Our Ref: 5039-01/SR/DA

27 February 2025

Mr Robin Wynne Williams
Senior Minerals and Waste Planning Officer
Planning Service
Council Offices
Ffordd y Cob
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By email: robinwynnewilliams@gwynedd.llyw.cymru

Dear Sir

**SCREENING REQUEST UNDER REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017 ON BEHALF OF VEOLIA UK WITH REGARD TO PROPOSED APPLICATION FOR PLANNING PERMISSION FOR AN IN-VESSEL COMPOSTING FACILITY AT THE FORMER BEFESA SALT SLAGS SITE, FENNS BANK, NR. WHITCHURCH, FLINTSHIRE, SY13 3PA**

## Introduction

I write on behalf of my client, Veolia UK, to request a formal Screening Opinion under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') in relation to a proposal for the development of an In-Vessel Composting Facility at the former Befesa Salt Slags Site, Fenns Bank, Wrexham, SY13 3PA.

This request is made ahead of receipt of a formal request for pre-application advice dated 18 February 2025 with respect to the same development. A brief background to the Site and the Proposed Development is set out below. Greater detail is provided within the pre-application request.

## Background

The proposed application site is around 5 hectares of land comprising the former Befesa Salt Slags facility, located at Fenn's Bank, near Whitchurch, within the administrative authority of Wrexham. It is located approximately 3.5km south-west of Whitchurch, and circa 500m west of the Wales / England border.

Access to the site is taken from a private road to the east and then out onto Fenn's Bank Lane, and the A495 Long Lane / Ellesmere Road to the north. The nearest residential properties are located circa 100m to the southeast and comprise a variety of detached and semi-detached houses and farmsteads located on the west side of Fenn's Bank. The closest primary school is Bronington Church in Wales (Voluntary Aided) School, 1.86km west of the Site.

The Grade II Listed Barn at Fenn's Old Hall, is located 350m from the site at sufficient distance that the asset would be neither directly or indirectly adversely affected (change to character and setting) by the Proposed Development. The site is located within the Impact Risk Zone for Fenn's, Whixhall,



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Bettisfield, Wern & Cadney Mosses Site of Special Scientific Importance (SSSI), located circa 450m to the south-west. Parts of the area covered by the SSSI are also designated as National Nature Reserve, Ramsar Site and Special Area of Conservation (SAC). The site falls within Flood Zone A; *'very low risk of flooding from rivers from surface water and small watercourses'*. Very low risk means that each year the area has a chance of flooding of less than 1 in 1,000 (i.e. 0.1%).

The proposal comprises the development of an In-Vessel Composting (IVC) facility with a process capacity of around 50,000 tonnes per annum (tpa) of green and co-mingled food wastes. The development would fully utilise the existing industrial buildings on site which are in a good state of repair and can be converted and added to relatively simply to make them fit for purpose for the development as proposed.

The main building at the site would contain the fully enclosed reception and feedstock preparation area, linked to a series of state-of-the-art single stage in-vessel composting tunnels. The tunnels would provide full sanitisation and high temperature treatment of the green and food wastes in order to ensure that the final produce is Animal By-Product (Enforcement) (Wales) Regulations 2014 (ABPR) compliant and can be used for wide circulation land reclamation and remediation schemes across the local area.

The waste product that would come primarily from local sources (see reference below) would be delivered to an enclosed reception and preparation area, operating under negative pressure (to retain odour within the building), with gas emissions captured and treated by the air extraction system consisting of wet scrubber and biofilters with a wood chip media. Treated exhaust gases would be expelled via a vent / stack (height to be confirmed following stack height assessment, but typically no more than 3 metres above the roof pitch).

The facility would principally comprise the following main components.

i. Main Composting Building:
    - Reception and Pre-Treatment Bays.
    - Linked Composting Tunnels.
    - Open Maturation Area.

ii. Ancillary Process Equipment:
    - Refining Plant (screener).
    - Bio-scrubbers.
    - Bio-filters.
    - Process Water Tanks.
    - Trommel Screen.
    - Electricity Sub-Station.
    - Closed Site Drainage.

iii. Ancillary Site Infrastructure:
    - Access Road (existing).
    - Administration / Office Building (existing).
    - Boundary Fencing (existing and upgraded).
    - Lighting (existing and upgraded).
    - CCTV.
    - Weighbridge (existing).
    - Weighbridge Office.
    - Landscape Works (as necessary).
    - BNG Works (as necessary).
    - Staff and Visitor Car Parking (existing)

## EIA Screening Request

The EIA Regulations set out the two circumstances where an application for Proposed Development is required to by accompanied by an Environmental Statement (ES) prepared in accordance with an Environmental Impact Assessment (EIA). These are as follows:

i. Schedule 1: Development of a type listed in Schedule 1 always requires EIA.
ii. Schedule 2: Development of a type listed in Schedule 2 requires EIA if it is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

As set out in the parallel pre-application request, the Proposed Development would not fall within any of the paragraphs (criterion) under Schedule 1, and demonstrably therefore does not comprise a mandatory EIA project. As also set out within the pre-application request, the list under Schedule 2 is not exhaustive.

In determining whether a particular proposal for development is included within one of the categories of development listed in Schedule 1 or Schedule 2 of the 2017 Regulations, local planning authorities and developers should have regard to the ruling of the Court of Justice of the European Union that the Directive has a "wide scope and broad purpose" (In the Court of Justice of the European Union case (C72-95 Kraaijeveld and others v Depowered staten van zuid-Holland (the 'Dutch Dykes' case)). The fact that a particular development is not specifically identified in one of the Schedules does not necessarily mean that it falls outside the scope of the Regulations.

In the context of Schedule 2, the Proposed Development (an In-Vessel Composting Facility) would most closely fall under paragraph (criterion) 11(b) *"other projects – Installations for the disposal of waste."* The applicable threshold is where: (a) the disposal is by incineration; (b) the area of the development exceeds 0.5 hectares; or (c) the installation is to be sited within 100 metres of any controlled waters. In this case criterion (b) applies, and consequently the proposal would represent a Schedule 2 development. Accordingly, the Proposed Development is required to be 'screened' under Schedule 3 'Selection Criteria for Screening Schedule 2 Development'.

For the development to require an EIA under Schedule 2, there must be the potential for significant environmental effects by virtue of factors such as size, nature or location resulting from the Proposed Development. When screening Schedule 2 projects the LPA must, in accordance with Regulation 5(4), take into account any information provided by the applicant and the selection criteria in Schedule 3 of the EIA Regulations.

Regulation 6(2) of the EIA Regulations sets out that an application for a screening opinion must be accompanied by:

*(a) a plan sufficient to identify the land;*
*(b) a description of the development, including in particular—*
  *i. a description of the physical characteristics of the development and, where relevant, of demolition works;*
  *ii. a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;*
*(c) a description of the aspects of the environment likely to be significantly affected by the development;*
*(d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—*
  *i. the expected residues and emissions and the production of waste, where relevant; and*
  *ii. the use of natural resources, in particular soil, land, water and biodiversity; and*

*(e) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.*

To describe the likely significant effects of the Proposed Development we have completed a table adapted from the EIA screening checklist provided as part of the Planning Practice Guidance within England (no equivalent checklist exists in Wales). The checklist table is enclosed as Appendix A to this letter. The assessment at Appendix A demonstrates that the development would **not** be likely to give rise to significant environmental effects.

## Conclusions

As stated above, the nature of the Proposed Development means that it would fall within the scope of Schedule 2 of the EIA Regulations and thus the Proposed Development should be screened to establish the likelihood of significant environmental effects occurring, having regard to Schedule 3 of the EIA Regulations.

The environmental effects of the Proposed Development have been considered in relation to:

i. Natural Resources
ii. Waste
iii. Pollution and Nuisances
iv. Population and Human Health
v. Water Resources
vi. Biodiversity
vii. Landscape and Visual
viii. Cultural Heritage/Archaeology
ix. Transport and Access
x. Land Use
xi. Land Stability and Climate
xii. Cumulative Effects
xiii. Transboundary Effects

The enclosed assessment concludes that it is our opinion that the Proposed Development would not give rise to any significant environmental effects in relation to these factors, either alone or in combination with other developments.

We trust that the contents of this letter are sufficient to aid you in adopting a screening opinion. We look forward to receiving your response within the statutory three-week period. In the meantime, please do not hesitate to contact us should you have any queries.

Yours faithfully

[redacted]

**David Adams**
**Director** on behalf of Axis

*CC: Jon Woodhall, Planning Manager, Veolia UK*