Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-301032-B4C9
Eich cyf/Your ref: P/2026/0075

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 25 March 2026

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: Installation of in-vessel composting (IVC) facility and associated development**

**LLEOLIAD/LOCATION: Befesa, Fenn's Bank, Whitchurch, SY13 3PA**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 18 February 2026.

**We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and pollution of controlled waters. If this information is not provided, we would object to this planning application. Further details are provided below.**

**Protected Sites**

Nutrient Sensitive Special Area of Conservation

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation, under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

This application proposes connection of foul water to the mains sewer. The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake SAC. The majority of the River Dee and Bala Lake catchment is currently failing to meet water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process.

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

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

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

Special Area of Conservation (SAC) /Ramsar

The application site is within 185m of the following protected sites:

- Midland Meres & Mosses Phase 2 (Wales) Ramsar - 185m
- Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC - 185m

We have concerns that harm from the proposed development on the SAC/Ramsar site cannot be ruled out**.**

Aerial Emissions

We have reviewed the updated documents listed below.

- Fichtner Consulting Engineers Limited, 04/02/2026, Shropshire In-Vessel Composting Facility, Veolia, Air Quality Assessment Addendum – Planning (AQA)
- Barry, K., 29/01/26, Veolia Fenn's Bank IVC facility, Ecological interpretation of AQA, V 2.0 / Ref: K25-003

The updated assessments were provided following our statutory response (CAS-289730-K2Y6, 14 November 2025).

As per section 5.1.2 of the Air Quality Assessment (AQA) - 'The Air Emissions Guidance' which states that to screen out impacts as 'insignificant' at European and UK statutory designated sites "…the long-term PC (process contributions) must be less than 1% of the long-term environmental standard (i.e., the Critical Level or Load)".

The assessment has used two scenarios to predict impact from operations:

- Scenario 1: Ammonia emission concentrations at proposed emission limit value (ELV) of 3.5 mg/Nm³
- Scenario 2: Seasonally varying emission. Scenario 2 assumes lower ammonia emissions.

    - Classification of receptors

We previously advised that receptors E10, E12, E13 and E14 must be treated as statutory designated sites, not merely “local nature sites”.

The addendum document states this has been corrected, however, Table 19 still lists E10 and E12 with % of Critical Level values over 1% under Scenario 1 (e.g. E10 = 1.63%). These exceedances are still only partially acknowledged, and the implications are not fully addressed. We therefore advise that the tables need to be updated to treat E10, E12, E13 and E14 as SAC/SSSI/Ramsar receptors applying the 1% threshold for insignificance the text within the document updated where these were still referred to implicitly as “local” receptors.

- Stack height

We note that the stack height sensitivity analysis used Scenario 2 (lower, seasonally varying emissions), however if Scenario 1 (ELV emissions) were used, the required 1% threshold could not be met with a 27 m stack.

We advise that the applicants need to provide the results of the height sensitivity analysis under Scenario 1 emissions. In addition, they should demonstrate the minimum stack height required to achieve <1% PC at SAC features under a true worst-case approach. Should these results show that the above 1% persists they will need to propose a revised stack height or incorporate abatement methods.

The applicant’s PAC response states that increasing the stack height reduces process contributions (PC) to below 1% in areas “bunded for rewetting,” and therefore any impacts are “inconsequential.” However, this conclusion is not supported by the evidence and therefore we cannot agree.

The SAC feature ‘active raised bog’ and ‘degraded raised bog capable of natural regeneration’ occur close to the application site, and the supporting SSSI is already exceeding its ammonia Critical Level. Any additional ammonia input therefore has the potential to worsen an already unfavourable condition.

Furthermore, Table 19 of the addendum shows exceedances above the 1% threshold at receptors E1, E10, and E12. Despite this, the addendum’s conclusions state that these exceedances occur only in areas “not supporting qualifying features” and are therefore “inconsequential.” This overlooks both the presence of qualifying SAC features in proximity to these receptors, and the fact that the designated site is already above its Critical Level, meaning any further increase is ecologically significant.

We would draw your attention to Natural Resources Wales / Applications that reduce the impact or risk of pollution (GN 020) which states if the PC plus the background level reaches or exceeds the Critical Level then abatement must be used to reduce the PC to below 1% of the Critical Level. We therefore advise that the applicants acknowledge that Scenario 1 predictions exceed 1% at designated sites, provide revised modelling outputs or updated mitigation to comply with 1% threshold and explicitly assess the PC added to the background combination, not PC alone.

- In-Combination Assessment

While the addendum states that no other sources need to be included in an in-combination assessment, we advise that other sources of ammonia may need consideration in particular:

- Any permitted or planned installations including agriculture (details of any permitted installations may be available on NRW public register)

Even if impacts from these developments remain small, this must be documented to meet HRA test of “no adverse effect.”

- Abatement / mitigation

As Scenario 1 predicts PC >1% at statutory sites and levels at background and that PC exceeds Critical Level at E1 the requirement for abatement measures is triggered.

As the data provided to date appear to show that to date, we advise that the planning application should not proceed without the inclusion of adequate and effective abatement and evidence is provided that any impacts from the development fall below 1% at SAC features.

Therefore, we advise that the developers need to identify an abatement solution (e.g., enhanced biofilter performance, secondary scrubber, taller stack) and then provide modelling demonstrating that after abatement, long-term PC is <1% at SAC/SSSI receptors. Any mitigation strategy should also outline how ELV compliance will be maintained year-round and should be supported by revised modelling results.

- Updates/corrections to addendum wording

We advise that the section stating “no significant effects” is updated to reflect that Scenario 1 fails screening. We advise the applicant revise or remove where it is stated that “seasonal emissions” represent the appropriate basis for assessment – as per NRW guidance, the ELV scenario must be assessed. The applicant should also include clear summary tables contrasting Scenario 1 vs 2 and highlighting key exceedances.

To summarise, revised submissions do not currently demonstrate that the proposed development will avoid adverse effects on the SAC/Ramsar site. Scenario 1 (ELV) emissions still result in PC’s above the 1% threshold at several designated receptors, and key assessments - including Scenario 1 deposition modelling, worst-case stack height analysis, and a complete in-combination review remain outstanding.

Further to this, the supporting SSSI is already exceeding its ammonia Critical Level, meaning any additional contribution poses a risk to the conservation status of qualifying SAC features.

We therefore advise that the applicant provides:

- Corrected receptor classifications
- Full Scenario 1 modelling for concentrations and deposition
- Worst-case stack height analysis
- In-combination assessment
- A clear abatement/mitigation strategy with revised modelling demonstrating PC <1% at all SAC features

Until these issues are satisfactorily addressed, harm to the protected sites cannot be ruled out.

- Pollution prevention

We have concerns that an adverse effect from the proposed development on the SAC and Ramsar site cannot be ruled out. To secure appropriate mitigation measures, we advise that the condition set out below should be attached to any planning permission for this development.

Condition 1:No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General site management: details of the construction programme including phasing of development, timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil management: details of topsoil strip, storage and amelioration for re-use.
- CEMP masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic management: details of site deliveries, plant on site, wheel wash facilities
- Pollution prevention: demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Details of the landscape or ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification**:** A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Please see below land contamination and pollution of controlled waters sections for further details.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), the Local Planning Authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. The Authority must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as is specified. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/Ramsar site.

Site of Special Scientific Interest (SSSI)

The application site is within 185m of Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI.

We consider the proposals have the potential to impact upon the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

**Land Contamination**

Having reviewed the information submitted, we consider adequate investigations in relation to land contamination have been conducted. Under normal circumstances we would recommend the full suite of contaminated land conditions and improvements in line with Section 6.9 of Planning Policy Wales - Edition 12, however, this site and the adjacent landfill site have a complex site history with respect to polluting activities. We note that the applicant (and their consultants) refers to the adjacent landfill as being the primary source of soil, groundwater, and surface water contamination at and in the vicinity of the site however we do not agree with this conclusion.  It is our contention that the current contamination in the site drainage system, lagoon and the shallow groundwater at the site, was primarily caused by the former operations of Befesa Salt Slags Ltd and not by the adjacent Wardle's Landfill.  That being said, due to the complex nature of the site and the specific contamination, any potential cleanup (remediation) of contaminated land (soils and superficial deposits) is thought to be impractical.

Although the cleanup of contaminated land (soils / superficial deposits) is thought impractical, we do advise the removal and / or treatment of contaminated waters and the subsequent control of contaminated water leaving the site via the onsite drainage system and adjacent drainage ditches. The onsite drainage system is complex and will need careful management to avoid onsite flooding and contaminated water from impacting the surrounding water courses. The Drainage Strategy will need to conform with SuDs and be submitted to the SuDs Advisory Board (SAB, Wrexham County Council). Please see Pollution of Controlled Waters section below for further comments.

NRW Environmental Permit(s) may be required to ensure compliance with discharge and water quality standards and to protect the wider environment.

NRW has installed a number of groundwater monitoring boreholes on the site, which must be protected and made available for any future groundwater monitoring that may be required. Details can be provided as required.

**Pollution of Controlled Waters**

Surface water drainage

As noted above, the existing site has a complex sealed drainage system, with several pumps which transferred surface water to various locations onsite whilst the previous business was operational (we understand the previous process utilised the surface water in the waste treatment). The water table is high in this area, and the yard was often subject to extensive flooding. This was also due to the presence of deep drains along the main access road (raised brick manhole chambers) which drain the triangular field to the East of the access road.

We have reviewed Version 4 of the Site Drainage Strategy (5 January 2026), and we still have concerns in relation to surface water drainage proposals.

It is noted that ground infiltration at the site is unsuitable due to very shallow groundwater, the presence of existing groundwater contamination and the underlying geology restricting infiltration. Therefore, the drainage hierarchy cannot proceed to infiltration methods.

- Contaminated water entering drainage system.

There remains a risk of contaminated groundwater entering the proposed drainage system. In particular, we have concerns in relation to the existing deep drains that connected to the access road and the adjacent triangular field, which have historically acted as a conduit for contaminated groundwater into the site drainage system. There remains the potential for mobilising pollution to controlled waters including the unnamed watercourse and Red Brook by re-connecting to or altering the historic drainage network.

We advise that further information is sought from the applicant to demonstrate -
- How ingress of contaminated groundwater will be prevented.
- How the design will ensure that no contaminated flows enter the proposed attenuation system.
- Whether flows from deep drains have been included in attenuation calculations.

- Attenuation pond

In relation to the proposed attenuation pond, while we welcome the use of a sealed system, we advise that an impermeable geotextile liner alone is insufficient given shallow groundwater pressures and that a structurally rigid construction is required to prevent liner compromise during wet periods or groundwater flooding. We therefore advise that the applicant provides:
- Revised engineering details for the pond
- Evidence that the system will prevent ingress of contaminated groundwater.
- Flood-resilience measures for periods of elevated groundwater.

- Surface water contaminants

Table 2 of the drainage strategy identifies the treatment of the following surface water contaminants - total suspended solids, metals and hydrocarbons. However, the following pollutants are also known to be present on site - ammonium, nitrite and nitrate, chloride,

phosphate. It is essential that any system to treat surface water contaminants is capable of addressing all contaminants likely to exceed environmental quality standards on the site.

We advise that further information is sought from the applicant to show how they propose to manage all surface water contaminants.

- Existing lagoon

The future use of the existing lagoon remains unclear, we advise that additional information is required to clarify whether the lagoon will be infilled, decommissioned, or reused. We also advise that landfill gas is known to accumulate beneath the lagoon liner and therefore a gas assessment is required prior to any future use being approved.

**Protected Species**

We note that the information submitted in support of the above application (Preliminary Ecological Appraisal and Green Infrastructure Statement, Former Befesa Salt Slags Site, Fenn's Bank, Wrexham, Sambrook Associates ltd., 02 October 2025) has identified that protected species are unlikely to be using the application site. We therefore have no comments to make on the application as submitted in respect of protected species.

We recommend that you discuss the need to secure further measures/ avoidance measures with your internal authority's ecological advisor.

**Permits**

NRW Environmental Permits will be required to ensure compliance with discharge and water quality standards and to protect the wider environment. The current permit needs to be surrendered including the remediation of the surface water lagoon before the application of the composting permit can be considered.

Dewatering

Dewatering from excavations during construction may require an abstraction licence and a discharge permit Natural Resources Wales / Find out if you need a water abstraction or impoundment licence
If dewatering to a watercourse, it may require the registration of an exemption Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK or as it is unlikely that it will meet the requirements in RPS 261, it may require a permit.

If dewatering to land, the discharge itself may qualify for an exclusion from requiring an environmental permit, only if it meets certain criteria: Groundwater activity exclusions from environmental permits - GOV.UK

Waste

Any excavation and removal of material offsite would need to consider the potential issues with land and GW contamination requirements and ensure compliance with waste duty of care and hazardous waste legislation. For further advice can be found here: Natural Resources Wales / Pre application advice for environmental permits.

**Other Matters**

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

**Sara Thomas**
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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.