Ein cyf/Our Ref: CAS-291306-Z7M1
Eich cyf/Your Ref: P/2024/1578

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

Dyddiad/Date: 10 November 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 24/10/2025.

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 this condition and document we would object to this planning application.

Condition 1 - Land Contamination: Construction Environmental Management Plan

Document:

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

Protected Species

We have reviewed the information 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).
- Response to NRW (23/10/2025) Foster.A.

<u>Great Crested Newts</u>

We have reviewed the aforementioned listed information including 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 note the applicants response (23 October 2025) confirms the proceeds from the charity’s activities, including any income derived from the solar farm, will be reinvested in

the heritage site, local community and ecology. This means that core resources have already been ring-fenced for works including ecological management and surveillance.

We therefore remove our previous advice for the requirement of a unilateral undertaking or planning obligation.

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.

We note the confirmation provided from the additional information (dated 23 October 2025, Foster A.) that there is to be no lighting associated with the PV panel installation. We therefore remove our previous advice regarding a lighting condition.

Land Contamination

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

Further to section 1.3.4 of the Design and Access Statement (November 2024) stating: “Metal mounting frames would be installed on concrete ballast, so no intrusive works to the clay cap are required”, additional information regarding the clay cap has been submitted in response to our previously raised concerns.

We note from the applicants email dated 23 October 2025 that “There will be no piling or dig allowed on the clay cap as part of this installation. The Clay cap has been “domed” to ensure the is no ponding of water and all runoff is captured in the ditch that surrounds the cap. This water is piped down the hill into the settlement ponds on the duck pond site level below the base level of the tip beneath the cap. This has been operating without incident for over 20 years. The foundation strips supporting the panels will run parallel with the true dip of the cap ensuring that no pockets of water can be captured by any of the structure and so no erosion will be able to occur.”

We therefore remove our previous advice regarding a piling condition. However, given the potential vulnerability of the landfill cap to disturbance during construction and installation of the foundation strips, we would still recommend the use of a Construction Environmental Management Plan (CEMP) to control activities during construction and commissioning of the project. The CEMP should include details of the foundation design and the construction process. It may be helpful to conduct a pre- and post-completion topographic survey (using a survey drone) to demonstrate that the surface (drainage) topography has not been negatively impact by the project.

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: No foundation or piling work shall commence until a phased Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Foundation design details of the solar panels and any associated infrastructure in relation to the ‘clay cap’
- Details regarding the construction process relating to the foundations and any other infrastructure with the potential to impact on the ‘clay cap’.

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 specified activity and implemented for the protection of the environment during construction.

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,

Rachael Burke
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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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.