Cyfoeth Naturiol Cymru
Natural Resources Wales

Our Ref: CAS-307630-B6W0

Your Ref: P/2026/0263

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 20 May 2026

Annwyl Syr/Madam/Dear Sir/Madam,

Bwriad/Proposal: CODI 2 ADEILAD SIAMBR RHEWGELL CHWYTH, ADEILAD ATEGOL A GWAITH CYSYLLTIEDIG / ERECTION OF 2 NO BLAST FREEZER CHAMBER BUILDINGS, ANCILLARY PLANT BUILDING AND ASSOCIATED WORKS

Lleoliad/Location: Norish Ltd Ash Road South

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) about the above, which we received on 01 May 2026.

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: Land Contamination**

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

Protected Species

No ecological information has been submitted in support of this application in respect to Great Crested Newt (GCN). However, the application makes reference to a previous application on site within the covering letter: P/2025/0170 DISCHARGE OF CONDITION 3 (ECOLOGY) GCN conservation plan in relation to planning application P/2024/0247 which was granted (extension of cold storage building).

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 the 3rd 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 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: Protected Species

No development, including site clearance, shall commence until a Great Crested Newt (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 the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including:

- fence design, construction and maintenance (the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations)
- 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.

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, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Land Contamination

Based on the information provided, we recommend the Local Authority attach the following condition to any permission granted for this site:

Condition 2: Land Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development 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 the water environment, and to ensure that the development can be carried out safely without unacceptable risks.

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, 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 e.g. mains connection for the disposal of surface waters only and no evidence of foul drainage, 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.

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 about the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Shaun Thomas

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.