Brymbo Heritage Area: Conservation Plan for Great Crested Newts.

We also advise that any subsequent consent is subject to the provisions of either a unilateral undertaking or planning obligation as noted below.

Unilateral Undertaking or Planning Obligation Section 106: We advise that in respect of any such agreement, provisions relating to ecology must include:

- ring-fenced index-linked annual funding to cover ecological management, surveillance and wardening throughout the operational phase of the proposals
- identification of relevant land to be subject to the planning obligation and managed for long term species conservation purposes;
- delivery of management
- regular liaison meetings
- management plan review, every 5 years unless agreed in writing by the LPA

We advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note that any changes to proposals between planning consent and the licence application may affect the outcome of a licence application.

Advice to Applicant: The anticipated European Protected Species licence should state the number of ponds to be constructed within the Wonderbank dedicated GCN Conservation area.

Bats

We note that both the Preliminary Ecological Appraisals submitted in support of the above application have identified bats may use the application site for foraging. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'.

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*".

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures:

Condition 1: Prior to commencement of development, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations.

Details shall include:

- 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.
- 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 Guidance Note 08/23: Bats and Artificial Lighting at Night. Lighting shall accord entirely with the details so approved for the duration of the construction and operation of the development.

Justification: To protect the wildlife and the ecological interests of the site including protected species.

Land Contamination

The site lies on secondary A bedrock and on two historic landfill sites (Works Bank and Brymbo Steelworks).

Having reviewed the information submitted, although Section 1.3.4 of the Design and Access Statement (November 2024) states: *"Metal mounting frames would be installed on concrete ballast, so no intrusive works to the clay cap are required.",* we are concerned that there is a potential risk of damaging the surface profile of the 'landfill' clay cap that prevents water from entering, and reacting with, the waste mass. We therefore advise that a Construction Environmental Management Plan (CEMP) that includes full details of the foundation design and the construction process should be submitted prior to any permission being granted.

Alternatively, we advise your Authority should secure the following condition against any planning permission granted for this development (please note, the condition should be applied to the whole development, not just the solar array).

Condition 2: No development or phase of development shall commence until details of piling or other foundation designs using penetrative methods or methods that could damage the integrity or profile of the landfill cap have been submitted to, and approved in writing by, the Local Planning Authority. Details must be sufficient to demonstrate that there is no unacceptable risk to groundwater. The foundations shall be implemented in accordance with the approved details.

Justification: foundation details should be submitted to ensure there is no unacceptable risk to groundwater during and following construction and designs and methods are agreed prior to the commencement of development or phase of development.

Pollution Prevention

During the operational phase, the development has the potential to cause pollution incidents as a consequence of fire and explosion. We therefore advise that an outline Battery Safety Management Plan (oBSMP) should be submitted that secures pollution prevention measures during operation. This should set out the key fire safety provision for the BESS and include measures for fire reduction and protection. We recommend that you seek the advice of the North Wales Fire and Rescue Service in relation to the oBSMP.

The oBSMP will be an important document for the purpose of describing water management measures to control surface water runoff and to drain hardstanding and other structures. We advise this includes runoff from any incidents including fire suppression water. The management of water run-off would be particularly important in the event of a fire (e.g. at the BESS) and the need to use substantial amounts of water. The oBSMP should set out the precautions that will be in place to contain any fire water produced and how fire water will be disposed of without causing pollution. We advise the use of penstocks as a means of preventing fire water contaminating watercourses.

Protected Sites

- *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.

However, recognising the specific nature of the application submitted, i.e. no foul drainage proposed, 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.

- *Site of Special Scientific Interest (SSSI)*

We note the access track runs adjacent to the Coedwig Ffosil Brymbo Fossil Forest SSSI. On the understanding that no machinery will enter the SSSI and no materials will be stored within the SSSI, the proposed development is not likely to damage the features for which Coedwig Ffosil Brymbo Fossil Forest SSSI is of special interest.

Modifications to the scheme as currently proposed may affect our view, and may merit a further consultation with us.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests.*

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,

Pauline Gallagher Brown
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.