Proposed Development of an In-Vessel Composting (IVC) Facility, Former Befesa Salt Slags Site, Fenns Bank, Wrexham – Fenn's Bank IVC

Planning Design and Access Statement

Prepared for

Veolia ES (Shropshire) Ltd

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Well House Barns, Chester Road, Bretton, Chester, CH4 0DH

Camelia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB

T: 0344 8700 007
enquiries@axis.co.uk
www.axis.co.uk

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ACRONYMS USED

ABPR	Animal by Products Regulations
AD	Anaerobic Digestion
ADMS	Atmospheric Dispersion Modelling System
AOD	Above Ordnance Datum
ASA	Alternative Site Assessment
AQA	Air Quality Assessment
AQAA	Air Quality Assessment Addendum
BAR	Bioaerosol Risk Assessment
BSI	British Standards Institute
CO^2	Carbon Dioxide
CWaC	Cheshire West and Chester
DMA	Dispersion Modelling Assessment
DMPWO	Development Management Procedure (Wales) Order 2012
DMPWAO	Development Management Procedure (Wales) (Amendment) Order 2016
EA	Environment Agency
EIA	Environmental Impact Assessment
EIAQA	Ecological Interpretation of the Air Quality Assessment
ERF	Energy Recovery Facility
ES	Environmental Statement
FCC	Flintshire County Council
FRA	Flood Risk Assessment
GCC	Gwynedd County Council
GCN	Great Crested Newt
GIA	Green Infrastructure Assessment
GQRA	Generic Quantitative Risk Assessment
HACCP	Hazard Analysis and Critical Control Points
HDV	Heavy Duty Vehicle
HGV	Heavy Goods Vehicle
HIA	Heritage Impact Assessment
HWRC	Household Waste Recycling Centre
ILP	Institute of Lighting Professionals
IVC	In-Vessel Composting
JR	Judicial Review
KM	Kilometres
LA	Lighting Assessment
LDP	Local Development Plan
LDV	Light Duty Vehicle
LHA	Local Highway Authority
LPA	Local Planning Authority
LPGN	Local Plan Guidance Notes
L/S	Litres per Second
LVA	Landscape and Visual Appraisal
NGA	National Growth Areas

NIA	Noise Impact Assessment
NNDR	National Non-Domestic Rates
NNR	National Nature Reserve
NRW	Natural Resources Wales
NSR	Noise Sensitive Receptors
OMP	Odour Management Plan
OWC	Open Windrow Composting
PAC	Pre-Application Consultation
PAS	Publicly Available Specification
PDAS	Planning Design and Access Statement
PDL	Previously Developed Land
PEAGIS	Preliminary Ecological Appraisal and Green Infrastructure Statement
PFI	Private Finance Initiative
PM	Particulate Matter
PPW	Planning Policy Wales
RCV	Refuse Collection Vehicle
RGA	Regional Growth Areas
SAC	Special Area of Conservation
SCC	Shropshire County Council
SEA	Strategic Environmental Assessment
SPL	Spent Pot Lining
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Urban Drainage Systems
SVS	State Veterinary Service
TAN	Technical Advice Note
TCPA	Town and Country Planning Act 1990
TPA	Tonnes Per Annum
UDP	Unitary Development Plan
VES	Veolia ES (Shropshire) Limited
WCBC	Wrexham County Borough Council
WLDP	Wrexham Local Development Plan
WNA	Waste Need Assessment
WRR	Workplace Recycling Regulations 2024
WTS	Waste Transfer Station
ZTV	Zone of Theoretical Visibility

1.0 INTRODUCTION, BACKGROUND & SCOPE OF APPLICATION

1.1 Introduction

1.1.1 This Planning Design and Access Statement (PDAS) has been prepared in support of an application for full (detailed) planning permission submitted to Wrexham County Borough Council (the Council or WCBC) as Local Planning Authority (LPA) by Veolia ES (Shropshire) Limited (VES or the applicant). The application is for the development and operation of an In-Vessel Composting Facility (IVC) with a processing capacity of circa 50,000 tonnes per annum (tpa) of green and/or co-mingled food waste (the Proposed Development). The Proposed Development ("Fenn's Bank IVC") would utilise existing buildings on site that are in an excellent state of repair and can be converted from their former use, and added to, in order to make them fit-for-purpose. The application site (the Site) is located at the former Befesa Salt Slags Site, Fenns Bank, Near Whitchurch, Wrexham, and has historically been utilised for the smelting and recycling of aluminium waste (see 'Planning History').

1.1.2 The development represents a facility that would accept a mixture of both green garden waste arising from municipal household collections, and from commercial grass and hedgerow collection operations in proximity to the site; along with co-mingled food waste from source-separated local authority contracts, and other trade sources (hotels, restaurants etc).

1.1.3 The Proposed Development would comprise a bespoke in-vessel composting facility that would operate across several distinct but inter-related sections that collectively receive, treat, process, mature and refine a mixture of green and food waste material to form a compost product that could be used for a variety of purposes. On completion of processing, the matured compost would be exported off-site for sale as restoration material and/or soil improver.

1.1.4 This document is a PDAS prepared in support of a full (detailed) planning application to WCBC. The statement sets out the background and establishes the need for the Proposed Development and identifies the relevant planning framework for the consideration of such a proposal. It also describes the site and its operation, identifies the potential environmental effect, both positive and negative during the construction and operation of the development, and sets out where appropriate how these would be mitigated. The PDAS includes an appraisal of the proposal in context

of relevant planning policy and guidance, and is supported by several technical appendices, figures and drawings.

1.1.5 The application is accompanied by a Validation Statement (Appendix A) which acts as a place marker for the documents submitted in support of the application, and references to the statutory requirements necessary for submitting a valid application for planning permission.

1.1.6 The application has been prepared following iterative dialogue undertaken with planning officers appointed on behalf of WCBC. On the 28th August 2024, VES submitted a formal pre-application request directly to WCBC (Appendix B). In September 2024 an officer was appointed to deal with the request and liaise with the applicant. In October 2024 the officer attended an initial accompanied site visit, during which limited generic advice was provided. In late November 2024 VES were informed that, due to the nature and content of the proposal (this it would provide for the management and processing of waste material), the planning advice service had been outsourced to officers from Flintshire County Council (FCC) and Gwynedd County Council (GCC).

1.1.7 On the 27th January 2025 a site visit was held with representatives from VES and WCBC Planning Service, at which the Proposed Development was discussed in detail, and the proposed content of the application and supporting information were agreed. On the 18th February 2025 an updated pre-application request was submitted to WCBC which identified specific points of clarification, matters to be addressed through the pre-application engagement process, and questions raised by the applicant for which responses were sought from the Council (Appendix C).

1.1.8 Over the course of the following few months, regular dialogue was maintained between the planning case officer and representatives on behalf of the applicant. Written draft pre-application was provided to the applicant, however a final and formal response was not provided due to confusion in respect of the status of the Local Plan, and the weight to be afforded to specific policies (see Chapter 4.0 below).

1.1.9 In parallel to the above, on the 27th February 2025, the applicant submitted a formal Screening Request under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) (Wales) Regulations 2017 (EIA Regs). The result of the EIA screening process are set out at Section 1.8 below.

1.2 Site Location

1.2.1 The application site is circa 5 hectares of land located within the administrative boundary of WCBC. The site comprises the former Befesa Salt Slags Facility located at Fenn's Bank, near Whitchurch, Wrexham. The County boundary between Wrexham and Shropshire, which also forms the national boundary between Wales and England, is located 500 metres to the east of the site.

1.2.2 The site is dominated by a large industrial manufacturing warehouse (circa 105m x 54m x 13m high) that was historically used by Befesa Salt Slags Limited for the sustainable processing and recovery of aluminium from a waste product in the aluminium industry and was part of a Spanish-based umbrella company Befesa. The Salt Slags operation recycled aluminium contained within waste product by producing aluminium alloys. Once treated within the plant, Spent Pot Lining (SPL) was recovered to produce valuable by-product in multiple industrial processes. The former operations ceased, and the site was effectively closed in 2020.

1.2.3 Since its closure the site has been left in a state of semi-restoration, with limited partial repair required to convert the building for use as an IVC facility. To the north of the main building is a brick-built office complex and associated car parking area that would be used as part of the Proposed Development. The main facility sits on a concrete base and a below ground surface level drainage tank is located to the south. East of the office building is a weighbridge and wheel wash complex that was historically used in support of the aluminium recycling facility. The remainder of the site is mixed scrub that has been left largely to self-vegetate. Detail of the constituent parts of the Proposed Development are set out within Chapter 2.0 below.

1.2.4 To the north of the site is the former H H Wardel (Metals) Limited landfill site that was closed and restored in 2002. The site was used for the disposal of aluminium wastes which adversely affected the quality of the local water supply and was ultimately subject to a clean-up order by the Environment Agency (EA) as part of a cross-border remediation plan, funded part by the EA and part by the previous site operations.

1.2.5 Access to the site is taken from a private road to the east of the facility, and then out onto Fenn's Bank Lane, and north to the A495 Long Lane / Ellesmere Road. Opposite the site entrance is a complex of farm buildings, along with a number of other remote properties both to the north and south of the access point to the site.

The nearest public footpaths are Fenn's Bank Lane to the east, BRO81 (circa 150m to the south), and BRO/2 (circa 250m to the west) (See Figure 1 – Site Context).

1.2.6 The terrain of the Site features a gentle slope, with the lowest altitude at 90m AOD and the highest altitude at 100.0m AOD. The downward slope extends from the southeast to the northeast. The site comprises: several large industrial buildings constructed from brick and steel, generally in very good condition; a large brick-built office complex; a series of other smaller ancillary buildings; a weighbridge and vehicle wash facility; parking provision; perimeter concrete hardstanding; and an enclosed drainage system. A large former drainage lagoon / reservoir is located to the south of the main building which will decommissioned as part of the redevelopment of the site. The reservoir will be redesigned to create a shallow wetland for biodiversity benefit.

1.2.7 The site is approximately 3.5km south-west of the town of Whitchurch, and circa 500m west of the Wales / England border. It is located outside the settlement boundaries, as defined within the Wrexham Local Development Plan (WLDP). The surrounding land is predominantly non-built-up land and agricultural open countryside. Adjacent and to the west of the site is a former closed landfill. To the south of the site is Mereside Industrial Park which houses several small commercial operators, including a local waste transfer site. The nearest residential properties are located circa 200m 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.

1.2.8 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, 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).

1.2.9 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%).

1.3 Use Class

1.3.1 The previous use of the site as an aluminium salt slag reprocessing facility would have been classified as a *sui generis* waste use. The proposed use of site as an In-Vessel Composting facility likewise does not fall within any of the defined use classes contained within The Town and Country Planning (Use Classes) Order 1987 (as amended) and consequently is *sui generis*.

1.3.2 A change of use from *sui generis* to *sui generis* requires planning permission in its own right, and consequently the application applied for has made allowance for such.

1.4 The Applicant

1.4.1 The applicant is Veolia ES (Shropshire) Limited part of the Veolia Group of Companies. Veolia is a leading UK waste, water and energy management organisation with pro-forma revenues above £3.03 billion euros in 2024. Veolia employs over 14,000 people in the UK across a spectrum of services in waste, water and energy.

1.4.2 Veolia's core business in the UK is in the provision of integrated waste management and environmental services to local communities and industry, designed to increase recycling, composting and recovery rates, improve sustainability in waste management, and to significantly reduce reliance on landfill.

1.4.3 It provides a range of services including refuse collection, recycling, composting, waste treatment and street cleansing to over 8 million customers on behalf of 90 local authorities in the UK, and operates a network of recycling, composting, transfer and other treatment and disposal facilities to support the services it provides to both its public and private sector clients. This includes ten operational Energy Recovery Facilities which recover energy from residual waste streams.

1.4.4 In addition to the flagship integrated waste management contract in Hampshire ('Project Integra'), the Company has been successful in winning a number of long-term waste management contracts including East Sussex/Brighton and Hove, Sheffield, Birmingham, West Berkshire, London Borough of Southwark, Merseyside, Nottinghamshire, Shropshire, Staffordshire and Leeds.

1.4.5 Further information on Veolia can be found on their website at www.veolia.co.uk

1.5 Planning History

1.5.1 The site has a limited recorded planning history, albeit an extensive operational past. The earliest planning record for the site that is available via the WCBC Planning Portal is dated 6th February 2004 (Reference P/2004/0128). The decision notice grants planning permission for the variation of Condition 6 to allow for 24 hours working. The permission to which the variation related (that for the Befesa Salt Slags facility Reference Cb/01515) is not publicly available.

1.5.2 On 30th August 2021 planning permission was granted for a rear extension to the main site building to house an enclosed circuit filter system (Reference P/2012/0516). This was installed to improve the performance of the plant and ensure compliance with on-site permit requirements.

1.5.3 In 2016 three planning permissions were granted at the site. The first on 17th February 2016 (Reference P/2016/0138) was for the installation of a replacement section of external cladding across the main structure of the building. The second, on the 18th August 2016 (Reference P/2016/0785), was for the erection of a proposed loading bay extension. The third, granted on the 2nd November 2016 (Reference P/2016/1027), was for the erection of an additional storage building.

1.5.4 Finally, on the 22nd August 2023 prior notification was granted for the demolition of several of the buildings on site that had become redundant and were no longer operational (Reference P/2023/0521).

1.5.5 The Site operated as an aluminium recovery and recycling facility until its final closure and decommissioning in 2020. The plant and equipment were removed from the site, however the basic infrastructure (main building; office; weighbridge area) have been left in the condition as at the point of closure. The main building has been partially re-cladded to aid with the marketability of the site.

1.5.6 The planning permission for the use of the site as an aluminium recovery and recycling facility remains extant, as does the waste permit that authorises its operation. Consequently, if planning permission were to be refused for the proposed Fenn's Bank IVC, the site would, in all likelihood, be remarketed and reopen as its former use. Consequently, the former use as an aluminium recycling facility

represents a true 'fall-back' for assessment purposes[1]. Despite this, the environmental assessments that have been undertaken have not relied on this former use to justify the proposed development. Where appropriate, a 'reasonable worst-case' has been assumed and a baseline of an un-operational site has been applied.

1.6 Design and Access

1.6.1 Part 2, Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) requires development over 100 square meters to provide a design and access statement that explains the design principles and concepts that have been applied to the development. It also requires applicants to explain how issues that might affect access have been addressed, and how policies relating to access have been taken into account.

1.6.2 Article 7 (2) states that the requirement to provide a design and access statement does not apply to:

(a) a section 73 application.

(b) an application for planning permission

(i) for mining operations;

(ii) for a material change in use of the land of buildings; or

(iii) ***for waste development***

*(3) An application for planning permission to which this paragraph must be accompanied by a statement (**"a design and access statement"**) which complies with paragraph (4)"*

1.6.3 The Proposed Development provides for the erection and operation of an IVC that would accept and process green and food wastes that would otherwise be transported over significant distance to alternative IVC or Anaerobic Digestion (AD) facilities or disposed of to landfill. Consequently, the facility is for waste development,

[1] *See consideration of 'fall back' as a material planning consideration within the Planning Balance towards the end of this Statement*

and accordingly the requirement for the application to be accompanied by a design and access statement (DAS) does not apply.

1.6.4 Irrespective of the fact that a DAS under Article 7 is not required in support of the application, **Policy SP12** *Design Principles & Masterplanning Framework* of the recently unadopted Local Development Plan[2] requires that all development be of a high quality, sustainable design which makes a positive contribution to locally distinctive place. Proposals are required to demonstrate how they have taken account of local characteristics of surrounding areas.

1.6.5 The re-adopted Development Plan, at a local level, comprises the Unitary Development Plan (UDP) which includes design provisions within its primary development objectives policy. **Policy GDP 1** *General Development Principles* states that built development should accord with the character of the site in its scale and design and make the best use of good design techniques.

1.6.6 Wrexham Council have historically approved a series of local planning guidance notes which amplify the Development Plan policy. These notes were prepared under the umbrella of the UDP. **Guidance Note 26** is entitled *"Landscape and Industrial Design"* and provides a guide for industrial development with the objective of improving design standards. The guidance focuses on the use of muted colours and non-aggressive materials; (i.e. use of dark green powder coated mesh, palisade or vertical bar fencing, and avoidance of galvanised steel chain link with concrete posts) protected native planting; and bark colour cladding where possible. The advice contained within Guidance Note 26 has been used to inform the design and wider approach to the Proposed Development.

1.6.7 As set out above, the application site was formerly used for the smelting and recycling of aluminium waste. Consequently, much of the infrastructure required for the development of an In-Vessel Composting facility exists and can be utilised with minimal improvement or re-build. This includes the main processing building, offices, hardstanding area, weighbridge complex and access. Utilising existing infrastructure not only reduces cost but helps minimise the environmental impacts of demolishing existing structures and constructing new buildings and associated groundwork.

[2] *See Chapter 4.0 with regard to the status of the Development Plan*

1.6.8 The design of the Proposed Development is logical and purposeful. The Site is positioned in a relatively remote location with limited environmental constraints that influence the structures design. The main processing building has been designed so that HGVs can access the building in forward gear. The building would operate using fast-action roller shutter doors that can be closed quickly to retain any dust or odour within the main structure. The use of biofilters would draw air out of the building retaining it under negative pressure thereby further limiting the escape of odour. The layout within the building has been designed to a high standard. Each phase of the operation is located adjacent to the following to ensure efficient process operation, and to avoid double handling and cross-contamination of waste. The phases of operation are described in detail within Chapter 2.0 below, and include:

i. Import.

ii. Tipping Hall.

iii. Shredding.

iv. Process Tunnels.

v. Maturation.

vi. Refining.

vii. Export.

1.6.9 New to the Site is a biofilter and scrubber system which would control air within the main building. The biofilter would use an 'activating layer' (typically pine bark or similar) that would be designed to remove dust and bio-aerosols from the air that passes through it and absorb odoriferous molecules and other contaminants in the air. The air then would pass through a stack located at the rear of the biofilter and released to atmosphere. The stack has been designed at a height of twenty metres above ground level to ensure that air emitted from it is dispersed at an appropriate rate and distance.

1.6.10 Regarding access requirements, the previous use of the site for aluminium recycling lends itself to the Proposed Development. The access arrangements from the Fenns Bank and into the site are of a high standard sufficient to enable any vehicle

accessing the site to do so without interaction or confrontation with any vehicle leaving the site.

1.6.11 **LDP Policy T1**: *Managing Transport Impacts* requires development to provide appropriate levels of parking and ensure that access arrangements for the site to allow for safe manoeuvring. Visitor and staff parking is located adjacent to the office building, separate to the main processing building. This allows for the segregation of private cars and operational HGVs and service vehicles, thereby helping to minimise interaction and potential accidents. The car park provides sufficient space for staff and visitors in accordance with parking standards, and provides for disabled parking, cycle provision, and electricity charging facilities.

1.6.12 The Proposed Development complies directly with the primary objectives of Article 7 in respect of design and access statements, insofar as the requirement for appropriate and proportionate consideration of the design principles, and the potential access constraints, have been had during the pre-application stage of development.

1.7 Site Selection

1.7.1 The Site is located on the southeastern edge of the borough of Wrexham very close to the boundary of both Shropshire to the east, and Cheshire West and Chester (CWaC) to the northeast. VES operates a fully integrated 32-year PFI contract with SCC which commenced in 2007. The contract controls all municipal collection operations and processing. Changes to the way in which the collection of waste is handled within Shropshire, and the need to improve kerbside recycling generally, meant that VES needed to locate site that could best meet the need of SCC, but at the same time was well located to serve the commercial / industrial market covering the wider sub-region (local areas of north Shropshire, Wrexham and southeast CWaC). Green and food wastes are bulked up prior to transfer to a treatment site, and consequently, for the northern part of Shropshire, marketed sites were initially sought in proximity to Wem, Shrewsbury and Oswestry. When no suitable, available and deliverable sites could be sourced, a wider search area was considered which included the eastern part of Wrexham and southern part of CWaC (within an area referred to as the “northern spatial zones” and “Broad Locations for Additional Waste

Facilities" within the Shropshire LDF Core Strategy[3]). This area includes the Proposed Development Site. The detailed approach to alternative site selection, and the conclusions arising from it, are provided within Appendix H – Alternative Site Selection (ASA), to this Planning Statement.

1.7.2 The historical aluminium processing and recycling facility[4] operated under the control of both a planning permission and environmental permit. Should planning permission be granted for the Proposed Development, a new permit would need to be issued by NRW for the use of the facility. The application for the permit has been submitted and is pending determination. Technical Advice Note 21 advises that Planning Authorities should consider the ability of Environmental Permits to control operations of waste facilities. At the planning application stage, it should be demonstrated that it is possible to adequately control the operations taking into account the location of the proposed facility and proximity to receptors.

1.8 Stakeholder Engagement

1.8.1 LPAs are required to provide a statutory pre-application service for those who request it. Axis has undertaken pre-application engagement with an experienced minerals and waste officer appointed by WCBC throughout the application development process. As set out above, a pre-application response was received in May 2025 which confirmed the main policies of relevance to the determination of the application, and the approach that should be taken by the applicant in respect of the information to be prepared in support of the application. The applicant has followed the advice provided by the officers in the preparation of the application documents.

1.8.2 As the proposal constitutes a 'Major Development' the application was subject to a statutory pre-application consultation exercise. Part 1A (Pre-application consultation) of the Development Management Procedure (Wales) (Amendment) Order 2016 (DMPWAO) states that, prior to applying for major development, a developer must:

i. publicise a draft of the application.

[3] *Identified under Figure 9: Broad Locations for Waste Management Sites in Shropshire*
[4] *The site benefits from both an extant planning permission for the development of an aluminium recycling and processing facility, and an environmental permit for the operation of such facility*

ii. consult community and specialist consultees; and

iii. write a report about the pre-application consultation undertaken.

1.8.3 'Community consultees' comprise each community council (both town and community councils), and each councillor representing an electoral ward, in whose area the proposed development would be situated. 'Specialist consultees' are specific statutory bodies and authorities that developers are legally required to consult. These are listed under Schedule 4 of the DMPWO.

1.8.4 The consultation was undertaken in October 2025 and was carried out strictly in accordance with the provisions on the DMPWO. Details of the responses received and an explanation of how these have been addressed within the final submission, is provided in the Pre-Application Consultation (PAC) Report submitted as part of the application.

1.8.5 The applicant can confirm that they have undertaken all of the requirements set out within DMPWAO and has used the results of it to help inform the final submission now made to WCBC.

1.9 Environmental Impact Assessment

1.9.1 The requirements for applications to be accompanied by an Environmental Statement (ES) prepared in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (EIA Regs) originate from European Directive 2011/92/EU.

1.9.2 The purpose of the EIA Regs is to ensure that the likely significant effects arising from development projects are fully and appropriately assessed, and that mitigation is identified wherever possible to reduce the impacts. The EIA Regs define the projects that are subject to EIA and the specific procedures that follow.

1.9.3 As set out above, a formal Screening Request was submitted to the Council on the 27th February 2025. The request was accompanied by a Screening Matrix which demonstrated that the Proposed Development did not represent Environmental Impact Assessment (EIA) development required to be accompanied by an Environmental Statement (ES). The request sought the opinion of the Council not only formally in terms of whether or not the development was EIA, but also informally in respect of the scope of assessment to be prepared in support of the application.

The Council's formal Screening Opinion was provided on the 20th June 2025 (Appendix E). The formal Opinion was accompanied by a Screening Assessment. The Opinion/Assessment stated that:

"The development falls within the scope of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. Having considered the details submitted as well as the advice contained within the Welsh Office Circular 11/99, I can confirm that the development will not need to be subject to an Environmental Impact Assessment."

1.9.4 The application has been prepared in accordance with the Council's formal Opinion.

1.9.5 Irrespective of the opinion of the Council, the applicant has undertaken a series of environmental assessments that have be submitted as appendices to this Planning Statement. This is done to help inform the embedded and additional mitigation that is required as part of the facility design and to consequently minimise the impact of the development. It also ensures that there are no adverse environmental impacts arising from the development that should be weighed against the grant of planning permission when undertaking the final planning balance. The assessments all conclude that the development would not give rise to significant effects, justifying the Councils formal Screening Opinion. The assessments have been used to identify and incorporate mitigation that could be implemented to further reduce the impacts of the development, and to ensure that there would be no unacceptable effects on the local or wider environment.

1.9.6 The applicant liaised with the Council Officers during the pre-application process in order to determine the extent of assessment that should be provided in support of the application. The scope of the assessment was agreed so that a targeted and proportionate submission has been made.

1.10 This Document.

1.10.1 This Document is the PDAS prepared in support of the planning application submitted for the Proposed Development.

1.10.2 Chapter 2.0 provides a description of the Proposed Development (the Scheme Description). Chapter 3.0 provides a description of the need and benefits of the Proposed Development. Chapter 4.0 provides a summary of the national and

Development Plan planning policies of relevance to the determination of the planning application. Chapter 5.0 summarises the other material considerations that might be relevant to the determination of the application (in this case limited to specific environmental topics). Finally, Chapter 6.0 provides a conclusion to the PS, and a summary of the relevant planning balance, to assist in the determination of the application.

2.0 SCHEME DESCRIPTION

2.1 Introduction

2.1.1 The Proposed Development would comprise the development and operation of an IVC with a processing capacity of up to 50,000tpa of green and/or co-mingled food wastes and ancillary development including (amongst others) use of existing weighbridge and office, and development of landscaping and fencing. The general site layout is illustrated in Figure 2.

2.1.2 The Proposed Development would, in the most part utilise the existing infrastructure on Site (main operational building, weighbridge, office etc) that remains following the closure of the former Befesa aluminium recycling facility.

2.1.3 The Scheme is described under the following sub-headings:

a) General Operations

i. Preparatory Development Work

ii. Access Arrangement

iii. Weighbridge, Wheel wash and Office

iv. Boundary Treatment (fencing and landscaping)

v. Lighting

vi. Drainage

vii. Hours of Operation

viii. Traffic Generation

b) In-Vessel Composting Facility Main Building (IVC)

i. Building Description

ii. Import

iii. Tipping Hall

iv. Shredding

v. Processing Tunnels

vi. Bio-Filters

c) Maturation and Refining

i. Maturation Description

ii. Maturation Processing

iii. Refining and Export

2.2 General Operations

Preparatory Development Work

2.2.1 The Site formerly operated by Befesa Salt Slags Limited as a facility for the sustainable processing and recovery of aluminium from a waste product in the aluminium industry and was part of a Spanish-based umbrella company of Befesa. The operations utilised the existing main building on the site, and the accompanying offices. The former operations ceased, and the site effectively closed in 2020.

2.2.2 The Site has largely been left, as at the point of closure, with the main building, office complex, parking area and weighbridge complex remaining in situ (See Drawing VES_TD_WREXIVC_200_001). The perimeter and peripheral areas of the site have started to self-seed with wild grasses etc. however very limited work would be required to clear the areas of the site so that it can operate as a functional IVC.

2.2.3 The main structure on Site is the former aluminium recycling building (See Drawing VES_TD_WREXIVC_100_00) which has been cleared of all previous plant and machinery and is now one large factory unit with a small ancillary office and workshop area attached at one end.

2.2.4 The majority of the preparatory works necessary would comprise internal cosmetic improvements to the office building, and changes to the arrangement of the IVC building (see below).

2.2.5 The most significant elements of new building required would be the erection of an external stack (27m from ground level); erection of biofilters through which air from

within the main building would be forced prior to emission via the stack; and construction of the maturation pad. These elements are described below.

Access Arrangements

2.2.6 The access to the Site is taken from Fenn's Bank located to the east of the Site (See Drawing PL002 Site Location Drawing). The internal access is circa 250 metres in length between the Site and Fenn's Bank and is constructed to an acceptable level. The visibility splays at the point of access are also maintained to the necessary standard. Fenn's Bank is a local road connecting Platt Lane in the south with Lang Lane / Ellesmere Road (A495) to the north.

2.2.7 All traffic accessing the Site would come from the north, and then onward to the A525 and then A41. Fenn's Bank provides access to several isolated farmsteads, private residential properties, and small businesses. South of the Site the private access continues to service several small independent units (garden paving manufacturer, garage etc.).

Weighbridge, Wheel Wash and Office

2.2.8 The former weighbridge and wheel wash facility, used during operation of the landfill to the rear of the Site, is located immediately upon entering Site from Fenn's Bank. The facility would be repurposed and used as required for the operation of the IVC. Very limited upgrade (minor repair work) would be necessary.

2.2.9 An office building that was used previously by Befesa as a regional office is located close to the Site entrance. VES currently has no intention to use the office (the number of staff required for the IVC is detailed below). The office would be retained in its current condition, albeit not occupied.

Boundary Treatment and Landscaping

2.2.10 The Site is generally secure as a result of fencing and other measures installed as part of its former use as an aluminium recycling facility. The perimeter of the Site is currently circumnavigated by an existing chain link fence circa 2m in height (See Drawing VES_TD_WREXIVC_200_016). To improve security, and to maintain the general appearance of the Site, it is proposed to replace the fencing around the main operational area of the Site, with Paladin Fence / Gates powder coated Moss (dark) Green (RAL 6005) (See Drawing VES_TD_WREXIVC_200_017). The new fence

would be 2.4m in height (standard sized), and would better reflect the expectations of the Local Planning Guidance Notes (26: Landscape and Industrial Development; and 07: Landscape and Development). The existing chain link fence would be retained on the southern side of the access into the site.

2.2.11 A Landscape Design Plan is submitted at Drawing 5039-01-005 which sets out the planting proposed to help mitigate the impact of the development. Separately, a Landscape and Visual Appraisal (LVA) has been undertaken, and is submitted in support of the application, that assesses the impact of the development and the sensitivity of the local area to the changes proposed. The LVA is provided at Appendix Q to this PDAS, and concludes that the level of longer-term residual landscape effects of the Proposed Development would be limited to the host character area of *English Maelor* which the Site is situated within. Overall, despite some localised adverse effects, the Proposed Development would be visually contained which would give rise to a relatively limited change to the existing landscape character and visual amenity. The assessment has been undertaken on a precautionary basis, considering the maximum operational height of the proposed stack, winter vegetation conditions, and worst-case theoretical visibility. Even under these conservative assumptions, effects are consistently assessed as no greater than minor adverse, and in most cases negligible. This confirms that the scale, extent and perceptibility of change would remain well within the capacity of the surrounding landscape and visual environment to accommodate it.

2.2.12 Despite the remote nature of the Site, the applicant has had regard to perimeter landscape improvement works to ensure that the facility retains a welcoming and high-quality façade. The landscaping proposals are set out on Figure 3. The landscape treatment will retain as much of the existing habitats as possible and manage them to provide improved biodiversity benefits. Additional native species tree, woodland and hedge planting will strengthen the boundaries, creating connectivity whilst helping to screen the development. The former drainage lagoon reservoir will be decommissioned and redesigned by filling it in and creating a more natural wetland feature with variable depths and gradients. It would be planted with a range of native marginal and aquatic plants. The pond, whilst providing storage areas for water run-off from the development, will predominantly be designed for biodiversity. Surrounding the pond will be areas of lower ground seeded with native species to create areas of wet grassland/ marshier habitat (See Drawing 5039-01-

005 *Landscape Design*). All other areas will be seeded with a meadow mix to introduce further diversity to the grassland.

2.2.13 These have been designed both for amenity purposes, and to help deliver the biodiversity net gain identified within the Preliminary Ecological Impact Appraisal and Green Infrastructure Statement (PEIAGIS) provided at Appendix I.

Lighting

2.2.14 Lighting across the site has been designed to ensure that operations can proceed at the site in accordance with the Workplace (Health, Safety and Welfare) Regulations 1998, specifically Regulation 8 which mandates suitable and sufficient lighting in all workplaces. Emergency lighting is also provided to ensure that emergency services can operate effectively when necessary. The lighting design has also sought to minimise unnecessary light glow and spillage beyond a focused area. This is achieved by using LED fitments that direct light, and baffles where necessary to further focus the lighted area.

2.2.15 A Lighting Assessment is provided at Appendix J which sets out the detailed design considerations, and the potential impact associated with the lights proposed. Based on the assessed scheme of lighting, it has been demonstrated that the Proposed Development will be compliant with the residential receptor criteria set out in the respective lighting guidance[5]. Compliance is achieved with the adoption of an environmentally sympathetically scheme of lighting scheme set out on drawing SK-02 appended to the lighting scheme. Should the Council deem it necessary and appropriate, the precise details of lighting proposed at the site could be controlled via planning condition.

Drainage Design

2.2.16 Historically surface water at the site was managed in a relatively ad-hoc and informal manner, with surface and process water collected via a series of drains and transferred to an on-site lagoon ahead of discharge off-site under the terms of the site permit.

[5] *ILP GN 01/21: The Reduction of Obtrusive Light.*

2.2.17 The proposed drainage scheme manages four wastewater streams in different ways depending on the nature of the water, where the water is from, and the consequential contact with contaminants.

2.2.18 Foul water from the new in-building office facility would be transferred via underground pipework and flow control device to an on-site package treatment plant (see Drawing VES_TD_WREXIVC_100_003).

2.2.19 'Clean' surface water landing on building roofs or within uncontaminated parts of the operative site would be fed via gravity drain to a new attenuation pond located to the east of the main building. Water would pass through an on-site by-pass separator to ensure that the water within the pond was retained to an appropriate standard, following which it would be discharge off-site at a rate agreed with NRW. This Area is referred within the Drainage Strategy as 'Drainage Area 1' (see Drawing: Concept Drainage Sketch 1 appended to the Drainage Strategy at Appendix L).

2.2.20 'Clean' surface water from the existing site office and car park (referred to as 'Drainage Area 2') would discharge to an attenuation tank located below the parking area (see Drawing: Concept Drainage Sketch 1). From here it would pass through a flow control chamber prior to discharge to the main drain located adjacent to Fenn's Bank (see Drawing: Concept Drainage Sketch 2)

2.2.21 'Process' water (i.e. water that is contaminated due to having been either used to supress airborne PM / dust particles, or that which has been in contact on the external 'yard' areas / maturation pad, would be fed via a separate drainage system which would then feed to a water tank located adjacent to the biofilters. The water would be re-circulated into the dust suppression control or exported off-site via tankers for wastewater treatment.

Hours of Operation

2.2.22 The Proposed Development comprises a series of activities and operations that are required to operate across different hours of the day to function appropriately and are required to be limited to ensure that the impacts on the local environment are appropriately mitigated. The proposed hours of operation are as follows:

Table 2.1: Proposed Hours of Operation

Hours	Operation
0700 – 1800 Monday to Saturday	All deliveries and internal activities (mobile plant, shredders etc)
0700 – 1300 Sunday	Occasional deliveries (solely offloading no processing) up to 2 HGVs per hour (4 movements)
0700 – 1800 Monday to Sunday	Core office working hours
0700 – 1700 Monday to Saturday	External activities (maturation pad etc.) exc. Refining plant
0800 – 1800 Monday to Saturday	Refining / screening plant (incorporating 3-sided acoustic screen)
24hrs per day 7 days per week	Internal composting operation (fans for aerating tunnels and biofilter processing)
0700 – 1800 Monday to Saturday	All construction operations
Public and Bank Holidays	No operations

Traffic Generation

2.2.23 It is anticipated that the majority of the waste to be processed at the Site would be delivered in accordance with a contract secured between the Applicant and SCC. This would include bulked deliveries directly from Veolia's Waste Transfer Stations (WTS) and Household Waste Recycling Centres (HWRC) in Oswestry, Whitchurch, Bridgenorth and Craven Arms, and the Battlefield Energy Recovery Facility (ERF).

2.2.24 It would also include direct deliveries from kerbside collections with green waste delivered to the Site in refuse collection vehicles (RCVs). In response to SCCs phasing out the collection of food waste in garden (green) bins, resulting in the need for a new, separate weekly food waste collection service for all households, 6 food-waste RCVs would be based at the Site. These would collect food waste from local households and bring it back to the Site for processing. The remaining waste to the Site would be associated with the commercial and industrial sector in and around the local area.

2.2.25 Given the nature of the waste being processed, and the locations from which green and kitchen waste would be sourced, and compost sent, there would be little or no opportunity to 'back-fill' vehicles (i.e. vehicles bringing waste to the Site will not then re-load with compost to be taken off site). As a result, the assessment has been undertaken on a 'worst case' basis.

2.2.26 The Transport Assessment (Appendix M) confirms that the Proposed Development is forecast to generate 73 two-way total vehicle trips per day (including 55 two-way HGV delivery trips and 18 two-way staff trips). When compared against the trip generating potential of the existing Site, the Proposed Development would result in a net reduction of 248 two-way trips per day.

2.2.27 The Proposed Development would employ 9 members of staff including:

i. 1x Site Manager.

ii. 1x Supervisor.

iii. 1x Weighbridge Clerk.

iv. 1x Fiter.

v. 5x Operatives

2.2.28 On the basis of the above, and assuming that all staff arrive to the Site via private car, the Proposed Development is forecast to generate 18 two-way staff car trips per day, including 9 staff car arrivals and 9 car departures.

2.2.29 Staff would use a small ancillary office room located at the eastern end of the main building adjacent to the Tipping Hall (see Drawing VES_TD_WREXIVC_200_007).

2.2.30 The Transport Statement confirms that the Proposed Development is forecast to result in a net reduction in the number of vehicle trips compared to that which is both authorised by the extant planning permission for the Befesa Salt Slags development, and the operational permit under which it previously undertook work. Consequently, the Proposed Development would improve overall safety and operation of the local junction, and no improvements are necessary to the access arrangements.

2.3 The In-Vessel Composting Facility Main Building (IVC)

2.3.1 The main IVC processing building comprises three main ‘rooms’ as follows (See Drawing VES_TD_WREXIVC_200_007).

i. A tipping hall with waste storage bays.

ii. Pre-treatment area (shredding and blending area).

iii. 7 IVC tunnels.

2.3.2 The existing main processing building (former Befesa Aluminium Recycling Building) is flat roofed up to a height of 13.4m (See Drawing VES_TD_WREXIVC_200_004). In addition to the above, and integral to the safe and successful operation of the IVC, two new biofilter rooms would be constructed to the north of the main building (See Drawing VES_TD_WREXIVC_200_000). The biofilters would include a fan extraction system and be connected to the main building by a steel pipeline. Air from within the building would be drawn into the biofilters and then pass out to atmosphere via a 27 m tall stack. The IVC has been designed to treat compostable wastes in the form of green garden waste and kitchen wastes.

Processing

2.3.3 In-Vessel Composting is a natural process which enables the decomposition of biodegradable green and kitchen waste. At the Site, the process is designed to be undertaken in aerobic conditions. The processing of compostable waste materials would be carried out in compliance with the requirements of the key regulatory bodies namely the State Veterinary Service (SVS) and the NRW. The waste reception area and process area would be sealed off from each other to prevent the potential for cross contamination of composted or partially composted material by pathogens or other biological contamination. This is required to ensure compliance with Animal By-Products Regulations (2013) (ABPR).

2.3.4 RCVs and HGVs would access the IVC facility through an automated roller shutter door and deposit the pre-sourced waste on the floor of the waste reception area. The received waste would be visually inspected by a trained operator for any physical contaminants. Thereafter waste would either be accepted for composting or rejected and transferred for removal off site. The fans within the building would retain the inside of the building under negative pressure so that when the roller shutter doors open, air (and associated dust and bioaerosols) is drawn back into the building and is not exposed to the outside environment.

2.3.5 From the Tipping Hall, the waste is then transferred via loading shovel into the Shredding Room where the waste is processed (blended and shredded) to a consistent and acceptable homogonous form appropriate for composting.

2.3.6 From the Tipping Hall, the product would be moved to the Processing Hall. The facility is modular and has been designed with seven tunnels that can all operate and process material separately. Once full the relevant tunnel door would be closed, and the tunnel is effectively sealed. Aeration of the compostable waste would be achieved by pumping air through the tunnels via a series of air pumps. Water would be added as required within each of the tunnels.

2.3.7 The air and water would allow the composting process to accelerate and temperatures to be controlled. This process is required in order to meet the requirements of ABPR in which any compost material, which contains kitchen/food waste, is required to be composted at a minimum temperature of 60 degrees Celsius for a continual period of 48 hours within each tunnel stage. This is to ensure that any pathogens, such as, e-coli are destroyed before the compost can be used as an improvement product. The compost material would be processed within the tunnel for a period of approximately two weeks, following which it would be transferred via a loading shovel into the Maturation Area.

The process would be closely monitored by a series of temperature probes and other sensors. Adjustments to the control system would be made via a central computer system at any time during the process.

Biofilters

2.3.8 Two Biofilters would be erected to the north of the main process building. Air from within the process building would be extracted and passed down a connection pipe and through scrubber located upstream of the biofilters. The scrubber would reduce the ammonia concentration and humidify the air. The biofilter would hold a wood or pine-based media, and would remove odorous compounds, bioaerosols and residual ammonia prior to discharge to atmosphere. The air extracted from the process building would pass through the filters and scrubbers and then exit via a 27m stack located at the rear of the structure (See Drawing VES_TD_WREXIVC_200_009).

2.4 Maturation & Refining

2.4.1 Once in-vessel composting is complete and the material is sanitised, as verified by an automated computer-controlled programme, the material is transferred to an outdoor stabilisation / maturation pad comprising 16 bays (See Drawing VES_TD_WREXIVC_200_012). The pad would have a forced aeration system

supplying air required to support the biological activity required to complete the composting process. The use of a forced air system removes the need to turn the piles. During the stabilisation period the temperature and air flow would be monitored by a probe array. Moisture and material structure are monitored manually. Maturation is required to achieve BSi PAS 100 standard, and to allow the resultant material to be marketed as a restoration material and soil improver. To fully comply with ABPR and PAS 100 the plant would achieve the following:

i. The process would be designed to meet the requirements of the EU standard treatment for category three ABPR.

ii. The material would be held at a minimum of 60OC for a minimum of 48 hours.

iii. A boot-wash facility for personnel movement between dirty and clean plant areas would be provided in accordance with SVS guidelines.

iv. A site-specific Hazard Analysis Critical Control Points (HACCP) plan would be prepared addressing reporting and auditing; isolation, cleaning and management of equipment; operator training etc.

v. Analysis of the final produce would be carried out for biological contamination.

2.4.2 The maturation process would take circa four weeks in total. Following completion of Maturation, the material would be passed through a Refining Plant located adjacent to the biofilters, north of the main processing building (See Drawing VES_TD_WREXIVC_200_010).

2.4.3 The Refining Plant includes a hopper at one end in which material is loaded. Compost product would then pass along a system of conveyors and pass under an overband magnet, and then through a series of screens and wind shifters to homogenise and improve the final product. The refinement process would remove oversized material, graded compost material and non-organic material (plastics). The Refining Plant is partly enclosed; however, it would remain the noisiest element of the facility. The Noise Impact Assessment (NIA) is provided at Appendix N considers the potential impacts of the refining plant and other operations across operational periods of the day. This has then informed a series of mitigation

measures that will help ensure that the impacts of the development are not unacceptable.

2.4.4 Oversized material would be temporarily stored adjacent to the plant before recirculated back into the system for shredding. Contaminants would be transferred off-site for treatment and/or disposal. Once refinement is complete, the product would be stored in one of two bays prior to transport off site.

2.4.5 The external refiner / screening plant would be fitted with a 3-sided acoustic screen, formed by close-boarded fencing (15kg/m^2) or a solid wall structure to a height of 5 meters. The screen is located to the north, east and west of the refiner (see Drawing VES_TD_WREXIVC_200_000 Fenn's Bank IVC: Proposed Site Layout), and would ensure that noise from the screen is appropriately mitigated. To the north of the screen, it is proposed that a belt of native trees/shrubs would be planted as part of a boundary improvement programme to improve connectivity of existing habitats and screening of the site (see Drawing 5039-01-005 Landscape Design). Beyond the site to the north the land raises in the form of a man-made bund, and beyond which fields used predominantly for grazing and established hedgerow planting. Consequently, views towards the screen and the refining plant would be very limited despite the height of it. Any views of the screen would be against a backdrop of the main building which would be over 13 metres in height.

3.0 NEED AND BENEFITS

3.1 Introduction

3.1.1 There is no statutory requirement to demonstrate a need for a proposed development. Nonetheless, the need and benefits of a project can be a significant material consideration in support of the approval of any planning application. This Chapter explains the underlying need for the development and benefits that would arise from it. This is ultimately considered within the Planning Balance (the process of weighing the benefits and harms of a proposed development against existing planning policies and determining if the potential benefits of the development outweigh the negative impacts, or visa versa). This 'Planning Balance' is undertaken as part of the conclusion to the Planning Statement, thereby assisting the Council in their determination of the application.

3.2 Background

3.2.1 As set out in Chapter 1.0 above, VES operates a fully integrated 32-year waste PFI contract with SCC. The contract commenced in 2007 and has evolved over the course of its life to better reflect the aims and objectives of the Council. To improve the service that the Council provides to the taxpayers of Shropshire, and to help the Council do its share in driving waste up the waste hierarchy and reducing impact on global warming from the unmitigated release of methane gases, the Council recently changed the way in which collection of waste is handled within Shropshire. As part of this waste management revolution, it required VES to identify and develop a site that is appropriately located to serve as a composting processing hub for the northern part of the County, but which is also well located to service the green and food waste commercial and industrial sector in east Wrexham / Flintshire, south Cheshire and north Shropshire. This identification of a new composting hub to meet the contract requirements is what initially led the Council to consider securing planning permission for the Proposed Development.

3.2.2 The Proposed Development is designed to manage 50,000tpa of green and kitchen waste, of which circa 30,000tpa would be delivered to the site under the Shropshire Waste PFI Contract. This provides 'head room' of circa 20,000tpa to help manage the surplus commercial and industrial green and food waste arising from operations near the site.

3.2.3 Whilst it is the 'guaranteed' supply of green and food waste through a long-term PFI contract which makes the development investable for funders of the project, it is important that any site is selected to serve at an appropriate 'semi-regional' level. This will ensure that the facility can take advantage of economies of scale; local need fluctuations due to changes in market forces and weather conditions; and to safeguard the facility from financial closure due to the lack of appropriate and local feedstock. This wider site consideration means that the Proposed Development can help meet a wider need than solely that of SCC's contract.

3.3 The Waste Hierarchy and the Role of Composting

3.3.1 The movement of waste management up the waste hierarchy from landfill and energy recovery (incineration) to recycling, composting and reuse is critical in ensuring that waste management is sustainable. Sustainable planning focuses on meeting the needs of the present without compromising the ability of future generations to meet their own needs. To be sustainable it needs to minimise the impact on local and wider environment, safeguard future jobs, and be economically viable in the longer term.

3.3.2 Composting plays a crucial role in sustainable waste management by diverting organic waste from landfill and improving soil health more generally. It offers the following primary benefits:

i. It diverts waste that would otherwise be disposed of to landfill to be managed further up the waste hierarchy either in the form of traditional composting, recycling, or energy recovery. It thereby extends the lifespan of existing landfill void reducing the need to identify new sites and conserving a valuable land resource.

ii. It reduces greenhouse gas emissions. When organic waste decomposes in landfill or in an Open-Windrow Composting (OWC) facility it produces methane, a potent greenhouse gas that contributes to climate change. Composting provides a controlled environment for decomposition reducing and controlling methane emissions, thereby helping to combat the causes of climate change.

iii. Compost is a valuable soil amendment that improves soil structure, water retention and nutrient content. It enhances soil fertility, making it a natural

alternative to synthetic fertilisers which can have negative impacts on the environment, and can reduce soil erosion.

iv. Reducing the use of synthetic fertilisers reduces the need for energy-intensive processes that can contribute to pollution and helps conserve water use by improving soil's ability to retain moisture.

v. Composting can reduce waste management costs, provide a cost-effective alternative to fertilisers, and reduce tax liability on landfilling.

3.4 Wrexham Composting Contract

3.4.1 The Proposed Development would benefit from its own maturation pad that would negate the need for further treatment off-site. The current Wrexham Municipal Waste PFI Contract awarded to FCC Environment requires compost to be managed at the IVC located at Bryn Lane, Wrexham Industrial Estate. Due to the lack of available space, and the proximity of the composting facility to sensitive uses, it is not possible for the compost product to fully matured, and consequently it is transferred off site for maturation.

3.4.2 Historically, green waste from Bryn Lane has been transported to FCC's former Gowy Landfill, near Chester. Due to fact that the Gowy Landfill being located in the Green Belt, in 2022 planning permission could not be secured for the continued use of the Composing Facility beyond the closure of the landfill. As a result, compost material processed at the Bryn Lane IVC is currently transported from Wrexham to FCC's quarry at Llanddulas near Conwy. The compost maturation facility at Llanddulas benefits from an extant permission until 2055, and the existing Wrexham contract with FCC has a further circa 10 years to run. Following completion of the existing Wrexham PFI contract, the Proposed Development would represent a more sustainable and potentially economically preferable solution for the management of municipal green and kitchen waste generated in Wrexham, negating the need for green waste to be transported across to Conwy for maturation before being taken back to Wrexham to be 'gifted' to residents via the existing network of HWRCs.

3.5 Locational Benefit

3.5.1 The site selection is justified as part of an Alternative Site Assessment (ASA) provided at Appendix H to this PDAS. Whilst it is the case that facility has been

financially secured on the back of a 32-year contract to manage green and food waste arising from within Shropshire, the location of the facility within Wrexham would provide a series of benefits to Wrexham as the host for the facility.

3.5.2 Firstly, the facility would employ nine members of staff directly of varying skill levels. These staff are likely to be employed from the local area, the nearest significant town being Wrexham. In addition to direct employees, several service jobs would be supported in the supply chain, both in the operation and maintenance of the facility.

3.5.3 In addition, the facility would be obliged to pay business rates, also known as National Non-Domestic Rates (NNDR) to the Local Council. This is calculated by multiplying the properties 'ratable value' by a government-set multiplier. A proportion of the revenue from the rates is kept by the local council to fund local services.

3.5.4 Finally, ensuring that the currently vacant facility is operational helps maintain the security of the site, it provides an injection of money into the local area, and reduces the likelihood of antisocial behaviour and vandalism at the site.

3.6 Legislative Benefit

3.6.1 The Proposed Development is assessed below against the relevant policies of the Development Plan, and any other material policy considerations. It identifies that 2021 Welsh Government minimum statutory target for reuse, recycling and composting of waste of 70% by 2025 from household, commercial and industrial businesses. Government statistics[6] on the annual rates achieved by each local authority illustrate that Wrexham achieved 63.8% in respect of household wastes, and around 50% for industrial / commercial waste.

3.6.2 On April 6 2024, the Welsh Government introduced new mandatory regulations on the collection and disposal of waste[7]. All businesses in Wales are now obligated to separate their waste for recycling and segregating recyclable items into different waste containers. Supporting the Welsh Government's 'Towards Zero Waste' strategy and their target of achieving a 70% recycling rate by 2025, the new separation requirements aim to improve waste recyclability and recovery rates.

[6] https://statswales.gov.wales/Catalogue/Environment-and-Countryside/Waste-Management/Local-Authority-Municipal-Waste/annualreuserecyclingcompostingrates-by-localauthority-year

[7] *The Workplace Recycling Regulations 2024*

Preventing contamination and facilitating closed loop recycling, segregated waste collections are critical to reducing landfill waste and fostering a more circular economy in Wales. The Workplace Recycling Regulations (WRR) require the following material to separate for collection:

i. Food

ii. Paper and card

iii. Glass

iv. Metals, plastic and cartons

v. Unsold textiles.

vi. Unsold small waste electrical and electronic equipment.

3.6.3 It is anticipated that these changes will represent a step change in the at-source recycling of commercial and industrial waste and reduce the risk of contaminants at recycling and composting facilities, thereby making them more cost effective and operationally efficient. It will inevitably increase the quantity of uncontaminated recyclable materials available to waste operators, and in doing so increase the need for facilities such as that proposed.

3.7 Quantative Need

3.7.1 The following section offers a brief assessment of the quantitative need for the Proposed Development. This assessment has been informed by:

i. Natural Resources Wales ('NRW') Waste Permit Returns Data Interrogator 2023: and

ii. The Environment Agency's ('EA') Waste Data Interrogator 2023.

3.7.2 It is acknowledged that the 2024 dataset for Wales has been published by NRW, however, the EA are yet to publish the 2024 data for England. As such, this assessment focuses on the data from 2023, to allow for comparisons to be drawn between the two datasets. It should also be noted that the NRW dataset incudes fewer categories than the EA data, crucially, it omits the '*fate'* and *'R and D code'*

categories, making it more difficult to clearly determine how the waste is ultimately managed.

3.7.3 This assessment has focused on four authorities[8] expected to be at least partially served by the Proposed Development. Data for these authorities has been collated and separated into two separate groups of waste that could be accepted by the proposed facility.

3.7.4 The first group considered comprises waste types identified as being acceptable for in-vessel composting through the EA Standard Rules SR2008 No17 permit with EWC codes beginning with '02', which comprises certain wastes from agriculture, horticulture, aquaculture, forestry, hunting, fishing, food preparation and food processing. This first group is comprised predominantly of commercial and industrial wastes, such as rejected food from manufacturing plants and brewery waste.

3.7.5 The second waste group considered comprises 'biodegradable kitchen and canteen waste' (EWC code 20 01 08) and biodegradable 'garden and park wastes (including cemetery waste) (EWC code 20 02 01). This comprises a mix of municipal waste and commercial and industrial waste.

3.7.6 Tables 3.1 and 3.2, below, sets out the 'fate' (or in the case of the Welsh data the type of facility at which the waste was received) of waste in each of the assessed group recorded as originating from each of the four authorities. Table 3.3 and 3.4, meanwhile, provides figures for waste movements of waste recorded as originating within each of the four authorities.

[8] *Wrexham County Borough Council (WCBC); Shropshire County Council (SCC); Cheshire West and Chester Council (CWACC); Flintshire County Council (FCC)*

Table 3.1 Compostable Food Production

Origin LPA	Compostable Food Production / Processing Waste 2023												
	NRW Waste Permit Returns Data Interrogator 2023						EA Waste Data Interrogator 2023						TOTAL
	Inc[9]	Landfill	Rec[10]	Transfer	Treatment	Other	Inc	Landfill	Rec	Transfer	Treatment	Other	
WCBC[11]	-	-	-	-	1,624	100	-	59	3,253	18	4,309	-	**9,363**
SC[12]	-	-	-	-	271	-	7,798	-	80,213	207	5,952	-	**94,441**
CWaCC[13]	-	6	-	-	570	1,757	-	263	39,427	3	60	-	**42,084**
FCC[14]	-	-	-	1	1,297	-	-	-	2,966	104	-	-	**4,369**
TOTAL	**0**	**6**	**0**	**1**	**3,761**	**1,857**	**7,798**	**321**	**125,859**	**331**	**10,321**	**0**	**150,257**
	5,626						**144,631**						

Table 3.2 Kitchen and Green Waste

Origin LPA	Kitchen and Green Waste 2023												
	NRW Waste Permit Returns Data Interrogator 2023						EA Waste Data Interrogator 2023						TOTAL
	Inc	Landfill	Rec	Transfer	Treatment	Other	Inc	Landfill	Rec	Transfer	Treatment	Other	
WCBC	-	-	-	3,002	10,372	-	-	-	2,504	5	1,673	-	**17,555**
SC	-	-	-	1	-	-	-	322	72,472	3	210	-	**73,008**
CWaCC	-	54	-	107	113	-	-	-	36,639	138	-	-	**37,052**
FCC	-	-	-	19,269	4,355	-	-	-	-	17	824	-	**24,465**
TOTAL	**0**	**54**	**0**	**22,379**	**14,840**	**0**	**0**	**322**	**111,615**	**164**	**2,706**	**0**	**152,080**
	37,273						**114,807**						

Table 3.3 Compostable Food Production 2023

Origin LPA	Compostable Food Production / Processing Waste 2023						
	NRW Waste Permit Returns Data Interrogator 2023			EA Waste Data Interrogator 2023			TOTAL
	Within LPA	Neighbouring LPA	Further Afield	Within LPA	Neighbouring LPA	Further Afield	
WCBC	1,724	-	-	N/A	394	7,245	**9,363**
SC	N/A	32	239	67,036	12,534	14,600	**94,441**
CWaCC	N/A	2,333	-	16,560	2,727	20,465	**42,084**
FCC	1	1,297	-	N/A	0	3,070	**4,369**
TOTAL	**1,725**	**3,662**	**239**	**83,596**	**15,654**	**45,380**	**150,257**
	5,626			**144,631**			

[9] *Incineration*
[10] *Recovery*
[11] *Wrexham County Borough Council*
[12] *Shropshire Council*
[13] *Cheshire West and Chester Council*
[14] *Flintshire County Council*

Table 3.4 Kitchen and Green Waste 2023

Origin LPA	Kitchen and Green Waste 2023						
	NRW Waste Permit Returns Data Interrogator 2023			EA Waste Data Interrogator 2023			TOTAL
	Within LPA	Neighbouring LPA	Further Afield	Within LPA	Neighbouring LPA	Further Afield	
WCBC	13,361	11	1	N/A	1,540	2,641	**17,555**
SC	N/A	1	-	62,519	9,762	726	**73,008**
CWaCC	N/A	274	1	34,387	2,320	71	**37,052**
FCC	18,842	4,355	426	N/A	15	826	**24,465**
TOTAL	**32,203**	**4,641**	**429**	**96,906**	**13,636**	**4,264**	**152,080**
	37,273			**114,807**			

3.7.7 Data provided by the EA and NRW is typically accurate in respect of local authority collected waste on the basis that waste can be tracked, and its final point of disposal is well understood. Accurate data is difficult, and generally unreliable for green and kitchen waste from the commercial and industrial sectors. Nonetheless, it is useful to understand the way in which collected green and kitchen waste is received, and how that is then transported elsewhere for management/disposal.

3.7.8 Table 3.1 (compostable food production from LPA by source) indicates that at least 18,400 tonnes of compostable food production / processing waste was managed through disposal in 2023. Table 3.2 (kitchen and green waste from LPA by source) confirms that 3,100 tonnes of kitchen and green waste was managed through disposal means in 2023[15]. This suggests that in 2023 there was scope to manage at least 21,500 tonnes of compostable waste collected from the four authorities higher up the hierarchy at a facility such as that proposed.

3.7.9 Table 3.3 (compostable food production from LPA and location managed) 3.4 (kitchen and green waste production from LPA and location managed) demonstrate that circa. 50,300 tonnes of the relevant waste originating in the one of the four authority areas is not managed within the origin authority or any of the immediately neighbouring authorities. This suggests that there is scope for the Proposed Development to capture a significant proportion of the waste currently travelling further afield to be managed more proximate to its source in accordance with national and local policy objectives.

[15] 100% of the waste managed through 'Treatment' in the EA data had a disposal R and D code (either D08 or D09).

3.8 Conclusion

3.8.1 The need and benefits of a development can be a significant material consideration in support of an application and can be used to outweigh the harm caused by development. The principal reason for the Proposed Development is to provide a facility that could service the composting requirements to meet the Shropshire PFI contract. However, the applicant has sought to locate the facility where it can serve as a green and food waste commercial and industrial sector in east Wrexham / Flintshire, south Cheshire and north Shropshire.

3.8.2 The Proposed Development is designed to manage 50,000tpa of green and kitchen waste, of which circa 30,000tpa would be delivered to the site under the Shropshire Waste PFI Contract. This provides 'head room' of circa 20,000tpa to help manage the surplus commercial and industrial green and food waste arising from operations near the site.

3.8.3 The chapter above sets out the wider benefits of commercial scale composting, in terms of its role in driving waste up the hierarchy, reducing climate change, and reducing the need for artificial fertilisers.

3.8.4 The Welsh Government has introduced new mandatory regulations on the collection and disposal of waste and has developed a strategy target of achieving 70% recycling, reuse and composting to help drive waste management up the waste hierarchy.

3.8.5 The majority of the waste to the facility would be via the Shropshire Contract, with only circa 20,000tpa originating from elsewhere Due to the way in which the type of waste accept Using EA Date Interrogator, and NRW permit returns, it can be seen that across Wrexham, Shropshire, CWACC and Flintshire significant volumes of compostable food / kitchen green waste is recovered / transferred, and that much of that residual waste is managed within adjoining authority areas, or transported longer distances before being processed.

3.8.6 It is acknowledged that most of the waste proposed to the development would have originated from within adjoining authorities (namely Shropshire), however that would typically be from the northern half of the County, and the boundary between Wrexham and Shropshire is less than 5km to the east. Tables 3.3 and 3.4 illustrate that in 2023 circa 50,000tpa of green and kitchen waste was transported from its

source to a local authority further afield than the neighbouring authority, and accordingly the Proposed Development, despite managing waste from an adjoining area, would perform better than the majority which transport waste over much larger distances.

4.0 PLANNING POLICY ASSESSMENT

4.1 Introduction

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined against the policies of the Development Plan unless material considerations indicate otherwise. This sets the statutory function of the Development Plan in the determination of applications for planning permission. Review of the Proposed Development against national planning policy is provided below.

4.1.2 This section identifies the main elements of the national planning policy as they apply to the Proposed Development. It then identifies the documents which constitute the Development Plan, assesses their status, and identifies any emerging documents that may be of relevance. The Proposed Development is then assessed in detail against the relevant policies identified.

4.2 The Status of the Development Plan for Decision Making

4.2.1 The planning system is development plan led, for which there are three levels of document. At a national level the **Future Wales: The National Plan 2040** forms part of the development plan for decision making purposes and provides the framework for planning the development the country needs over the next two decades. **Strategic Development Plans**[16]**,** once produced, will cover issues that are strategic and deal with matters that can impact at a regional and sub-regional level. The Regional Plans have not yet been developed and consequently are not considered further. **Local Development Plans** consider issues at a local scale and consequently are most critical in the determination of applications of this nature.

4.2.2 At the point of drafting, the status of the Development Plan in Wrexham has been through significant turmoil. The **Wrexham Local Development Plan (2013 – 2028) (LDP)** was initially adopted by Full Council on the 20 December 2023 and consequently formed part of the Development Plan for the Authority Area. However, the role and position of the plan has been subject to legal review which as fundamentally altered its status.

[16] *Wrexham will ultimately fall within the area to be covered by the Regional Plan for the North*

4.2.3 The LDP proposed 3,100 new homes fundamentally impacting on the road and service infrastructure in Wrexham and altering the context of the authority as a largely rural area. Consequently, the LDP was rejected by the Council Members initially in April, and then again in June 2003. This resulted in a Judicial Review (JR) brought against the Council by a consortium of housing developers that sought to force through the plan to provide a framework against which applications for housing could be granted. This JR concluded with a High Court Judge ruling that the Council were compelled (i.e. *must*) adopt the plan, and failure to do so would leave it, and its members, potentially liable to consequential costs. With the risk of both administrative and personal liability hanging over them, the Members of the Council adopted the LDP, based on the Judgement of the High Court.

4.2.4 Following the adoption of the LDP, a further challenge was made to the Court of Appeal (by a Plaid Cymru Wrexham councillor) against the decision of the High Court, seeking both clarification and a ruling that would overturn of the judgement that the plan *had* be adopted.

4.2.5 Following a hearing into the case, on the 20 December 2024 the High Court, ruled in favour of the claimant, effectively stating that the Planning and Compulsory Purchase Act 2004 as relevant legislation, did not place mandatory (or statutory) duty on WCBC to adopt the LDP, and that Councillors could exercise their discretion in deciding whether or not to do so. The ruling effectively gave councillors more autonomy in determining applications against the policies of the plan, simply because the validity of the LDP as part of the process that led to the plan being adopted had been called into question.

4.2.6 Following a challenge brought under section 113 of the 2004 Act, the High Court issued an Order on 12 June 2025. The effect of the Order is that the vote by Full Council on the 20 December 2023 that adopted the LDP was quashed. This meant that the LDP was returned back to the status of an unadopted plan.

4.2.7 Whilst the LDP has not been formally withdrawn, and the result of the High Court decision did not affect the conclusions of the Examination Inspectors that the LDP was ‘sound’, it no longer has the status of a development plan for the purposes of Section 38(6) of the 2004 Act.

4.2.8 The quashing of the LDP means that the **Wrexham Unitary Development Plan (1999 – 2011) (UDP)**, is returned to the status of 'adopted development plan' and becomes the starting point for determining planning applications.

4.2.9 The UDP was adopted back in February 2005 and was produced to cover the relevant policies for the area until 2011. Consequently, the plan is out of date being underpinned by an evidence base that is over 20 years old. This has been confirmed by appeals allowed for development that are not consistent with the UDP policies, but where material considerations, including evidence prepared to underpin the now unadopted LDP, have been considered to carry sufficient weight to justify a departure from some of the UDP policies. Importantly, the UDP pre-dates **Future Wales: The National Plan 2040** and consequently makes no provision to deliver its key principles and objectives. In light of the above, the weight that the decision maker (be that officer, member, or inspector) gives to the policies of the adopted UDP needs careful consideration.

4.2.10 In considering the weight to be afforded to the policies of the adopted UDP and the unadopted LDP, it is necessary to consider the underlying evidence and background to the respective policies. The evidence that underpins the LDP is, in every respect more up to date than the evidence which underpins the UDP. Furthermore, the unadopted LDP provides a planning framework for 2013-2028, as opposed to the UDP which was prepared as a plan for 1996-2011. The soundness of the LDP has been examined against the prevailing national policy which forms part of the development plan, the UDP has not.

4.2.11 Whilst many of the policies within the UDP and LDP will be consistent, where conflict between the policies of the two plans does exist, given the age and consistency of the LDP with prevailing national development plan policy, it is considered that the weight afforded to the relevant policies of the LDP may be afforded greater weight than those of the UDP, irrespective of the fact the UDP now forms part of the development plan, which the LDP does not.

4.2.12 The Development Plan is supported by a series of Policy Documents that comprise 'material considerations' in the determination of any application for planning permission.

4.2.13 At a national level, this includes **Planning Policy Wales (Edition 12) (PPW)** February 2024, which sets out the land use planning policies of the Welsh

Government and aims to ensure that the planning system contributes and improves the economic, social, environmental and cultural well-being of Wales. The PPW is supplemented and supported by a series of **Technical Advice Notes (TANs)**, Welsh Government Circulars, and policy clarification letters, which together with the PPW provide the national planning policy framework for Wales.

4.2.14 At the local level WCBC has approved a series of **Local Planning Guidance Notes (LPGN)** which amplify Development Plan policy and provide further guidance on how to interpret and apply policy expectations at a local level.

4.3 The Development Plan

4.3.1 As set out above, the Development Plan is currently made up of the National Plan (Future Wales Framework) and the 2005 UDP.

Future Wales: The National Plan 2040

4.3.2 The Welsh Government published its new spatial strategy for Wales on the 24 February 2021. It is entitled the **Future Wales: The National Plan 2040** (the National Plan) and is the first development plan of its kind in the country's history. It is intended to work together with the Regional Plans and adopted LDP's in a more joined up and consistent way, and in doing so, make Wales a great place to live, work and visit. It identifies three National Growth Areas (NGAs), supported by several Regional Growth Areas (RGAs). The NGAs are seen as economically distinctive, supporting a range of businesses, enterprise and universities, and offering culturally rich lifestyles to residents and visitors. One of the three NGAs is 'Wrexham and Deeside', where new energy and transport infrastructure will be actively supported.

4.3.3 **Policy 20** ***(NGA – Wrexham and Deeside)*** states that Wrexham and Deeside will be the focus of investment in the north of the country. It recognises that the region plays an important role in the decarbonisation of the society and supports the revitalisation of renewable energy. The National Plan offers very little policy direction in respect of waste management, and no reference at all to composting (in-vessel or open windrow) or to bio-drying and management of green and kitchen wastes more generally. The only reference is within **Policy 19** *(Strategic Policies for Regional Planning)* in which it states that the Strategic Development Plans should include a co-ordinated framework for mineral extraction and the circular economy, including waste treatment and disposal.

4.3.4 The Economic Action Plan section of the National Plan supports a low carbon economy, and the sustainable location of economic land uses. It is important that the siting of all development is appropriate from a locational perspective (i.e. it serves the market and need that it is intended for in a sustainable and justifiable way); but it is also acceptable from a direct environmental and social perspective (i.e. it offsets any harm caused, and provides betterment to the local environment and community both today and in the future). The Site represents a sustainable and justifiable location for the development of a sub-regional composting facility, both in respect of the targeted market it is intended to service, but also in terms of the direct and indirect impacts on the local area, in accordance with the objectives of the National Plan.

WCBC Unitary Development Plan 1996-2011

4.3.5 As set out above, the status of the UDP has in the last year reverted from a plan having been replaced by the LDP, back to comprising a key component part of the Development Plan. The UDP was adopted in 2005 and comprises two parts – a Strategy that outlines the broad intentions for development in the area; and Specific Policies accompanied by reasoned justifications. Those policies that are considered of most relevance to the determination of the Proposed Development, are appraised below.

4.3.6 **Policy PS1-PS4: Broad Location of Development** direct development to within settlement limits and employment areas, and where development is appropriate within the countryside it should not materially detrimentally affect the countryside, landscape character, open space or quality of the natural environment. The policies support the use of previously developed land and land comprising vacant, derelict or underused land. Whilst the Proposed Development is located beyond the settlement limits, it is located on previously developed land and would utilise an existing industrial building previously used for waste management purposes. The Proposed Development is considered to would comply with the broader objectives of the plan in terms of the broad location of development, irrespective of the fact that it is located within the wider countryside, and development is directed towards settlement limits.

4.3.7 **Policy GDP1: Development Objectives** lists a series of general requirements which development proposals must satisfy as a key function of the planning system. Of relevance in this case, criteria (a) and (b) require that development is of a scale, design and layout to make a positive contribution to the locality, and that personal

and community safety and security is maintained through good design. The Proposed Development is structured around the reuse of an existing, albeit vacant, industrial unit. The facility has been designed to ensure that the standing structure is fully utilised, and that a currently derelict site is brought back into full use. Externally, the site has been designed to provide a pleasant place to work, whilst providing the functionality required to ensure sustainable drainage and on-site biodiversity gain. Appropriate perimeter fencing would be installed to ensure safety and security of those within the facility, whilst being sensitive to the semi-rural site context. Criteria (f - i) aim to ensure that development protects the amenity of the public and safeguard the environment through good design and appropriate mitigation where necessary. The potential impacts arising from the development that could theoretically adversely affect the local environment and amenity of nearby residents have been assessed and considered as part of the preliminary site design. The results of these assessments are provided in support of this application and are shown to not be significant or adverse. The operation of the site as proposed, through the appropriate and careful design of the facility, ensures that the Proposed Development addresses and complies with the general development principles set out within the UDP.

4.3.8 **Policy EC6: Biodiversity Conservation**. The Proposed Development does not lie within an area of biodiversity interest, however, 450m to the south of the Site is the Fenn's, Whixhall, Bettisfield, Wern & Cadney Mosses SSSI, SAC, Nature Reserve and Ramsar Site. **Policy EC6** states that development within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic value of the conservation site. Critically in this case, the Ecological Assessment prepared in support of the application demonstrates that the Proposed Development would not give rise to any unacceptable adverse impacts on the designated sites. Irrespective, the need for the Proposed Development has been set out above, which is clear and demonstrable. The significant need clearly outweighs the very limited impact on the designated site, and consequently the Proposed Development complies with Policy EC6.

4.3.9 The UDP recognises that the County Borough's industrial strength was built largely on traditional heavy industries, and subsequently new jobs have been created in manufacturing, commercial and the service sectors. Despite this the Plan recognises that the local economy faces several economic challenges. **Policy E5: Employment**

in the Countryside provides the policy of relevance to employment generating development in the countryside. It states that:

"Small-scale employment development in the countryside will be permitted through the conversion of existing buildings where the proposal accords with Policy GDP1, and the building is structurally sound and capable of conversion without extensive rebuilding...."

4.3.10 The Proposed Development demonstrably complies with the requirements set out within **Policy E5**.

4.3.11 Symptomatic of the date of the UDP, it states that waste management in Wrexham has traditionally focused on landfilling but recognises that a more sustainable approach towards waste management is required moving forward throughout the life of the plan. **Policy MW12: Waste Management** requires waste management facilities to be located having regard to the following criteria:

(a) the best practicable environmental option (BPEO)[17].

(b) the waste hierarchy – a framework that prioritises waste management options based on their environmental impact aiming to minimise harm and maximise resource efficiency.

(c) the proximity principle – a policy that requires waste to be treated or disposed of as close to its source of origin as possible to reduce the environmental impact associated with transporting waste over long distances. and

(d) regional self-sufficiency – a regions ability to manage its own waste within its boundaries, ideally without relying on external waste management facilities or imports.

4.3.12 Irrespective of these criteria, it provides support to facilities for sorting, transferring and processing of waste within sites on general industrial estates. Whilst the Fenn's Bank site is not a 'traditional' industrial estate, it does form part of a wider well established mixed industrial area. The site itself has been used for many years for the processing and recycling of aluminium slag wastes, and the former aluminium

[17] *Assessment previously required at application level is now replaced by Strategic Environmental Assessment (SEA) and Best Available Technique (BAT) at local plan level*

processing building is proposed to be converted and used as the main operational facility for the IVC operations. More widely the Mereside Industrial Park to the south of the site represents a small mixed industrial estate occupied by a variety of manufacturing, industrial and service sector uses.

4.3.13 The criteria within **Policy MW12**, whilst well meaning, are not reflective of national policy. The requirement to demonstrate BPEO at application level has been replaced by Best Available Technique (BAT) and Strategic Environmental Assessment (SEA) undertaken at development plan level. BAT provides the same level of protection and aims to prevent or reduce emissions and impacts on the environment as part of the permitting and design process rather than forming an explicit policy requirement for planning applications. The Proposed Development has been designed cognisant of BAT requirements and developed to ensure that environmental impacts are minimised and mitigated appropriately.

4.3.14 The Waste Hierarchy aims to drive the management of waste towards reduction, reuse and recycling ahead of recovery and disposal, albeit all levels of the hierarchy are still required, and facilities needed to meet that requirement. The Proposed Development would process and manage green and food wastes that would otherwise be transported over significant distance to sites with available IVC or AD capacity, or it would be disposed of to landfill. One of its primary functions therefore is to help drive the management of waste up the waste hierarchy in accordance with the objectives of the hierarchy.

4.3.15 The Alternative Site Assessment **(ASA)** demonstrates how the site location was selected, principally to help meet an identified need to meet the need of SCC, but at the same time is well located to serve the commercial / industrial market covering the wider sub-region of east Wrexham and CWaC. The site has identified as providing a sustainable location that complied with the search approach set out within the Shropshire LDF Core Strategy, which identified a “northern spatial zones” and “broad locations for waste facilities”. The principles of proximity are about ensuring that waste management facilities come forward at sites which are proximate to the source of waste arising so that the cost and environmental impact of transporting waste distances over the public highway, are minimised. The ASA demonstrates the appropriateness of the site to meet the identified need, and that this was focused on minimising unnecessary transportation distance, in accordance with the proximity principle.

4.3.16 Regional self-sufficiency refers to a region's ability to manage its own waste within its boundaries, minimising reliance on external, and potentially distant facilities. It is linked to the proximity principle which emphasises the need to manage waste as close as possible to its source of arising. The cross-boundary movement of waste material between Wales and England (and visa versa) is not prohibited by law, neither is it actively supressed by policy or guidance. National Policy (PPW 2024) explicitly recognises that collaboration is necessary to strategically plan for waste and mineral needs, and that authority boundaries should not form a barrier to waste movement in order to ensure that waste is managed at the most appropriate and sustainable locations. TAN 21 states:

"It should be noted that not all waste arising in Wales is managed in Wales, some is 'exported'. Waste is also imported into Wales for management at Welsh Facilities."

4.3.17 The Guidance recognises that waste is a resource, and the ability to manage imported waste into the Country is an asset which helps generate investment, jobs and fiscal benefits. 'Regional' self-sufficiency is not limited to the boundaries of Wales. In this instance the 'region' that would be served by the Proposed Development includes parts of west Cheshire, Wrexham, and Shropshire, and it is the economic constraints of transporting waste across greater distance that will ensure that the waste that is managed within the facility is 'local' and from within a sustainable and limited catchment.

4.3.18 The fact that the need for the Proposed Development has been defined at the start of the project, and the development has come forward to meet a specific and identified requirement (i.e. it is not a speculative development without a defined contract to meet) means that the objectives set out within **Policy MW12** are appropriately met.

4.4 Material Policy Considerations

4.4.1 The relevant topic-specific parliamentary legislation and guidance framework relevant to each environmental topic is identified and addressed within each appendix to this Statement.

WCBC Local Development Plan 2013-2028

4.4.2 The LDP was 'tested' under examination between 2019 and 2022. The examining inspector concluded that the plan was 'sound'[18], and consequently the LDP was adopted on 20 December 2023. As set out above, the process through which the plan was adopted was subsequently subject to successful legal challenge, and the consequence was that the adoption was quashed, and the LDP no longer forms part of the Development Plan. For the reasons set out above, the plan can still be given significant weight in the determination of applications for planning permission, where the policies of relevance more accurately reflect the prevailing national policy. For that reason, the plan is considered further below.

4.4.3 The principal aim of the LDP is to contribute to sustainable development. It does this through a series of policies that collective aim to deliver and meet the Key Issues, Vision and Objectives. The Vision is that by 2028, Wrexham will be an attractive, distinctive and accessible place where people will want to live, work, visit and invest. This is achieved through several Strategic Objectives. Of direct relevance to the Proposed Development:

4.4.4 **Objective SO2** looks to support a vibrant, diverse and competitive local economy that provides a range of job opportunities and enables new and existing business to grow.

4.4.5 **Objective SO5** seeks to meet the future needs of a growing population by providing the right type, mix, quantity and amount of development and infrastructure in sustainable and accessible locations.

4.4.6 **Objective SO12** aims to facilitate the provision of an integrated network of waste facilities that enable waste to be managed in a sustainable way. This is to be achieved by managing waste in the most sustainable and environmentally sensitive way, driving it up the waste hierarchy.

4.4.7 **Policy SP2: Location of Development** states that: *"New development is directed to the defined settlement limits and employment areas as illustrated on the Proposals Map."* The Proposed Development is located on a site that is beyond the extent of settlement limits and not within a defined employment area. Any land beyond the settlement limits or employment areas are classed as open countryside where

[18] *Is positively prepared, justified, effective, and consistent with national policy*

development is strictly controlled. The application site is 'washed over' by countryside, however it is formerly developed having been operated for many years as an aluminium recycling facility. The Proposed Development would result in very minor physical changes to the existing facility (the most notable addition being the erection of a 27m stack on the biofilters) and operate under operational conditions that are more restrictive than those under which the previous use operated.

4.4.8 **Policies EM4 and EM5** are identified as setting out the detailed criteria under which employment development within the Open Countryside need to be assessed. **Policy EM4 (Employment Development Outside Settlement Limits)** provides a series of criteria under which employment development outside settlement limits is required to comply. The criteria of relevance are considered below and relate to conversions of existing industrial buildings:

i. The building is suitable and structurally sound and capable of conversion without extensive alteration – As set out above, the building is structurally sound, and very limited alterations are required. Other than a new biofilter and maturation pad, external to the building, no major redevelopment work is required. Both the internal and external fabric of the building is structurally sound and fit-for-purpose.

ii. Conversion does not result in unacceptable impact on the structure, form, character or setting of a building of architectural merit – The Proposed Development does not have any direct impacts on an asset of historic or architectural value.

iii. The proposed use would not result in harmful effect on the character of the Site – As set out throughout the documents in support of the application, the proposed use would not give rise to any unacceptable adverse impacts.

4.4.9 Considering the above, the Proposed Development complies with **Policy EM4**, and whilst there may exist minor conflict with the broad objective of **Policy SP2**, development as proposed at this location is acceptable in the Open Countryside. The LDP includes a series of Strategic Policies that help to deliver high quality sustainable development. Those considered of most relevance to the determination of the application, and how the proposal has sought to reflect the relevant policy objectives are considered below.

4.4.10 The Plan places significant emphasis on economic growth, accessibility health and wellbeing. It recognises that transport underpins this Strategy, and the contribution that the transport network plays to delivering sustainable economic growth is critical. **Policy SP11: Transport and Accessibility** seeks to ensure that the transport network is developed in a safe, efficient and sustainable manner. It looks to restrict development that would have an unacceptable impact on safe and efficient operation of the network. The application is accompanied by a Transport Statement that has assessed the potential impact on the local and wider road network from the grant of planning permission for the development as proposed. The Transport Statement concludes that access would continue to be achieved via the existing private access road, and the proposed access arrangements are acceptable having regard to the fact the Proposed Development is forecast to result in an overall decreased in vehicular trips when compared against the lawful use of the Site (as an aluminium processing plant). The Proposed Development is forecast to generate 115 two-way total vehicle trips per day. When compared against the trip generating potential of the permitted operations this could result in a net reduction of 580 two-way trips per day.

4.4.11 **Policy SP12: Design Principles & Masterplanning** requires all development to be of high quality, sustainable design that makes a positive contribution to the creation of locally distinctive places. The approach taken to the design of the facility is set out within Chapter One (under 'Design and Access'), which explains that the design is both logical and purposeful. The design has sought to maximise the use of existing infrastructure, both to reduce costs and to minimise unnecessary environmental harm. The operational specific design changes (e.g. introduction of fast action roller shutter doors, development of bespoke biofilters) have been introduced to ensure that the facility can function effectively, whilst at the same time mitigate against potential environmental impacts. Finally, the design of the peripheral elements (fencing, landscaping, ecological mitigation) have been introduced to be fully functional, but at the same time provide aesthetic improvements. The facility has been designed to be functional and provide a positive contribution to the local environment, wholly in accordance with the policy objectives.

4.4.12 **Policy SP14: Natural Environment** recognises that the natural environment is one of Wrexham's greatest resources that needs to be protected, conserved and enhanced. It states that development will only be permitted where it protects and enhances European, National and Local designations. 450m to the south of the Site

is the Fenn's, Whixhall, Bettisfield, Wern & Cadney Mosses SSSI, SAC, Nature Reserve and Ramsar Site. The application is accompanied by an Ecological Assessment and Biodiversity Net Gain Assessment that demonstrates that the Proposed Development would not give rise to unacceptable adverse impacts and would provide ecological net gain. The development would comply with the objectives of the policy.

4.4.13 **Policy SP15: Historic and Cultural Environment** provides that development will only be supported where it conserves, protects, preserves or enhances identified cultural and historic assets. 340m to the north of the Site is the Grade II Listed Barn at Fenn's Old Hall. The location and design of the IVC has been developed to ensure that it would not give rise to unacceptable direct or indirect adverse effects (on the setting) of the historical asset. The Proposed Development would comply with the requirements of the policy.

4.4.14 **Policy SP16: Minerals Supply and Safeguarding** (and **Policy MW1 Minerals Safeguarding)** seek to ensure that minerals are sustainable managed. This includes safeguarding minerals against sterilisation. The Site is located within a Sand and Gravel Mineral Safeguarding Area, where non-mineral development is required under Policy MW1 to demonstrate that either the mineral underlying the site does not merit extraction, or the need for non-mineral development outweighs the need to protect the resource. The Site is occupied by an existing industrial development for which permit, and planning permission remain in place, and could be re-implemented should planning permission is not granted for the Proposed Development. Consequently, the grant of planning permission for the Proposed Development would not sterilise the mineral reserve to any greater extent than would be the case if planning permission were refused.

4.4.15 **Policy SP17: Sustainable Waste Management** (and **Policy MW5: Sustainable Waste Management)** recognise that Wrexham is in a transitional period with respect to waste management. Policy SP17 states that Wrexham will contribute towards the sustainable management of waste through several measures. This includes the provision of a range of sites suitable for waste management. By virtue of the information and evidence provided in support of this application, the applicant has demonstrated that the site is suitable for waste management as proposed. The site has historically been operated as a waste management facility for the processing and recycling of aluminium slag, and the conversion of the building on site for use as

an IVC would not result in any unacceptable environmental impacts that would justify the refusal of planning permission.

4.4.16 Policy SP17 supports proposals that would move the management of waste up the waste hierarchy, and aims to ensure that recovery capacity is available, but overprovision is not provided.

4.4.17 As discussed above, the Proposed Development would accept green and food waste from several sources. Historically, where green waste has been co-mingled, it has been transferred to IVCs typically to the west of Shrewsbury and to the west of Birmingham. In addition, Veolia operates small open windrow composting facilities at Telford, Coven and Acton, which accept green waste only. Green and food waste will be co-mingled following the introduction of mandatory food waste collections, so these facilities will become unsuitable to treat the waste stream as they are unable to accept co-mingled waste. Consequently, due to this lack of capacity, green and food waste is required to be either transferred over long distances to alternative AD facilities or sent for disposal at landfill. Therefore, an alternative solution is needed that can both meet the needs of the contract with SCC and produce a final product of which the quality can be guaranteed at a location that is proximate to the likely sources of most of the waste arising (see Alternative Site Assessment at Appendix H). The Proposed Development provides this solution.

4.4.18 The compost product arising from the Proposed Development could be used in the remediation and improvement of agricultural land or private gardens. The facility is intended to help service an identified contract and provide additional headroom which would be met by other commercial green and food waste generated within the local area. The primary cost of waste management at all levels of the waste hierarchy is from the transport of waste from source to final point of management.

4.4.19 Consequently, overprovision would render the development uneconomical and as a result it would not get development (the ‘fallback’ alternative would kick in and the site would be re-developed as currently consented, as a aluminium slag processing facility). It is basic economics that prevents over-provision of facilities as opposed to any policy led objective. Historically, the overprovision of waste facilities can only realistically happen where multiple landfill sites are consented and developed disincentivising investment in waste recycling and recovery facilities further up the waste hierarchy. The introduction of the landfill tax escalator, alongside other fiscal

incentives has removed this likelihood, and rendered the need for policy to control overprovision.

4.4.20 The Plan places carbon emissions and climate change at its heart. **Policy SP18: Climate Change** provides a framework for sustainable growth by encouraging development that mitigates the causes of climate change and can react to its likely effects. The likely effects of climate change are more frequent and intense extreme weather events e.g. flooding. The Site is not located within an area at risk from flooding from river, sea, surface water or reservoir. The application is accompanied by a Drainage Statement informed through a drainage survey. The drainage survey shows that surface water drainage from the site is drained by a network of surface water drains which ultimately discharge to a 600mm surface water drain immediately north of the site. The 600mm surface water drain discharges to an unnamed watercourse located approximately 240m north-west of the site. In order to achieve an appropriate discharge rate post implementation of the Proposed Development, attenuation storage is required. An attenuation storage feature and flow control serving the main composting facility compound and access road is illustrated on the Concept Drainage Sketch 1 and comprises a large water storage pond. A separate attenuation storage feature and flow control, in the form of an underground tank, will serve the car park and existing office building. This is also illustrated on Concept Drainage Sketch 1.

4.4.21 As set out above, the Proposed Development would take co-mingled green and food waste from the residual waste stream which would otherwise be transported to IVCs and/or AD facilities remote from the source of arising or disposed of to landfill. The existing processing facilities located within Shropshire are either unable to accept co-mingled waste (because they are OWC facilities) or they are not within the control of the contract holder and both availability of capacity and quality of product cannot be guaranteed.

4.4.22 Landfills and OWC can negatively impact climate change primarily through the release of methane gas from the breakdown of biodegradable waste untreated and/or release of carbon dioxide and nitrous oxide. Methane is a potent greenhouse gas which traps significantly more heat than carbon dioxide as it decomposes in the absence of oxygen, thereby contributing significantly to global warming. The Proposed Development thereby directly helps contribute to reducing global warming

by taking a significant contributor out of the waste stream and converting it into a usable product.

4.4.23 **Policy MW6: Waste Management Facilities** provides a framework for the assessment of planning application for waste management facilities. It expands of Policy SP17, and represents one of the most relevant policies for the determination of waste facilities such as that proposed. The supporting reasoned justification provides the context against which the policy was prepared. It states that:

"In order to provide certainty for communities and the waste industry most waste uses will be directed towards existing and allocated employment sites with a B2 use[19]. However, not all employment sites will be suitable for all types of waste management, and it is important to ensure that those uses that have the potential to generate nuisance are located away from sensitive receptors."

4.4.24 This is then reflected within the policy in which it states:

"Proposals for the management of waste will generally be supported on existing or allocated employment sites for B2 uses subject to the criteria below…"

4.4.25 The policy then proceeds to list a series of allocated employment sites, albeit this is not exhaustive of all sites which house employment uses. One such absent site is that on which the Proposed Development is located. The site is part of Mereside Industrial Park, Fenn's Bank, which houses several light industrial uses, and which benefits from an extant general industrial / waste consent for aluminium recycling and processing. The employment sites listed within the policy have been considered as part of the Alternative Site Assessment (ASA) to determine whether any of them are preferable to the Proposed Development.

4.4.26 The second half of the policy provides a series of criteria that should be met if waste management development is proposed outside existing settlement boundaries or on land not allocated for waste or a B2 use. The Proposed Development is beyond the settlement boundary and is not on land listed under the first half of the policy (despite

[19] *Use Classes Order 1987 (as amended) B2 – General Industrial not classified under Use E (Commercial, Business and Service). This class excludes incineration, chemical treatment, landfill and hazardous waste activities.*

it being historically used for industrial/B2 use. Considering this, it is deemed appropriate to appraise the development against the criteria listed:

"Proposals for the management of waste outside existing settlement boundaries or on land not allocated for waste or a B2 use may be supported provided:

(i) The proposed development cannot be located on land allocated for employment uses or within the development boundaries due to the scale or nature of the proposed development; ***or***

(ii) The proposal is intended to manage waste arising entirely on site; **or**

(iii) There is a demonstrable need for the waste management facility type concerned and there are no allocated sites within a reasonable distance, taking into account the catchment of waste; ***and***

(iv) The site is outside the AONB; ***and***

(v) There is provision for restoration upon cessation of the approved use…"

4.4.27 Criteria (i-iii) represent optional criteria (i.e. one or the other is required to apply). In this case, there is a demonstrable need (set out within Chapter 3.0 above), and there are no allocated sites that are preferable or which can better meet that need (See ASA). In terms of criterion (iv) the site lies outside the AONB. With respect of criterion (v), the Proposed Development proposed is permanent on the basis that it is not temporary development as may be the case for a landfill or OWC facility. Consequently, whilst there exists a minor conflict with criterion (v), the criterion is not considered applicable in this case and taken as a whole, the Proposed Development is considered to accord with the policy objectives.

Planning Policy Wales (Edition 12, February 2024)

4.4.28 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government, the latest edition of which (edition 12) was published in February 2024. It is supplemented by a series of Technical Avice Notes (below), Circulars and policy clarifications. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development, which is defines as: *"The process of improving economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals."*

4.4.29 Key Planning Principles within the PPW that are relevant to the Proposed Development are to;

i. Grow the economy in a sustainable manner.

ii. Make the best use of resources.

iii. Maximise environmental protection and limit environmental impact.

4.4.30 The Proposed Development aligns with all the Key Principles, by bringing a vacant and redundant former industrial site back into beneficial use, generating economic growth, securing local employment, and utilising waste as a resource. Consequently, it makes the best use of the resources available and maximises environmental protection by ensuring the facility is designed to a high standard and can operate in accordance with a permit that will protect the local environment.

4.4.31 The PPW sets out the role and responsibilities of the Welsh planning system, and how that should operate by being effectively led by sound policies of an up-to-date development plan. The development plan in Wrexham has been through some elements of flux in recent months, and consequently the former adopted LDP is now in effect replaced by the somewhat dated UDP. Nevertheless, the application has been appraised against the relevant policies of both documents in order to ensure that there is no conflict or inconsistency with the plan when taken as a whole (irrespective of its status), and where there is any suggestion of policy conflict, this is justified, and on-balance still represents sustainable development. This assessment process is provided as part of the conclusion to this document in the form of a Planning Balance assessment.

4.4.32 Central to PPW policy in terms of site selection for development is a presumption towards Previously Developed Land (PDL). PDL (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The PPW states that PDL should, wherever possible, be used in preference to greenfield sites where it is suitable for development. Furthermore: *"Planning authorities should work with landowners to ensure that suitably located PDL sites are brought forward for development and to secure a coherent approach to their development."* The application site is demonstrable PDL and would bring an otherwise derelict and

unused appropriate site back into beneficial use, wholly in accordance with the site objectives of PPW.

4.4.33 Chapter 5 of PPW is entitled 'Productive and Enterprising Places' and covers the economic components of placemaking. It defines 'economic development' as: *"…the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes….Economic land uses include construction, energy, minerals, waste and telecommunications sectors…"* The Proposed Development is therefore included as an 'economic development' and the relevant policies that promote and support the development of such apply. The Welsh Government seeks to maximise opportunities to strengthen the foundational economy, and PPW states that the planning system should be supportive of this aim.

4.4.34 With regard to waste management, Chapter 5 sets includes a section entitled 'Making the Best Use of Material Resources and Promoting the Circular Economy'. It states That:

"Placemaking embraces the inter-relationships between the built and natural environment…A circular economy is one which aims to keep materials, products and components in use for as long as possible. There are environmental, social and economic benefits of taking such an approach, most notably the increased value and productivity of materials, financial savings for the construction sector and the prevention of waste…The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses whilst at the same time:

- *Minimising adverse environmental impacts and avoiding risk to human health;*
- *Protecting areas of designated landscape and nature conservation from inappropriate development; and*
- *Protecting the amenity of residents, of other land users and users affected by existing or proposed waste management facilities.*

The Welsh Government's policy for waste management is contained in Towards Zero Waste, Beyond Recycling and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these

documents and in doing so reflect the priority order of the Waste Hierarchy…The Waste Hierarchy provides the key starting point for all types of waste management proposals. However, consideration of the hierarchy should be set against the wider, social, economic, environmental and cultural factors which are relevant in any case."

4.4.35 With regard to providing a wide ranging and diverse waste infrastructure, the PPW states:

"Planning authorities must support the provision and sustainable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste. The 'Nearest Appropriate Installation' concept should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities."

4.4.36 The PPW recognises that collaboration and joint working may be necessary to respond strategically to the requirement identified as part of waste monitoring.

Towards Zero Waste: One Wales: One Planet

4.4.37 Towards Zero Waste was published by the Welsh Assembly Government in June 2010 as the Overarching Waste Strategy Document for Wales. It describes at a high level how Wales will deal with waste in Wales to produce benefits for the environment, the economy and social wellbeing. Interestingly, the document provides an intermediate step in 2025 towards achieving net zero in 2050. It defines 2025 as an aspirational end point where all waste that is produced is reused or recycled as a resource, without the need for landfill or energy recovery.

"By 2025, we will have significantly reduced waste and will manage any waste that is produced in a way that makes the most of our valuable resource. This will mean that we will maximise recycling, minimise the amount of residual waste produced and landfill as close to zero waste as possible."

4.4.38 The Proposed Development provides a sub-regional solution to a localised need for a composting solution that can service an established contract with SCC, but which can also accept residual green and food waste from the surrounding areas of east Wrexham and south Cheshire.

4.4.39 The document provides targets and priorities for reuse, recycling and landfill reduction (albeit from 2015 to 2025). It relies on statistics used by the Waste Framework Directive, and, for the collection of Municipal Waste, it targets a minimum level of preparing for reuse and recycling/composting of 70% by 2025. This has driven the move to obligating source separated food waste from kitchens at a municipal level, but had no impact on compostable waste within the commercial / industrial waste stream.

4.4.40 Whilst now somewhat of a dated statistic, it remains an interesting fact that:

"In a recent study of landfilled mixed commercial and industrial waste commissioned by the Environment Agency Wales, it was estimated that Welsh businesses threw away waste worth £30 million pounds in 2005 – around half a million tonnes of potentially recyclable materials went to landfill. If this mixed waste had been separated at source, up to 77 per cent could have been reused, recycled or composted. These are materials and products 'left over' from out-of-date manufacturing techniques which cannot be easily recycled, and the only way of managing them is to dispose of them."

4.4.41 The Proposed Development complies with the Plan objectives to help the delivery of increased levels of recycling / composting ahead of waste to landfill, however it is now dated in terms of its statistical and target setting value.

Beyond Recycling: A Strategy to Make the Circular Economy in Wales a Reality

4.4.42 In 2021 the Welsh Government produced *Beyond Recycling: A strategy to make the circular economy in Wales a reality.* Post Brexit and the coronavirus pandemic, it represented a new look at how Wales should manage resources in order to become truly 'green', tackle climate change and reverse the broader decline in biodiversity. It is structured around the need to develop a circular economy, where resources and materials are in use for as long as possible by driving the management of material up the waste hierarchy, and avoids all unnecessary waste[20].

[20] *As opposed to a 'linear economy' which assumes a constant supply of natural resources or the take-make-use-dispose culture based on the extraction or resources, production of goods and services, and the disposal of post-consumer waste.*

4.4.43 It sets a minimum statutory target for the reuse, recycling or composting of waste of 70% by 2025 from household, commercial and industrial business, and to maintain a trajectory towards zero waste[21] by 2050.

4.4.44 The document confirms that progress has been made over the last two decades, from recycling less than 5% of municipal waste at the start of devolution, to around two thirds in 2020. Indeed, there is much to be proud of, with a recent article produced by Eunomia, announcing Wales as the second-best recycling nation in the world![22]

4.4.45 At the industrial / commercial level, 67% of waste is recycled. Nonetheless, there remains room for further movement away from landfill to reach an objective of zero waste[23], and to become a truly circular economy by 2050.

Welsh Government Statistics to Meeting Policy Objectives

4.4.46 The Welsh Government publishes a series of statistics on the annual reuse / recycling / composting rates achieved by each local authority[24]. Whist across the country many Local Authorities are meeting, and in some cases exceeding the 70% target by 2025, the figures for North Wales (Anglesey; Gwynedd; Conwy; Denbighshire; Flintshire; and Wrexham) are less impressive, with an average percentage of 66.6% of waste reused / recycled / composted in 2024. For Wrexham alone, the figure is 63.8%.

4.4.47 In terms of industrial and commercial waste, the statistics were last updated in 2010 based on a survey carried out by Urban Mines in 2007[25]. Consequently, the data is not especially up to date. It states that less than 1.5% of industrial/commercial waste was composted and 49.6% was either recycled, composted or reused. The management and treatment of the industrial / commercial waste stream has not been subject to the same degree of policy changes, fiscal incentives and awareness

[21] *By 2050, any discarded materials are recycled and re-circulated in the economy with virtually no loss of materials from the system – effectively 100% recycling, composting or preparation for re-use.*
[22] https://eunomia.eco/reports/global-recycling-league-table-phase-one-report/
[23] *Zero Waste is where all waste that is produced is re-used or recycled as a resource, without the need for any landfill or energy recovery*
[24] https://statswales.gov.wales/Catalogue/Environment-and-Countryside/Waste-Management/Local-Authority-Municipal-Waste/annualreuserecyclingcompostingrates-by-localauthority-year
[25] https://statswales.gov.wales/Catalogue/Environment-and-Countryside/Waste-Management/Industrial-and-Commercial-Waste/ThousandTonnesOfIndustrialAndCommercialWaste-by-Management-Sector

campaigns that the municipal waste stream has. Consequently, the suite of facilities needed to manage commercial and industrial waste have not come forward at the same rate as have been to manage household generate waste. It is therefore reasonable to assume that the figures available from 2010 have not changed material despite the passing of fifteen years.

Wellbeing of Future Generations (Wales) Act 2015

4.4.48 The Wellbeing of Future Generations (Wales) Act was a landmark piece of legislation in Wales aimed to improve social, economic, environmental and cultural well-being of Wales by placing sustainable development at the centre of decision-making. It is focused on providing the statutory measures to ensure that public bodies do what is necessary now and, in the future, to meet the challenges of climate change, poverty, health, wellbeing and economic activity. It defines sustainable development as:

"…the process of improving the well-being of Wales by taking action to meet the needs of the present without compromising the ability of future generations to meet their own needs..."

4.4.49 With that in mind, it provides several goals to achieve a prosperous, resilient, healthier, more equal Wales. To meet the goals is encourages, amongst other things, measures to improve recycling (including composting), biological diversity, and reduction in greenhouse gas emissions. The Proposed Development helps to meet these goals and move towards a more sustainable Wales.

Shropshire Core Strategy

4.4.50 The Proposed Development is located wholly within Wales and within the administrative authority area of Wrexham. Nonetheless, the development has been designed and financially secured, in part, to provide a sustainable located composting facility to manage green and co-mingled food waste from SCC as part of an integrated 32-year contract. This will not only ensure that waste which would otherwise be diverted to landfill, or transported significant distance to available IVC or AD, can be managed more sustainably, but it will also provide for improved kerbside recycling generally. The 'headroom' capacity within the facility following receipt of waste from the PFI contract with SCC, would be used to accept commercial and industrial green waste from the local area (principally from within Wrexham).

4.4.51 Given that a majority percentage of the waste accepted at the site would have been imported over the border from Shropshire, despite the fact that the site is within Wrexham, it is considered appropriate to appraise how the proposal would comply with the Shropshire Core Strategy Policies, where relevant to the development.

4.4.52 The Core Strategy was adopted in February 2011, and sets out the vision, strategic objectives and strategy to guide development in Shropshire. In terms of waste management, it recognises the need for resource efficiency and encourages proposals for additional capacity to divert waste away from landfill. Interestingly it states sustainable waste management will be achieved by:

"…diverting waste away from landfill in a way consistent with the waste hierarchy and the principles and targets of national, regional and local policies and strategies, including…allowance for cross boundary waste flows…"

4.4.53 It includes a figure setting out the 'broad locations for waste management'[26] that includes "Broad Locations for Additional Waste Facilities" and "Spatial Zones" which are the areas of the authority, and beyond which benefit from similar characteristics. These areas (both the Broad Locations for Additional Waste Facilities and the Spatial Zones cross into adjoining authorities where relevant or where development beyond the boundary to meet the authorities needs may be appropriate. The Proposed Development is located within the Northeast Spatial Zone and critically falls within the Broad Location for Additional Waste Facilities that covers Market Drayton, Whitchurch and Wem. Accordingly, development within the proposed site is supported by the Core Strategy as an identified area for additional waste facilities.

Local Planning Guidance Notes

4.4.54 Wrexham Council has approved a series of local planning guidance notes which amplify Development Plan policy and are used to help to interpret policy needs. Note 26 provides guidance in respect of *Landscape and Industrial Development*. The note states that new development can provide opportunities for exciting and sustainable landscape and building design and provides actions that will help ensure that development reflects the local vernacular and context of the area in which it is located. The Guidance Note (alongside Note 07 *Landscape and* Development and

[26] *Figure 9 – Broad locations for Waste Management Sites in Shropshire*

Note 24 *Designing out Crime)* have been used in the design decisions made, as set out within Chapter 1.0 above.

4.5 Planning Policy Conclusions and Summary

4.5.1 The Statutory and legal Planning Framework[27] requires applications for planning permission to be determined against the policies of the Development Plan unless material considerations indicate otherwise. In this case and following a recent series of legal challenges as to the status of the plan making documents in Wrexham, the primary Development Plan document is the UDP, which was adopted back in 2005 and underpinned by an evidence base that is over 20 years old.

4.5.2 Consequently, it does not make provision to deliver the principles of the National Plan 2040, and it provides policies that do not reflect the status of the borough as is currently the case. Nonetheless, those generic development management policies that were adopted several decades ago, and remain largely consistent with national planning objectives, represent the policies of the Development plan that are most relevant to the determination of the application. Alongside consideration of several of the policies of the UDP, policies of the LDP were initially adopted in 2023, and the evidence base on which they were adopted remains broadly up to date. For the reasons set out within this chapter, the LDP can still be given significant weight where the policies more accurately reflect prevailing national policy.

Planning Determination and the Development Plan as a Whole

4.5.3 Set out at the heart of PPW is a presumption in favour of sustainable development. For decision making the presumption means that planning permission should be granted where a proposal accords with an up-to-date Development Plan.

4.5.4 The principles relevant to determining whether a proposal is *"in accordance with the development plan"* have been established across several well referenced planning cases, the most relevant in this case are summarised as follows:

[27] *Section 38 of the P&CP Act 2004 and Section 70 of the TCP Act 1990 (both as amended)*

i. The PPW duty (above) can only be properly performed if the decision-maker establishes whether the proposal accords with the Development Plan taken as a whole[28];

ii. Development plan policies can *"pull in different direction"* i.e. some policies may support a proposal, whilst others may weigh against it[29];

iii. A decision maker is required to assess a proposal against potentially competing policies and then *"decide whether in light of the whole plan the proposal does or does not accord with it[30];*

iv. *"This is not a mathematical or mechanical exercise. It is not a question of counting how many policies the development complies with and how many it is in conflict with in order to determine whether the application accords with the plan…"* Instead, it is a case of the decision maker coming to a view as to the policies that are most important to the determination and then forming a professional judgement as to whether the development is in accordance with the overall objectives of the plan[31];

v. This exercise calls for a series of judgements to be made, which may include determining the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal[32].

4.5.5 In Cornwall Council v Corbett the Council concluded that a tourism proposal would cause 'slight/moderate' harm to an Area of Great Landscape Value (AGLV). This resulted in a breach of Policy 14 of the Local Plan which provided that; *"…Development will not be permitted that would cause harm to the landscape, features, and characteristics of the AGLV".* In that instance the Council gave 'limited weight' to the breach of Policy 14 and, having had regard to policies in the Local Plan which were strongly in favour of the proposal, concluded that the proposal would be in accordance with the Development Plan when taken as a whole.

[28] *BDW Trading Ltd V Secretary of State for Communities and Local Government [2016] EWCA Civ 493*
[29] *R v Rochdale Metropolitan Borough Council ex parte Milne [2000] EWHC 650*
[30] *City of Edinburgh Council v Secretary of State for Scotland [1997] 1 W.L.R. 1447*
[31] *R v Rochdale Metropolitan Borough Council ex parte Milne [2000] EWHC 650*
[32] *R (on the application of Corbett) v Cornwall Council [2020] EWCA Civ 508*

4.5.6 At first instance, the presiding judge considered that the accordance question turned on the proper interpretation of the Local Plan, stating that: "…*If saved Policy 14 means what it says, the plan would require the application to be refused. In these circumstances a decision granting planning permission would be a decision made not in accordance with the plan."*

4.5.7 The Court of Appeal disagreed with the judges' conclusions in this regard. It concluded that, despite the trenchant terms of the policy, conflict with Policy 14 did not necessarily deprive a proposal of the *'statutory presumption in favour of the development plan'.* Once the relevant policies were correctly understood, determining whether the proposal was in accordance with the development plan taken as a whole was *"classically a matter of planning judgement for the Council as planning decision maker."*

4.5.8 The Cornwall judgement brings into clear focus, that where a policy states that permission will be refused if a development is not in accordance with it, it does not as a matter of fact mean that it should be so in all cases. It must remain the case that the decision maker needs to consider the development plan taken as a whole, not as an isolated policy irrespective of what other policies might say.

4.5.9 As set out in R v Rochdale Metropolitan Borough Council ex parte Milne [2000] EWHC 650, Development Plan policies can pull in different directions (i.e. some may support, and others may weigh against it).

4.5.10 In this case, the Proposal may be viewed as having some tension with those policies of the Development Plan that direct development to within settlement limits and defined employment areas[33] simply because the site lies within the countryside. However, when taken a collective group of policies, their objective is clearly to ensure that development does not adversely affect the countryside, and that when preferable within the countryside, developers should look sequentially towards vacant previously developed land ahead of 'virgin' undeveloped land the open countryside. It is demonstrably the case that the Proposed Development complies with these wider policy objectives, alongside all other policies of the plan which seek to guide the location, design and opportunities brought by future development.

[33] *Policies PS1 – PS4 of the UDP and SP2 of the LDP*

Consequently, the process of determination should be clear and straight forward, and the application accords with the Development Plan, taken as a whole. Accordingly, the presumption in favour of sustainable development applies, and planning permission should be granted unless material considerations indicate otherwise.

4.5.11 The scope of what may constitute a material consideration is very wide and has come to be defined by case law. In general, the courts have taken the view that a material planning consideration is one that is relevant to making the planning decision in question, but that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of development on the value of property of loss of private rights to light are not material considerations. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to any material considerations in each case, and the courts will not get involved in the question of weight.

4.5.12 In this case, a number of environmental assessments have been undertaken in order to determine whether any impacts arising from the construction and/or operation of the development are so significant that, following implementation of identified mitigation, they are material to the determination of the application. The results are summarised in Chapter 5.0 below.

5.0 SUMMARY OF ENVIRONMENTAL EFFECTS

5.1 Introduction

5.1.1 The Planning Acts[34] against which planning applications are required to be determined state that planning applications should be granted in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The assessment above demonstrates that the Proposed Development accords with the relevant policies of the Development Plan. Material considerations may exist that justify determination contrary to that presumption in favour provided by the Development Plan assessment.

5.1.2 Material considerations can represent any matter that is in the public interest, is relevant to the development, and is relevant to planning decision making. In most cases this is manifest in environmental considerations that have not been subject to policy analysis, but for which the application may give rise to unacceptable impacts.

5.1.3 In this case, the application was formally screened under Regulation 6 of the EIA Regulations as not being likely to give rise to significant environmental effects, and consequently not requiring to be accompanied by an Environmental Statement (ES) prepared in accordance with the EIA Regulations. Nonetheless, this does not mean that the application has not been subject to appropriate assessment in terms of environmental impacts that the Council may reasonably expect to have been assessed. These environmental topics are listed below, and the results of the assessments summarised.

i) Transport.
ii) Contamination
iii) Drainage Strategy
iv) Ecology and Biodiversity
v) Heritage
vi) Air Quality
vii) Landscape and Visual
viii) Noise

[34] *Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004.*

ix) Lighting

5.2 Transport

5.2.1 The Transport Statement describes the existing site access arrangement and the local highway network condition and road standard (including Personal Injury Accident (PIA) data). The access has historically been used to accommodate HGV traffic associated with former uses at the site, and the existing industrial units remain suitable for continued development, subject to minor alternations.

5.2.2 The Proposed Development is forecast to result in a net reduction in the number of vehicle trips compared to that which is both authorised by the extant planning permission for the Befesa Salt Slags development, and the operational permit under which it previously undertook work. Consequently, the Proposed Development would improve overall safety and operation of the local junction and no improvements are proposed to the access arrangements.

5.2.3 In terms of traffic generation forecasting, the level of trips capable of being generated from the previous use has been referenced to average weekday peak hour trip rates obtained from surveys The Proposed Development would be capable of processing up to around 50,000tpa of green and co-mingled food waste. It will repurpose the existing industrial buildings at the Site, which are in a good state of repair. The Proposed Development would be capable of processing up to around 50,000tpa of green and co-mingled food waste.

5.2.4 It will repurpose the existing industrial buildings at the Site, which are in a good state of repair. Access would continue to be achieved via the existing private access road which connects to Fenn's Bank Lane. The proposed access arrangements are acceptable when having regard to the fact that the Proposed Development is forecast to result in an overall net decrease in vehicular trips when compared against the existing lawful use of the Site.

5.2.5 Specifically, the Proposed Development is forecast to generate 73 two-way total vehicle trips per day (including 55 two-way HGV delivery trips and 18 two-way staff trips). When compared against the trip generation potential of the existing Site, the Proposed Development would result in a net reduction of 248 two-way trips per day.

5.3 Land Quality Assessment

5.3.1 The site is adjacent to, and downgradient of, a landfill formed of waste aluminium slay, which has been remediated by the Environment Agency. Leachate from the landfill is known to have formed a plume below the site, and to discharge into local surface water courses. A Land Quality Assessment is submitted in support of the application which provides information of the site conditions, and site investigations undertaken between January and July 2024 which included soil sampling, installation of gas spikes and boreholes, gas and groundwater monitoring and surface water sampling. A Generic Quantitative Risk Assessment (GQRA) was also undertaken to assess potential risks to human health and controlled water receptors under the proposed land use. It concludes that:

i) Risks to human health under the proposed site use, arising from concentrations of potential contaminants of concern in soils, is considered to be low.
ii) Soil gas sampling and monitoring indicates that risks arising from soil gas, under the proposed site use, are low.
iii) The local water environment is known to be impacted by the landfill adjacent to the site, however this is not considered to present a risk to the proposed development; nor is the development considered likely to present an increased risk to the water environment.
iv) Groundwater and surface water in and around the site are impacted by landfill leachate, with the highest concentrations found off-site close to the landfill. The likely impact of drainage from the site on receiving surface water is not considered to be significant.

5.4 Drainage Strategy

5.4.1 A Drainage Strategy is provided at Appendix L, the aim of which is to identify water management measures, including Sustainable Drainage Systems (SuDS), to provide surface water runoff reduction and treatment. The Strategy is informed by a Drainage Survey undertaken to determine the current site managed drainage system. The Survey shows that surface water drainage from the site is drained by a network of surface water drains that discharge to a 600mm surface water drain located north of the site. This drain then discharges to an unnamed watercourse located 240m north-west of the site, which is a tributary of Red Brook some 750m northeast of the site.

5.4.2 To establish the proposed limited discharge rate, greenfield runoff rates have been estimated using the ICP SuDS method in MicroDrainage. The greenfield runoff rate

has been calculated at 9.4 litres per second (l/s). To achieve this rate of runoff, attenuation storage is required. Bespoke attenuation storage and flow control would serve the main composting facility compound and access road. This is provided in the form of an attenuation pond located to the east of main building. A hydro-brake that would restrict the rate of flow would be constructed at the out-flow point.

5.4.3 A separate attenuation storage feature and flow control would serve the car park and office building. This would be provided in the form of a below ground attenuation tank beneath the car park. Again, this would include a hydro-brake to restrict flow to the network to the required rate. These features are illustrated on Concept Drainage Scheme 1 and Scheme 2, within the Drainage Strategy Appendix L, along with details of the estimated storage volume required, and rates that need to be achieved.

5.5 Ecology and Biodiversity

5.5.1 A Preliminary Ecological Appraisal and Green Infrastructure Statement (PEAGIS) is provided at Appendix I. The objectives of the PEAGIS are to:

i) Provide baseline information on the current ecological features both on-site and in the immediate surrounding area.
ii) Identify the presence or potential presence of any protected species or habitats and provide an appraisal of potential effects that the Proposed Development may have on these.
iii) Identify the proximity of any sites designated for nature conservation interest and provide an appraisal of potential effects.
iv) Provide recommendations for further survey work as necessary.
v) Provide a bespoke Green Infrastructure Statement that demonstrates measures to provide overall biodiversity net gain from the development.

5.5.2 The appraisal was informed by a desk-top study and walk-over survey. It concluded that there will be no direct effects on designated sites[35]. Overall, the site offers opportunities for protected and notable species, such as foraging and nesting birds,

[35] *Indirect effects, namely airborne pollution are addressed in the Air Quality Assessment Addendum – Planning (Appendix O)*

foraging bats, Great Crested Newt (GCN) (terrestrial only), reptiles, hedgehog and badgers.

5.5.3 A series of reasonable avoidance measures are provided for amphibians, reptiles and mammals in order to ensure that the Proposed Development can proceed without having adverse impacts on the identified species; along with several enhancement / mitigation measures to help deliver biodiversity net gain.

5.5.4 The Green Infrastructure Statement sets out these measures in more detail and includes proposed management of the mitigation/enhancement proposed across the next 30 years.

5.6 Heritage

5.6.1 A Heritage Assessment has been undertaken and submitted in support of the application. The assessment identifies that the Site was largely agricultural in nature until the development of the Befesa Salt Slags towards the end of the 20th Century. Whilst there may be a high potential for post-medieval agricultural or industrial archaeological remains to be present within the Site, these would be of low importance and are likely to have been destroyed by the 20th century development. There is a low potential for previously undiscovered prehistoric, Roman, medieval, or modern archaeological remains to be present within the Site.

5.6.2 One designated heritage asset has been identified within a 1km Study Area that has been considered for setting impacts: the 18th century Grade II Listed Fenn's Old Hall Barn (Asset 1). As the predicted impacts to the setting of the asset as a result of the Proposed Development would be a Neutral impact, no harm to this asset is predicted, and the policy tests as set out in PPW 12 are not invoked, and no setting mitigation is considered necessary.

5.7 Air Quality

5.7.1 An Air Quality Assessment (AQA), Air Quality Assessment Addendum (AQAA) and Ecological Interpretation of the AQA (EIAQA) have been undertaken in support of the Planning Application. Separately a Bioaerosol Risk Assessment (BRA) has also been undertaken to support the parallel Environmental Permit application, which is not considered necessary for planning purposes. The AQA is provided as an appendix to the AQA for Addendum – Planning Report (Appendix O to this PDAS).

5.7.2 The AQA concludes that there are no significant effects likely due to demolition / construction works and trackout. Earthworks and construction activities are assessed as negligible risk on human health, and the application of standard best-practice measures should be sufficient to ensure that there would be no significant effects. During operation of the IVC, the biofilters would be subject to an emission limit for ammonia, and the maximum impact of ammonia emissions anywhere outside the installation boundary is sufficient low that all impacts on human health can be screened out as negligible and not significant.

5.7.3 Odour impacts are dependent on several factors; however a Dispersion Modelling Assessment (DMA) was undertaken using the most stringent assessment criterion, which concluded that there would be no offensive odour beyond the permitted installation boundary. In addition, there is the potential for odour emissions from waste reception and handling, and from the maturation pads which would utilise a forced aeration system to avoid the need to turn the piles. Waste reception and handling procedures would be developed as part of the Odour Management Plan (OMP) for the Facility, while the forced aeration used in the maturation process would ensure aerobic conditions are maintained thereby preventing the formation of highly odorous compounds. As such, no significant odour impacts are anticipated due to odour emissions from either the biofilter or any other sources.

5.7.4 The DMA, AQA and EIAQA considered the impacts from Ammonia, Nitrogen and Acid deposition on the European Protected Sites located to the south of the site (Fenn's, Whixall, Bettisfield, Wem and Cadney Mossess SSSI, SAC and Ramsar site; and Fenn's Whixall & Bettisfield Mosses NNR). The AQA concludes that, in relation to the impact of ammonia emissions on ecological sensitive sites, the impact can be screened out as 'insignificant', except at the SAC. However, the impact that cannot be screened out as insignificant does not occur at any location where the SAC qualifying habitats are present. The maximum impact where the qualifying habitat is present is predicted to be less than 1% of the Critical Level, and can be screened as insignificant. The EIAQA concludes that, following consultation with NRW, mitigation measures (increasing the stack height) have reduced the predicted process contribution to less than 1% within areas that have been bunded for rewetting and eventual bog restoration (currently supporting dense regrowth of birch and willow), and consequently process contributions at all qualifying features, or areas capable of restoration to support qualifying features can now be regarded as inconsequential (less than 1%).

5.8 Landscape and Visual Appraisal

5.8.1 A Landscape and Visual Appraisal (LVA) has been undertaken, and is submitted in support of the application, that assesses the impact of the development and the sensitivity of the local area to the changes proposed. The LVA is provided at Appendix Q to this PDAS, and concludes that the level of longer-term residual landscape effects of the Proposed Development would be limited to the host character area of *English Maelor* which the Site is situated within. The appraisal identifies that there would be mid-range views from small sections of footpath to the west and south of Site. However, the effect on the wider setting and views would be minimal due to the undulating topography and existing tree planting present in the landscape. The wider Zone of Theoretical Visibility (ZTV) coverage is fragmented and potential changes to views would be no greater than Minor Adverse.

5.8.2 Overall, despite some localised adverse effects, the Proposed Development would be visually contained which would give rise to a relatively limited change to the existing landscape character and visual amenity. The assessment has been undertaken on a precautionary basis, considering the maximum operational height of the proposed stack, winter vegetation conditions, and worst-case theoretical visibility. Even under these conservative assumptions, effects are consistently assessed as no greater than minor adverse, and in most cases negligible. This confirms that the scale, extent and perceptibility of change would remain well within the capacity of the surrounding landscape and visual environment to accommodate it.

5.9 Noise

5.9.1 A Noise Impact Assessment (NIA) was undertaken, utilising baseline sound monitoring carried out over a typical weekday and weekend period to determine the representative background and residual sound levels at Noise Sensitive Receptors (NSR). Typical site operating noise levels have been established from noise data obtained from Technology Providers or library empirical data for similar sites operating in the UK to provide input data for the noise model.

5.9.2 The results of baseline monitoring show that between 0800-1800 hours, the representative LA90 level is 30dB to 33dB. During the evening period, the established representative background sound level was 26dB to 28dB LA90. During night-time periods (between 2300 to 0700 hours) the representative background

level was shown to be 26dB LA90. The results from the assessment conclude that the noise contribution from maximum site rating noise levels (when allowing for a +3dB noise character penalty) at NSR would be no higher than the established representative background sound level +4dB during daytime operating periods. According to BS4142: 2014+A1:2019 the resultant assessment would conclude that noise from the site would result in a low to below adverse impact. During the evening and night-time operating periods, when the pre-treatment and processing activities have stopped, the highest likely rating noise level during evening and night-time periods (when allowing for a +3dB noise character penalty) show no exceedance of representative background sound level and would result in a low impact according to BS4142:2014+A1:2019.

5.9.3 In order to ensure that the operational noise from the refining plant located to the north of the main operations building does not result in noise levels at NSRs higher than the established representative background sound level +4dB during daytime operations, a 3-sided acoustic screen (formed by close boarded fencing or wall to a height of 5 metres), would be erected (see Figure 3 of the NIA). The operational working hours have also been informed by the results of the NIA. These are set out in detail at Chapter 2.0 above.

5.9.4 The result of the NIA is that having incorporated the proposed embedded and additional mitigation, the predicted noise levels generated by the Proposed Development at NSR in terms of context with typical baseline residual sound levels would produce a negligible impact in terms of any increase. The assessment concludes that the site can be designed to operate such that it complies with all appropriate and relevant noise standards, guidance and development plan policy.

5.10 Lighting

5.10.1 A Lighting Assessment (LA) has been undertaken in respect of exterior lighting associated with the Proposed Development. By demonstrating compliance with the Institute of Lighting Professionals (ILP) national guidelines, the proposal ensures that the impact of lighting pollution on local amenity is suitably limited and consistent with the requirements of national policy. The assessment has regard to the potential effects on both residential and ecological receptors, based on an initial indicative lighting scheme. It includes a series of mitigation measures that are integral to good lighting design and therefore included in the assessed Scheme of Lighting. The

assessment is made of light intrusion (vertical illuminance); Glare (viewed intensity); and Sky-glow (upward light ratio), the conclusions of which are that the development would be compliant with best practice and LIP guidelines.

5.11 Conclusions

5.11.1 Irrespective of the fact that the Proposed Development was screened negatively by the LPA (i.e. that it would not be likely to give rise to significant environmental effects, and consequently does not comprise EIA development), a number of appropriate environmental assessments were carried out in order to confirm whether the Proposed Development is acceptable within the location proposed, and to inform the content and extent of both embedded mitigation (mitigation that is integrated into the design of the development) and additional mitigation (further mitigation incorporated into the design as a result or consequence of the assessments.

5.11.2 The result of the environmental assessments carried out in support of the application (summarised above) is that the Proposed Development would not give rise to significant effects and would not be unacceptable. A series of additional mitigation measures have been incorporated into the design of the facility because of the conclusions from the assessment work. In light of the above, no environmental impacts are such that they would represent material considerations that should be weighed against the grant of planning permission.

6.0 CONCLUSIONS AND PLANNING BALANCE

6.1 Introduction

6.1.1 This Planning, Design and Access Statement has been prepared in support of a planning application made by Veolia ES (Shropshire) Limited to Wrexham County Borough Council for the operation of an In-Vessel Composting Facility (IVC) with a processing capacity of 50,000tpa of green and/or co-mingled food waste, at the former Befesa Salt Slags Site, Fenn's Bank, Wrexham.

6.1.2 The Site is proposed to manage waste under contract to Shropshire County Council, and to help service and process surplus green and food waste from commercial grass and hedgerow collection operations and co-mingled food waste from source-separated local authority contracts, and other trade sources (hotels, restaurants etc) located within east Wrexham and the surrounding area.

6.2 The Planning Balance

6.2.1 All development delivers benefits of one form or other (otherwise development would simply not happen), and all development gives rise to harm to one degree or another (an inevitable consequence of change), but at its core planning is about comparing the benefits that a proposed development would deliver with the harm that it would cause, and then arriving at a balanced judgement as to whether planning permission should be granted.

6.2.2 That is manifest in law and through Planning Policy Wales which requires applications for planning permission to be determined against the policies of an up-to-date development plan unless material considerations indicate otherwise. The principle is that an up-to-date development plan will have been tested to ensure that it is sound and incorporates all the policies necessary to help make a balanced judgement.

6.2.3 In this case the Local Plan has a complicated recent past. The LDP was adopted in 2023, only to be unadopted following a successful legal challenge into the way in which members were forced to consider the plan. Consequently, the current adopted plan (the 2005 UDP) is somewhat out of date when considered against the policies of the National Plan. Nonetheless, to determine the consistency of the Proposed Development with that of the Development Plan 'taken as a whole', regard should be had to both policies of the UDP and LDP.

6.2.4 It is important to recognise that to 'accord' or be 'consistent' with the Development Plan an application need to not comply with all parts of all policies within it. Case Law has decreed the decision-maker needs to establish whether the proposal accords with the development plan 'taken as a whole'. This is because development plan policies can pull in different directions (some may support a development, and some may weigh against it), and consequently a decision-maker needs to assess a proposal against these competing policies and decide whether, in light of the plan as a whole, the proposal does or does not accord with it.

6.2.5 The assessment has concluded that the application complies with all the policies of relevance, and the presumption in favour of sustainable development (i.e. that where in accordance with the policies of an up-to-date plan, planning permission should be granted without delay) should be invoked.

6.2.6 In addition to the policy presumption in favour of granting planning permission, the applicant has identified a series of benefits which the development would give rise to. These include:

i. Divert waste from landfill, thereby preserving the remaining landfill void for waste that cannot be recycled or composted.

ii. Provide a more sustainable location for the management of co-mingled green wastes that would otherwise need to be diverted to facilities at greater distance to the source of arising.

iii. Reduce greenhouse gas emissions (methane) that would be generated by the decomposition of organic material in landfill and would be dispersed to atmosphere unmitigated.

iv. Reduce greenhouse gas emissions (CO^2) that would arise from HGVs which would need to transport the material to a facility more remote from the source of waste arising.

v. Create a valuable soil amendment that would improve soil structure, water retention and nutrient content.

vi. Reduce the use of synthetic fertilisers that contribute to pollution.

vii. Reduce waste management costs and reduce tax liability arising from increased landfilling.

6.3 Material Considerations

6.3.1 Having concluded that the Proposed Development accords with the Development Plan, along with any other relevant and material planning policy (emerging or historical), consideration should be had as to whether there are any material considerations which either weigh in support or against the policy presumption in favour.

6.3.2 The scope of what can constitute a material consideration in planning decisions is very wide, and it is for the courts to ultimately decide what can represent a material consideration. As planning is intended to protect the public interest, private matters such as the impact on property prices are not material considerations.

6.3.3 The only additional material consideration identified that could weigh in favour of the Proposed Development is the question of whether a true 'fall-back' or alternative exists. A fallback position specifically refers to an existing planning permission that confirms the principle of development that can then be used as a leaver to gain full planning permission for an alternative scheme.

6.3.4 In this case, planning permission for the use of the site as an aluminium recovery and recycling facility remains extant, as does the waste permit that authorises its operation. If planning permission were to be refused for the Proposed Development (Fenn's Bank IVC), then the site could be remarketed and reopen as its former use, under a permission which has less stringent conditions that could be in place to control the operation of the IVC.

6.3.5 The acceptability and material impact of a fallback position was confirmed in Mansell v Tonbridge and Maling Borough Council [2016] EWHC 2832 where Mr Justice Garnham confirmed that:

"…appropriate regard must be had to material planning conditions including the permitted development fallback position."

6.3.6 The fallback position can only be effective if it meets the fallback 'tests' established in R v Secretary of State for the Environment and Havering BC ex parte P.F. Ahern (London) Limited [1998]. In that case it was established that a *"real prospect"* of a fallback development, meaning a development that could occur without the need for a new planning permission, is a material consideration. The court confirmed that a

"real prospect" doesn't need to be probable or even likely, but it must be more than theoretical to be material.

6.3.7 In this case, the likelihood of the site being reopened as an aluminium smelting plant is more than theoretical if planning permission for the IVC were to be refused, and consequently the existence of such a development represents a material consideration in favour of the project. In short, whilst a baseline of 'no development' on site has been used for assessment purposes, the fact is that in determining the application the Council need only consider the difference in impact between the historical development and that proposed. The aluminium plant benefited from greater permitted noise levels than that proposed for the IVC, and from 24-hour operation. The permission for the aluminium plant did not have the design, operation or ecological benefits and controls that are now proposed for the IVC. The fallback position is considered a real and tangible material consideration in favour of the Proposed Development.

6.3.8 Balanced against the policy presumption in favour, the need and benefits for the scheme, and the real and meaningful fallback position, the only limited adverse impacts are a temporary loss of biodiversity which can be appropriately mitigated and compensated for such that it would provide a minimum of 10% BNG, and the impact of traffic associated with the development, which are materially less than the fall-back position, and have been assessed as not being significant or unacceptable. The hours of operation and times in which vehicles can access the site can be controlled by appropriate condition. No other material considerations have been identified that tip against granting planning permission.

6.4 Final Conclusion

6.4.1 In light of the above, the planning balance clearly tips in favour of the proposal. The application accords with the development plan taken as a whole, and there are no material considerations that outweigh the presumption in favour of it. Consequently, planning permission should be granted without delay.