Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-288516-J8L2
Eich cyf/Your ref: P/2025/0430

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 10 November 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Uned gyflogaeth arfaethedig a mynediad newydd i gerbydau, parcio ar gyfer ceir a cherbydau nwyddau trwm, ardal wasanaethu a storio, tirlunio a gwaith datblygu ategol / Proposed employment unit and new vehicular access, car and HGV parking, servicing and storage area, landscaping and ancillary development

LLEOLIAD/LOCATION: Land At, Oak Road, Wrexham Industrial Estate, Wrexham, LI13 9RG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 13 October 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 sites, foul drainage, protected species, contaminated land and flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species and contaminated land should be attached to any planning permission granted and the document identified below should be included 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.

Approved docs

- Bat Aerial Tree Assessment and Presence/Absence Surveys, The Oaks, Wrexham Industrial Estate, Reference UES03918/38 Version 2, dated 03/04/2025, by United Environmental Services Ltd

Protected Sites

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

- Foul Drainage

We have reviewed the submitted Nutrient Neutrality Statement and note that it presents a strategy with supporting calculations indicating that nutrient neutrality may be achieved through use of a range of measures set out in the document. We welcome the overall approach to deliver nutrient neutrality using on-site mitigation opportunities for this development. The approach is largely reliant on the sustainable drainage (SuDS) scheme to provide the required level of mitigation. While an outline SuDS design has been presented, more detailed information should be provided to quantify how specific components of the scheme will deliver the required nutrient benefit. We provide the following comments on the Nutrient Neutrality Statement mitigation options:

- Nutrient budget calculation - We welcome use of the Welsh Government (WG) calculator to determine nutrient impacts and note the phosphorus mitigation requirement of 2.6 kg Total Phosphorus/year determined from nutrient balance calculations.

- Method 1: Mitigation using land use – we recognise the importance of optimising land use to minimise nutrient loss and appreciate that proposed opportunities for further optimisation can help ensure the Stage 3 phosphorus load is the lowest practical value. We understand that the inclusion of this method is significant as it confirms both the scale of mitigation required and demonstrates that the necessary mitigation measures can be effectively delivered on site.

- Method 2: On-site SuDS Treatment – We note the general arrangement of the proposed SuDS scheme in the Drainage Plan Layout TOS-BML-XX-XX-DR-C-0500 and summary calculations indicating that the SuDS scheme would be able to deliver the required level of phosphorus mitigation. Stage 3S outputs from the nutrient calculator appear to be missing from Appendix C and as such no detail has been provided on the mitigation potential of specific components of the scheme design. We advise that detailed information on the phosphorus mitigation of the proposed scheme is provided. In particular, we would like to understand how exceedance flows have been considered in the nutrient balance calculations.

- Method 3: CSO Surcharge Storage / Benefit-in-Kind – we welcome any opportunity to either remove surface water from a combined sewer or undertake engineering work that reduces the frequency and duration of storm overflows. Nutrient benefits from such interventions should be appropriately accounted within nutrient balance calculations for a given site where they are delivered as part of, or in association with the proposed development. We note the indicative reduction in phosphorus losses that has been calculated.

- Method 4: On-Site Proprietary Treatment Technologies – while the potential of treatment technologies has been presented, no specific technology is currently being proposed and as such we assume they will not be included in the drainage scheme design.

- Method 5: Off-Site Nutrient Credit Purchase – similar to Method 4, while being considered as an option, we assume that focus will remain on methods 1 to 3 to deliver neutrality.

- Pollution and Biosecurity

The application site is adjacent to the Redwither Brook which discharges into the Afon Clywedog. The Afon Clywedog then discharges to the River Dee approximately 2.6km away. We have concerns that the construction phase could impact on the adjacent watercourses through soil stripping, bank modifications and other construction activities which ultimately could impact on the River Dee and Bala Lake SAC.

Section 4.1.4 of the Preliminary Ecological Appraisal (Preliminary Ecological Appraisal, The Oaks, Wrexham Industrial Estate, Reference UES03918/02, dated 28/02/2023, by United Environmental Services Ltd) states that "*Where possible, buffer zones of 10m from the top of the bank should be retained along the length of the watercourses, to protect them from disturbance and to reduce the risk of pollution".* However, section 10.10 of the Planning Statement (Land at The Oaks, Planning Statement, Plan Red, reference 24020 version 3, dated May 2025) refers to "*Better interaction with River Clywedog which borders the site to the south adding increased biological value and morphological interest*". As per our previous response dated 14/07/2025 (ref: CAS-282028-F0S5) we continue to advise that further information and clarification regarding where the buffer zones will remain along the length of the watercourse should be submitted in support of this planning application. Please also refer to our advice regarding Flood Risk Activity Permits within the Flood Risk section below.

We note the submission of the Construction Environmental Management Plan (FI REM, dated 25/07/2025). Whilst the CEMP provides outline information on some aspects of site management, control of nuisances, resource management and pollution prevention, we advise that there is insufficient site-specific information included within the submitted CEMP. We therefore advise that further site-specific information should be submitted in an updated CEMP to address the following points:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; specific disease (eg Chytrid) management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons responsible for activities associated with the CEMP and emergency contact details.

Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Afon Dyfrdwy / River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We note that Section 7 of the Planning Statement (Land at The Oaks, Planning Statement, Plan Red, reference FI034_01, dated May 2025) describes the creation of a "*High quality green eco-heritage zone designed to deliver a wide range of environmental, ecology, BNG and heritage benefits*". We advise that you consult your Authority's ecologist to confirm whether further details regarding the layout and composition of habitats to be created, enhanced and retained within the Green Eco-Heritage Zone should be submitted in support of this application.

Our advice on protected species is as follows:

Great Crested Newt

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

- Amphibian Conservation Plan, The Oaks, Wrexham Industrial Estate, reference UES03918/50 dated 23/09/2025, by United Environmental Services Ltd
- Landscape & Ecological Management Plan, The Oaks, Wrexham Industrial Estate, reference UES03918/32 dated 01/09/2025, by United Environmental Services Ltd
- Planning Statement, reference 250818 The Oaks Hiab Replacement PS, version 1, dated October 2025, Plan Red

Section 3.4.4 of the previously submitted GCN Impact Assessment (Reference UES03918/22, dated 21/11/2023, by United Environmental Services Ltd.)confirms that positive eDNA samples for GCN were returned for two ponds within the application site, with GCN presence also confirmed in a further two ponds through the presence of eggs.

The submitted 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. 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 Local Planning Authority (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.

Whilst we consider that the above reports provide an adequate basis upon which to consider the potential impacts of the scheme on GCN, the following aspects of the proposed scheme require further information to be provided.

- Planning Statement

We note the submission of an updated Planning Statement (October 2025) and advise that the following points are addressed and submitted in a revised Planning Statement:

- Section 9.10 states "the eco-heritage park, will be delivered through a combination of planning conditions and legal agreement, the latter of which offers potential for the long-term retention and management of the green elements of the proposed development for a period up to 30 years". We advise that management prescriptions should be carried out throughout the construction, operational and decommissioning phases of the proposals and not restricted to a "period of up to 30 years".

- Amphibian Conservation Plan

We note the submission of an Amphibian Conservation Plan and advise that the following points are addressed and submitted in an updated Amphibian Conservation Plan:

- Section 2.1 refers to impacts without mitigation and states "Amphibians using the site during the operational phase of the development are at risk of falling and becoming trapped within gully pots installed on site. The potential for this impact is reduced given the distance between the built area and known breeding ponds". We advise that reliance on distance alone as mitigation to prevent accidental capture/killing of GCN during operational phases is insufficient and further measures are required to ensure an amphibian-friendly surface water management system that does not include gully pots (or other similar features).

- We advise that section 2.2.3 is updated to include reference to the current conservation status (CCS) of GCN on site and within the environs. NRW consider the current conservation status (CCS) of the Wrexham Industrial Estate and environs GCN population to be unfavourable therefore proposals need to take this into account to restore the population to favourable conservation status (FCS).
- Section 3 refers to NRW aiming to process licences within 30 working days, we advise that the determination process for licences is 40 working days.
- Section 3 states that exclusion fencing will be installed around the construction area and that "the supplier / make or model of fencing is to be determined at the time based on availability". We advise that the minimum depth of amphibian fencing is 300-350mm below the surface of the ground.
- Section 4.1 states that ponds 1 and 1A will be lost as a result of the proposed development and that 3 new ponds will be created. We advise that as the CCS of the GCN population is considered to be unfavourable, a minimum of five ponds should be provided within the Eco-Heritage Zone in order to assist in restoring the population to FCS.
- Section 4.1 also refers to the Phasing Plan in Appendix 3 (drawing reference 311/LAND/L/104 revision P03 dated 22/08/2025). We advise that further details regarding the phasing and timescales of delivery are submitted to clarify when the new GCN ponds and terrestrial habitats will be created in relation to the construction area within Phase 1.
- Section 5.1 states that monitoring surveys will cover a 25-year period. We advise that the minimum duration of GCN monitoring is 25 years and given the overall importance of the GCN population at Wrexham Industrial Estate, monitoring should be carried out throughout the operational phase of the proposals.
- We advise that an initial monitoring target of 50 GCN is used which accords with the 2023 figures.
- Section 5.2 states that an "ecology cooperative" has been established, we note that the cooperative appears to include a body that accords with the definition of a responsible body under Part 7 of the Environment Act 2021. We accept this proposal in principle however the following details should be provided:
    - The cooperative is established as an entity and that it is given the occupancy of the ecology area for the operational phase of the proposals (a single cooperative could be established for all land owned by FI REM);
    - The cooperative must include at least one body that accords with the definition of a responsible body; and
    - the occupancy is transferred to a responsible body within 6 months of the co-operative ceasing to function

- Landscape & Ecological Management Plan (LEMP)

We note the submission of a LEMP and advise that the following points are addressed and submitted in an updated LEMP:

- Section 3.2.6 states that three ponds will be created, as referenced above in relation to section 4.1 of the Amphibian Conservation Plan, we advise that a minimum of five ponds are created to assist with restoration of FCS for the GCN population.

- Section 4.2 refers to the 30 year management plan, as advised above in relation to section 5.1 of the Amphibian Conservation Plan, we advise that monitoring is carried out throughout the operational phase of the proposals.
- The following further information should also be included in an updated LEMP:
    - Monitoring targets (key performance indicators) for identified site features
    - Legislation section
    - Inclusion of invertebrate as a feature from site restoration perspectives
    - Specific invertebrate prescriptions
    - Detailed monitoring prescriptions for each listed site feature (including invertebrates
    - Details regarding invasive non-native species (INNS) or fish management prescriptions
    - Details regarding licensing requirements for management (including building maintenance) and surveillance
    - Biosecurity
    - Records dissemination
    - Maintenance requirements for SUDs features
    - Wardening prescriptions
    - Removal of Himalayan balsam to be carried out in accordance with the requirements of the Invasive Alien Species (Enforcement and Permitting) Order 2019

Planning Obligation: A Planning Obligation Section 106 Agreement (as opposed to a Unilateral Undertaking) will be required. We advise that in respect of any such agreement, provisions relating to ecology include:

- Defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management, surveillance and wardening in perpetuity (a costed management plan will be required to inform costings).
- Identification of relevant land to be subject to the planning obligation and be managed for biodiversity.
- Delivery of management.
- Frequency of liaison meetings.
- Management plan review, at minimum 5 years is advised.
- Transfer freehold ownership of the defined Ecology Area to a body that accords with the definition of “responsible” under Part 7 of the Environment Act 2021 [e.g., an appropriate body that is approved by the Local Planning Authority] before occupation of the site.
- Tenure and any proposed changes to tenure shall be carried out to the satisfaction of the LPA in consultation with NRW.

Bats

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

- Bat Conservation Plan, The Oaks, Wrexham Industrial Estate, UES03918/52, dated 07/10/2025, by United Environmental Services Ltd

We note that the previously submitted Bat Presence/Absence Survey report (UES03918/36 Version 2, dated 06/12/2024, by United Environmental Services Ltd) has

identified that the application site supports roost sites for soprano pipistrelle, common pipistrelle, myotis bat species and an unidentified species of bat.

Furthermore, the Bat Activity Survey report (UES03918/21, dated 04/12/2024, by United Environmental Services Ltd) has identified that the following species of bats were recorded commuting and foraging across the application site:

- Soprano pipistrelle
- Common pipistrelle
- Myotis species
- Brown long-eared bat
- Noctule
- Lesser horseshoe
- Leisler's

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."

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

However, as advised in our previous response dated 11/09/2025 (reference CAS-286917-B0C2), further information is required to demonstrate how the potential impacts of the scheme will be managed in respect of mitigation and compensation measures, the long-term management and maintenance of the site and lighting details.

- Bat Conservation Plan

We note the submission of a Bat Conservation Plan and advise that the following points are addressed and submitted in an updated Bat Conservation Plan:

- Section 2 and 3 refer to external lighting being "designed to be sensitive to nocturnal wildlife where possible", we welcome this approach however we continue to advise that further information regarding the lighting scheme is needed. We would be happy for this further information to be addressed via a condition and this is detailed below.
- We advise that section 5.1 is updated to state that monitoring will be carried out throughout the operational phase of the proposals.
- Section 5.2 states that an "ecology cooperative" has been established, we note that the cooperative appears to include a body that accords with the definition of a responsible body under Part 7 of the Environment Act 2021. We accept this proposal in principle however the following details need to be provided:
    - The cooperative is established as an entity and that it is given the occupancy of the ecology area for the operational phase of the proposals (a single cooperative could be established for all land owned by FI REM);

- The cooperative must include at least one body that accords with the definition of a responsible body; and
- the occupancy is transferred to a responsible body within 6 months of the co-operative ceasing to function

In addition to the points outlined above relating to the Bat Conservation Plan, we would be content for the further information regarding the management/maintenance aspect and lighting to be provided via suitably worded conditions.

We therefore advise the following conditions in respect of bats is included on any permission granted.

Condition 1: No phase of development, including site clearance, shall commence until a Bat Management and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Management and Maintenance Plan should build upon the principles outlined in the ecology report (Bat Activity Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/21 dated 04/12/2024, by United Environmental Services Ltd) and include, but not necessarily be limited to:

- The submission of a long-term site management and maintenance 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 for the bat compensation roost (including defined key performance indicators for long term monitoring of the building and the relevant species);
  - 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 and record dissemination for a period of not less than 25 years;
  - scheduling and timings of monitoring, management and maintenance activities;
  - current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology area to be approved by the Local Planning Authority);
  - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
  - licensing requirements;
  - details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed.

The Plan shall be carried out in accordance with the approved details.

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

We also advise that the LEMP is updated to include details regarding the management and maintenance prescriptions for bats roosts including buildings for completeness.

Condition 2: Prior to installation a Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. This Lighting Plan shall consider existing and

proposed lighting together with any spillage originating from internal light sources including:

- 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. This shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes.
- 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 Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night.

The Lighting Plan shall be carried out in accordance with the approved details.

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

Section 5 of the Bat Aerial Tree Assessment and Presence/Absence Surveys report states that "*Soft felling techniques or a pre-commencement inspection*" should be carried out for any trees being felled that have a low or moderate potential for roosting bats. We concur with the assessment that a pre-commencement survey would be required regarding relevant tree felling and advise that the report is included in the approved list of plans / documents condition within the decision notice

European Protected Species Licensing:

All roosts identified in the Bat Presence/Absence Survey report are considered to be day roosts used by individual or low numbers of bats that are likely to be males or non-breeding females. Due to the presence of roosting bats, please advise the applicant that any works that will impact Buildings 3, 8, 9, 13, 16 or 20 will need to be completed under a European Protected Species (EPS) mitigation licence, issued by Natural Resources Wales. This licence can only be applied for once planning permission has been granted but would need to be secured prior to the commencement of any licensable works to these buildings that could impact roosting bats.

Otters

Section 4.1.2 of the submitted Water Vole and Otter Survey (reference UES03918/56 dated 02/09/2025, United Environmental Services Ltd) states that "watercourses on site are broadly suitable for otter although most likely for foraging commuting on a low frequency basis, not considered to use the habitat on site or immediately adjacent for long term resting or breeding".

Section 4.2.2 states that "measures to limit indirect disturbance such as fencing, signage and restricted working hours will be detailed within the CEMP:Biodiversity & Ecological Design Strategy (EDS) that is being prepared for the site". We concur with this approach and advise that this is submitted in support of the application. We note that reference is also made to pollution prevention protocols in a separate CEMP that has been prepared, we advise that the previously submitted CEMP (FI REM, dated 25/07/2025) is updated in accordance with our comments above regarding Protected Sites.

We also advise that the LEMP is updated to include detailed management actions in respect of otter.

Water Voles

We note that section 4.1.1 of the submitted Water Vole and Otter Survey (reference UES03918/56 dated 02/09/2025, United Environmental Services Ltd) states that habitats offer "extremely limited potential for supporting water vole" and that "it is considered that water voles are not present on site, or within the immediate vicinity of the site". No mitigation or compensation measures are therefore proposed in respect of water vole, we have no objection to this approach based on the findings of the survey.

Wildlife and Countryside Act 1981 - Schedule 1 breeding birds

We note that the ecological report (Breeding Bird Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/23 dated 24/05/2024, by United Environmental Services Ltd) identified evidence of Cetti's warbler (*Cettia cetti*) and kingfisher (*Alcedo atthis*) within the application site. Cetti's warbler and kingfisher are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); the birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb Cetti's warbler and kingfishers at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.

We note that the development details and extents were not known at the time of carrying out the surveys and preparing the report. As per our statutory pre-application response, we therefore advise that further information regarding compensation and mitigation to build upon the principles outlined in the Breeding Bird Survey report, should be submitted regarding these Schedule 1 species.

We also refer you to Regulation 10 of the Conservation of Habitats and Species Regulations 2017 (as amended) and duties in relation to wild bird habitat.

Other ecology features

Wrexham Industrial Estate is considered to support a nationally important butterfly interest (including dingy and grizzled skipper). Dingy and grizzled skippers have previously been recorded on site (Wrexham Industrial Estate, Towards a Living Landscape, North Wales Wildlife Trust). We note that a dingy skipper survey has been carried out (Dingy Skipper Survey, The Oaks, Wrexham Industrial Estate, Reference UES03918/26, dated 29/11/2024, by United Environmental Services Ltd) and we would therefore advise discussion with your Authority's ecologist regarding potential impacts on dingy and grizzled skippers (which are species listed on Section 7 of the Environment (Wales) Act 2016). We would also suggest that these species are included in the baseline ecological information in section 2 of the LEMP from a restoration perspective.

Contaminated Land

We have reviewed the following reports submitted in support of the application:

- Phase 1 Assessment – Proposed Industrial Unit Oat Road, Wrexham Industrial Estate. SP Associates, Report Number: S1916, March 2024.

- Geoenvironmental Assessment – Industrial Unit Oat Road, Wrexham Industrial Estate. SP Associates, Report Number:S1916-2, September 2025.

The application site is located on a Principal aquifer and within a source protection zone for a close by potable water supply, the Redwither Brook is also along the site boundary and should be considered in hydraulic connectivity with the groundwater. As advised in our previous response dated 11/09/2025 (reference CAS-286917-B0C2) we consider the site to be vulnerable to pollution and any new development needs to consider the risk to controlled waters.

The site investigation detailed in the Geoenvironmental Assessment is limited to the northern area of the application boundary. We note that this area is the main focus of development with the building, car parking and swales/attenuation basin will be located. However, only part of this area was investigated with no intrusive investigations taking place in the southern half of the building or proposed attenuation basin. We therefore recommend that further information is submitted to include additional site investigations carried out across the area where the building, car-parking and swales/attenuation basin are proposed in order to provide a comprehensive overview of the ground characteristics in this area. We also recommend that soil and groundwater sampling considers the previous land used and the type of contamination used on site, e.g. explosives and polychlorinated biphenyls (PCBs) – these should be included in any further sampling suites.

We would be content for this further information to be provided via a suitably worded condition applied to any planning permission granted for this proposal.

Condition 3: No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A site investigation scheme, based on the submitted Phase 1 Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 4: Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning

Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to minimise risk to both future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 5: Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A long-term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition 6: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

The conditions listed above have been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

We also recommend that the applicant refers to the following guidance regarding any site investigations:

1. The risk management framework provided in Land contamination risk management (LCRM)
2. 'Development of land affected by contamination: A guide for developers' (WLGA, 2023) for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Groundwater protection advice on www.gov.uk

Environmental Permits:

In addition to the planning conditions, please advise the applicant that Environmental Permits from NRW may be required (during construction and operation) and we recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to the commencement of development.

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the *CL:AIRE Definition of Waste: Development Industry Code of Practice*. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage.

Flood Risk

The planning application proposes less vulnerable development (industrial employment unit and 'Green Eco-Heritage Zone'). The Flood Map for Planning identifies the application site to be at risk of flooding and partially within Flood Zones 2 and 3 (Rivers).

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult the Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by Barnsley Marshall Ltd, dated 20/05/2025, reference TOS-BML-XX-XX-RP-C-0500. Our advice to you is that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application on flood risk grounds as submitted.

Flood Risk Activity Permit

We note that the development proposes a surface water discharge into the adjacent Redwither Brook and unspecified works to the banks of the Redwither Brook and the Afon Clywedog to improve interaction with the wider Green Eco-Heritage Zone (Section 10.10 of the Planning Statement).

Both the Redwither Brook and Afon Clywedog are designated “main rivers”. The Environmental Permitting Regulations (2016) require that the applicant obtains a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the Redwither Brook or Afon Clywedog “main rivers”. Further advice and guidance is available on our website at: http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en

There must be no work in the main river channels of the Redwither Brook and Afon Clywedog and their associated floodplains unless agreed with the Local Planning Authority and approved by NRW under the Environmental Permitting Regulations.

As advised in our Statutory Pre-Application Consultation response dated 15/05/2025, further information regarding the scope of works proposed along both the Redwither Brook and Afon Clywedog should be submitted in support of this application. The further information could be included in an updated FCA and should include details of the proposed works along with plans/drawings to show the proposed surface water drainage outfall and any ecological works along the watercourse corridors.

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
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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.