Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-321684-S1Y9
Eich cyf/Your ref: P/2026/0445

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 06 November 2026

Annwyl Syr/Madam/Dear Sir/Madam,

Bwriad/Proposal: Erection of 1 detached building (Class D2) and 1 detached building (Class B8) with associated parking and servicing areas.

Lleoliad/Location: Unit 31 Miners Road, Llay Industrial Estate.

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) about the above, which we received on 14 October 2026.

We have **concerns** with the application as submitted. To overcome these concerns, further consideration is required regarding **foul drainage**. Further details are provided below

We also advise that based on the information submitted to date, **conditions** regarding **protected species** should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning

Protected Sites – Foul Drainage

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 Special Areas of Conservation, under the Habitats Regulations, planning authorities must consider the impact of proposed developments on water quality within SAC river catchments.

This application for the development of a leisure building to provide a purpose-built indoor padel facility comprising five double courts and one single court, together with a café/social area, changing rooms and sauna, a warm-up/cool-down zone, and a viewing gallery, proposes connection of foul water to the mains sewer. 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 SAC. The majority of the River Dee and Bala Lake catchment 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.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your authority to determine. We advise your authority that further consideration is required and to follow our Advice specifically the section titled: “What does this mean for development proposals involving connection to public wastewater treatment works?”.

We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you conclude that an Appropriate Assessment is required, the applicant will need to provide whatever evidence they consider appropriate, seeking advice from consultants as necessary, to demonstrate no adverse effect on site integrity.

Please consult us on any Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). However, until the development can demonstrate it will not lead to an increase of phosphorus load from the receiving wastewater treatment works into the river, we would be unable to advise you that the proposed development would not result in an adverse effect on the integrity of the site.

Protected Species

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

- Land at 31 Miners Road, Llay Industrial Estate; Selected Protected Species Assessment by Eco Tech, dated June 2026.
- P/2026/0445: Unit 31 Miners Road, Llay Industrial Estate, Response Relating to GCN Reasonable Avoidance Measures, by Eco Tech, dated 13th October 2026

Great crested newts (GCN) are considered to be material to the application site. We note that the report has identified a waterbody situated approximately 60m south of the site boundary. GCN have been recorded at this pond, and form part of a large population recorded at the former colliery site. GCN have been recorded to travel in excess of 1km from breeding ponds[1].

Great Crested Newts (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(as amended). 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 NRW, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- 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

[1] Phillip J. Haubrock and Jan Altrichter (2016) Northern crested newt (*Triturus cristatus*) migration in a nature reserve: multiple incidents of breeding season displacements exceeding 1km. Hertological Bulletin 138: 32-33.

those of a social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative; and,
  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. 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 that any subsequent consent is subject to the imposition of the following conditions in respect of GCN:

Condition: 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:

- Fence design, construction and maintenance (the erection of amphibian proof fencing, prior to and throughout the duration of construction operations).
- Proposals for demonstrating that working areas are clear of amphibians throughout the construction phase of the proposals.
- Lawful deterrence measures to be placed or implemented prior to and maintained throughout the duration of construction operations).
- Details of timing, phasing and delivery of reasonable avoidance measures.
- Proposals to evidence compliance with the requirements of RAMS and biosecurity conditions.
- Persons responsible for implementing the works.
- Procedure to be followed if one or more GCN are found on site, *including outline licencing requirements*

. The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

The applicant is reminded that in the event of one or more GCN being found, works must stop and must only resume on receipt of an appropriate licence.

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

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- The identification of any Invasive Alien Species (IAS), Invasive Non-native Species (INNS), or certain diseases present within or in the environs of the application site.
- Confirmation of measures to eradicate control identified Invasive Alien Species (IAS) Invasive Non-native Species (INNS) or listed diseases present within or in the environs of the application site.
- Measures or actions that aim to prevent INNS/identified diseases colonising, including introduction to the site for the duration of construction (and, if applicable operational and decommissioning phases) of the scheme.

Suggested condition:

Condition: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of, and where present control, remove or long-term manage invasive species, both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

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,

Callum Whithead

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.